



An
Bord
Pleanála

Inspector's Report

ABP-322280-25

Development

DS-012-19 - Derelict Site comprising a two-storey, end-of-terrace house and surrounding land situate

Location

at Main Street, Athea, County Limerick

Planning Authority

Limerick City and County Council

Notice Party

Ann Woods

Date of Site Inspection

16th June 2025

Inspector

Clare Clancy

1.0 Introduction

- 1.1. This case relates to a request by Limerick City and County Council for the consent of An Bord Pleanála to the compulsory acquisition of the subject site at Main Street, Athea, Co. Limerick in accordance with the provisions of the Derelict Sites Act 1990, as amended.

2.0 Site Location and Description

- 2.1.1. The proposed which is the subject of this application for consent for compulsory acquisition (referred to hereafter as the 'subject property') is located at Main Street, Athea, Co. Limerick. Athea village is located on the R523 (Con Colbert Street) between Rathkeale and Listowel, approx. 60 km to the southwest of Limerick City. The subject property is described in the notice as a two storey, end-of-terrace house, on a site with an area of 0.034 ha or thereabouts.
- 2.1.2. The subject property fronts onto the main street and comprises of a two-storey semi-detached dwelling with a shop front which forms part of the Con Colbert road streetscape. There is a public footpath adjacent to the front of the dwelling and on-street car parking is available along the main road. The area is characterised by a mix of residential buildings and commercial / retail including pub(s), and Athea and District Credit Union to the west. St. Bartholomew's Church which is designated protected structure and its grounds, bound the site to the east. The Church is set back from the public road and an internal access is located the rear (south) of the subject property.
- 2.1.3. The subject property is not a Protected Structure, is not listed on the National Inventory of Architectural Heritage (NIAH) and is not located within an Architectural Conservation Area (ACA).
- 2.1.4. On the day of my site inspection, access to the subject property was not available, however I was able to view the subject property from the public road and Church grounds. My observations of the site on the date of inspection include the following:
- The front façade was dirty; paint was peeling and was removed in spots.
 - There was evidence of cracked plaster/render.
 - The window sills and reveals were chipped, and paint was peeling off.

- Wiring at first floor level was loose and untidy.
- The existing shopfront was in poor condition. Paint had exposed the timber beneath, the door was damaged, and the window surrounds were cracked and damaged.
- The windows at first floor and ground floor levels were in place as were the 2 front doors.
- The roof was noted to be in poor condition with loose and damaged slates. It appeared that a number of slates were also missing.
- Moss was growing on the roof, and vegetation was growing on both chimneys which were in poor condition. The chimney positioned on the eastern side of the roof appeared to be wrapped in some form of a wire/mesh material.
- Rainwater goods were not in place.
- The east facing gable elevation was dirty and paint was peeling, and cracks were evident in the plaster/ render.
- The roof to the rear (south) of the subject dwelling was in very poor condition with loose and damaged tiles. Moss/vegetation was growing on the roof and on both chimneys.
- The first floor windows timber sliding sash windows were in place.
- The ground floor structures located to the rear of the subject property were observed to be in a poor state of disrepair.
- The rear of the subject property was overgrown with vegetation.

3.0 Application for Consent for Acquisition

- 3.1. Limerick City and County Council has applied to the Board for consent to compulsorily acquire the site under Section 14/16 of the Derelict Sites Act, 1990, as amended. I note that this application is subsequent to the serving of notices under Section 8(2) on 21st April 2021, advising of the Local Authority's intention to enter the site on the register of derelict sites, and under Section 8(7) on 06th October 2022 advising of the Local Authority's decision to enter the site on the register of derelict sites.

4.0 Application and Objection

4.1. Notice of Intention to Acquire

4.1.1. Notice of Limerick City and Council's intention to acquire the site compulsorily was served on the owners/occupiers/lessee on (Ann Woods) on 12th February 2025 and was published in the Limerick Post newspaper date 15th February 2025. The site was described as follows in the notices:

- A derelict site comprising a two-storey, end-of-terrace house and surrounding land situate at Main Street, Athea, Co. Limerick, containing 0.034 ha or thereabouts. The said property and surrounding land is in a state of dereliction. The said derelict site is more particularly shown outlined in red on a map bearing reference no. DS-012-19 in the Derelict Sites Register established and maintained by Limerick City and County Council under Section 8 of the Derelict Sites Act, 1990.

