



An
Coimisiún
Pleanála

Inspector's Report ACP-324391-26

Nature of Application

Derelict Site at The Bridge,
Ballingarry, County Limerick (DS-078-
24)

Location

The Bridge, Ballingarry, County
Limerick

Local Authority

Limerick City and County Council

Notice Party

Very Reverend Patrick Bowen

Date of Site Inspection

8th 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 The Bridge, Ballingarry, 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 property, a dwelling, is located in an urban area, approximately 16 metres north of the crossroads with Turrett Street, the Low Road, Knightstreet and Main Street. The overall site has a stated site area of 0.013 hectares and has a general rectangular shape. The subject property is not a Protected Structure nor is it listed on the National Inventory of Architectural Heritage (NIAH).
- 2.2. The site is surrounded by a mix of residential and commercial properties in the village including a public house and a furniture workshop and showroom development. The River Clonshire_010 is culverted in the vicinity of the subject site.
- 2.3. On the day of my site inspection, the subject property was vacant and in a neglected condition with dirty façades and paintwork, minor cracking visible on the front façade and a significant amount of vegetation growing in the rear garden and on the rear and side elevations and the chimney.

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 16th April 2026 was served upon the owners/ occupiers (Patrick Bowen) 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 semi-detached, two storey residence and surrounding land situate at The Bridge, Ballingarry, Co. Limerick containing 0.013 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-078-24 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 Lee Solicitors on behalf of The Very Reverend Patrick Bowen (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 can be summarised as follows:

- The owner denies
 - The existence on the lands of any structure which is in a ruinous, derelict, or dangerous condition,
 - The neglected, unsightly or objectionable condition on the land of any structure on the land in question
 - The presence, deposit or collection on the land in question of any litter, rubbish, debris or waste.
 - Requests Limerick City and County Council to provide an architectural hearing or environmental evidence to support the alleged dereliction.

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 Very Reverent John Bowen 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 Lee Solicitors 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 10th May 2025 and no progress has been made by the owner to remove the dereliction. The Local Authority notes that notwithstanding the engagement with the owner since November 2024 the site remains in a derelict condition. On that basis the Council seek the consent of the Commission to compulsorily acquire the property.

4.4. Objector's Submission

4.4.1. In total 3 no. submissions were received outside the period provided for making objections and were therefore returned.

4.5. Oral Hearing

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

5.0 Planning History

5.1. There is no recent relevant planning history relating to the subject site.

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 Board.

6.2. Limerick City and County Development Plan 2022 to 2028

6.2.1. The subject site is located within the settlement of Ballingarry, a designated Level 4 Large Village as set out in the Limerick City and County Development Plan 2022-2028 (referred to hereafter as the Development Plan). The subject site is zoned 'Existing Residential'.

6.2.2. The Development Plan notes that there is a high level of vacancy and dereliction throughout the village. It is further noted that some of these buildings have high visibility due to their scale and large street frontages and collectively they contribute to a neglected appearance to the village. The Development Plan sets out that opportunities exist for their reuse for a range of village centre compatible uses.

6.2.3. 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.

6.2.4. 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.

6.2.5. 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.

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 Turrett Street onto which the property fronts. I also inspected the property from The Low Road and from a pedestrian lane

which runs along the side of the adjacent property to the north. At the time of the site inspection, the structure was not accessible for internal inspection nor was I able to access the rear of the property.

- 7.1.2. The structure is vacant and has a neglected, unsightly and objectionable appearance from the public road. The windows are dirty and neglected. The building is painted and the paint work is dirty and in very poor condition. There are cracks visible on the front façade. The roof appears to be intact although there is moss growing on the roof. The front gutter is broken. There is extensive vegetation growing up the gable wall and rear elevation and the chimney stack. There is extensive and significant vegetation growing in the rear garden of the subject property.
- 7.1.3. I note the since the photographs on file from Limerick City and County Council dated 1st November 2024 and 7th April 2025, 8th May 2025, 2nd October 2025, 25th November 2025 and the 26th March 2026, that the overall paintwork has further deteriorated and the amount of vegetation has increased. I further note as evidenced of the photographs on file taken on the 7th April 2025 and 8th May 2025 that the front door of the property was painted.

