



An
Coimisiún
Pleanála

Inspector's Report ACP-324390-26

Development	Derelict Site at Gortboy, Newcastle West, Co. Limerick
Location	Gortboy, Newcastle West, Co. Limerick
Local Authority	Limerick City and County Council
Notice Party	Newcastle West D Tops & Tiles Limited
Date of Site Inspection	8 th September 2026
Inspector	Carol Smyth

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 a site at Gortboy, Newcastlewest, Co. Limerick, in accordance with the provisions of the Derelict Sites Act, 1990, as amended.

2.0 Site Location and Description

- 2.1. The subject property, a former dance hall, is located at the junction of Assumpta Park and Sheehan's Road in an urban area approximately 470 metres to the east of the town's square. The overall site has a stated site area of 0.47 hectares and has a general triangular shape. The subject property is not a Protected Structure nor is it listed on the National Inventory of Architectural Heritage (NIAH).
- 2.2. An Eircom site is located directly opposite the subject site on Assumpta Park and comprises associated telecommunications masts and single storey buildings. A carpark and yard adjoin the site to the south which are associated with the single storey commercial units to the southeast of the subject site along Sheenan's Road. To the southwest and east of the site are two storey semi-detached houses.
- 2.3. On the day of my site inspection, the subject property was in a state of disrepair with broken, missing and boarded up windows, a hole in the roof, missing and broken gutters and downpipes, dirty façades, peeling paint and rusted corrugated metal roofs. The ground floor windows and front door are boarded up.

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 14 of the Derelict Sites Act, 1990, as amended. I note that this application is subsequent to Limerick City and County Council serving a notice dated the 16th April 2026 under Section 15 of the Derelict Sites Act, 1990, as amended, (i.e. advising of the Local Authority's intention to acquire compulsorily under the said Act, the derelict site as described).

4.0 Application and Objection

4.1. Notice of Intention to Acquire

- 4.1.1. Notice of Limerick City and County Council's intention to compulsorily acquire the site dated the 16th April 2026 was served upon the owners/ occupiers (Newcastle West DTOP & Tiles Limited) on the 22nd April 2026 and was published in the Limerick Post dated 25th April 2026. A notice was also fixed to the front door of the subject property on the 23rd April 2026. The site was described in the notices, as follows:

A derelict site comprising a former dance hall and surrounding land situate at Gortboy, Newcastle west, Co. Limerick containing 0.470 hectares or thereabouts. The said property and surrounding land is in a state of dereliction. The said derelict site is more particularly shown outlined in red on map bearing reference no. DS-025-22 in the derelict Sites Register established and maintained by Limerick City & County Council under section 8 of the Derelict Sites Act, 1990.

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

4.2. Objection to Acquisition

- 4.2.1. One submission expressing objection to the proposed acquisition was submitted to Limerick City and County Council by Hussey Architects, the agent acting on behalf of Newcastle West DTOP & Tiles Limited (the property owner). The objection to the proposed acquisition was dated the 14th May 2026 and was received within the statutory period specified on the notice. The objection has been summarised as follows:

- The owner has attempted to secure planning permission for a residential development which was deemed not feasible by Uisce Eireann and the planning application was subsequently withdrawn.
- Uisce Eireann have now issued a positive Confirmation of Feasibility and a new Planning Application will be lodged on the 21st May 2026.
- A significant amount of money has been spent engaging a design team for the planning applications.
- The site is zoned for housing and is a brownfield site in the centre of the town.

- Limerick City and County Council are pursuing the owner to develop the site while Uisce Eireann are preventing the development.

4.3. Local Authority's Application for Consent

4.3.1. The Local Authority requests the consent of the Commission to the compulsory acquisition of the derelict site. The application for consent was received on 22nd June 2026 and included the following:

- Compulsory Acquisition Report
- Derelict site location map
- Inspection photos of the derelict site.
- Copy of the letters and Notices of Intention to Acquire to Newcastle West DTOP & Tiles Limited dated 22nd April 2026
- Photograph of Notice of Intention to Acquire Derelict Site Compulsorily under Section 15 (1) (a) of the Derelict Sites Act, 1990 (as amended) dated 16th April affixed to the front of the subject site on 23rd April 2026.
- Copy of the advertisement in the Limerick Post dated 25th April 2026 containing Notice of Intention to Acquire Derelict Site Compulsorily under Section 15 (1) (a) of the Derelict Sites Act, 1990 (as amended) which is dated 16th April 2026.
- An objection letter from Hussey Architects dated 14th May 2026 and an acknowledged response dated 26th May 2026 from the Local Authority.

