



An  
Coimisiún  
Pleanála

# Inspector's Report

## ACP-324089-26

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**Nature of Application**

Application for consent for compulsorily acquisition of a derelict site in accordance with Section 14 of the Derelict Sites Act 1990, as amended

**Location**

Ballyorgan, County Limerick

**Local Authority**

Limerick City and County Council

**Notice Party**

James Carey and Edward Carey

**Date of Site Inspection**

5<sup>th</sup> May 2026

**Inspector**

Gary Farrelly

## 1.0 Introduction

- 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 the subject site at Ballyorgan, County Limerick, in accordance with the provisions of the Derelict Sites Act 1990, as amended.

## 2.0 Site Location and Description

- 2.1. The subject site is located within the settlement of Ballyorgan, County Limerick, which is located within the southeast of the county, approximately 3.5km north of the boundary with County Cork. The village of Kilfinane is located approximately 4km north of the settlement. The settlement is designated as a 'rural cluster' within the Limerick Development Plan 2022-2028.
- 2.2. The subject site is visible from the public road. The site comprises of a detached single-storey property which bounds the public road and associated lands to the rear and side. The site adjoins the southern boundary of St. Joseph's Church. The church has a regional rating as per the National Inventory of Architectural Heritage (NIAH) survey (reg. no. 21802001).
- 2.3. My observations of the property on the date of my site inspection were as follows:
  - The property was vacant.
  - The doors and windows to the front of the property were boarded up.
  - There were no rainwater goods on the property.
  - The roof comprised of a corrugated type which was in a neglected state.
  - The external walls of the property were in a neglected state.
  - The boundary fence to the side of the property was partly damaged.
  - There was overgrown vegetation on the structure to the rear.
  - There was an opening to the rear of the property providing unimpeded internal access.
  - The garden to the rear of the property was in a neglected state.

### **3.0 Application for consent for acquisition**

3.1. Limerick City and County Council has applied to the Commission for consent to compulsorily acquire the site under Section 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 21<sup>st</sup> March 2022 (advising of the Local Authority's intention to enter the site on the register of derelict sites), and under Section 8(7) on 8<sup>th</sup> July 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**

Notice of Limerick City and County Council's intention to acquire the site was served on James Carey and Edward Carey, in a letter dated 10<sup>th</sup> December 2025, and which was published in the Limerick Post newspaper on 13<sup>th</sup> December 2025. The site was described as follows in the notices:

- A derelict site comprising a bungalow residence and surrounding land situate at Ballyorgan, County Limerick, containing 0.097 hectares or thereabouts. The said property and surrounding land are in a state of dereliction. The said derelict site is more particularly shown outlined in red on map bearing reference no. DS-002-22 in the Derelict Sites Register established and maintained by Limerick City and County Council under Section 8 of the Derelict Sites Act, 1990.

I am satisfied 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 Local Authority**

An objection to the proposed compulsory acquisition was submitted to Limerick City and County Council from the owners James Carey and Edward Carey. Their objection is summarised as follows:

- Since the site was entered into the Derelict Sites Register in 2022 a structured programme of remedial and preparatory actions was undertaken aimed at returning the property to productive residential use.
- Ongoing correspondence with the local authority has been maintained which demonstrates continuous cooperation and engagement rather than neglect.
- The lands were cleared of overgrowth and accumulated material in May 2023 which substantially improved the condition of the site. There is no obvious litter or waste visible within the site and whilst limited vegetation regrowth has occurred it remains modest and significantly less than before the clearance works.
- On 13<sup>th</sup> July 2023, a site characterisation report was commissioned and completed confirming that a wastewater treatment system was feasible on the subject site. Planning permission was granted by the local authority for the refurbishment and extension of the cottage in December 2024 (ref. 23/411).
- Following the grant of permission, the project was placed out to tender, however the quotations received were not economically viable relative to the value of the completed dwelling, reflecting wider market conditions and construction cost inflation. Copies of quotations are provided.
- Funding options were explored, including the vacant property refurbishment grant (Croí Cónaithe), however, as this grant requires full upfront capital expenditure, it was not possible to proceed due to financial constraints.
- The absence of visible construction works does not equate to inaction or neglect, particularly where planning, technical and financial barriers have been actively addressed.
- It is now the intention to place the property on the open market for sale with the benefit of full planning permission so that it can be developed by a developer with the requisite resources. This course of action directly aligns with the objectives of the Derelict Sites Act.
- It is contended that a compulsory acquisition would be disproportionate due to the existence of a valid and implementable planning permission, demonstrable efforts to procure construction and financing, a clear intention to sell the site for