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 gutters and some cracks visible on the front façade, the house appears to be in reasonable structural condition externally. There is no obvious evidence of significant cracking or structural damage to the external walls, and 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. There is little evidence of any attempt to render the site non-derelect and the house 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 village, 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. The Local Authority's Compulsory Acquisition Report details that a Letter of Enquiry was issued on the 4th November 2024 to seek confirmation of ownership and a Notice of Enquiry was affixed to the building. The Compulsory Acquisition Report details that on further inspection of the property on 6th December 2024 that the notice had been removed. The Report further outlines that a meeting then took place between the owner of the property Patrick Bowen and the Local Authority, where indicators of dereliction were discussed and the Owner agreed to renovate the property.

7.3.2. A subsequent inspection took place in January 2025 where it was found that no works had commenced on the site. A Section 8(2) notice of the intention to enter the site on the Derelict Sites Register was affixed to the site on the 20th January 2025. As no works commenced the subject site was therefore entered on the Register of Derelict Sites on the 10th May 2024. The Local Authority's Compulsory Acquisition Report details that on the 14th October 2025 the Local Authority wrote to the owner of the property to remind them of their duties under the Derelict Sites Act 1990 (as amended). The Compulsory Acquisition Report states that there was no response to the letter. I note for the Commission that copies of the letter was not submitted to the Commission by the Local Authority in relation to the correspondence.

7.3.3. 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 and no works have commenced on site. 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 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. As noted in my assessment above between the 7th April 2025 and 8th May 2025 the front door of the property was painted. No further works appear to have taken place at the property.
- 7.4.2. The objection to the compulsory acquisition of the property refers to the Owners denial that the property is ruinous, derelict, or in a dangerous condition. The Owner further denies that the property is neglected, unsightly or in an objectionable condition and denies that there is any litter, rubbish, debris or waste. The objection contests the proposed compulsory acquisition and seeks the Council to provide an architectural hearing or environmental evidence to support the alleged dereliction.
- 7.4.3. It is my opinion that the applicant has not demonstrated an intent to undertake improvement works and to bring the site out of dereliction and I note that a significant time has passed since the initial Notice of Intention to Acquire Derelict Site Compulsorily on the 20th January 2025. I consider the owner has had more than sufficient time in this instance to commence the works on the subject property and it is my opinion that Limerick City and County Council have given the owner a number of opportunities to progress the site.
- 7.4.4. Given that the site has been on the derelict sites register since 2025, it is my view that no demonstratable efforts have been made to redevelop the dwelling or clear the site to bring it out of dereliction. On balance, I consider that the compulsory acquisition of the subject building should be confirmed to ensure that the remedying of the derelict site can be expedited.
- 7.4.5. Having regard, therefore, to all of the information available on the file and the continued appearance and condition of the property, which as stated constitutes a derelict site, I consider that it is appropriate to confirm the Local Authority's application for consent to compulsorily acquire the site at The Bridge, Ballingarry, Co. Limerick.

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.

- 8.2. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the proposed acquisition of the Derelict Site comprising the site and premises situate at and known as The Bridge, Ballingarry, Co. Limerick, as set out in the Derelict Site Notice issued under Section 15(1)(a) of the Derelict sites Act 1990, (as amended) and dated 16th April 2026, pursues, and was rationally connected to, a legitimate objective in the public interest, namely, to ensure that the lands do not continue to be in a derelict condition.
- 8.3. 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 I 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.
- 8.4. 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 City and County Development Plan 2022-2028, and specifically Objectives CGR O4, CGR O5 and CGR O6, which seek, *inter alia*, to address dereliction, reduce vacancy and encourage and facilitate appropriate redevelopment. Accordingly, I am satisfied that the grant of consent to compulsorily acquire these lands is clearly justified by the exigencies of the common good.

9.0 Recommendation

- 9.1.1. Having regard to the observed condition of the site, in particular the derelict condition, the unsightly and objectionable condition of the structure thereon, I consider that the site materially detracts from the amenity, character and appearance of land in the neighbourhood and there is therefore a derelict site within the meaning of Section 3 (b) of the Derelict Sites Act, 1990, as amended.

- 9.1.2. I consider it reasonable that the Local Authority seeks to compulsorily acquire the land, as provided by Section 14 of the Act. I recommend that the Commission grant consent to Limerick City and County Council to compulsorily acquire the site.

10.0 Reasons and Considerations

- 10.1.1. Having regard to the derelict, unsightly and objectionable condition of the subject property, which detracts to a material degree from the amenity, character and appearance of land in the neighbourhood, 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 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, and that the acquisition of the site by the Local Authority is necessary in order to render the site non-derelict and to prevent it continuing to be a derelict site. It is also considered that the objection made cannot be sustained, having regard to that said necessity and that the compulsory acquisition and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

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

Carol Smyth
Planning Inspector

22nd September 2026