



An
Coimisiún
Pleanála

Inspector's Report

ACP-323706-25

Development

Compulsory acquisition of a derelict site in accordance with Section 14 of the Derelict Sites Act 1990, as amended.

Location

43 Nicholas Street, Limerick City,
County Limerick.

Local Authority

Limerick City and County Council

Notice Parties

Ann Gleeson.

Date of Site Inspection

25th October 2025

Inspector

Terence McLellan

1.0 Introduction

- 1.1.1. This case relates to a request by Limerick City and County Council for the consent of An Coimisiún Pleanála to the compulsory acquisition of 43 Nicholas Street, Limerick City (DS-013-24) in accordance with the provisions of the Derelict Sites Act, 1990, as amended.

2.0 Site Location and Description

- 2.1. The property that is the subject of this application for consent for compulsory acquisition (hereafter referred to as the 'subject property'), is located at 43 Nicholas Street, Limerick City. The building is a two storey mid terrace commercial property with upper floor living accommodation and a long rear yard. Access to the property was not available at the time of my site inspection and as such my site inspection was undertaken from the public road. On the date of my site inspection the property was secure, and the roller shutter was securing the shopfront. An assessment of the property is set out in Section 7 below.

3.0 Application for Consent to Acquire

- 3.1. Limerick City and County Council has applied to the Commission for consent to compulsorily acquire the site under Section 14 of the Derelict Sites Act, 1990, as amended. This application is subsequent to the serving of notices under Section 8(2) on 26th March 2024, advising of the Local Authority's notice of intention to enter the site on the register of derelict sites, and also under Section 8(7) on the 5th June 2024, confirming the Local Authority's decision to enter the site on the register of derelict sites.
- 3.2. A Section 15(1)(b) notice was served on the owner, Ms. Ann Gleeson on 23rd July 2025. A Section 15(1)(a) notice was published on the 26th July 2024 in the Limerick Post, in accordance with Section 15 of the Derelict Sites Act 1990 (as amended), advising of the intention of Limerick City and County Council to compulsorily acquire the subject property.

4.0 Application and Objection

4.1 Notice of Intention to Acquire

4.2. A Section 15(1)(b) notice was served on the owner, Ms. Ann Gleeson on the 23rd July 2025. A Section 15(1)(a) notice was published on the 26th July 2025 in the Limerick Post, in accordance with Section 15 of the Derelict Sites Act 1990 (as amended), advising of the intention of Limerick City and County Council to compulsorily acquire the subject property. I am satisfied that the notices were served in accordance with the provisions of Section 15 of the Act.

4.3 Objection to Acquisition

- 4.3.1. Correspondance was issued by email on the 22nd August 2025 from John Callinan of Berwick Solicitors LLP, representing the owner Ms. Ann Gleeson. This correspondence advised the Council of Ms. Gleeson's previous poor health and current recovery, in addition to advising that Ms. Gleeson had engaged an auctioneer in order to obtain a valuation for the property and a request that the Council delay proceedings and discuss potential resolutions.
- 4.3.2. Subsequent to this, an objection to the proposed acquisition was submitted to Limerick City and County Council by Ms. Gleeson's solicitor by email on the 29th August 2025. The email did not contain any substantive points of objection but included information from Hogan Durkan Real Estate and Auctioneers to the Council's rates Department, advising that the property is on their sales book and stating that the property is not in a derelict condition, albeit vacant since November 2015. The correspondence states that there have been some enquiries regarding the property but no success in securing a client.

4.4 Local Authority's Application for Consent

- 4.4.1. Limerick City and County Council request the consent of the Commission to the compulsory acquisition of the derelict site. The application for consent was received on the 22nd September 2025 and was accompanied by the following:
- Compulsory Acquisition Report
 - Derelict Site Location Map

- Copy of the Section 15 (1)(b) Notice issued to the Owner dated 23rd July 2025.
- Copy of the Section 15 (1)(a) newspaper notice dated 26th July 2025.
- Copy of objection letter, Limerick City and Council acknowledgement.
- Inspection photos from the case file.