4.1.2. I consider that the notices were in accordance with the requirements of Section 15(1)(a) and (b) of the Derelict Sites Act 1990, as amended.

4.2. Objection to Acquisition

4.2.1. An objection to the proposed compulsory acquisition was submitted to Limerick City and County Council (LCCC) by the property owner Ann Woods in a letter c/o KenneallyMurphy Architectural Engineering on 12th March 2025. The objection can be summarised as follows:

- The property holds significant sentimental value as it is a family home for generations.
- Since the owner acquired the property, it has remained unoccupied and vacant and it is the owner's intention to pass the property onto a family member whose intention it is to renovate and extend it.
- Due to inflated building costs and labour, it was beyond their budget to carry out the works and it is now the owner's intention to sell the property and has commenced the process with obtaining engineering documentation, first

registration mapping and certificates for compliance / exemption from planning and building regulations.

- It is the owner's intention to carry out remedial works to make the site safe. The proposed works include:
 - Removal of vegetation.
 - Fix / replacement of any slipped or missing slates.
 - Repaint front façade, gable of the existing dwelling and boundary wall.
 - Demolish and clear the site of all existing outbuildings to rear of the dwelling.
 - Clean yard.
 - Carry out structural works to shed located at rear boundary and redecorate.
 - Remove vegetation from rear of house and chimney.
 - Remedial works to the rear elevation including repair rainwater goods and repaint.
 - The owner has liaised with Athea Tidy Towns to ensure renovations align with the local aesthetic and paint scheme of area.
- The property is in reasonable condition and the proposed remedial works will significantly enhance the subject property and will enable the property to be transformed within a short period of time.
- The property is intended to be passed onto a family member ensuring continuous family occupancy in the village. Given ongoing housing crisis, enabling her family member to establish a family home would be beneficial for both the family and state. If the Local Authority agrees to the proposed remedial works, it will allow the property owner time to explore other financial options.
- The sale of the property is a last resort.

Photos in regard to the external of the property are provided. Supporting documentation from auctioneers and solicitors confirming instructions to sell the subject property is provided and appended to the objection.

4.3. Local Authority's Application for Consent

4.3.1. The Local Authority requests the consent of the Board to the compulsory acquisition of the derelict site. The application for consent was submitted on 10th April 2025 and was accompanied by the following:

- Local Authority Compulsory Acquisition Report (i.e. Derelict Site report) which sets out the Local Authority's strategic approach to the derelict sites in the city and county, a description of the site, the background to the case and the details of the objection. The report included photographs and a map of the site area.
- Copy of Derelict Site Location Map.
- Copy of the Section 15 Notice dated 07th February 2025, served on the owners/occupiers of the subject property on 12th February 2025.
- Copy of the newspaper notice dated 15th February 2025.
- Copy of the objection made by Ann Woods.

4.3.2. The derelict site report can be summarised as follows:

- Limerick City and County Council (LCCC) have established a specialist 'Dereliction and Vacancy Team' to take an area-based collaborative approach to addressing vacancy and dereliction in Limerick city and in the towns and villages in the county. They seek to work proactively with property owners, with timely actions and improvement of sites through positive engagement. It is stated that the powers under the Derelict Sites Act 1990 are used only where necessary, where all reasonable alternatives have been exhausted.
- The site detracts to a material degree from the amenity, character and appearance of the well maintained property in the area and is deemed derelict due to missing/broken/leaking rainwater gutters or downpipes; loose masonry or falling plaster; broken, missing or boarded up windows or doors; dirty façade / peeling paint; plants growing up the front and side of the building; accumulation of litter/waste or illegal dumping; site overgrown with vegetation; unsightly rear of sight with large amounts of vegetation.
- This is the second application made by Limerick City and County Council to compulsorily acquire the subject property, with the process commencing February

2019. The subject property first came to the attention of the Local Authority on 27th February 2019. Following a Notice of Enquiry affixed to the subject property on 28th February 2019, Ann Woods was identified as the property owner.

