

An
Bord
Pleanála

Board Direction
BD-015368-24
ABP-317961-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/02/2024.

The Board considered:

- (a) the objections made to the compulsory acquisition,
- (b) the report of the Inspector who and
- (c) the documents and submissions on file generally.

The Board decided to confirm the compulsory acquisition by a majority 2:1 vote.

Reasons and Considerations

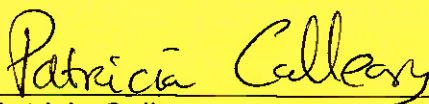
Having considered the objections made to the compulsory acquisition, the report of the Inspector, the purpose of the compulsory acquisition to ensure that the site does not continue to be a derelict site in the interests of public amenity and having regard to the ruinous and derelict condition of the structures on the site and the derelict state of the site and to its neglected, unsightly and objectionable condition, having considered the objections made to the compulsory acquisition, 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 (b) of the Derelict Sites Act 1990, as amended, and that the compulsory acquisition of the site by the local authority is necessary in order to render the site non-derelict and to prevent it from continuing to be a derelict site. It is also considered that the objection made against such acquisition cannot be sustained, having regard to that said necessity and also having regard to:

- (i) the constitutional and Convention protection afforded to property rights,
- (ii) the public interest served by remedying dereliction and overall benefits, including the return to use of property in an area in which there is a demand for housing, to be achieved by the compulsory purchase of the site,
- (iii) the suitability of the lands and the necessity of their acquisition and the prevention of dereliction,
- (iv) the provisions of the Carlow County Development Plan 2022-2028 including Policy CS.06 which seeks to actively promote the redevelopment and renewal of areas in need of regeneration through appropriate active land management measures including availing of statutory powers under, inter alia, the Derelict Sites Act to actively promote regeneration of urban and rural areas within the County.

It is considered that the acquisition of the subject site is necessary for the purpose stated, which is a legitimate objective being pursued in the public interest, 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.

Note: In arriving at its decision, the Board noted that this consent to the compulsory acquisition of a derelict site does not preclude the local authority from further engagement with the site owner as per the provisions of the Derelict Sites Act 1990.

Board Member


Patricia Calleary

Date: 07/02/2024