4.4.2. The Compulsory Acquisition Report can be summarised as follows:

- Limerick City and County Council have established a Dereliction, Vacancy, and Re-Use Unit to address vacancy and dereliction in Limerick City and the towns and villages of the County and bring said properties back into use. It is stated that the Council seek to work proactively with property owners, with timely actions and improvement of sites through positive engagement, with use of the powers under the Derelict Sites Act 1990 being employed only when necessary and where all reasonable alternatives have been exhausted.
- The site is located in Limerick City, c. 0.9km from the city centre and surrounded by residential and commercial properties that are well maintained. The site detracts from the amenity, character, and appearance of well-maintained property in the area.
- The site is deemed to be derelict by definition under Section 3 of the Act. The rear yard is overgrown with much litter present. To the rear, the structure is in a dangerous condition, with a dangerous wall close to 44/43 Nicholson Street and near 16/17 Exchange Street. The site has a neglected look and is in an unsightly condition.
- Title to the property is not registered on the Land Direct System of Tailte Éireann.
- The Council first inspected the property in January 2024, identifying it as a derelict site as defined under Section 3 of the Act and identified Ann Gleeson as the reputed owner.
- Telephone calls to Ms Gleeson on 23rd January 2024 went unanswered. A Notice of Enquiry seeking information on the owner was affixed to the site on 24th January 2024.

- Various telephone calls were received from the neighbour in February, March and April regarding concerns about the continuing deterioration of a party wall affecting their property.
- On the 26th March 2024 a Section 8(2) Notice was served and affixed to the site. There was no response.
- On the 5th June 2024 a Section 8(7) Notice was served and affixed to the site. There was no response or representation from the owner.
- On 10th June 2025, the Council's Area Inspector telephoned Ms. Gleeson to discuss the case and the continued dereliction. It is stated that Ms. Gleeson confirmed she was aware of the derelict site case on the property, that she was aware of the contents of the statutory notices and that whilst she had no plans to address the site, she would be open to the Council purchasing it.
- The report acknowledges the objection and earlier correspondence advising of Ms. Gleeson's ill health but submit that the property has been vacant and unattended for an extended period and is now in an advanced state of disrepair, representing a serious risk to public safety and neighbouring buildings.
- It is submitted that adjoining neighbours and the local community have to endure the ongoing neglect, decay and unsightly nature of the property.
- The site is on close proximity to a number of historic and Protected Structures, the area has an attractive appearance, and the public realm is well cared for
- The building has continued to deteriorate and attract negative attention in a key area of the city. The case demonstrates a failure of duty on behalf of the property owner to remove the property from dereliction leaving compulsory acquisition as the only option available to the Council.

4.5. Submissions to An Coimisiún Pleanála

- 4.5.1. The Commission wrote to Ms. Gleeson c/o Berwick Solicitors LLP on 23rd September 2025 seeking any observations regarding the proposed compulsory acquisition of the site by Limerick City and County Council. No response has been received to date.

5.0 Planning History

- 5.1. No recent planning history of specific relevance.

6.0 Policy Context

6.1. Limerick Development Plan 2022-2028

- 6.1.1. The site is zoned City Centre, the stated objective of which is to protect, consolidate and facilitate the development of the City Centre commercial, retail, educational, leisure, residential, social and community uses and facilities.
- 6.1.2. Revitalisation and consolidation of urban areas through public realm and place-making initiatives, including addressing vacancy and dereliction to create compact attractive, vibrant and safe environments in which to live, work, visit and invest is a strategic objective for Limerick.
- 6.1.3. Policy CGR P1 sets out how this can be achieved including development of brownfield and underutilised lands within the built footprint of urban areas. One of the measures required to create compact, dense and sustainable urban centres is 'Active Land Management' which is envisaged as important to bring vacant and underutilised land in urban areas into beneficial use (Policy CGR O4). Key legislative measures to facilitate this include the powers under the Derelict Sites Act 1990.
- 6.1.4. Section 3.3.2.2 notes that derelict sites can have a negative impact on the social, visual and commercial aspects of a neighbourhood. Limerick City and County Council is proactive in identifying and seeking the improvement of such sites to address incidences of decay, prevent deterioration of the built fabric and bring buildings back into active use.
- 6.1.5. Objective CGR O6 – Derelict sites – seeks to utilise the provisions of the Derelict sites Act 1990, including the maintenance of the Derelict Sites 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.
- 6.1.6. The Living Limerick City Centre Initiative (3.4.3.2) is a 7-year programme which was awarded funding in 2021 under the Urban regeneration Development Fund. It seeks to make positive, innovative and transformational change to revitalise the centre of

Limerick City and is seen as a growth enabler. The LLCC Initiative seeks, inter alia, to renew vacant, underutilised and derelict buildings in the city centre.