redevelopment and the availability of less intrusive means of achieving the Act's objectives.

- It is respectfully requested that a reasonable period for the sale and transfer of the property is allowed.

#### 4.3. Local Authority Application for Consent

The local authority requests the consent of the Commission to the compulsorily acquisition of the derelict site. The application for consent was submitted on 17<sup>th</sup> February 2026 and was accompanied by the following:

- Local authority compulsory acquisition report
- Copy of the section 15 notice served on the owners James Carey and Edward Carey, dated 5<sup>th</sup> December 2025.
- Copy of the newspaper notice, within the 13<sup>th</sup> December 2025 issue of the Limerick Post.
- Copy of the objection made by James Carey and Edward Carey (*summarised in Section 4.2 above*).

The local authority's compulsory acquisition report is summarised as follows:

- Limerick City and County established a specialised 'Dereliction, Vacancy and Re-Use Unit' in 2017 to bring derelict and vacant properties back into use with a particular emphasis on areas of high housing demand, town and village centres and the historic core of Limerick City. Its general approach is to work proactively with property owners, with timely actions and improvement of sites through positive engagement. It is stated that the powers to compulsorily acquire lands under the Derelict Sites Act, 1990 are used only where necessary, where all reasonable alternatives have been exhausted.
- A number of issues are taken into account when progressing an acquisition case. They include; the planning history and outstanding planning permissions; evidence of efforts to address vacancy and dereliction; security, safety to the public and the general condition of the site; the conservation value of the

building and requirement for remedial restoration works; and the feasibility of various actions to make good the site and find viable uses for the site.

- The single storey cottage and surrounding land is vacant and in a derelict condition for a considerable period. The site detracts from the amenity, character and appearance of the well-maintained property in the area. It is the opinion of the local authority that the site detracts to a material degree from the character and appearance of the surrounding area and is deemed to be derelict under Section 3 of the Derelict Sites Act 1990 (as amended).
- The site in general has a neglected look and is in an unsightly condition. The structure on site is to the front and there is a rear garden which is quite overgrown with vegetation. The structure is in a poor condition and has a dirty appearance; paint is deteriorated, the roof comprises of rusty corrugated metal sheeting which has holes in places exposing the roof structure to the weather. There is an absence of guttering and downpipes allowing rainwater to flow freely off the site onto the road. The windows and doors are boarded up with plywood and the rear door is unsecured which leaves it open for unauthorised entry. There is graffiti visible on the inside of the building which is evidence of unauthorised entry and anti-social behaviour ongoing on the property. Other indicators of dereliction include plants growing out of the chimney and unsightly boundaries (damaged hoarding, broken fences and rusted railings).
- Planning permission was granted on 11<sup>th</sup> December 2023 for extensions and alterations to the existing derelict dwelling and installation of a new domestic wastewater treatment system.
- The title to this property is comprised in Folio LK2744F and the registered owners of the land are Edward Carey and James Carey.
- The local authority first inspected the site on 5<sup>th</sup> January 2022 and identified it as a derelict site. A notice of enquiry seeking information on ownership of the derelict site was affixed to the site on 5<sup>th</sup> January 2022. There was no engagement from the owners. Site ownership enquires were made through the land registry system and planning and development searches were subsequently carried out.