The Compulsory Acquisition Report from Limerick City and County Council confirms that the subject property, was entered on the Derelict Sites Register with effect from 8th June 2022 and in the four intervening years no progress has been made by the owner to remove the dereliction. The Local Authority notes that within the four years the general condition of the subject property has disimproved and negatively impacts on the area. The owner has made no attempt to address the neglect at the property. On that basis the Council seek the consent of the Commission to compulsorily acquire the property.

4.4. Objector's Submission

4.4.1. A submission was received by the Commission from the agent Hussay Architects on behalf of the owner which is summarised as follows:

- Following a grant of permission for the change of use of the former dance hall and cash & carry business to retail warehouse on the 28th May 2021, it was not possible to secure a tenant.
- Attempts to secure planning permission for housing on the site was frustrated for over two years by Uisce Eireann delays and a planning application for housing on the site was subsequently withdrawn.
- On foot of Uisce Eireann recently issuing a Confirmation of Feasibility, a second planning application for housing was lodged on 22nd May 2026.
- Further to the Council's letter of the 24th June 2026 the owner engaged a contractor to clean up the site, photographs attached.
- The owner has spent a significant sum of money engaging design teams and preparing planning applications and he is reluctant to undertake any works to the building itself prior to receiving planning permission as the structure contains asbestos.
- The site is zoned for housing and Limerick City and County Council are pursuing the owner to develop the site while Uisce Eireann prevented its development for over two years.
- The Commission should reject the compulsory purchase request as it contravenes natural justice and allow the owner to develop the site for much needed housing.

4.5. Oral Hearing

4.5.1. No request has been received for an Oral Hearing.

5.0 Planning History

5.1. The following planning history relates to the subject site:

5.1.1. PA's Reg. Ref. 26/60575

Current Planning Application. Planning permission sought for the demolition of the former Olympic Ballroom and the construction of two blocks of one to three storeys. Each proposed block contains 15 no. Apartments giving 30 no. apartments in total comprising 20 no. One Bedroom Apartments at ground floor level and 10 no. Two

Bedroom Duplex Apartments at first and second floor level. Proposed ancillary works include single storey bin and bicycle stores, 30 no. parking spaces at grade, a landscaped communal open space between the two proposed blocks and upgrade works to the public footpath.

Further information requested on the 15th July 2026.

5.1.2. PA's Reg. Ref. 24/60799

Planning Permission sought for the demolition of the former Olympic Ballroom and the construction of two blocks of one to three storeys. Each proposed block contains 15 no. Apartments giving 30 no. apartments in total comprising 20 no. One Bedroom Apartments at ground floor level and 10 no. Two Bedroom Duplex Apartments at first and second floor level. Proposed ancillary works include single storey bin and bicycle stores, 30 no. parking spaces at grade, a landscaped communal open space between the two proposed blocks and upgrade works to the public footpath.

The application was withdrawn.

5.1.3. PA's Reg. Ref. 20/591

Planning Permission granted for change of use to ground floor-retail shop, retail warehouse and associated office, staff room, service room, deliveries, store, cleaners' room, toilets and stairs and fenestration changes; first floor-retail warehousing and associated office, staff room, service room, deliveries, store, cleaners' room, toilets and stairs and fenestration changes; external-car parking, landscaping and storage shed.

6.0 **Legislation and Policy Context**

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

6.1.1. The Derelict Sites Act 1990, as amended, makes provision to prevent land being or becoming a derelict site. Amongst other things, it enables local authorities to require landowners or occupiers to take measures on derelict sites and, in certain circumstances, to acquire derelict sites compulsorily.

