



An
Bord
Pleanála

Board Direction
BD-017440-24
ABP-320061-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/09/2024.

The Board decided to grant consent to the compulsory acquisition, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Decision

GRANT consent to the compulsory acquisition of the said site based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to the derelict, unsightly and objectionable condition of the subject property, and also:

- (a) the constitutional and Convention protection afforded to property rights,
- (b) the public interest, and,
- (c) the provisions of Kilkenny City and County Development Plan 2021-2027,

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 objection 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.

Board Member



Tom Rabbette

Date: 11/09/2024