



An
Bord
Pleanála

Inspector's Report

ACP-323705-25

Description

DS-058-24 Acquisition of 47 Windmill
Street, Limerick city.

Location

47 Windmill Street, Limerick.

Local Authority

Limerick City and County Council

Notice Party

Thomas Shanahan

Date of Site Inspection

3 December 2025

Inspector

Natalie de Róiste

1.0 Site Location and Description

- 1.1. The site measures c. 0.005 hectares, and is occupied by a two-storey three-bay house. It is located on the north side of Windmill Street, close to the junction with Henry Street, in Limerick city. It is bordered to the west by a single-storey building with a roller shutter; to the east by the rear of the now vacant post office building on Henry Street.
- 1.2. Windmill Street is largely residential at the west end; a mosque, a car garage, and Assumpta House (which contains the Stella Maris independent primary school and the Legion of Mary) are also located at the east end.
- 1.3. The house fronts directly onto the footpath, with a small yard at the gable adjacent to the post office, with a door giving onto the footpath. The windows to the upper floor are broken (both frames and glass). The ground floor openings are boarded. A 'For Sale' sign is affixed to one window. A chipboard barrier has been erected at first floor level between the gable wall and the rear of the post office building, blocking views of the gable window.
- 1.4. Based on a comparison of photographs attached to the Local Authority's Compulsory Acquisition Report (dated July 24 2024) I note that no works or improvements have been carried out at the subject property, since that date.

2.0 Application for Consent for Acquisition

- 2.1. Limerick City and County Council (LCCC) has applied to the Commission for consent to compulsorily acquire the site under Section 14 of the Derelict Sites Act, 1990, as amended. I note that this application is subsequent to Limerick City and County Council serving a notice on 23 July 2025 under Section 15 of the Derelict Sites Act, 1990, as amended, (i.e. advising of the Local Authority's intention to acquire compulsorily under the said Act, the derelict site as described).

3.0 Application and Objection

3.1. Notice of Intention to Acquire

3.1.1. Notice of Limerick City and County Council's intention to compulsorily acquire the site was served upon the owner (Thomas Shanahan) on 23 July 2025 and was published in the Limerick Post dated 26 July 2025. The site was described in the notices, as follows:

- A derelict site comprising a two-storey, mid-terrace dwelling and surrounding land situate at 47 Windmill Street, Limerick, containing 0.005 hectares 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 map bearing reference no. DS-058-24 in the Derelict Sites Register established and maintained by Limerick City & County Council under section 8 of the Derelict Sites Act, 1990.

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

3.2. **Objection to Acquisition**

3.2.1. Two submissions, (both by the property owner) expressing objection to the proposed acquisition were submitted to Limerick City and County Council by Thomas Shanahan.

3.2.2. The first objection to the proposed acquisition was signed but not dated, stamped received 14 August 2025, prior to the relevant deadline (29th August 2025 as stated in the notices).

3.2.3. The objection is summarised as follows:

- This is the home and only residence of the owner, who is currently in temporary accommodation elsewhere
- The house has been the target of break-ins and antisocial behaviour and has been damaged by fire
- It is his intention to return the house to a liveable standard, once funding has been secured. This has been delayed by health issues.

3.2.4. The second objection, dated 19 August 2025, stamped received 21 August 2025, reiterated the above points, and noted an intention to complete works within the next 8-12 weeks.

3.2.5. The original objection (that of 14 August 2025) was resubmitted on 29 August 2025, with an added note that it was his intention to sell the house when fixed.

3.3. Local Authority's Application for Consent

3.3.1. The Local Authority requests the consent of the Commission to the compulsory acquisition of the derelict site. The application for consent was received on 22 September 2025 and included the following:

- Copy of CPA map
- Copy of Section 15 Notice to Landowner
- Copy of newspaper advert
- Copy of objection letters from owner dated (council stamp 14 August and 19 August)
- Copy of council acknowledgment letter dated 4 September in response to objection letter, stating intention to make application to An Bord Pleanála for compulsory acquisition.
- Copy of Compulsory Acquisition Report (undated), giving details of actions undertaken in the case.
- Selection of inspection photos, dated 21 August 2024, 20 November 2024, 4 June 2025, 24 July 2025

3.3.2. The council notes the ongoing neglect, decay, and unsightly nature of the property, and disputes the narrative in the objection that the disrepair is due to circumstances outside the owner's control. The area in the general vicinity forms part of the Newtown Pery ACA, with many historic and protected structures, and an attractive appearance. The neighbouring properties are well-kept and the dereliction is impacting on the enjoyment of neighbouring properties. On that basis the Council seek the consent of the Commission to compulsorily acquire the property.

3.4. Objector's Submission

3.4.1. The objector was invited (by letter dated 23 September 2025) to respond to the Local Authority's comments on the objection. No letter was received by the stated deadline of 13 October 2025.

3.5. **Oral Hearing**

3.5.1. No request is on file for an Oral Hearing.

4.0 **Planning History**

4.1. A search of the Local Authority planning register website on 8 January 2025 revealed the following:

- 47 Windmill Street, Limerick.