6.1.2. Section 3 of the Act defines 'derelict site' as:

“Any land...which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of—

(a) the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or

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

(c) the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by or under statute or by common law.”

6.1.3. Other relevant provisions of the Act are summarised below:

- Section 8 of the Act requires local authorities to establish a register of derelict sites in their functional area and to serve notices on occupiers/ owners of their intention to do so.
- Section 9 of the Act places a duty on every owner and occupier of land, to take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site.
- Section 10 of the Act places a similar duty on local authorities to take all reasonable steps, including the exercise of any appropriate statutory powers, to ensure that any land in their functional area does not become or continue to be a derelict site.
- Section 11 of the Act enables local authorities to serve a notice on an owner or occupier of land, requiring them to take specified measures to prevent land becoming or continuing to be a derelict site.
- Section 14 provides that a local authority may acquire by agreement or compulsorily any derelict site situated in its functional area.
- Section 15 sets out arrangements for giving notice if the local authority intends to acquire a derelict site compulsorily.

- Section 16 sets out arrangements if the owner/occupier wishes to object to the acquisition and it provides that if an objection is made, then the derelict site shall not be acquired compulsorily by the local authority without the consent of the Commission.

6.2. Limerick City and County Development Plan 2022 to 2028

6.2.1. Objective CGR O4 – Active Land Management

It is an objective of the Council to:

- a) Promote an active land management approach through cooperation with relevant stakeholders and infrastructure providers to deliver enabling infrastructure to achieve compact growth.
- b) Support and facilitate the reuse and revitalisation of derelict, vacant and underutilised sites and disused buildings throughout Limerick for residential, economic, community and leisure purposes.
- c) Establish a database of strategic brownfield and infill sites in the City Centre to be updated on an annual basis to monitor the progress of the active land management measures.

6.2.2. Objective CGR O5 – Vacant Site Levy

It is an objective of the Council to utilise the provisions of the Urban Regeneration and Housing Act 2015 (as amended), including the continued maintenance of a Vacant Site Register to facilitate the appropriate re-use and development of vacant and underutilised sites on zoned lands in Limerick that are in need of renewal or revitalisation.

- a) This objective shall also apply to all lands in the ownership of Limerick City and County Council;
- b) This objective shall not apply to any lands where public utilities are not available or are deemed inadequate.

6.2.3. Objective CGR O6 – Derelict Sites

It is an objective of the Council to utilise the provisions of the Derelict Sites Act 1990, including the maintenance of a Derelict Site Register and CPO powers to address

instances of dereliction and decay in the urban and rural environment and bring properties back into active re use.

6.3. Newcastle West Local Area Plan 2023-2029

- 6.3.1. The subject site is zoned New Residential, with the stated objective to provide for new residential development in tandem with the provision of social and physical infrastructure.

6.3.2. Section 4.6.4 Opportunity Sites

The subject site is identified as Opportunity Area 7 - Former Olympic Ballroom, Sheehan's Road.

6.3.3. Section 10.4 Settlement Capacity Audit

Sites 7/8 Olympic Ballroom Site and Eircom site

Walking distance of the town centre. Existing vacant buildings in prominent location
Potential for the redevelopment of these sites either separately or together, allowing for the creation of a streetscape which will define the road boundary and allow for improved public realm.

6.3.4. Policy TCFP3: Vacancy

It is policy of the Council to:

(a) Promote and facilitate the re-use of under-utilised or vacant lands/buildings in Newcastle West through the active land management mechanisms, under the Derelict Sites Act, 1990 (as amended), Residential Zoned Land Tax and also guided by key Government policies, such as Town Centre First, Our Rural Future, and Housing for All and any replacements thereof. The Council will engage with property owners to advise on remedial measures and give guidance on schemes and supports available to bring vacant and derelict buildings back into productive use.

(b) Support the provision of new services, economic opportunities, improved infrastructure, public realm, and the provisions of the Town Centre First programme to encourage the re-use of buildings and underused lands in Newcastle West's town centre.