- A section 8(2) notice was affixed to the site on 21<sup>st</sup> March 2022 as well as served on the owner by registered post. There was no engagement from the owners.
- As the site continued to be in a derelict state, a section 8(7) notice was served on the owner on 8<sup>th</sup> July 2022 by registered post and the notice was affixed to the site. There was no response or representation made to this notice by the owners.
- On 7<sup>th</sup> September 2022, the owner James Carey telephoned the local authority where the issues of dereliction were discussed and clarified with the area inspector.
- On 16<sup>th</sup> February 2023, the local authority received correspondence from the owners authorising a solicitor's firm to act as their representative with the Council.
- On 24<sup>th</sup> March 2023, the area inspector met with the owners' representative and their engineer where the issues causing the dereliction were discussed and clarified and statutory notices already served explained. A commitment was made by the representatives to compile a planning application for a wastewater treatment system on the property as well as an extension to the rear.
- On 11<sup>th</sup> December 2023, planning permission was granted to the owners for an extension and alterations to the existing derelict dwelling and installation of a wastewater treatment system with associated works.
- On 13<sup>th</sup> December 2024, the area inspector inspected the site and found that no works were carried out to address the dereliction and the site continued to detract from the area. An email of enquiry was sent to the owners on 15<sup>th</sup> January 2025 seeking the owners proposed intentions for the property to resolve the dereliction.
- On 22<sup>nd</sup> January 2025, correspondence was received from the owners and works required to resolve the dereliction were agreed with the area inspector. The owners outlined that they had received quotations for the works approved by the planning permission and it was their intention to hire a contractor in the coming months.

- On 23<sup>rd</sup> January 2025, details of the vacant property refurbishment grant were provided to the owners which would financially assist them in bringing the property back into habitable use.
- On 25<sup>th</sup> July 2025, the area inspector re-inspected the site and found that no works was carried out. An email of enquiry was sent to the owners on 29<sup>th</sup> July 2025. On 4<sup>th</sup> September 2025, the owners outlined to the local authority that they could not get a quotation within their budget and were looking into selling the property. They outlined that they would keep the local authority updated on any developments.
- A further site inspection was carried out by the area inspector on 29<sup>th</sup> October 2025 with no works being carried out. As the land continued to be in a derelict state, the local authority exercised its powers of compulsory acquisition under Section 14 of the Derelict Sites Act 1990, as amended, and gave notice of intention to acquire the derelict site compulsorily to the owners. This was advertised in the Limerick Post newspaper on 13<sup>th</sup> December 2025.
- On 28<sup>th</sup> January 2026, a letter of objection to the proposed acquisition was received from the registered owners James Carey and Edward Carey and was duly acknowledged.
- The neighbours adjoining this derelict site and the rest of the local community live with and endure the ongoing neglect, decay and unsightly nature of this property. It detracts from their own well-kept residences and impacts on the enjoyment of their locality of which they are most proud. The statement in the letter of objection claiming that the owners are statutorily in compliance with the Derelict Sites Act unfortunately does not reflect the neglect experienced and unsightly nature of the site witnessed on the ground for some while.
- It is the contention of the council that the inaction of the property owners and failures of their duties under the Derelict Sites Act that jeopardises the future use of properties in the area due to their continued neglected and derelict state. In this case, the property continues to deteriorate and attract negative attention in a key area of Ballyorgan. The only option available to the council is to acquire this property compulsorily and bring it back into productive use.

#### 4.4. **Objection to the Commission**

The Commission issued a letter to the owners on 20<sup>th</sup> February 2026 advising them that further observations could be made in response to the lodgement of the application by the local authority. No further submission was received by the Commission.

#### 5.0 **Relevant Planning History**

Planning Authority reference 23/411 (subject site)

Permission was granted to James and Edward Carey for an extension and alterations to an existing derelict dwelling and installation of new domestic wastewater treatment system and associated site works. Permission was granted by Order dated 11<sup>th</sup> December 2023. This permission will expire in December 2028.