- 6.1.7. Chapter 5 'Strong Economy' sets out the Economic Strategy. The success of economic growth is said to be intertwined with maintaining and enhancing its attractiveness. The City Centre is seen as a key driver of economic activity in the region.
- 6.1.8. Policy ECON P1 seeks to support the implementation of Limerick 2030 – An Economic and Spatial Plan to guide the economic, social and physical renaissance of Limerick City Centre and the wider county/Mid-West Region.

6.2. Derelict Sites Act 1990 (as amended)

- 6.2.1. The Derelict Sites Act 1990, as amended, makes provisions 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:
- 6.2.3. "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—
- 6.2.4. (a) the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or
- 6.2.5. (b) the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or
- 6.2.6. (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."
- 6.2.7. 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.

- 6.2.8. Section 9 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.
- 6.2.9. Section 10 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.
- 6.2.10. 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.
- 6.2.11. Section 14 provides that a local authority may acquire by agreement or compulsorily any derelict site situated in their functional area.
- 6.2.12. Section 15 sets out arrangements for giving notice, if the local authority intend to acquire a derelict site compulsorily.
- 6.2.13. Section 16 sets out arrangements if the owner/occupier wish to object to the acquisition. Specifically, section 16, as amended, provides that where an objection is made, the derelict site shall not be acquired compulsorily by the local authority without the consent of the Commission.

7.0 Assessment

- 7.1.1. Access to the property and rear yard was not possible on the date of my site inspection. I was able to view the front of the site from the public road on Nicholas Street and It was possible to see part of the rear elevation and a section of the rear yard from Exchange Street.
- 7.1.2. From the street it is clear that the property is long-term vacant. The rainwater goods are mismatched and appear loose. The windows are intact, but they are very dirty and old PVCu units and need to be replaced. There are significant cracks in the front façade, including significant cracks extending from the lintels on the upstairs windows which suggest they may be a result of structural issues. Paintwork and render are chipped and there is a large rust stain from the building alarm box.
- 7.1.3. There are a number of loose wires hanging across the sides and upper/lower levels of the façade. There are missing tiles on the roof, the ridge is starting to bow, and some

ridge tiles appear loose and misaligned. Some sections of lead flashing are missing/loose and there is vegetation growing out of parts of the roof and chimney. To the rear vegetation is growing along the edges and top of the flat roof.

7.1.4. I had no access to the rear yard of the property, however from Exchange Street the significantly overgrown nature of the rear yard is clearly visible, with trees, shrubs and other vegetation spilling over the boundary walls. This would align with the Local Authority's inspection photos that show the overgrown nature of the site in addition to significant amounts of debris.

7.1.5. The site is opposite the grounds of St Mary's Cathedral on a well maintained and pleasant street. The unsightly condition and poor maintenance of the site detracts from the character of the building, its well maintained neighbours and the local streetscape.

7.2. Category of Dereliction

7.2.1. I note the Local Authority considered that the property continued to be a "derelict site" within the meaning of the Act. Based on my site inspection and my assessment above, it is my view that the subject property and lands may be considered to fall under Category (a) and (b) of Section 3 of the Act.

(a) The existence on the lands of structures which are in a ruinous, derelict or dangerous condition.

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

7.2.2. Although I was not able to view the rear yard of the property on the date of my site inspection, I note the Local Authority's inspection photos of the rear, the most recent of which are dated July 2025. These show the substantial overgrowth of the garden and significant amounts of debris dumped in the garden. The impact of this overgrowth spilling over boundary walls to neighbouring properties was evident from my site inspection and visible from the street. Having regard to the Local Authority's inspection photos from the rear showing significant amounts of debris, I also consider that the property would fall within category (c) of Section 3 of the Act. Having regard to (a), (b) and (c) above, it is my view that the subject property and lands are detracting to a material degree from the amenity, character and appearance of land in the neighbourhood, which in my view renders it derelict under Section 3 of the Act.

