



An
Coimisiún
Pleanála

Inspector's Report

ACP-324093-26

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

Abbey View, Askeaton, County Limerick

Local Authority

Limerick City and County Council

Notice Party

Peter Harty

Date of Site Inspection

5th 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 Abbey View, Askeaton, 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 town of Askeaton, County Limerick, which is located within the northwest of the County approximately 10km east of the town of Foynes. The site is located at the junction of Abbey View and the access road to Askeaton pool and leisure centre. There are no structures on the site and it comprises of undeveloped land. My observations of the site on the date of my inspection were that it was in a neglected state with overgrown vegetation.

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 5th September 2025 (advising of the Local Authority's intention to enter the site on the register of derelict sites), and under Section 8(7) on 22nd October 2025 (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 the owner, in a letter dated 10th December 2025, which was published in the Limerick Post newspaper on 13th December 2025 and affixed to the site. The site was described as follows in the notices:

- A derelict site comprising neglected land situate at Abbey View, Askeaton, County Limerick, containing 0.251 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-069-25 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 Peter Harty. The grounds of objection are summarised as follows:

- An email from the owner's solicitor is provided outlining that he is the person entitled to be registered as owner of the property. A further letter from William Hewson is provided outlining that he was the previous owner of the land which he sold to Peter Harty in 2013. It is outlined that Peter Harty had been in occupation of the land since 2008.
- The owner has outlined that he has kept the site for his horses and questions how the site has been outlined as derelict. The grass is being used to feed horses.

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 17th February 2026 and was accompanied by the following:

- Local authority compulsory acquisition report
- Copy of the section 15 notice served on the owner, dated 5th December 2025.
- Copy of the newspaper notice, within the 13th December 2025 issue of the Limerick Post.

- Copy of the objection made by Peter Harty (*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 site adjoins Askeaton Pool and Leisure Centre on the northeast side. The southeast boundary of the site is adjoining occupied land owned by a private individual and also adjoining land associated with another derelict site case. To the northwest, the derelict site is bounded by land owned by the local authority, and close by is another derelict site case where the local authority recently served notice of intention to acquire the site compulsorily.
- The site consists of uninhabited, overgrown, unsightly and neglected land comprising approximately 0.251 hectares. The site is deemed derelict by definition under Section 3 of the Derelict Sites Act 1990, as amended. There is some temporary fencing visible in places along the northern and western side of the land. This does not secure the land and allows trespassers or squatters to enter. There is an assortment of debris and litter visible on the land. At the southern side of the site, adjoining another derelict site, there is an unauthorised wall structure acting as the boundary. The land detracts from the comfort, character, and appearance of the grounds in the vicinity.

- Some indicators of dereliction as they apply to the site include; unsecured entrances/access; accumulation of litter/waste or illegal dumping; site overgrown with vegetation; and unsightly boundaries.
- Planning permission was granted on 25/05/1990 under ref. 90/526 for the erection of a bungalow and entrance. The subject property is in an area zoned 'existing residential' under the Askeaton Local Area Plan 2015-2021 (extended to February 2025).
- The title to the property is not registered on the land direct system of the Property Registration Authority of Ireland. However, Mr. Peter Harty claims to be the owner of the land in question.
- The local authority first inspected the site on 19th June 2025 and identified it as a derelict site. Land ownership enquires were made through the land registry system, planning database, and through local community search. A notice of enquiry seeking information on ownership was affixed to the site on 17th July 2025 but there was no response to this from any owner/occupier/lessee of the land.
- As the site continued to be a derelict site, a Section 8(2) notice of intention to enter the land in the Derelict Sites Register was affixed to the site on 5th September 2025. There was no response to this from any owner/occupier/lessee of the land.
- As the site continued to be a derelict site, a Section 8(7) Notice of Entry of Land into the Derelict Sites Register was affixed to the site on 22nd October 2025. There was no response to this from any owner/occupier/lessee of the land.
- 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 its intention to acquire the derelict site compulsorily to the owner on 5th December 2025 and advertised the same in the Limerick Post newspaper on 13th December 2025.
- On 17th December 2025, an undated letter was received from Mr. Peter Harty. As the letter did not state an objection to the Section 15 notice, the local authority contacted Peter Harty on 18th December 2025 and explained the

nature of the notice. The local authority wrote to Peter Harty on 19th December 2025 to update him on the requirements should he wish to object to the Section 15 notice. On 24th December 2025, an email stating a formal objection to the acquisition was received from Cunnane and Co Solicitors, on behalf of Peter Harty. This was duly acknowledged.

- In the original letter, Peter Harty claims that the land is where he keeps his horses, however, it is not clear for how long this has been the case as in accordance with the legislation, all statutory notices were affixed prominently at the site and no responses were received. Meanwhile, the neighbours to this derelict site, visitors to the town and to Askeaton Pool and Leisure Centre, as well as the local community, endure the ongoing neglect and unsightly nature of this land. It detracts from well-kept residences and impacts on the enjoyment of the locality.
- The property is deteriorating and is attracting negative attention in this area of the town. The local authority has already acquired derelict sites in the immediate area and a number of others in the town of Askeaton where owners have failed in their duties under the Derelict Sites Act to ensure that the land does not become or does not continue to be a derelict site. The acquired sites have been returned to more beneficial uses, including residential, community or public realm developments.
- Unfortunately, this case demonstrates a failure of duty on behalf of an owner/occupier, has allowed land become a derelict site, leaving the only option available now for the local authority to acquire the land compulsorily and return it to a more productive use.