#### 6.0 **Limerick Development Plan 2022-2028**

Ballyorgan is designated as a 'Level 6: rural cluster' settlement within Volume 2b. Level 6 settlements are identified as settlements with limited essential infrastructure and services and do not have a settlement boundary.

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 the policy of the Council to:

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

### **7.0 Derelict Sites Act 1990 (as amended)**

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.

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.”

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 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 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 their functional area.

Section 15 sets out arrangements for giving notice, if the local authority intend to acquire a derelict site compulsorily, and 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 Board.

## **8.0 Assessment**

### **Site Inspection**

- 8.1. The Commission should note that I inspected the site on 5<sup>th</sup> May 2026 and observed that the property was vacant. I observed that the windows and door on the front elevation of the structure were boarded up, there were no rainwater goods on the structure and the roof comprised of corrugated metal sheeting which was in a neglected state with some gaps that could facilitate water ingress. Additionally, there was a partly damaged boundary fence to the side of the property. As I proceeded to the rear of the property, I observed an opening providing unimpeded access to the interior of the structure, as well as overgrown vegetation on the structure. I also noted that the external walls to the front and rear were in a neglected state as well as the rear garden. However, I acknowledge that the garden was not as overgrown as depicted in the local authority's photographs on file from 2022.
- 8.2. I observed that the subject property was situated along the main road that traverses the settlement of Ballyorgan and, thus, represented a highly visible location along the street. I also observed that the property was located next to a church, which was well maintained, and whilst not on the local authority's record of protected structures, it

does have a regional rating on the NIAH survey. I noted a further residential property directly opposite the site which was also in a well maintained condition.

### **Category of Dereliction**

8.3. The Commission should note that within the local authority's Section 15 Notice it considered that the property and lands fell under Categories (a), (b) and (c) of Section 3 of the Derelict Sites Act 1990, as amended (herein referred to as "*the Act*"). Based on my observations on the date of my site inspection, as set out in paragraph 8.1 above, and to the photographs provided by the local authority, I consider that the subject property falls under Categories (a) and (b) of Section 3 of the Act:

- The structure is in a derelict condition.
- The lands and structure are in a neglected, unsightly and objectionable condition.

8.4. I observed no significant deposition of litter, rubbish, debris or waste within the curtilage of the property. Therefore, I am satisfied that the property does not fall under Category (c) of Section 3 of the Act. However, having regard to categories (a) and (b) above, to my observations set out within paragraphs 8.1 and 8.2 above, it is my view that the lands are detracting to a material degree from the amenity, character and appearance of land in the neighbourhood of the land in question. Therefore, I consider that the property is a derelict site within the meaning of Section 3 of the Act.

### **Actions of Local Authority**

8.5. I will now consider whether the actions of the local authority have been fair and reasonable, whether it has taken all reasonable steps to ensure that the property does not continue to be a derelict site and whether the owner has been given adequate opportunity to address the said dereliction.

8.6. Having reviewed the information on file including the Local Authority Compulsorily Acquisition Inspector's Report, I note that the local authority first inspected the property on 5<sup>th</sup> January 2022 and identified it as a derelict site. It is outlined that there were site ownership enquires made through the land registry as well as a search of the planning and development history of the property. A notice of enquiry was affixed to the property on 5<sup>th</sup> January 2022 seeking information on the ownership of said property to which there was no engagement.