7.0 Assessment

7.1. Site Inspection

- 7.1.1. The following assessment is based on a site inspection carried out on the 8th September 2026. I inspected the site from both Sheenan's Road and Assumpta Park onto which the property fronts. At the time of the site inspection, the structure was not accessible for internal inspection.
- 7.1.2. The structure is vacant and has a neglected, unsightly and objectionable appearance from the public road. The windows on the side elevations are in a state of disrepair with several high-level windows broken or missing. There is a hole in the roof on the southeastern side of the roof and the corrugated sheeting to the side lean-to structures to both side elevations are rusty. The ground floor windows and front door are boarded up. Gutters, down pipes and some timber fascia boards are missing. The building is painted and the paint work is dirty and in very poor condition.
- 7.1.3. I note the photographs on file from Limerick City and County Council dated 1st February 2022, 9th June 2022, 17th January 2024, 1st May 2025 and the 23rd April 2026, which indicates significant vegetation growing to the rear of the property. I note that at the time of my site visit the vegetation from the grounds around the structure has been cleared and there was no litter evident, there were two mounds of what appears to be the cleared site vegetation to the east and west of the structure.

7.2. Category of Dereliction

- 7.2.1. With respect to the nature of dereliction, I am of the opinion that the site falls within category (b) of Section 3 of the Derelict Sites Act, 1990, (as amended) due to the land and structure being in a neglected, unsightly and objectionable condition.
- 7.2.2. Apart from the broken and missing windows, missing rainwater goods and the hole in the roof, the structure appears to be in reasonable structural condition externally. There is no obvious evidence of significant cracking or structural damage to the external walls, and apart from the hole in the roof on the east facing roof plane, the roof structure appears to be generally intact.
- 7.2.3. With regard to category (a) this relates to structures which are in a ruinous, derelict or dangerous condition; having inspected the site, I do not consider that the structure

is in a dangerous condition, nor in the absence of any visible evidence of structural damage could be considered ruinous.

7.2.4. As there was no litter within the application site or any evidence of waste being stored externally, I do not consider that the site falls within category (c) of Section 3 of the Act.

7.2.5. While there is evidence of ground works to remove vegetation and litter, there is little evidence of any attempt to render the structure itself non-derelict and it remains neglected and unsightly. I therefore consider that the site remains in a derelict condition.

7.2.6. In conclusion, I consider that the property detracts to a material degree from the amenity, character and appearance of land in the town, which in my view, renders it derelict under Section 3 of the Act.

7.3. Action of the Local Authority

7.3.1. I note the actions of the Local Authority, and the statutory notices served on the owners in respect of the property. Following an inspection of the property on the 1st February 2022, the Local Authority served a Section 8(2) notice of the intention to enter the site on the Derelict Sites Register on the owner on the 22nd February 2022.

7.3.2. In response to the Section 8(2) notice, the Registered Owner contacted the Local Authority on the 1st March 2022 to explain that the planning permission granted in 2021 under PA Reg Ref. 20/591 for a change of use to ground floor-retail shop and retail warehouse, limited the use to a 'large box' format of retail for the property. I further note that the submission from the Register Owner to the Commission on file details that the owner was unable to secure a tenant for the retail warehouse use and outlines that Limerick City and County Council suggested that the site could be developed for housing.

7.3.3. The submitted Local Authority's Compulsory Acquisition Report outlines that on the 21st March 2022 the Registered Owner again contacted the Local Authority confirming that he had plans to bring the property out of dereliction. As no works commenced the subject site was therefore entered on the Register of Derelict Sites on the 8th June 2022. The Local Authority's Compulsory Acquisition Report details that on the 21st June 2023 following a discussion with the Local Authority the Owner

confirmed that he was attempting to get the site rezoned for residential use and planned on applying for planning permission to construct residential units on the site. The Compulsory Acquisition Report outlines that further discussions with the Local Authority and the Owner took place on the 17th and 25th January 2024 where it was confirmed that a planning application was being prepared and lodged for the subject site. On the 1st September 2025 the Owner confirmed to the Local Authority that the planning application had been withdrawn due to issues with Uisce Eireann. The engagements between the Register Owner and the Local Authority are listed within the submitted Local Authority's Compulsory Acquisition Report. No further detail has been submitted to the Commission by the Local Authority in relation to any correspondence.