4.4. Objection to the Commission

The Commission issued a letter to the notice party on 20th February 2026 advising 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

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.

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 5th May 2026 and observed that the land was in a neglected, unsightly and objectionable condition due to the presence of overgrown vegetation throughout the site. I also observed that the site represented a highly visible location being at the junction to the entrance of the Askeaton Pool and Leisure Centre. The Commission should note that there were no structures or ruins that occupied the site, although an unfinished structure adjoined the southern boundary of the site. There was unimpeded access to the site due to a damaged post and wire fence.

Category of Dereliction

- 8.2. The Commission should note that within the local authority's letter accompanying the Section 15 Notice it considered that the property and lands fell under Categories (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, I consider that the subject property falls under Category (b) of Section 3 of the Act:

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

- 8.3. I observed no structures within the subject land for the property to fall under Category (a). I also observed no significant deposition of litter, rubbish, debris or waste. Therefore, I am satisfied that the property does not fall under Category (c) of Section 3 of the Act. However, having regard to category (b) above, to my observations set out within paragraph 8.1 above, in particular to the high visibility of the site being located at the junction to the entrance to Askeaton Pool and Leisure centre, 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

- 8.4. 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.

- 8.5. 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 19th June 2025 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 seeking information on ownership was also affixed to the site on 17th July 2025. I note that there was no response to this notice.
- 8.6. On 5th September 2025, a Section 8(2) notice under the Act was affixed to the site and again I note that there was no response to this notice from any owner, occupier or lessee of the land. As a result, as the site continued to be derelict, a Section 8(7) notice under the Act was affixed to the site on 22nd October 2025. Again, I note that there was no response to this notice.
- 8.7. The Commission should note that the local authority gave notice of its intention to acquire the site compulsorily to the owner on 5th December 2025. The Section 15 notice was affixed to the property (photograph provided), advertised in the local newspaper and sent to the owner. I note that the serving of the Section 15 notice was approximately 6 months since the local authority's first inspection of the site which identified the lands as a derelict site. The Commission may consider this to be a relatively short timeframe, however, it should be acknowledged that there was no response to any of the statutory notices affixed to the site, and therefore, I have no significant concerns regarding the timeframe.
- 8.8. 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 consider that the local authority has taken all reasonable steps to identify the ownership of the lands and I note that the serving and affixing 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 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

- 8.9. 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.
- 8.10. 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

- 8.11. 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 matter is to determine whether the current 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.
- 8.12. I note from the information on file that the owner did not respond to the Section 8(2) and Section 8(7) notices that were affixed to the site, as well as the notice of enquiry seeking information on ownership that was affixed to the site. The first correspondence from the notice party with the local authority came after the serving of the Section 15 Notice.
- 8.13. The Commission should note that whilst the owner objects to the compulsory acquisition of the land, he does not outline any plans or timeframe for bringing the land out of dereliction. The owner has questioned its designation as derelict as he contends that it is kept for horses. The Commission should also note that the correspondence

from the owner's solicitor relates to the formal objection as well as confirmation of ownership.

- 8.14. Having regard to the condition of the site on the date of my inspection and having regard to the nature of works that would be required to bring the lands out of dereliction, i.e. the removal and maintenance of overgrown vegetation, I consider that the measures required to take the land out of dereliction can be completed within a reasonable timeframe and the owner should be provided further time to complete these works. Therefore, I do not consider a compulsorily acquisition of the lands to be reasonable, at this point in time.

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 neglected land situate at Abbey View, Askeaton, County Limerick, containing 0.251 hectares or thereabouts, as set out in the derelict site notice issued under Section 15(1)(b) of the Derelict Sites Act 1990, as amended, and dated the 5th day of December 2025 and on the deposited maps DS-069-25, 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. 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.
- 9.3. It is further acknowledged at the time of the publishment and serving of the Section 15 Notice of intention to acquire the site compulsorily, the acquiring authority had adequately demonstrated that the means chosen to achieve that objective would have

impaired the property rights of affected landowners as little as possible, and that the effects of the compulsory acquisition on the rights of affected landowners were proportionate to the objective being pursued at the time.

- 9.4. However, having regard to the confirmation of ownership since the serving of the Section 15 Notice and to the scope of works that would be required to address the dereliction, I am no longer satisfied that the grant of consent to the compulsorily acquisition is justified by the exigencies of the common good at this point in time. I would be of the opinion that it would be appropriate to allow the owner time to progress matters on site.

10.0 Recommendation

- 10.1. Notwithstanding the current neglected, unsightly and objectionable condition of the site which detracts to a material degree from the amenity, character and appearance of surrounding land in the neighbourhood, taking account of the nature of works that would be required to address the dereliction on the site, I do not consider it reasonable that the local authority now seeks to compulsorily acquire the land (at this point in time), as provided by Section 14 of the Derelict Sites Act 1990, as amended. I recommend, therefore, that the Commission **Refuses** consent to the compulsorily acquisition of the derelict site.

11.0 Reasons and Considerations

Having regard to the current neglected, unsightly and objectionable condition of the site, 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 Section 3(b) of the Derelict Sites Act 1990, as amended. Notwithstanding this, taking account of the nature of works required to take the property out of dereliction, the Commission does not consider it reasonable that

the local authority now seeks to compulsorily acquire the land (at this point in time), as provided by Section 14 of the Derelict Sites Act 1990, as amended.

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.

Gary Farrelly
Planning Inspector
9th June 2026