- 8.7. On 21<sup>st</sup> March 2022, a Section 8(2) notice under the Act was served on the owners by registered post and affixed to the site, to which there was no engagement from the owners. On 8<sup>th</sup> July 2022, a Section 8(7) notice under the Act was served on the owners and affixed to the site as the site continued to remain in a derelict state. Again, it is contended that there was no response or representation made from the owners.
- 8.8. According to the local authority, the first response from the owners was on 7<sup>th</sup> September 2022 via telephone where the issue of dereliction was discussed with James Carey (*herein referred to as JC*). The local authority met with the owners' representatives on 24<sup>th</sup> March 2023 where the local authority discussed the issues causing the dereliction and clarified the statutory notices already served.
- 8.9. The Commission should note that the planning authority granted the owners planning permission in December 2023 to extend and alter the dwelling, as well as the installation of a wastewater treatment system (ref. 23/411). After this grant of permission, further local authority inspections of the property took place on 13<sup>th</sup> December 2024, 25<sup>th</sup> July 2025 and 29<sup>th</sup> October 2025. Emails of inquiry were sent to the owners seeking information on their proposed intentions as well as advising details of grants available to bring the property back into use.
- 8.10. The Commission should note that the local authority gave notice of its intention to acquire the site compulsorily to the owner on 5<sup>th</sup> December 2025. The Section 15 notice was affixed to the property (photograph provided 11<sup>th</sup> December 2025), advertised in the local newspaper and sent to the owner. I acknowledge that this is approximately 47 months after the local authority's first inspection of the property, and approximately 24 months after the grant of planning permission ref. 23/411.
- 8.11. Having regard to the information on file, the Commission should note that I consider that the efforts of the local authority have been fair and reasonable. I note that the serving of the Section 8(2), Section 8(7) and Section 15 notices were all in accordance with the requirements of Section 6 of the Act. I consider that the local authority has attempted to positively engage with the owner, discussed the dereliction issues and met with the owners' representatives and has provided sufficient time and opportunity for the dereliction to be addressed, including sufficient time after the grant of planning permission. Overall, I am satisfied that the local authority has taken all reasonable

steps in its power to date to ensure that the land does not continue to be a derelict site.

### **Compliance with development plan policy**

- 8.12. I will now determine whether the proposed acquisition would be in accordance with the policies and objectives of the Limerick Development Plan 2022-2028 (*herein referred to as "the LDP"*). The Commission should note that it is the stated policy of the local authority to actively address issues of vacancy and dereliction in settlements across the county. This is set out in Policy CGR P4 (Revitalisation of Towns and Villages) of the LDP. Furthermore, I note that objective CGR O4(b) (Active Land Management) of the LDP seeks to support and facilitate the reuse and revitalisation of derelict, vacant and underutilised sites and disused buildings in the County for purposes including residential and community. Moreover, objective CGR O6 (Derelict Sites) of the LDP seeks to use the provisions of the Derelict Sites Act, including compulsory acquisition powers, in order to address dereliction and decay and bring properties back into use.
- 8.13. Therefore, it is my view that the proposed acquisition would be in accordance with Policy CGR P4 and objectives CGR O4(b) and CGR O6 of the LDP. I am satisfied that the compulsory acquisition of the property would bring the property back into use and, thus, would facilitate a community and residential need for the area.

### **Actions of the Owner to address dereliction**

- 8.14. Whilst I have already determined that the local authority has taken all reasonable steps to ensure the land does not continue to be a derelict site, the final issue is to determine whether the owner has taken all reasonable steps to ensure the land does not continue to be a derelict site and whether there is a likelihood of a timely resolution to address same. I note that the owners did not provide a further observation to the Commission after the lodgement of the application by the local authority on 17<sup>th</sup> February 2026. Therefore, the most recent correspondence on file from the owners is their direct objection to the local authority on 28<sup>th</sup> January 2026.
- 8.15. I note that the owners state in their objection that they have taken substantive actions since the site was entered on the register in 2022. They outline that they have engaged with the local authority on an ongoing basis which demonstrates cooperation and

engagement. Furthermore, they state that they cleared the lands of overgrowth and accumulated material in May 2023.

