Inspector's Report ACP-324400-26

Nature of Application	Application for consent for compulsorily acquisition of derelict site at Herbertstown, County Limerick
Location	Herbertstown, County Limerick
Local Authority	Limerick City and County Council
Notice Party	Kathleen O'Donoghue
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 Herbertstown, 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, two storey dwelling, are located within the village of Herbertstown. The property fronts onto a local road. The overall site has a stated site area of 0.033 hectares. The subject site 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 number of residential properties in the vicinity of the site which are well maintained. On the day of my site inspection, the subject property was vacant and in a neglected condition. The roof structure has partially collapsed to the rear. There is vegetation growing on the gable elevation and there is a significant amount of vegetation growing from a broken window to the rear of the property. The rear door is unsecure.

2.3. The front façade of the property has been recently painted. The front door has been replaced and the window openings on the front façade have been fitted with timber frames and Perplex sheeting screwed to the front of the frames.

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 (Kathleen O'Donoghue) 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 two-storey residential property and surrounding land situate at Herbertstown, Co. Limerick containing 0.033 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-153-22 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 objection to the proposed acquisition was submitted to Limerick City and County Council by William O'Donnell solicitors on behalf of Kathleen O'Donoghue (the property owner). The objection to the proposed acquisition was received by the Local Authority on the 25th May 2026 within the statutory period specified on the notice. The objection has been summarised as follows:

- Outlines that the property is owned by an elderly lady who requires help from her family to assist with the project.
- States that up-to-date photographs have of the property have been submitted indicating that works have been carried out and are ongoing.
- The works are being carried out by Pat Franklin Building Contractor.
- Requests that Limerick County Council allow further time to complete the works.

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 Kathleen O'Donoghue 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 dated 25th 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 a derelict site case was opened by the Local Authority in 2022 in relation to the subject property. The property was entered on the Derelict Sites Register with effect from 20th January 2023 and no progress has been made by the owner to remove the dereliction. The Local Authority notes that derelict nature of the property has been ongoing for over 4 years and 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. One submission from William O'Donnell solicitors on behalf of Kathleen O'Donoghue (the property owner) was received is relation to the Local Authority's application for consent to compulsorily acquire the property. The submission has been summarised as follows:

- Outlines that the property is part of a folio which also contains the Owners residence and former public house and ancillary sheds.
- The property is dependant on the remaining Folio property for services such as electricity, water supply and wastewater disposal.
- Given the size of the site at 0.033 ha the site could not accommodate the installation of a wastewater treatment system.
- It is the intention of the Owner that the house will be occupied in the medium term by a family member and the Owner will offer additional lands which will enable the installation of a wastewater treatment system.
- It is clear from the up-to-date photographs submitted with objection that the property has been significantly renovated and works are ongoing.
- The Owner by an elderly lady who lives in an adjacent residence and will bring the property back into residential use for a family member who will also provide care and assistance to the Owner.

4.5. **Oral Hearing**

4.5.1. None.

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 Herbertstown, a designated Level 5 Small Village as set out in the Limerick City and County Development Plan 2022-2028 (referred to hereafter as the Development Plan).

6.2.2. 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.

6.2.3. Objective CGR O4 – 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.

6.2.4. 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 the road onto which the property fronts and from the rear garden.

7.1.2. There has been some works carried out to tidy up the front of the property, the front façade has been painted and timber frames to support Perspex sheeting have been inserted into the window openings on the front façade. The front door has also been replaced.

7.1.3. Notwithstanding structure is vacant and has a neglected, ruinous, unsightly and objectionable appearance from the rear. Part of the roof has collapsed and there are slipped slates. There is also missing and broken rainwater gutters and downpipes. The timber window frames to the rear are deteriorated and the rear door is unsecured. There is extensive vegetation growing up from a broken first floor window and on the gable wall. The rear and side elevation is dirty.

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. Given the hole in the roof at the rear of the property, I am not satisfied that the property is in reasonable structural condition externally. Category (a) of Section 3 of the Derelict Sites Act, 1990, (as amended) relates to structures which are in a ruinous, derelict or dangerous condition. I further note that the Local Authority's Compulsory Acquisition Report on file refers to an engineer's report submitted to the Local Authority by the Owner which outlines that the western gable and roof structure are structurally defective. Having inspected the site and having regard to the photographs and information on file, I consider the property to be in a ruinous, derelict or dangerous condition.

