

An
Bord
Pleanála

Board Direction
BD-016410-24
ABP-318494-23

At a meeting held on 24/05/2024, the Board considered:

- (a) the objection made to the Compulsory Purchase Order,
- (b) the report of the Inspector who held the oral hearing and
- (c) the documents and submissions on file generally.

The Board decided to Annul the Compulsory Purchase Order based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

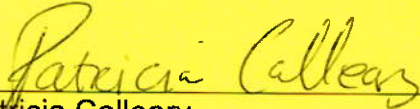
Having considered the objections made to the Compulsory Purchase Order, the report of the person who conducted the oral hearings into the objections, the purpose for which the lands are to be acquired as set out in the Compulsory Purchase Order and also having regard to the following:

- (a) the constitutional and European Human Rights Convention protection afforded to property rights,
- (b) the current and active use of Number 13 Michael Street as a retail premises and its general upkeep and condition,
- (c) the inadequate case made to justify the need for the proposed compulsory purchase at this time in terms of overriding public need and potential usage,

- (d) the purpose of the compulsory acquisition to provide for multiple uses at Number 13 Michael Street, Waterford City, and,
- (e) the policies and objectives of the Waterford City & County Council Development Plan 2022-2028.

It is considered that the Waterford City & County Council has not sufficiently demonstrated at this time that a case for the compulsory purchase of lands to provide for multiple uses and to meet the stated need has been made. It is therefore considered that the acquisition by the Local Authority of the lands which are the subject of the Compulsory Purchase Order is not justified and that the compulsory purchase order shall be ANNULLED.

Board Member:


Patricia Calleary

Date: 24/05/2024