



An  
Coimisiún  
Pleanála

# Inspector's Report

## ACP-324091-26

### **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**

West End, Kilfinane, County Limerick

### **Local Authority**

Limerick City and County Council

### **Notice Party**

Richard Fitzgerald

### **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 West End, Kilfinane, 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 village of Kilfinane, County Limerick, which is located within the southeast of the County approximately 8km southeast of the town of Kilmallock. The property comprises of a two-storey mid-terrace dwelling which bounds the public street and associated garden to the rear. The subject property is located within the Kilfinane architectural conservation area (ACA).
- 2.2. My observations of the property on the date of my site inspection noted that the property was vacant, the windows and door on the front elevation were in a neglected condition, the external façade of the property was in a neglected state and the public footpath in front of the external door of the property was being used for storage of refuse bins.

## **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 24<sup>th</sup> March 2021 (advising of the Local Authority's intention to enter the site on the register of derelict sites), and under Section 8(7) on 3<sup>rd</sup> March 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 Richard Fitzgerald, 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 two-storey, mid-terrace residence and surrounding land situate at West End, Kilfinane, County Limerick, containing 0.008 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-012-21 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 owner Richard Fitzgerald. The objection does not outline any grounds for objection, only that it is a formal objection to the notice to acquire the derelict site compulsorily.

### **4.3. Local Authority Application for Consent**

The local authority requests the consent of the Commission to the compulsory 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 owner/Richard Fitzgerald, 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 Richard Fitzgerald (*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 two-storey, mid terrace residential dwelling with yard and land to rear on site containing approximately 0.008 hectares 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 structure is in a dangerous condition with a ridge cap showing signs of movement. The front door is not secure and is enabling unauthorised entry. Rusty corrugated roof sheet from the former outbuilding toilet is on the ground, the outbuilding itself is in a ruinous condition with a corrugated roof covered with vegetation and debris. The site in general has a neglected look and is in

an unsightly condition. Waste bins are left on the footpath in front of the door year round and are backed by deteriorated window and door joinery to the street side. The rear garden/yard is overgrown with vegetation, weeds growing out of the rear gutter, there is a tree growing over the rear flat roof extension and dividing boundary wall to the neighbour's property. Photographs of the property are provided.

- There are no statutory planning or enforcements associated with the site. The location of the site is zoned 'existing residential' in the Limerick Development Plan 2022-2028.
- The title to this property is not registered on the land direct system of the property registration authority of Ireland. The reputed owner of the property is Richard Fitzgerald.
- The local authority first inspected the site on 3<sup>rd</sup> February 2021 and identified it as a derelict site. Site ownership enquires were made through the land registry system and planning and development searches were subsequently carried out. A notice of enquiry seeking information on ownership of the derelict site was affixed to the building on 3<sup>rd</sup> February 2021.
- On 10<sup>th</sup> February 2021, the reputed owner, Richard Fitzgerald, telephoned the local authority to discuss the case and was requested to email his intentions to remediate the property. On 11<sup>th</sup> February 2021, the local authority received email correspondence from the owner where he stated that he purchased the property recently to upgrade the dwelling to live in. He outlined that he had drawings completed and quotations for works received and also had groundworks to the rear of the property completed to facilitate the commencement of building work.
- On 24<sup>th</sup> March 2021, as there was no improvement to the condition of the derelict site, a section 8(2) notice was affixed to the site and served on the owner by registered post.
- On 2<sup>nd</sup> February 2022, a further site inspection was undertaken which noted no further work to solve the dereliction taking place. As the site continued to be in

a derelict state, a section 8(7) notice was served on the owner on 3<sup>rd</sup> March 2022 by registered post and the notice was affixed to the site.

- On 14<sup>th</sup> March 2022, the owner contacted the local authority and stated that the property is for sale, at the sale agreed stage, as he was unable to go ahead with the proposed project.
- On 18<sup>th</sup> October 2023, the local authority emailed the owner requesting an update on his intentions to resolve the dereliction.
- On 15<sup>th</sup> November 2023, the owner outlined to the local authority that the sale was still ongoing as contracts were held up due to land registry issues. He outlined that he engaged a building contractor to fix and paint the window joinery. He outlined that the building was freshly painted last summer.
- On 29<sup>th</sup> August 2024, a further inspection of the site observed that the front of the property was recently painted. On 26<sup>th</sup> November 2024, a reinspection observed no further works had been carried out to address the rotten window and door joinery.
- On 27<sup>th</sup> November 2024, an enquiry email was sent to the owner requesting an up to date position on the proposed intentions for the property to resolve the dereliction. There was no engagement from the owner.
- On 12<sup>th</sup> June 2025, a further site inspection took place and found that no further works had taken place.
- On 16<sup>th</sup> June 2025, an email was sent to the owner requesting an update on intentions and timeframe to address the dereliction. There was no engagement from the owner.
- On 28<sup>th</sup> October 2025, the area inspector spoke with a local councillor about the case who in turn spoke to the owner due to non-engagement since 15<sup>th</sup> November 2023.
- 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