- Under ABP Ref. 315677-23 the Board previously refused the Local Authority consent to compulsorily acquire the site on the basis that it was not necessary in order to render the site non-derelict and to prevent it continuing to be a derelict site, notwithstanding the neglected condition of the site which at that time was considered to detract to a material degree from the amenity, character and appearance of land in the neighbourhood.
- Following the decision of the Board, the LCCC Area Inspector continued to communicate with the property owner to address the state of dereliction and outlined grants available for refurbishment works under the Vacant Property Refurbishment scheme. It is noted that the Local Authority continued communications with the property owner and that on 10th July 2024, the property owner highlighted various delays in regard to the carrying out of site remedial works. On 05th November 2024, the property owner informed the Local Authority that she no longer intended to renovate the subject property and intended to sell it.
- In response to the objection made by the property owner, the Local Authority notes that the objection is similar in nature to the objection made on December 2022 to the Section 15(1) Notice served under the previous application for the compulsorily acquisition of the site ABP Ref. 315677-23 in terms of the stated reasons, in particular to pass the subject property onto a family member and the inhibiting construction costs. The commitment to selling the subject property was also referenced by the property owner in the previous objection.
- In the objection the subject of this application, the property owner has highlighted that the current condition of the subject property does not pose any health and safety or safety risks to the public. It is the contention of the Local Authority that the subject property does pose a significant threat to public health and safety due to falling slates, a risk highlighted to the property owner on a number of occasions.
- Since the Boards decision issued, the Local Authority submits that the property owner has not carried out remedial works to the subject property and has allowed

the property to deteriorate further and falling into a state of disrepair. It is submitted that this has resulted in the character and appearance of the land detracting to a material degree from the neighbourhood and continuing to give rise to a risk to public health and safety.

- It is refuted by the Local Authority the state of dereliction would be remediated in the short term given the past inactions of the property owner and the current state of the subject property.
- A Section 8(2) Notice was affixed to the subject property on 21st April 2021.
- A Section 8(7) Notice was affixed to the subject property on 06th October 2021 and served on the owner advising that the site was entered onto the Derelict Sites Register. I note that the subject property has remained on the Derelict Site Register since.
- A Section 22 Notice of Valuation was served on 28th June 2025.
- A Section 23 Notice of Levey Demand was served on 03rd March 2023, 19th April 2024 and 28th January 2025.
- On 15th January 2025 a site inspection was carried out by the LCCC Area Inspector. The Area Inspector concluded that the subject property continues to deteriorate and detracts from the character and visual amenities of the area and impacts negatively on adjoining properties which are well maintained. A Section 15(1) Notice was served on 07th February 2025 to acquire the subject property compulsorily.

4.4. Objection to Submission

None.

5.0 Planning History

None.

6.0 Policy and Legislation Context

6.1. Limerick Development Plan 2022-2028

6.1.1. Chapter 2 Core Strategy

- Athea is designated as a Level 5 Small Village (Table 2.4 Limerick Settlement Strategy).

6.1.2. The following objectives are considered relevant;

Strategic Objective 4

‘....Support and facilitate revitalisation and consolidation of the City, towns and villages, through public realm and placemaking initiatives. Address vacancy and dereliction to create compact attractive, vibrant and safe environments in which to live, work, visit and invest’

Objective CGR 04 Active Land Management

It is an objective of the Council to:

b) Support and facilitate the reuse and revitalisation of derelict, vacant and underutilised sites and disused buildings throughout Limerick for residential, economic, community and leisure purposes.

Objective CGR 06 Derelict Sites

It is an objective of the Council to utilise the provisions of the Derelict Sites Act 1990, including the maintenance of a Derelict Site Register and CPO powers to address instances of dereliction and decay in the urban and rural environment and bring properties back into active reuse.

Policy CGR P4 Revitalisation of Towns and Villages

It is a policy of the Council to:

- a) Actively address issues of vacancy and dereliction in settlements across Limerick.

Athea Settlement

Volume 2b of the Limerick Development Plan 2022-2028 sets out the Settlement Plan for Athea village and the subject property is located within the settlement boundary.

6.2. Derelict Sites Act 1990 (as amended)

6.2.1. The Derelict Sites Act 1990, as amended, makes provision to prevent land being or becoming a derelict site. Amongst other things, it enables local authorities to require landowners or occupiers to take measures on derelict sites and, in certain circumstances, to acquire derelict sites compulsorily.

6.2.2. Section 3 of the Act defines 'derelict site' as:

“Any land...which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of—

(a) the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or

(b) the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or

(c) the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by or under statute or by common law.”

