



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

COMPULSORY ACQUISITION REPORT - THE DERELICT SITES ACT, 1990

Local Authority	Limerick City and County Council
Derelict Site Location	47 Windmill Street, Limerick
Derelict Site File Ref.	DS-058-24
Description of Land	A derelict site comprising a two-storey dwelling and surrounding land containing 0.005 hectares
Objector	Thomas Shanahan, C/O Mary Shanahan, Rathmale, Mungret, Limerick.
LCCC Inspector	Rory Stephens Technician Grade 1

Introduction

In 2017, Limerick City and County Council (LCCC) established a new team unit drawn from a variety of sections and additional staff resources to take an area-based and collaborative approach to addressing vacancy and dereliction in Limerick City and the towns and villages in County Limerick. The Dereliction, Vacancy and Re-Use Unit focus on bringing derelict and vacant properties back into use with a particular emphasis on areas of high housing demand, town and village centres and the historic core of Limerick City. This team is responsible for dealing with Derelict Sites, Vacant Sites (including payments/levies) and Vacant Homes.

The Limerick City & County Council Development Plan 2022-2028 is the relevant policy document relating to the work of the unit. It is an objective of Limerick City and County Council to 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 to create compact attractive, vibrant and safe environments in which to live, work, visit and invest.

The general approach of the Council is to work proactively with property owners to seek timely actions to improve and activate sites through positive engagement, using powers under the Derelict Sites Act, 1990 (as amended), only where necessary. Owners of derelict and vacant properties are provided with advice in relation to schemes such as the Vacant Property Refurbishment Grant, Buy & Renew, Repair & Lease and the Council's own Retail and Business Incentive Scheme. Referrals are made for owners to other Council sections including pre-planning meetings, conservation, rates and levies, and to the Local Enterprise Office.

Area Inspectors carry out regular surveys of their designated district and respond to representations made by elected representatives, community groups and from the public with regards to neglected properties. Staff have been systematically working through entries on the LCCC Derelict Sites Register supporting owners in order to remove these properties from the Register.

It is also an objective of the Council to utilise the provisions of the Derelict Sites Act 1990, including the maintenance of a Derelict Site Register and compulsory acquisition powers to address instances of dereliction and decay in the urban and rural environment and bring properties back into active reuse.

However where all reasonable alternatives have been exhausted with owners/occupiers of derelict sites, the option to compulsory acquire the land will be considered. The following is taken into account when progressing a case:

- Planning history and outstanding planning permissions,
- evidence of efforts to address vacancy and dereliction,
- security, safety to the public and general condition of the site,
- the conservation value of the building and requirement for remedial restoration works, and
- the feasibility of various actions to make good the site, and find viable uses for the site.

To date LCCC has published notices to acquire 315 properties under the Derelict Sites Act, 1990. LCCC would be considered one of the most proactive local authorities in tackling dereliction.

Limerick City and County Council may use any derelict site acquired by it under the Derelict Sites Act, 1990 (as amended), for any purpose connected with their functions, including the provision of social housing when renovated.

This report forms part of the application by Limerick City & County Council for the consent of An Coimisiún Pleanála to the compulsory acquisition of the subject site in accordance with the provisions of the Derelict Sites Act, 1990 (as amended).

Location of Derelict Site

The derelict site is located at 47 Windmill Street, Limerick, which is located just off Henry Street, in Limerick City, close to the Georgian Neighbourhood and historic city core.

The site is a street front property and there are other residential /commercial properties in the area which are well maintained.

Located close to the derelict site are the Stella Maris Primary School, Sextons Bar, retail food outlets, The Clayton Hotel, a mosque and numerous other businesses.

Description of the Derelict Site

The two story dwelling and surrounding land containing 0.005 hectares is vacant and in a derelict condition for a considerable period. The site detracts from the amenity, character and appearance of the well-maintained property in the area.

The site is deemed to be derelict by definition under section 3 of the Derelict Sites Act, 1990 (as amended), as follows:

- ruinous, derelict or dangerous condition, or
- neglected, unsightly or objectionable condition of the land or any structures, or

Some indicators of dereliction that apply to the site include:

- Broken, missing, or boarded up windows or doors;
- Dirty facade/ peeling paint;

- Unsecured entrances, trespass, or squatters;
- Rotten timber;
- Unsightly boundaries (damaged hoarding, broken fences, rusted railings etc.)

Therefore, the site detracts to a material degree from the character and appearance of the surrounding area.

See selection of photographs from the case history in Appendix.

Planning History & Context

There is no statutory planning or enforcement associated with the site.

The location of the site is zoned as City Centre in the Limerick Development Plan 2022-2028

The structure on site is located in an Architectural Conservation Area

Ownership Details

The title to this property is comprised in Folio LK72862F and the registered owner is Thomas Shanahan, of Shanahans Bar, Mungret, Co. Limerick.

The owner has also provided addresses for correspondence c/o 49A Henry Street, Limerick, and c/o Mary Shanahan, Pump Road, Rathmale, Mungret, Co. Limerick.

History of the Derelict Site Case

An Authorised Officer of Limerick City and County Council inspected this property on 18/07/2024 and identified it as a Derelict Site by definition under section 3 of the Derelict Sites Act, 1990 (as amended).

Site ownership enquiries were made through the Land Registry system and planning and development searches were subsequently carried out.

A Notice of Enquiry seeking further information on ownership of the derelict site was affixed to the site by the Area Inspector on 21/08/2024.