compulsory to the owner. This was advertised in the Limerick Post newspaper on 13<sup>th</sup> December 2025.

- On 21<sup>st</sup> January 2026, a letter of objection to the proposed acquisition was received from the registered owner Richard Fitzgerald and was duly acknowledged. The owner provides no rationale for the objection nor any explanation for allowing the land continue to be a derelict site.
- 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 property is situated close to a number of historic properties which are generally occupied as residential and commercial units, which are well maintained and in good condition. The land in the general vicinity forms part of the Kilfinane Architectural Conservation Area and contains many historic and protected structures. The area has an attractive appearance and the public realm is well cared for with high quality public amenities.
- It is the contention of the council that the inaction of the property owner and failures of his 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 Kilfinane. 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 owner submitted an observation to the Commission on 12<sup>th</sup> March 2026 in response to the local authority's application. The observation is summarised as follows:

- The owner has outlined that he has not been in a position to complete works on the property until May 2025 as there was a submission to the probate office to obtain deeds for the property. The said application took over three years to complete due to covid and other delays outside of his control.

- Since May 2025, the owner has actively looked at selling the property being in communication with builders and a local auctioneer.
- An email was sent to the local authority in November notifying them of an intention to sell the property but no response was received.
- The owner was only aware of the compulsory acquisition due to it being attached to the property. The pictures obtained from the interior and rear of the property were without the knowledge or permission of the owner.
- Contracts are ready to be provided to a prospective buyer. The buyer is a builder who will renovate the property in full. Assurances can be provided that a sale is imminent and a resolution can be forthcoming.

## 5.0 Relevant Planning History

None

## 6.0 Limerick Development Plan 2022-2028

### 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.

The subject property is located within the Kilfinane architectural conservation area (Volume 3).

Objective EH O53 Architectural Conservation Areas (Volume 1)

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.

## 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 in a neglected state as well as the external façade. The front of the property along the public footpath was being used for refuse storage. I did not obtain access to the interior or rear of the property. However, I note that the photographs provided by the local authority, taken on 29<sup>th</sup> October 2025, show the rear of the property in a neglected state with overgrown vegetation.
- 8.2. I observed that the subject property was situated along the main road that runs through the village of Kilfinane and, thus, represented a highly visible location along the public street. I also observed that many of the properties along the street comprised of residential properties which were all 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 to the front of the property or within the local authority's photographs of the rear 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 it has given the owner 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 3<sup>rd</sup> February 2021 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 3<sup>rd</sup> February 2021 seeking information on the ownership of said property. There was written engagement with the reputed owner on 11<sup>th</sup> February

2021 where the local authority was informed that the owner had recently purchased the property and was receiving quotations to complete works to the property.

- 8.7. On 24<sup>th</sup> March 2021, a Section 8(2) notice under the Act was served on the owner by registered post and also affixed to the site as the local authority considered that there was no improvement to the condition of the site. The local authority made a further inspection of the property on 2<sup>nd</sup> February 2022 where it noted no further works to solve the dereliction had been carried out. The local authority served a Section 8(7) notice under the Act on 3<sup>rd</sup> March 2022 and affixed the notice to the site. The Commission should note from the information on file that the owner does not dispute receipt of these statutory notices.
- 8.8. Subsequently, on 14<sup>th</sup> March 2022 the local authority was informed by the owner that he could no longer go ahead with the project and his only option was now to sell the property. I note that the local authority was informed at this time that the property was for sale, at sale agreed stage. According to the local authority's compulsory acquisition report, I note that the local authority's next inquiry sent to the owner was on 18<sup>th</sup> October 2023 requesting the owner's intentions for the property, which I note was over 18 months of it being informed of the owner's intention to sell.
- 8.9. The Commission should note that the owner did issue a response on 15<sup>th</sup> November 2023 siting land registry issues with the sale but indicated to the local authority that he had engaged a building contractor to fix and paint the window joinery. He also informed it that the property was freshly painted in the summer of 2023. I note that the local authority carried out further site inspections on 29<sup>th</sup> August 2024, where it observed the front of the property freshly painted, and on 26<sup>th</sup> November 2024 where it noted no further works were carried out to address the rotten window and door joinery.
- 8.10. I note that the local authority sent further emails of enquiry to the owner on 27<sup>th</sup> November 2024 and 16<sup>th</sup> June 2025 (following a further site inspection on 12<sup>th</sup> June 2025) and it is stated that there was no engagement from the owner to this correspondence. The compulsory acquisition report references a conversation between the area inspector and a local councillor on 28<sup>th</sup> October 2025 who in turn spoke to the owner. There is no information on whether the owner responded to this further engagement.