File no 93770235

Application for permission to erect dwellinghouse and connect to public sewer.

Conditional decision issued 12/11/1993.

5.0 **Policy Context**

5.1. **Limerick City and County Development Plan 2022-2028**

5.1.1. The site is zoned City Centre, where the objective is to protect, consolidate and facilitate the development of the City Centre commercial, retail, educational, leisure, residential, social and community uses and facilities.

5.1.2. The site lies within an Architectural Conservation Area, (ACA 1 South City Centre and Newtown Pery). The building is not on the Record of Protected Structures. It does not lie within the Zone of Notification any archaeological monument. There are no special development objectives associated with the site.

5.1.3. Chapter 3 deals with the Spatial Strategy for the City and County.

5.1.4. *Section 3.3.2 Active Land Management* notes the role of active land management in fulfilling the spatial aims of the plan, promoting compact settlement and preventing sprawl.

Objective CGR O4 Active Land Management It is an objective of the Council to:

a) Promote an active land management approach through cooperation with relevant stakeholders and infrastructure providers to deliver enabling infrastructure to achieve compact growth.

- 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.*
- c) Establish a database of strategic brownfield and infill sites in the City Centre to be updated on an annual basis to monitor the progress of the active land management measures.*

5.1.5. Section 3.3.2.2 *Derelict Sites* notes the purpose of the Derelict Site Levy, and sets out the entitlements and responsibilities of the Local Authority regarding derelict sites.

Objective CGR O6 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 re-use.

Chapter 6: Environment, Heritage, Landscape and Green Infrastructure contains a long, multi-part Objective on Architectural Conservation areas, of which part (a) is relevant here:

Objective EH O53 Architectural Conservation Areas

It is an objective of the Council to:

- a) Protect the character and special interest of an area, which has been designated as an Architectural Conservation Area (ACA) as set out in Volume 3.*

5.1.6. Volume 3 of the Plan includes a brief character appraisal of each ACA. The character appraisal of the *South City Centre and Newtown Perry ACA* notes the large number of architecturally important buildings in this area, the diversity of building styles (Classical Georgian, Ecclesiastical, Gothic Revival, Victorian and Edwardian architecture), the range of building types (a large ecclesiastical place of worship, narrow Georgian terraced residences, institutional and commercial buildings, more modest artisan recreational clubs, temperance halls, schools, artisans' houses, monuments, an urban park and early suburban housing).

5.1.7. It notes the integrity of the area is compromised by vacancy and poor maintenance, often with inappropriate modern construction materials, deteriorating the historical fabric into obsolescence and poor insensitive shopfront design. Numerous projects

(including the Living City Initiative and the Positive Energy District as part of the EU Positive City Exchange Project) are in place to maximise the potential of the area.

5.2. **Derelict Sites Act 1990 (as amended)**

5.2.1. 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.

5.2.2. 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."

5.2.3. 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 Commission.

6.0 Assessment

6.1. Site Inspection

6.1.1. The following assessment is based on a site inspection carried out on 3 December 2025. I inspected the site from the public road. I was unable to gain access to the interior of the building.

6.1.2. I did not observe any noticeable defects to the roof of the house (front pitch only visible). The walls were stained, with moss growing at lower levels. The house has broken windows to the first floor, and boarded openings to the ground floor. I have compared my photographs taken on the site visit on 3 December 2025 with that on the council file dated and timestamped Jul 24,2025 07:49:19 AM. I note the pattern of breakage in the first floor window on the right hand side is identical in both sets of photographs, indicating that the window has not been replaced or repaired (or the glass shards removed) in over a year, leaving the house open to the elements, vulnerable to intrusion and colonisation by birds and other animals, rendering it uninhabitable. Litter was in evidence on the ground floor window sills.

- 6.1.3. I have considered the images in the compulsory acquisition report, and found no evidence of improvements or positive alterations on my site visit.
- 6.1.4. The site is located in a prominent location, giving directly onto the pavement in a largely residential city street, close to the junction with Henry Street, which has a more commercial character. There were a number of pedestrians and visitors to neighbouring premises on Windmill Street on the afternoon of my site visit, and while some neighbouring premises have a weathered appearance, they are clearly well tenanted and in active use.

6.2. **Category of Dereliction**

- 6.2.1. I note the definition of a '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*".
- 6.2.2. I note that the local authority considered that the property and lands fell under Category (a) and Category (b) of Section 3 of the Derelict Sites Act 1990, as amended. I concur with this assessment. The land has a structure in derelict condition (being open to the elements, neglected, disused, and currently uninhabitable) and is in neglected, unsightly, and objectionable condition, detracting from the amenity, character, and appearance of land in the neighbourhood. I note category c refers to litter, rubbish debris or waste; while I observed litter on the site, there is limited evidence of an ongoing issue, over and above the usual level of concern in city centres.
- 6.2.3. In conclusion, I consider that the property is derelict and in neglected, unsightly and objectionable condition, and detracts to a material degree from the amenity, character and appearance of lands in the neighbourhood, being highly visible in the public realm from Windmill Street and from the junction with Henry Street, and being highly visible from the school and residential property opposite, which in my view, renders it derelict under Section 3 of the Act.