On 22/08/2024, the LCCC Area Inspector had a call with Thomas Shanahan, the registered owner of the property, and the indicators of dereliction at the site were discussed and clarified for him. Mr Shanahan said he was coming and going from the property and said the property was broken into and vandalised in January 2024. He said he did not have the money to do the property up and was hoping for family to help him out.

On 18/10/2024, LCCC served the Owner by registered post a section 8(2) Notice of intention to enter land in Derelict Sites Register and the Notice was also affixed to the site

On 18/10/2024, LCCC received a call from the owner who was verbally abusive in relation to being served with the section 8(2) notice. He said he had previously explained his situation and the reasons why the property was derelict. The Council's Derelict Sites process was again explained to him and it was confirmed to him that the power to resolve dereliction was with him for now as the owner of the property. He was invited to set out in writing his intentions for the property, proposed remedial works, and any other matters he wished to raise.

On 18/11/2024, LCCC took a phone call from the Owner who wanted to confirm that he was living at the derelict site address. It was put to him that when he last discussed the case on 18/10/2024 that he was invited to write to the Council to clarify the position with the property and intentions for same. He claimed that he has written to LCCC, however, there was no evidence on file or proof of postage. However, he was again asked to write in to confirm the position.

On 20/11/2024, the LCCC Area Inspector inspected the site, it remained derelict and a recommendation to enter the particulars of the site on the Derelict Sites Register was made.

On 11/12/2024, The LCCC Area Inspector affixed the 8(7) Notice to site. A teacher from the nearby Stella Maris Primary School approached the Inspector and voiced her concerns regarding the site. The teacher stated that An Gardaí had been contacted about the anti-social behaviour happening at the site now on a regular basis. Individuals were visiting the site and leaving in what appeared to be state caused by the use of illegal drugs. Witnessing this regularly was causing concern to the families using the school.

On 13/12/2024 an application was submitted by the Owner under the Housing Adaptation Grant Scheme to LCCC. LCCC followed up with the owner as a number of required application details were missing and incomplete. Nothing further has progressed on that application.

On 10/03/2025, the LCCC Area Inspector affixed a Section 22 Notice of Market Valuation to the site. The Inspector observed anti-social activity at the site with unknown individuals freely entering and exiting the site.

On 29/04/2025, the Owner wrote to LCCC with his account of reasons for the property's current condition and his intentions to renovate it with grants, and therefore, on this basis, asking the Council to remove the property from the Derelict Sites Register. The Council acknowledged this correspondence and the Owner was invited to contact the Area Inspector dealing with his confirmed plans to remediate the site.

On 04/06/2025, the LCCC Area Inspector re-inspected the site and it remained in a derelict state. While completing the inspection, two individuals who saw the inspector photographing

the site started shouting abusively at the Inspector and one who stated that he was going to contact the “Boss Mikey” about the Inspector.

As the land continues to be in a derelict state, LCCC exercised its powers of compulsory acquisition under Section 14 of the Derelict Sites Act, 1990 (as amended), and gave its Notice of Intention to Acquire Derelict Site Compulsorily to the owner and advertised same in the Limerick Post newspaper of 26/07/2025. See copies of same in Appendix.

LCCC have served the following notices under the Derelict Site Act, 1990:

- Section 8(2) Notice of intention to enter land in the Derelict Sites Register : 18/10/2024
- Section 8(7) Notice of entry of land in the Derelict Sites Register: 11/12/2024
- Section 22 Notice of Valuation: 10/03/2025
- Section 15(1)a Notice of Intention to Acquire Derelict Site Compulsorily: 24/07/2025

Details of Objection received

On 29/08/2025 (following letters of 21/08/2025 and 14/08/2025), a letter stating an objection to the proposed acquisition was received by Limerick City and County Council from the registered owner, Thomas Shanahan. It was duly acknowledged. See copies of same in Appendix.

The objection states that the owner intends to address the appearance of the property and to sell it.

Meanwhile, the adjoining neighbours to this derelict site and the rest of the local community live with and endure the ongoing neglect, decay, and unsightly nature of this property. It detracts from their own well-kept residences and impacts on the enjoyment of their locality of which they are most proud. The statement in the letter of objection claiming that this is not a situation where the property was left fall into of disrepair and is the fault of others unfortunately does not reflect the reality experienced and witnessed on the ground.

The property is situated close to a number of properties of a historic nature which are generally occupied as residential and commercial units, which are well maintained and in good condition. The lands in the general vicinity form part of the Newtown Perry Architectural Conservation Area and contain many historic and protected structures, with some of the sites

in the vicinity being listed on the NIAH register. The area has an attractive appearance, and the public realm is well cared for, with high quality public amenities.

The Limerick Development Plan 2022-2028 seeks to conserve and enhance areas of heritage importance such as those within ACAs and also seeks to revitalise towns and villages throughout the county.

It is the contention of Limerick City and County Council that the inaction of property owners and failure of their duties under the Derelict Sites Act, 1990 (as amended), that jeopardises the future use of properties in the area due to their continued neglected and derelict state.

In this case, the property continues to deteriorate and attract negative attention in a key area of Limerick City. This case demonstrates a failure of duty on behalf of the property owner to remove this property from dereliction leaving to the only option available to LCCC to acquire this property compulsorily and bring it back into productive use.

Appendices

- Derelict Site Location Map
- Copy Section 15 Notice served to Owner
- Copy of Newspaper Advert of Section 15 Notice
- Copy of Objection received and Acknowledgment Letter
- Photographs from the case file