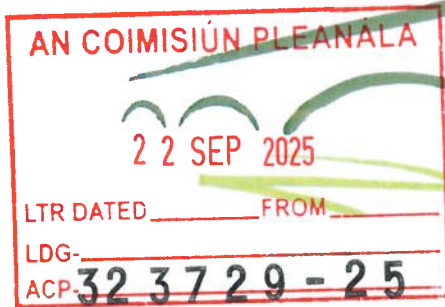


1. Compulsory Acquisition LCCC Inspector's Report





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	11 ST MARY'S TERRACE, CAPPAMORE, CO. LIMERICK
Derelict Site File Ref.	DS-124-18
Description of Land	A derelict site comprising end of terrace two storey dwelling and surrounding land of approx. 0.047 hectares
Objector	Krzysztof Warcholek C/O Kieran T. Flynn & Co LLP, St Michael Street, Tipperary, Co. Tipperary E34 WK33
LCCC Inspector	Mr Jake Kinsella, 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 number 11 Saint Mary's Terrace, on Moore Street in the town of Cappamore, which is about 24KM from Limerick city and 7KM from Doon and Pallasgreen.

The site is surrounded by and adjoining other residential properties which are well maintained. It is also located close to a petrol filling station, Dairygold Co-op Stores, Cappamore Health Centre and Cappamore Pharmacy, Scoil Chaitriona Primary School, St Michael's Catholic Church, Limerick College of Further Education Cappamore Campus and Cappamore Post Office.

Description of the Derelict Site

The end of terrace, three bay, two-storey residential property and surrounding land containing approx. 0.048 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:

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

- the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste

Some indicators of dereliction that apply to the site include:

- Missing/broken/leaking rainwater gutters or downpipes;
- Loose masonry or falling plaster;
- Broken, missing, or boarded up windows or doors;
- Dirty facade/ peeling paint;
- Unsecured entrances, trespass, or squatters;
- Rotten timber;
- Accumulation of litter / waste / dumping;
- Site overgrown with vegetation;
- Unsightly boundaries (damaged hoarding, broken fences, rusted railings etc.)

Therefore, it is the opinion of LCCC that the site detracts to a material degree from the character and appearance of the surrounding area.

See selection of site photographs from the case history in Appendix.

Planning History & Context

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

The structure on site is listed on the National Inventory of Architectural Heritage (21806003) and is located just outside an Architectural Conservation Area

The location of the site is zoned as 'Existing Residential' in the Limerick Development Plan 2022-2028

Ownership Details

The title to this property is comprised in Folio LK548F and the registered owner is Krzysztof Warcholek, 102 Glenside Lawns Old Road, Limerick. The registered owner has also used an address at 50 Rosanna Close, Rosanna Road, Tipperary town, Co. Tipperary for communication with the Council as well as through the office of his solicitor Kieran T. Flynn & Co LLP.

History of the Derelict Site Case

An Authorised Officer of Limerick City and County Council inspected this property on 05/02/2018 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.

The property was previously proposed for the Buy and Renew scheme of LCCC's Housing Directorate in 2018. An offer was made to the owner to purchase the property from him, but he did not take up the offer at the time.

On 27/11/2018, the LCCC Area Inspector affixed to the site a Notice, pursuant to section 8(2) of the Derelict Sites Act 1990 of the Council's Intention to enter the site on the Derelict Sites Register. There was no response to this action from the owner.

On 29/07/2020, the particulars of the land were entered into the Council's Derelict Sites Register and notice pursuant to section 8(7) of the Derelict Sites Act, 1990 (as amended) was served.

On 27/03/2021, an email was received by the LCCC Area Inspector from the owner where he gave a commitment to have work done on the property within 2 months by which time it would be ready to be viewed by the inspector. There was no follow up from the owner on this commitment.

On 27/09/2021, the LCCC Area Inspector carried out a site inspection and confirmed that the site remained in a derelict state and subsequently a recommendation was made to serve the owner with Notice of Intention to Compulsorily Acquire the Derelict Site, pursuant to section 15 of the Derelict Sites Act 1990.

On 21/10/2021, LCCC served the owner with Notice of Intention to Compulsorily Acquire the Derelict Site, pursuant to section 15 of the Derelict Sites Act 1990.

On 24/11/2021, LCCC received an objection to that Section 15 Notice from the owner's solicitor and subsequently an application was made by LCCC to An Bord Pleanála for consent to complete the compulsory acquisition of the site, case ref. **ABP-312365-22**.

On 31/05/2024, An Bord Pleanála confirmed to LCCC its decision to **refuse consent** to LCCC to acquire the site compulsorily. It cited the reason was to allow the Notice Party time to address the dereliction on site.

On 02/12/2024, the LCCC Area Inspector attempted contact with the owner following his inspection which found that the site remained in a derelict state however no response was received from the owner.

On 26/03/2025 and 14/05/2024, the site was re-inspected by LCCC and it was noted that no meaningful efforts or works of note had been carried out to resolve the dereliction. Therefore, a recommendation was made to serve the owner **for a second time** with Notice of Intention to Compulsorily Acquire the Derelict Site, pursuant to section 15 of the Derelict Sites Act 1990.

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

- Section 8(2) Notice of intention to enter land in Derelict Sites Register: 07/11/2018
- Section 8(7) Notice of Entry of Land in Derelict Sites Register: 29/07/2020
- Section 22 Notice of Valuation: 03/02/2021
- Section 15(1)a Notice of Intention to Acquire Derelict Site Compulsorily: 21/10/2021
- Section 15(1)a Notice of Intention to Acquire Derelict Site Compulsorily: 24/07/2025

Details of Objection received

On 14/08/2025, a letter stating an objection to the proposed compulsory acquisition was received by Limerick City and County Council from Kirean T Flynn & Co Solicitors on behalf of the land owner, Krzysztof Warcholek. It was duly acknowledged. See copies of same in Appendix.

The objection states that the owner had health issues preventing him from resolving the dereliction on site. The objection also states that the owner intends to renovate the property.

Since 2018, Limerick City and County Council has observed no meaningful measures or actions undertaken by the owner to address the dereliction and the property continues to significantly detract from the area.

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 request in the letter of objection seeking a further 3 months to resolve the dereliction unfortunately does not reflect positively on the owner's track record witnessed on the ground.

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 town of Cappamore, County Limerick. 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