6.3. **Action of Local Authority**

The Compulsory Acquisition Report submission from Limerick City and County Council states that the property was inspected and identified as a Derelict Site on 18

July 2024. A Notice of Enquiry seeking details on ownership was affixed to the site on 21 August 2024, and a call was had with the owner on 22 August 2024 in which the indicators of dereliction were discussed. The owner said the house was broken into and vandalised the previous January, and he did not have funds to do it up.

LCCC served the owner with notice of their intention to enter the site into the Derelict Sites Register on 18 October 2024, and affixed a Section 8(2) notice to the site. The owner telephoned the council twice. In the second phone call he said he was living in the house. He was advised to set out in writing his intentions for the property, proposed works, and other matters he wished to raise, and the Derelict Sites process was again explained to him.

Following an inspection on 20 November 2024, the building was found to remain derelict and on 11 December 2024 the council affixed a Section 8(7) notice to the site. The council inspector was advised by a neighbour of antisocial and criminal behaviour on the site.

The owner submitted an incomplete application for the Housing Adaptation Grant Scheme to the council on 13 December 2024, and did not follow up with further details when requested. This application has not progressed.

On 10 March 2025, the council inspector affixed a Section 22 Notice of Market Valuation to the site and observed anti-social activity on the site, with unknown individuals entering and exiting the unsecured site.

The owner wrote to the council on 29 April 2025, with an account of reasons for the property's condition and his intentions for renovation. He was invited to contact the council inspector with confirmed plans for remediation of the site.

The council inspector re-inspected the site on 4 June 2025 and found it to be derelict, and was verbally abused by persons unknown.

Notice of Intention to Acquire the Derelict Site Compulsorily was given to the owner, and advertised in the Limerick Post on 26 July 2025.

- 6.3.1. I note the actions of the Local Authority, including their efforts to ascertain the owner and contact same, their correspondence and conversations with the owner, and their numerous site inspections. I note the objection of the owner. Nonetheless, the local authority has afforded the owner more than a year since contact was first made in

August 2024 to provide details of plans to restore it to an acceptable condition.

Having regard to the foregoing I am satisfied that the Local Authority gave the property owner sufficient time and opportunity to address the dereliction.

6.3.2. I am satisfied that the local authority complied with the requirements of Section 6, Section 8(2), Section 8(7) and Section 15 of the Derelict Sites Act 1990, as amended. I am satisfied that the Local Authority has been fair and reasonable, giving the owner the time and opportunity to address the dereliction.

6.4. Compliance with Development Plan policy

6.4.1. Relevant policy is noted above; a compulsory purchase order in this instance would comply with policies *CGR O4 Active Land Management*, *CGR O6 Derelict Sites*, and *EH O53 Architectural Conservation Areas*, and the zoning of the site, where the objective is to *protect, consolidate and facilitate the development of the city centre*.

6.5. Actions by the owner to address dereliction

6.5.1. I have sympathy for the owner's troubles as set out in his objection. It is entirely understandable that such a run of bad luck has had the dual impact both of damaging the property, and also hampering efforts to repair it. However, the owner does not dispute that the site is derelict, and has been for some time. Notwithstanding the original reason that the house fell into disrepair, there is no evidence on the file, and no evidence from the site visit, that the owner or any agent of his has undertaken any works to address the dereliction in the past 18 months or more.

6.5.2. Nor is there any evidence of firm, detailed plans to undertake works. The owner noted in his objection to the council that he was recently approved for a loan, and had applied for a council grant for refurbishment (which application the council said was incomplete); however, no further information has been submitted to the Commission, despite an invitation to make such a submission being sent to the owner's stated contact address.

7.0 Conclusion

- 7.1. 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 that the acquisition of the site is necessary to ensure that the lands do not continue to be a derelict site.
- 7.2. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the proposed acquisition of the Derelict Site comprising the site and premises situate at 47 Windmill Street, Limerick covering an area of 0.005 hectares 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 18 July 2025 and on the deposited map ref. DS-058-24, 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.
- 7.3. 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 Commission 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.
- 7.4. 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 Objectives CGR O6 and EH O53, which seek, inter alia, to address dereliction, and protect the character of ACAs. Accordingly, I am satisfied that the grant of consent to compulsorily acquire these lands is clearly justified by the exigencies of the common good.

8.0 Recommendation

- 8.1.1. Having regard to the observed condition of the site, in particular the derelict condition, and the unsightly and objectionable condition of 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 (a) & (b) of the Derelict Sites Act, 1990, as amended.
- 8.1.2. I consider it reasonable that the Local Authority seeks to compulsorily acquire the land, as provided by Section 14 of the Act. I recommend that the Commission grant consent to Limerick City and County Council to compulsorily acquire the site.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the derelict, unsightly and objectionable condition of the subject property, which detracts to a material degree from the amenity, character and appearance of lands in the neighbourhood, having considered the objection made to the compulsory acquisition, and also:
 - A) the constitutional and convention protection afforded to property rights,
 - B) the public interest, and
 - C) the provision 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 Section 3 a) & 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 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.

Natalie de Róiste

Planning Inspector
13 January 2026