6.2.3. Other relevant provisions of the Act are summarised below:

- Section 8 of the Act requires Local Authorities to establish a register of derelict sites in their functional area and to serve notices on occupiers/ owners of their intention to do so.
- Section 9 of the Act places a duty on every owner and occupier of land, to take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site.
- Section 10 of the Act places a similar duty on Local Authorities to take all reasonable steps, including the exercise of any appropriate statutory powers, to ensure that any land in their functional area does not become or continue to be a derelict site.

- Section 11 of the Act enables Local Authorities to serve a notice on an owner or occupier of land, requiring them to take specified measures to prevent land becoming or continuing to be a derelict site.
- Section 14 provides that a local authority may acquire by agreement or compulsorily any derelict site situated in its functional area.
- Section 15 sets out arrangements for giving notice if the local authority intends to acquire a derelict site compulsorily.
- Section 16 sets out arrangements if the owner/occupier wishes to object to the acquisition and it provides that if an objection is made, then the derelict site shall not be acquired compulsorily by the local authority without the consent of the Board.

7.0 Assessment of Issues

7.1. Site Inspection

7.1.1. On the day of my site inspection, I was unable to gain entry to the interior of the subject dwelling, however the property appeared to be unoccupied and vacant. However, I was able to view the subject property from the public road and from the adjoining Church grounds to the east. My observations of the site on the date of inspection include the following:

- The front façade was dirty; paint was peeling and was removed in spots.
- There was evidence of cracked plaster/render.
- The window sills and reveals were chipped, and paint was peeling off.
- Wiring at first floor level was loose and untidy.
- The existing shopfront was in poor condition. Paint had exposed the timber beneath, the door was damaged, and the window surrounds were cracked and damaged.
- The windows at first floor and ground floor levels were in place as were the 2 front doors.

- The roof was noted to be in poor condition with loose and damaged slates. It appeared that a number of slates were also missing.
- Moss was growing on the roof, and vegetation was growing on both chimneys which were also noted to be in poor condition. The chimney positioned on the eastern side of the roof appeared to be wrapped in some form of a wire/mesh material.
- Rainwater goods were not in place.
- The east facing gable elevation was dirty and paint was peeling, and cracks were evident in the plaster/ render.
- The roof to the rear (south) of the subject dwelling was in very poor condition with loose and damaged tiles evident. Moss/vegetation was growing on the roof and on both chimneys.
- The first floor windows timber sliding sash windows were in place but were noted to be damaged, paint peeling. The window reveals were in poor condition with paint peeling also.
- The ground floor structures located to the rear of the subject property were observed to be in a poor state of disrepair with damaged external walls and a chimney, and damaged windows.
- The rear of the subject property was overgrown with vegetation.
- The first floor rear elevation of the existing dwelling and the damaged chimney stack is visible from the adjoining Church grounds.

7.1.2. It is noted that LCCC previously made an application to compulsorily acquire the subject property under ABP Ref. 315677-23. I note from a review of the case file that the state of dereliction of the subject property has not improved since the Board refused consent to the compulsory acquisition of the subject property by LCCC on 15th January 2024.

7.2. Category of Dereliction

7.2.1. I note the Local Authority considered that the property and lands fell under Category (a) and (b) of Section 3 of the Derelict Sites Act 1990, as amended.

- 7.2.2. Although I was not able to view in interior of the subject property on the date of my site inspection, I was however able to view the external rear of the subject property from the adjoining Church grounds. I note that the Local Authority has carried out numerous site inspections of the subject property since its first inspection on 27th February 2019. Evidence of photographs taken by the Local Authority have been appended to the Compulsory Acquisition Report. In this regard, I note the state of dereliction of the subject property as evidenced from the photos taken between 19th April 2021 and up to 15th January 2025. In particular, I also note the interior of the subject dwelling and the other external structures located at the rear of the subject property. The photos dated 15th January 2025 show the interior of the subject dwelling in very poor condition whilst the existing external structures that adjoin the rear of the building show a collapsed roof on one structure, loose/falling masonry, broken/missing windows and significant overgrown vegetation. I therefore consider that the site falls under Category (a) of Section 3 of the Derelict Sites Act 1990, as amended.
- 7.2.3. Based on my site inspection and having regard to the site's location in a prominent location on main street, and to its proximity to the adjoining Church, which is a protected structure, it is my view that the subject property and lands within the curtilage remain in a neglected, unsightly and objectionable condition. I therefore consider that the site falls under Category (b) of Section 3 of the Derelict Sites Act 1990, as amended.
- 7.2.4. Other than the materials deposited within the curtilage of the site that are associated with the outbuildings located at the rear of the subject dwelling which have fallen into a very poor state of disrepair, I did not see any other evidence of littering or waste being stored externally. Therefore, I am satisfied that the site does not fall under Category (c) of the Derelict Sites Act 1990, as amended.
- 7.2.5. Having regard to (a) and (b) above, it is my view that the structure and lands are detracting to a material degree from the amenity, character and appearance of land in the neighbourhood of the land in question, and in particular in relation to the adjoining Church which is a protected structure.