- 7.3.4. The Local Authority states that since the withdrawal of the planning application that the owner has made no attempt to tackle the dereliction on the site and on the 26th March 2026 a reinspection of the site was carried out which found that the site continues to be in a derelict state. A Notice of Intention to Acquire Derelict Site Compulsorily under Section 15(1)(b) of the Derelict Sites Act, 1990 was issued to the owner Newcastle West DTop & Tiles Limited on the 22nd April 2026, was affixed to the front of the property on 23rd April 2026 and published in the Limerick Post dated 25th April 2026.

7.4. Action of the Owner to Address Dereliction

- 7.4.1. On foot of the notice, an objection to the compulsory acquisition of the property from Hussey Architects was made on behalf of the owner on the 14th May 2026. The objection indicates that the reason for the delays has been as a result of issues relating to wastewater treatment and delays from Uisce Eireann. The objection also sets out the timeline of the Owners attempts to secure residential development on the site.
- 7.4.2. The objection indicates that in January 2024 DTops & Tiles engaged the agent to prepare a planning application. An application for 30 no. apartments was lodged on the 9th August 2024 following a pre-planning meeting with the Planning Authority and the lodgement of a Pre-Connection Enquiry Application (PCE) with Uisce Eireann. The objection further outlines that following a further information request from the Planning Authority on the 3rd October 2024 requiring the submission of a

Confirmation of Feasibility (COF) from Uisce Eireann, the design team contacted Uisce Eireann on several occasions to enquire on the progress of the application. On the 21st March 2024 Uisce Eireann issued a COF which stated that it would be several years before a wastewater connection would be feasible.

- 7.4.3. The objection highlights that the site is zoned residential and is in the centre of a large town, and further outlines that the planning application was withdrawn on 5th May 2025 one year following the pre-application meeting regarding the scheme. The agent contends that the entirety of the delay was due to Uisce Eireann and that the owner has spent a significant sum of money preparing the planning application.
- 7.4.4. The objection further sets out that following a positive COF from Uisce Eireann on a different site in the same ownership, the design team were advised by Uisce Eireann to make a new PCE application for the subject site, which was lodged on the 15th September 2025. A COF was issued on the 23rd November 2025 stating that the proposed wastewater treatment connection is only feasible if pre-treatment is provided on site. On the 11th March 2026 the agent acting on behalf of the owner was then advised by Uisce Eireann to update the design proposal and lodge a further PCE Application. Following revisions to the design and the resubmission of the PCE application, Uisce Eireann issued a COF on the 15th April 2026 allowing a second planning application to be lodged to the Planning Authority. The objection to the compulsory acquisition of the property indicates that the second planning application will be lodged on the 21st May 2026. Notwithstanding, the Local Authority made an application to the Commission on the 19th June 2026 for consent for the compulsory acquisition of the site.
- 7.4.5. The Owner's submission to the Commission on file further sets out that the second planning application was lodged on 22nd May 2026 under Reg. Ref: 26/60575 and that a decision is due on the 16th July 2026. Having reviewed the Planning Authority's website I note for the Commission that Further Information was requested in relation to this planning application on the 15th July 2026. The Further Information request relates to installation of the wastewater treatment system on site and seeks confirmation of compliance with the separation distances outlined in the EPA Wastewater Treatment Manual for Treatment Systems for Small Communities, Business, Leisure Centres and Hotels, 1999 and requests the applicant to liaise with Uisce Eireann on this matter. The Further Information notes that it may be

problematic to achieve separation distances on this site and that there may be scope for an innovative proprietary treatment system which would utilise odour and noise suppression technology. The Further Information Request further sets out that the proposed wastewater treatment plant will require maintenance and servicing and sets out that the proposed location of same under an internal road is not acceptable. The applicant was therefore requested to submit a revised design for the wastewater treatment system. Other items listed in the Further Information request include *inter alia* issues with storage in one of the proposed apartments; the identification of areas of communal and public open space; works to the public roads; the submission of a revised Road Safety Audit and a revised lighting design to include the proposed revised junction arrangement at Sheehan's Road and Assumpta Park Road and the submission of a Stage 1 Storm Water Audit.

