



An
Bord
Pleanála

Board Direction
BD-018339-24
ABP-320226-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/11/2024.

The Board decided by a majority of two to one to make a split decision to

- (1) grant consent to the compulsory acquisition of the said site for the reasons and considerations marked (1) under and subject to the conditions set out below,

and

- (2) refuse consent the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the ruinous, derelict and dangerous condition of the structure and the derelict, neglected, unsightly and objectionable state of the land at Folio Number MH12736F, having considered the objection made to the compulsory acquisition, and also

- the constitutional and Convention protection afforded to property rights,
- the public interest, and,
- the provisions of Meath County Development Plan 2021-2027,

it is considered that the portion of Folio Number MH12736F situated within the settlement boundary of Drumconrath as indicated in Sheet No: 11(a) Land Use Zoning, Volume 2 of the Meath County Development Plan 2021-2027 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 sections 3(a), (b) and (c) 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 in respect of the aforementioned portion of this Folio 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.

Reasons and Considerations (2)

Having regard to the nature of the adjacent land within Folio Number MH12736F consisting of a field in land zoned as 'Rural Area', having considered the objection made to the compulsory acquisition, and also

- the constitutional and Convention protection afforded to property rights,
- the public interest, and,
- the provisions of Meath County Development Plan 2021-2027,

it is considered that the portion of Folio Number MH12736F situated outside the settlement boundary of Drumconrath as indicated in Sheet No: 11(a) Land Use Zoning, Volume 2 of the Meath County Development Plan 2021-2027 does not detract from the amenity, character and appearance of land in the neighbourhood and, therefore, does not come within the definition of a derelict site as defined in sections 3(a), (b) and (c) of the Derelict Sites Act, 1990, as amended, and that the compulsory acquisition of the site by the local authority is not necessary in order to render this portion of the site non-derelict and to prevent it from continuing to be a derelict site. It is therefore considered that the objection made in respect of the aforementioned portion of this Folio can be sustained.

In deciding not to accept the Inspector's recommendation to the Board, it was noted that the adjacent agricultural field is located outside the settlement boundary in an area zoned a Rural Area in the Meath County Development Plan 2021-2027. The

Board therefore did not concur that this particular portion of the Folio contributed to dereliction.

Board Member: Eamonn James Kelly **Date:** 02/12/2024
Eamonn James Kelly