7.3. Action of Local Authority

- 7.3.1. I note the actions of the Local Authority, and the statutory notices served on the owner/occupier in respect of the subject property. Section 8(2) Notices were served on the owner on 21st April 2021, advising of the Local Authority's intention to enter the site on the Derelict Sites Register. Section 8(7) Notices were subsequently served on the owner 06th October 2021 advising that the site had been entered on the Derelict Sites Register. I note that the subject property has remained on the Derelict Sites Register since. A Section 15(1) Notice dated 07th February, was served on the owner on 12th February 2025 and published in the Limerick Post newspaper dated 15th February 2025 regarding the Local Authority's intention to acquire the site compulsorily. Having regard to the above, I am satisfied that the local authority complied with the requirements of Section 8(2), Section 8(7) and Section 15 of the Derelict Sites Act 1990, as amended.
- 7.3.2. I note that Local Authorities have a duty (under Section 10) "to take all reasonable steps (including the exercise of any appropriate statutory powers) to ensure that any such land does not become/continue to be a derelict site". The policy of the Local Authority, as expressed in the Compulsory Acquisition report, is to positively engage with the owners of a derelict site and to avoid using powers under the Derelict Sites Act, except where necessary. Following the Boards decision on 15th January 2024 to refuse consent to the compulsory acquisition of the subject property under ABP Ref. 315677-23, it is over 1 year since communications recommenced between the owner of the subject property and the Local Authority in relation to addressing and remediating the derelict state of the subject property. Having regard to the foregoing, I am satisfied that the Local Authority gave the property owner sufficient time and opportunity to address the state of dereliction. Therefore, I am satisfied that the efforts of the local authority have been fair and reasonable.

7.4. Compliance with Development Plan

- 7.4.1. I note that the Limerick Development Plan 2022-2028, specifically Strategic Objective 4 and Policy CGR P4 and Objectives CGR 04(b) and CGR 06, seeks to address instances of dereliction and decay in the urban and rural environment, seeks to reuse and revitalise derelict, vacant and underutilised sites and disused buildings and bring

properties back into active reuse. I consider that the subject property detracts to a material degree on the character and appearance of the surrounding area. Therefore, I consider that the subject property and proposed compulsory acquisition would be consistent with the policies and objectives of the Development Plan and will ensure that the lands do not continue to be in a direct condition.

7.5. Action of the Owner to Address Dereliction

7.5.1. I note that an objection to the proposed acquisition of the site was made to the Local Authority by owner Ann Woods c/o Kenneally Murphy Architectural Engineering on 12th March 2025. The basis to the objection to the compulsory acquisition of the subject property was that the inflated building costs for materials and labour exceeded the budget to renovation the subject property which inhibited the owner in carrying out remedial works. It was the desire of the property owner to keep the dwelling to pass onto a family member however, it is stated in the objection that it is intention of the owner to sell the subject property. Furthermore, a schedule of proposed works was set out to address the state of dereliction of the subject property by the owner. In this regard it was proposed to:

- Removal of vegetation.
- Fix / replacement of any slipped or missing slates.
- Repaint front façade, gable of the existing dwelling and boundary wall.
- Demolish and clear the site of all existing outbuildings to rear of the dwelling.
- Clean yard.
- Carry out structural works to shed located at rear boundary and redecorate.
- Remove vegetation from rear of house and chimney.
- Remedial works to the rear elevation including repair rainwater goods and repaint.