7.4.6. The Owner's submission on file reiterates the cost of the preparation of the planning applications on the owner and further sets out that since the Local Authority's application to the Commission on the 19th June 2026 for consent for the compulsory acquisition of the site, the owner engaged a contractor to clear the vegetation from the site, photographs attached. In addition, it is stated that the owner is reluctant to undertake works to the building itself, pending a grant of permission as it contains asbestos.

7.4.7. Having inspected the site, I am satisfied that a demonstrably reasonable effort has been made on the part of the landowner to address dereliction by removing the vegetation. It is my opinion that the Owner has demonstrated an intent to redevelop the site for housing and to bring it out of dereliction. I am satisfied that there is evidence that positive actions have been taken since the application was made for Compulsory Acquisition including the existence of a live planning application and the clearing of the site. I therefore recommend that sufficient time should be afforded to the Owner to allow for a decision to be made on the current live planning application and for the owner to carry out the proposed works should a grant of permission be forthcoming. It is considered, therefore, that it is appropriate to refuse the Local Authority's application for consent to compulsorily acquire the subject property at Gortboy, Newcastle West, Co. Limerick at this time.

8.0 Conclusion

- 8.1.1. 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.
- 8.1.2. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the proposed acquisition of the Derelict Site comprising the Derelict Site at Gortboy, Newcastle West, Co. Limerick, containing 0.47 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 16th April 2026 and on the deposited maps DS-025-22, 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. I am further satisfied that the proposed acquisition of these lands was consistent with the policies and objectives of the Limerick City and County Development Plan 2022-2028, and specifically Objectives CGR O4, CGR O5 and GCR O6 and the Newcastle West Local Area Plan 2023-2029 specifically Policy TCFP3 which seeks to actively address instances of vacancy and encourage and facilitate appropriate redevelopment.
- 8.1.3. It is further acknowledged that at the time of the lodgement of the application with the Commission, 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.
- 8.1.4. However, having inspected the subject property and having regard to the current live planning application on the site under PA Reg. Ref. 26/60575 and the works undertaken to clear the vegetation from the site to date, I am no longer satisfied that this is still the case. In this respect, I have considered the alternative means of achieving the objective referred to in the submissions to the Commission and am satisfied that the alternatives are such as to render the means chosen and the compulsory acquisition by the acquiring authority unreasonable or disproportionate.

8.1.5. Having regard to the efforts made to date by the owner to address the matters that gave rise to the derelict condition of the site, including the clearance of the vegetation made on site, and the existence of a live planning application Reg. Ref. 26/60575, I am no longer satisfied that the grant of consent to the compulsory acquisition is justified by the exigencies of the common good at this point in time. I am of the opinion that, given the nature and extent of the works required to address the condition of the property, it would be appropriate to allow time to progress matters on site.

9.0 Recommendation

9.1.1. Notwithstanding the current unsightly and objectionable condition of the site which detracts to a material degree from the amenity, character and appearance of the streetscape and surrounding land in the neighbourhood, taking account of the evidence of the ongoing efforts being made by the Notice Party to address the dereliction on the site, including ground works to clear the site of overgrown vegetation and the existence of the live planning application on the site for a residential development, 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 Act. I recommend, therefore, that the Commission refuses consent to Limerick City and County Council to the compulsory acquisition of the site.

10.0 Reasons and Considerations

10.1.1. Having regard to the current unsightly and objectionable condition of the site, having considered the objection(s) made to the compulsory acquisition, and also:

- a) The Constitutional and Convention protection afforded to property rights
- b) The public interest, and
- c) The provisions of Limerick City and County Development Plan 2022-2028

it is considered that, having regard to the nature and extent of works which are required to address the dereliction on the site, that the compulsory acquisition of the site by the Local Authority is not necessary in order to render the site non-derelict. The Commission is not satisfied, therefore, that the objection made cannot be

sustained, having regard to that said necessity and that the compulsory acquisition and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Carol Smyth
Planning Inspector

22nd September 2026