7.2.3. 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.

7.2.4. While there has been minimal works undertaken, I consider that the structure remains neglected and unsightly. I therefore consider that the site remains in a derelict condition.

7.2.5. In conclusion, I consider that the property detracts to a material degree from the amenity, character and appearance of land adjoining, 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 Owner in respect of the property. The Local Authority's Compulsory Acquisition Report details that the site was first inspected on the 6th October 2022 and identified as a derelict site. Land ownership enquires were made through the Land Registry system and planning and development searches were also carried out.

7.3.2. The Local Authority severed the Owner with a Section 8(2) Notice of intention to enter the site on the Derelict Sites Register and affixed the notice to the site on the 27th October 2022. On the 22nd October 2022, Annemarie O'Donaghue notified the Local Authority that her father had passed away and stated that any further correspondence should be sent to her in relation to the property as she was the executor of the will. It was also stated that it was her intention to carry out the necessary works to the property so that it could become her residence.

7.3.3. There was engagement between Annemarie O'Donaghue and the Local Authority throughout November and December where actions to be taken were outlined to address the dereliction at the property.

7.3.4. Following an inspection of the property on the 27th January 2023, the site was found to be still in a derelict state and Section 8(7) Notice of entry of land on the Derelict Sites Register was served on the Owner and affixed to the site.

7.3.5. On the 24th February 2023 the Local Authority received a letter from Annemarie O'Donaghue outlining that probate had been started to obtain title, proposed works to the property were discussed including a structural assessment by an engineer, obtaining tender and building quotes and the carrying out of remedial measures to resolve the dereliction.

7.3.6. A further meeting took place on the 10th March 2023 between Annemarie O'Donaghue and the Local Authority were the dereliction and required works were again further discussed.

7.3.7. The site was further inspected on the four occasions by the Local Authority between May 2023 and December 2024 where it was found that the property remained in a derelict state and no works had been carried out.

7.3.8. On the 4th December 2024 the Local Authority contacted Annemarie O'Donaghue for an update on the property and received no reply. A further site inspection on the 2nd July 2025 found that the site remained in a derelict state and no works had been carried out.

7.3.9. Further correspondence occurred on the 23rd July 2025 and again on the 25th July 2025 requesting an update from the Local Authority. Annemarie O'Donaghue stated that there were difficulties finding a contractor and that minor renovations would commence.

7.3.10. An inspection by the Local Authority took place on the 23rd October 2025 which found that no works had been carried out and the property continued to deteriorate.

7.3.11. Further engagement took place in October and December 2025 and where Annemarie O'Donaghue indicated that she didn't have title for the property and that her Engineer considered the structure to be unsafe and required demolition. In January 2026 an Engineers Report was sent to the Local Authority and an undertaking was given to secure slates on the roof. It was then further stated that the dereliction would be resolved, and an application would be submitted to the planning authority for a change of use.

7.3.12. On the 25th March 2026 the Local Authority further inspected the site and found that the site continued 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 dated 16th April 2026 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. The letter of objection submitted by William O'Donnell on behalf of the Owner (Kathleen O'Donaghue) dated the 25th May 2026 confirms receipt of the statutory notice to compulsory acquire the site. The objection outlines that substantial works have been carried out on the property and the works are ongoing and requests more

time to complete the works. The submission to the Commission from William O'Donnell on behalf of the Owner (Kathleen O'Donaghue) further sets out that the property forms part of the family landholding and that it is the intention to restore the property for a family member to reside in. It is further outlined that the site is not of sufficient size to accommodation a wastewater treatment unit.

7.4.2. Notwithstanding the work carried out since the Local Authority's notice to compulsorily acquire the site, 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 site was first inspected by the Local Authority on the 6th October 2022 and since the property was enter on the Derelict Sites Register on the 20th January 2023. I consider the owner has had more than sufficient time in this instance to carry out the required 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.

7.4.3. Having visited the site and having regard to the photographs on file I do not consider that the clearing of vegetation, painting the front façade or replacing the front door and replacing front windows with temporary timber frames and Perspex sheeting represents significant works. I note that rear of the property still comprises a partially collapsed roof, an unsecure rear door and broken windows. It is my view that no demonstratable efforts have been made to redevelop the dwelling or 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.

7.4.4. 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 Herbertstown, 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 Herbertstown, 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 O6 and Policy CGR P4, 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 (a) and (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 (a) and (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

7th October 2026