- 8.16. I note that the owners applied for planning permission to extend and alter the subject property and install a wastewater treatment system as part of application ref. 23/411. They were subsequently granted permission by the PA in December 2023 for the said works. Whilst I note that this is a live permission which does not expire until December 2028, the Commission should note that the owners have since confirmed in their objection that it is not possible to proceed with the construction due to financial constraints beyond their control and it is now their intention to sell the property. I acknowledge that the owners did pursue construction quotations after the grant of permission, which forms part of the information on file.
- 8.17. The Commission should note that on the date of my site inspection I observed no 'for sale' signage on the property. I have conducted an online review of properties for sale in the Ballyorgan area (26<sup>th</sup> May 2026) and have noted no evidence of the subject property currently for sale. Moreover, I have conducted a search of the property price register website<sup>1</sup> to see if the property has been recently sold and have found no details of same. The Commission should note that 8 months have passed since they first informed the local authority that they were exploring options to sell the site and 4 months since their objection. It is my view that this is a reasonable time period to begin the process and place the property on the market. Furthermore, there is no evidence on file of an off-market sale as the owners did not provide a response after the lodgement of the application and the property is not currently on the property price register.
- 8.18. Notwithstanding the above, I do acknowledge that the owners have been engaging with the local authority since the issuing of the Section 8(7) notice. JC has provided the local authority with updates of the situation post the grant of permission (*in emails dated 22<sup>nd</sup> January 2025 and 4<sup>th</sup> September 2025*) and prior to the grant of permission (*in emails in September and October 2022*). I acknowledge that the owners did make efforts in applying for planning permission and obtaining quotes for construction.
- 8.19. However, it is my view that there have been no substantive efforts to address the actual dereliction occurring on site. Whilst JC outlines that the site has been cleared

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<sup>1</sup> <https://propertypriceregisterireland.com/search/address/ballyorgan/> (Accessed 26/05/26)

of overgrowth, there is still substantial dereliction occurring on the property as described within paragraph 8.1 which has not been addressed. Furthermore, I do not consider that the existence of a live permission translates to the likelihood of the dereliction being addressed in a timely manner due to the fact that JC has informed the local authority that it is now not their intention to implement the planning permission.

- 8.20. Therefore, having regard to the totality of information on file, it is my view that the likelihood of the dereliction being addressed by the owners in a timely manner is low. There is also no evidence on file that the owners have pursued the sale of the property.

## 9.0 Conclusion

- 9.1. 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.
- 9.2. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the proposed acquisition of the derelict site comprising a bungalow residence and surrounding land containing 0.097 hectares or thereabouts at Ballyorgan, County Limerick, as set out in the derelict site notice issued under Section 15(1)(b) of the Derelict Sites Act 1990, as amended, and dated the 5<sup>th</sup> day of December 2025 and on the deposited maps DS-002-22, 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.
- 9.3. 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 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.
- 9.4. 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 Development Plan 2022-2028, and specifically Policy CGR P4 (Revitalisation of Towns and Villages), Objective CGR O4(b) (Active Land Management) and Objective CGR O6 (Derelict Sites), which seek to actively address instances of dereliction and decay in the urban and rural environment and bring properties back into active reuse and to revitalise settlements. Accordingly, I am satisfied that the grant of consent to compulsorily acquire these lands is clearly justified by the exigencies of the common good.

## 10.0 Recommendation

10.1. Having regard to the observed condition of the application site, in particular the existence of a derelict structure and to the neglected, unsightly and objectionable state of the land and 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. I consider that it is reasonable that the local authority seeks to compulsorily acquire the land, as provided by Section 14 of the Act. Therefore, it is my recommendation to the Commission that the local authority is **Granted** consent to the compulsory acquisition of all of the derelict site.

## 11.0 Reasons and Considerations

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

- The constitutional and Convention protection afforded to property rights,
- The public interest, and
- The provisions of the Limerick 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. It is considered 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.

#### Declaration

*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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.*

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Gary Farrelly  
Planning Inspector  
26<sup>th</sup> May 2026