- 8.11. 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), advertised in the local newspaper and sent to the owner. I acknowledge that this is nearly 5 years after its first inspection and categorisation of the property as derelict.
- 8.12. 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 has provided sufficient time and opportunity for the dereliction to be addressed. Overall, I am satisfied that the local authority has taken all reasonable steps to date in its power to ensure that the land does not continue to be a derelict site.

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

- 8.13. 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.
- 8.14. 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.
- 8.15. Additionally, the Commission should note that the subject property is situated within the Kilfinane Architectural Conservation Area (ACA), as designated within Volume 3

of the Limerick Development Plan 2022-2028, where it is the objective of the Council under Objective EH O53(a) (Architectural Conservation Areas) to protect the character and special interest of the area. It is my view that the local authority's acquisition of the property in order to reuse and revitalise this derelict property would be in accordance with said objective.

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

- 8.16. 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.
- 8.17. I note the owner has stated in his submission to the Commission that there were land registry issues with the property and, thus, he was not able to complete works up until May 2025. I note that the owner advised the local authority of these land registry issues in correspondence dated 15<sup>th</sup> November 2023. Since May 2025, the owner contends that he has taken action to sell the property through engaging with builders and a local auctioneer.
- 8.18. I acknowledge that the owner states that he notified the local authority of his intention to sell in an email in November 2025 (no specific date provided) and contends that he received no response to this from the local authority. Having reviewed the local authority acquisition report, I note that this is around the time period where the area inspector had spoken to a local councillor on 28<sup>th</sup> October 2025.
- 8.19. Having regard to the information on file, I note that there is no detailed information on the land registry issues and whether, for example, there was an ownership dispute over the property that prevented the carrying out of works to bring the property out of dereliction. However, I note that the owner did paint the property in the summer of 2023 and again prior to a site inspection by the local authority on 29<sup>th</sup> August 2024. Furthermore, on 15<sup>th</sup> November 2023 the owner did advise the local authority that he was engaging a building contractor to fix and paint the window joinery. I note that from the information on file and following my site inspection that this work was never completed.

- 8.20. With regards to the sale of the property, the owner states that he has contracts ready to a prospective buyer. I note that no details of same is provided within his correspondence received by the Commission on 12<sup>th</sup> March 2026. I have undertaken an online review of properties for sale in the Kilfinane area (26<sup>th</sup> May 2026) and have found no details of the subject property currently for sale. Additionally, I have searched the property price register website and note that no properties within West End, Kilfinane have been sold since November 2025 (i.e. the month the owner contends he notified the local authority of his intention to sell). I also note that there is no planning history associated with the property after a search of the local authority's planning register.
- 8.21. Having regard to the totality of information on file, it is my view that the owner has not taken all reasonable steps to ensure that the land does not continue to be a derelict site. Additionally, having regard to the level of information provided by the owner it is my view that the likelihood of the dereliction being addressed by the owner in a timely manner is low.
- 8.22. I would also highlight to the Commission that the owner contends that the only way he knew about the Section 15 Notice is when he seen it taped to the property. The Commission should note that affixing the notice to the property is in accordance with Section 6 of the Act. Notwithstanding this, I note from the information on file that the local authority provided copies of the notice, addressed to both "the owner" and "Richard Fitzgerald of Thomastown, Kilfinane". Again, I am satisfied this is in accordance with the provisions of the Act.

## 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 two storey mid-terrace residence and surrounding land containing 0.008 hectares or thereabouts at West End, Kilfinane, 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-012-21, 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. Furthermore, I consider that the acquisition of this property within the Kilfinane architectural conservation area would also be in accordance with objective EH O53(a) (Architectural Conservation Areas) of the Limerick Development Plan 2022-2028 which seeks to protect the character and special interest of the area. 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 compulsorily 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