7.5.2. I note that owners/occupiers have obligations (under Section 9 of the Act) to “*take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site*”. I note from my site inspection on 16th June 2025 that it was apparent that none of the site remedial works outlined above had been undertaken by the owner

to address the appearance of the subject property, or since the Local Authorities site inspection carried out on 15th January 2025, prior to the issuing of the Section 15(1) Notice on 13th February 2025. It is now over 5 years since the derelict condition of the subject property came to the Local Authorities attention, and over 4 years since the subject property was entered onto the Derelict Sites Register on 06th October 2021. It has also been 4 months since the Local Authority served the Section 15 Notice of intention to acquire the site compulsorily.

- 7.5.3. I note that this is the second application made in relation to the subject property by the Local Authority to acquire the site compulsorily. The Board previously refused the first application by the Local Authority to acquire the site compulsory, ABP Ref. 315677-23 refers on 15th January 2024. Having inspected the subject property, there is no evidence of any actions carried out to render the site non-derelict and consequently the property remains in a neglected and unsightly condition.
- 7.5.4. Having regard, therefore, to all of the information available on the file, to the previous application to compulsorily acquire the subject property under ABP Ref. 315677-23 and to the continued appearance and condition of the subject property, which as stated constitutes a derelict site, I consider that it is appropriate that the Local Authorities application for consent to compulsorily acquire the site at Main Street, Athea, Co. Limerick is granted.

8.0 Conclusion

- 8.1.1. I am satisfied that the process and procedures undertaken by Limerick City and County Council have been fair and reasonable, that the local authority has demonstrated the need for the lands and that all the lands being acquired are both necessary and suitable to ensure that the lands do not continue to be a derelict site.
- 8.1.2. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the proposed acquisition of the Derelict Site comprising a two-storey, end-of-terrace house and surrounding land situate at Main Street, Athea, Co. Limerick, containing 0.034 ha or thereabouts, as set out in the Derelict Site Notice issued under Section 15(1)(b) of the Derelict sites Act 1990, (as amended) and dated 07th day of February 2025 and on the deposited maps DS-012-19 pursues, and was

rationally connected to, a legitimate objective in the public interest, namely, to ensure that the lands do not continue to be in a derelict condition.

- 8.1.3. I am also satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible. In this respect, I have considered alternative means of achieving the objective referred to in the submissions to the Board and I am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the compulsory acquisition by the acquiring authority unreasonable or disproportionate.
- 8.1.4. The effects of the compulsory acquisition on the rights of affected landowners are proportionate to the objective being pursued. I am further satisfied that the proposed acquisition of these lands would be consistent with the policies and objectives of the Limerick City and County Development Plan 2022-2028, and specifically Policy CGR P4 and Objectives CGR 04(b), CGR 06 and Policy CGR P4 which seek to actively address instances of dereliction and decay in the urban and rural environment and bring properties back into active re-use and to revitalise towns and villages. Accordingly, I am satisfied that that the grant of consent to compulsorily acquire these lands is clearly justified by the exigencies of the common good.

9.0 Recommendation

- 9.1.1. Having regard to the observed condition of the application site, in particular the ruinous and derelict condition of the subject property, and the neglected, unsightly and objectionable state of the land and the structure thereon, I consider that the site materially detracts from the amenity, character and appearance of land in the neighbourhood and is therefore a derelict site within the meaning of Section 3 of the Derelict Sites Act, 1990, as amended.
- 9.1.2. I consider that it is reasonable that the Local Authority seeks to compulsorily acquire the land, as provided by Section 14 of the Act. I recommend that the Board grant consent to Limerick City and County Council to compulsorily acquire the site.

10.0 Reasons and Considerations

Having regard to the ruinous and derelict condition of the structure and the derelict, neglected, unsightly and objectionable state of the land, having considered the objection(s) made to the compulsory acquisition, and also:

- a) The constitutional and convention protection afforded to property rights,
- b) The public interest, and
- c) The provisions of Limerick City and County Development Plan 2022-2028,

it is considered that the site detracts to a material degree from the amenity, character and appearance of land in the neighbourhood and, therefore, comes within the definition of a derelict site as defined in Sections 3(a) and 3(b) of the Derelict Sites Act, 1990, as amended, and that the compulsory acquisition of the site by the Local Authority is necessary in order to render the site non-derelict and to prevent it from continuing to be a derelict site. It is also considered that the objection made cannot be sustained, having regard to that said necessity and that the compulsory acquisition and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Clare Clancy
Planning Inspector

18th June 2025