

An
Bord
Pleanála

Board Direction
BD-017215-24
ABP-318787-24

At a meeting held on 09/08/24, the Board considered the objections made to Compulsory Purchase Order, the report of its Inspector as well as the documents and submissions on file.

The Board decided to grant consent to the compulsory acquisition of the site, based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to the neglected, unsightly and objectionable condition of the site, evidenced by the condition of the front façade of the property, the boarded-up window on the front façade, the condition of rain goods and the presence of weeds, and also:

- (a) the Constitutional and Convention protection afforded to property rights,
- (b) the public interest, and
- (c) the provisions of the Carlow County Development Plan 2022 – 2028,

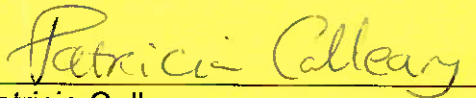
it is considered that the site detracts to a material degree from the amenity, character and appearance of land in the neighbourhood and, therefore, comes within the definition of a derelict site as defined in Section 3 (b) of the Derelict Sites Act, 1990, as amended, and that the acquisition of the site by the Local Authority is necessary in order to render the site non-derelict and to prevent it continuing to be a derelict site. It is also considered that the objections made cannot be sustained having regard to that

said necessity 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 disagreeing with the recommendation of its Inspector to refuse consent to Carlow County Council to compulsorily acquire the site, the Board considered that sufficient time was afforded to the correct notice party to address the dereliction and no evidence of efforts made by the Notice Party to render the site non-derelict have been presented.

Board Member:


Patricia Calleary

Date: 09/08/2024