

AN COIMISIÚN PLEANÁLA

22 SEP 2025

LTR DATED _____ FROM _____

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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	2 Rosbrien Terrace, Rosbrien Road, Limerick
Derelict Site File Ref.	DS-121-23
Description of Land	A derelict site comprising a mid-terrace dormer dwelling and surrounding land-containing 0.024 ha.
Objector	Stephen J. Daly Solicitors on behalf of PJ Murphy.
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 Rosbrien Terrace, Rosbrien Road, Limerick, which is located to the east of O'Connell Avenue, and the north east of Punches Cross.

There are other residential properties in the area which are well maintained.

Located close to the derelict site also are Mary Immaculate College, Rosbrien Health Centre, the Peony Court Restaurant, Punches Cross Bar and Restaurant and the Church of Our Lady of Lourdes.

Description of the Derelict Site

The mid-terrace dormer dwelling and surrounding land containing 0.024 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
- 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:

- Holes in roof, loose and slipped slates;
- Missing/broken/leaking rainwater gutters or downpipes;
- Loose masonry or falling plaster;
- Broken, missing, or boarded up windows or doors;
- Dirty facade/ peeling paint;
- Plants growing out of masonry or roof;
- Rotten timber;
- Accumulation of litter / waste or illegal dumping;
- Site overgrown with vegetation;
- 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 'Existing Residential' in the Limerick Development Plan 2022-2028.

Ownership Details

The title to this property is not registered on the Landdirect System of the Property Registration Authority of Ireland. The reputed owner of the property is the LPR in the Estate of Mary Murphy (deceased as of 02/04/2022).

History of the Derelict Site Case

An Authorised Officer of Limerick City and County Council inspected this property on 10/10/2023 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 information on ownership of the derelict site was affixed to the site on 16/10/2023.

On 08/11/2023, LCCC served The Owner by 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 13/12/2023, the LCCC Area Inspector re-inspected the site and observed the rear was very overgrown and recommended that the site be placed on the Derelict Sites Register.

On 08/01/2024, LCCC received a phone call from a Mr. Michael Murphy who said he is the godson of the deceased owner of the property. He said there are a number of parties with and interest in the site. He was invited to write in to LCCC to update the case file.

As the site continued to remain in a derelict state, the section 8(7) Notice of Entry of Land in Derelict Sites Register was served on 22/01/2024, by hand delivery to sited and the Notice was also affixed to the dwelling site.

On 01/03/2024, LCCC took phonecall from a Ms Breda Lynch who said she was a relative of the deceased owner, and had called to the property recently and found the section 8(7) notice with letter. She explained that family members were trying to take care of the place. She (or the solicitor dealing with estate of the deceased) was invited to make a written representation to the Council on the ownership, current status of the property, and the future intentions for it.

On 13/05/2024, the Area Inspector visited the site and noted that it remained in a derelict state.

On 11/10/2025, LCCC received correspondence from Stephen J. Daly, solicitor for PJ Murphy, nephew of the deceased owner, seeking an update on the status of the case. LCCC replied to the solicitor and sought from him clarity on the person responsible for remedial works. This request was not responded to and it was sought again on 12/12/2024, and again on 17/01/2025, but still no response was received from the solicitor.

On 04/06/2025, the Area Inspector re-inspected the site and met the next-door neighbour. She expressed great concern about the dereliction at the site and the effect it was having on her property and the neighbourhood. She informed the Inspector that slates had fallen from the roof and landed in front of her front door. She allowed the Inspector access to the rear of her property. From here, the adjacent derelict site was seen to be overgrown. The roof of the dwelling was missing slates and was likely allowing water ingress and have a negative impact on the adjoining structures.

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 24/07/2025. 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 : 08/11/2023
- Section 8(7) Notice of entry of land in the Derelict Sites Register: 11/01/2024
- 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 25/08/2025, a letter stating an objection to the proposed acquisition was received by Limerick City and County Council from the Stephen J. Daly Solicitors on behalf of PJ Murphy. It was duly acknowledged. See copies of same in Appendix.

The objection states that PJ Murphy, the son of the William (deceased) and Mary Murphy who were appointed as executors of the will of the late Mary Murphy (site owner), is taking steps to extract the grant of probate and regularise the title. While the objection states that they are willing to engage with the Council to take steps to solve the dereliction, no actions have been undertaken to address the dereliction at the site and the elements of the structure are now becoming ruinous.

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 the extent of the works required to be remove the property from the Derelict Sites Register unfortunately comes too late for neighbours experiencing the harsh effects of the dereliction.

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 this 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