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 site. Section 8(2) notices were served on the owner on 26th March 2024, advising of the Local Authority's intention to enter the site on the Derelict Site Register. Section 8(7) notices were subsequently served on the owner on 5th June 2024, advising the owner that the site had been entered on the Derelict Sites Register. A Section 15(1) notice was served on the owner on the 23rd July 2025 and published in the Limerick Post newspaper dated 26th July 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 the powers under the Derelict Sites Act, except where necessary. It is almost two years since the site was first identified as a derelict site and first attempts were undertaken to engage with the owner. To date there has been minimal correspondence from the owner and the Council's own records indicate that the owner has no intentions of addressing the dereliction. Having regard to the forgoing I am satisfied that the Local Authority gave the property owner sufficient time and opportunity to engage with them to either address the dereliction or to agree the implementation of measures to address same. 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 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 from 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 derelict condition.

7.5. Action of Owner

- 7.5.1. I note that the owner submitted an objection to the compulsory acquisition via a solicitor on the 29th August 2025. The objection did not contain any substantive points. It included correspondence from Hogan Durkan Real Estate and Auctioneers to the Council's Rates Department, advising that the property is on their sales book and stating simply that the property is not in a derelict condition, albeit vacant since November 2015. The correspondence states that there have been some enquiries regarding the property but no success in securing a client.
- 7.5.2. Earlier correspondence from Ms. Gleeson's solicitor advised of Ms. Gleeson's previous poor health and current recovery, in addition to advising that Ms. Gleeson had engaged an auctioneer in order to obtain a valuation for the property and a request that the Council delay proceedings and discuss potential resolutions.
- 7.5.3. I note that owner/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 that it was not apparent that any works had been undertaken to address the appearance of the subject property since the Council's dated inspection photos or from the last date of correspondence with the owner. It is now almost two years since the derelict condition of the property came to the Local Authority's attention and first attempts were made to engage with the owner regarding the dereliction. It has also been over 3 months since the Local Authority served the Section 15 notice of intention to acquire the site compulsorily. The owner has failed to meaningfully engage with the Local Authority, and I note that there has been no response to the appeal from the owner either. Having inspected the site, there is no evidence of any attempt to render the site non-derelict, and the property remains in a neglected and unsightly condition.
- 7.5.4. Having regard, therefore, to all of the information available on the file and the continued appearance and condition of the property, which as stated constitutes a derelict site, I consider that it is appropriate that the Local Authority's application for consent to compulsorily acquire the site at 43 Nicholas Street is granted.

8.0 Conclusion

- 8.1. I have had regard to the overall timeline of this case in addition to the submission of the owner's solicitor and the points raised in regard to illness and the intention to sell the property. I also note the owner's lack of engagement with the Local Authority over the case timeline, in addition to correspondence with the Local Authority confirming that the owner was aware of the derelict site case on the property, aware of the contents of the statutory notices, and that the owner had no plans to address the dereliction. I acknowledge that that building is reportedly up for sale but that no progress has been made and that the owner would be open to selling to the Local Authority. In my opinion this is a finely balanced case, however, having regard to the foregoing, I am of the view that there is no reasonable prospect of the owner bringing the site out of dereliction in the short to medium term. I therefore consider that the Commission should grant consent for the compulsory acquisition.
- 8.2. 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 site to be acquired are both necessary and suitable to ensure that the lands do not continue to be derelict.
- 8.3. Having regard to the Constitutional and Convention provision afforded to property rights, I consider that the proposed acquisition of the site and premises located at 43 Nicholas Street, Limerick City, as set out in the Derelict Site Notice issued under Section 15(1)(b) of the Derelict Sites Act 1990, (as amended) and dated 23rd July 2025, 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.
- 8.4. I am also satisfied that the acquisition authority had demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible. The effects of the compulsory acquisition on the rights of the affected landowner 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 Development Plan 2022-2028, which seeks to address dereliction, reduce vacancy and encourage and facilitate appropriate redevelopment.

9.0 Recommendation

- 9.1. Having regard to the observed condition of the application site, in particular the neglected, unsightly and objectionable state of the land and the structures thereon, I consider that the site detracts to a material degree 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. It is further considered that the acquisition of the site by the Local Authority is warranted in order to render the site non-derelict and to prevent it continuing to be a derelict site. I therefore recommend that the Commission grant permission to Limerick City and County Council to compulsorily acquire the site.

10.0 Reasons and Considerations

- 10.1. Having regard to the derelict condition of the structure and to the neglected, unsightly and objectionable state of the land and structure, 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 provisions of the Limerick Development Plan 2022-2028.
- 10.2. 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), (b) and (c) 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.

Terence McLellan
Senior Planning Inspector

28th October 2025