Inspector's Report ACP-324401-26

Nature of Application	Application for consent for compulsorily acquisition of derelict site at Old Pallas, County Limerick
Location	Old Pallas, County Limerick
Local Authority	Limerick City and County Council
Notice Party	Michael Connolly
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 Old Pallas, 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 semi-detached dwellings, are located within the rural cluster of Old Pallas. The properties front onto the L-1522 road. The overall site has a stated site area of 0.241 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 mix of residential and commercial properties including supermarket, a school, church, a creche and a nursing home. There are a number of residential properties in the vicinity of the site which a well maintained.

2.3. On the day of my site inspection, the subject properties were vacant and in a neglected and ruinous condition. The roof structure has partially collapsed. The windows are boarded up and the paintwork on the elevations is dirty. There is 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 chimneys.

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, the LPR of Michael Connolly care of Yelverton & Co. Solicitors 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 2 no. adjoining residential premises and surrounding land situate at Old Pallas, Co. Limerick containing 0.241 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-151-20 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 Michael Connolly (the property owner). The objection to the proposed acquisition was received by the Local Authority on the 21st May 2026 within the statutory period specified on the notice. The objection can be summarised as follows:

- Objects to the compulsory acquisition of the property as it is his family home.
- States that it his intention to put the building in a presentable condition.
- States that he was not in a position to do anything with the building due to the process of legal title transfer.
- States that he is now in a position to engage with Limerick City and County Council.

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 Michael Connolly 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 Michael Connolly dated 20th 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 2020 in relation to the subject property. The property was entered on the Derelict Sites Register with effect from 10th February 2022 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. None.

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 Old Pallas, a designated Level 6 Rural Cluster 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 L-1522 onto which the property fronts. 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, ruinous, unsightly and objectionable appearance from the public road. Part of the roof has collapsed. There is extensive vegetation growing up the gable wall and rear elevation and the chimney stack. Window openings have been blocked up. There are cracks visible on the front façade which is painted and dirty.

7.1.3. I note the since the photographs on file from Limerick City and County Council taken periodically between the 2nd September 2020 and the 23rd April 2026 and from my site inspection that the overall condition of the property has deteriorated and the amount of vegetation has increased.

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 partially collapsed roof and the significant vegetation growing on the property and 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. Having inspected the site and having regard to the photographs taken by the Local Authority on file, I consider that the structure is in a dangerous condition and could therefore be considered ruinous.

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. There is little evidence of any attempt to render the site non-derelict, and 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 owners in respect of the property. The Local Authority's Compulsory Acquisition Report details that the site was first inspected on the 2nd September 2020 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 31st March 2021. No response was received in relation to the notice.

7.3.3. Mr Niall Collins TD confirmed the owner to be Michael Connolly and provided the owners contact details on the 20th April.

7.3.4. As the site remained in a derelict state a Section 8(7) Notice was served on the owner and affixed to the site on the 10th February 2022. No response was received in relation to the notice.

7.3.5. On the 13th March 2023 a letter was received from Michael Connolly's solicitor Yelverton & Co. Solicitors stating that Michael Connolly has passed away.

7.3.6. The site was not inspected again by the Local Authority until 18th September 2025 where it was found to that no works had been carried out to the property and it continued to deteriorate and detract from the area. Following engagement with a local Councillor, the Local Authority received the contact details of Michael Connolly's eldest son. On the 2nd of December 2025 Michael Connolly's eldest son agreed to engage with the Local Authority in relation to the dereliction at the property.

7.3.7. The site continued to deteriorate as set out in the Compulsory Acquisition Report evidenced in the Local Authority's photographs on file dated the 14th January 2026.

On the 17th February 2026 the Local Authority sent a registered letter of enquiry to Yelverton & Co Solicitors requesting detail of the Legal Personal Representative (LPR) or next of kin of Michael Connolly Snr. No response was received in relation to the letter.

7.3.8. The site was reinspected on the 25th March 2026 and found that the site continues to remain 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 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 Owners (Michael Connolly) letter of objection dated the 20th May 2026 confirms receipt of the statutory notice to compulsory acquire the site. The objection outlines that the property was the family home and that he intends to restore the property to a presentable condition. It is stated that he couldn't commence works on the property due to delays in securing legal title.

7.4.2. 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 2nd September 2020 and since the property was enter on the Derelict Sites Register on the 4th February 2022. I consider that 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.

7.4.3. 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.

7.4.4. 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 Old Pallas, 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 Old Pallas, 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