



An
Bord
Pleanála

Board Direction
BD-018284-24
ABP-320573-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/11/2024.

The Board decided by a majority of two to one to **refuse** consent to the compulsory acquisition at this time for the following reasons and considerations.

Reasons and Considerations

The Board considered:

- (a) the report of the Inspector;
- (b) the purpose of the compulsory order;
- (c) the constitutional and Convention protection afforded to property rights;
- (d) the public interest; and
- (e) the documents and submissions on file generally.

The Board also had regard to the general condition of the dwelling and the photographic evidence on file indicating some intervention and maintenance of lands on the site in 2024. Notwithstanding the current neglected and unsightly condition of the site, the Board was not satisfied it has been sufficiently demonstrated that this condition detracts to a material degree from the amenity, character and appearance of land in the neighbourhood as to meet the definition of a derelict site. The Board, therefore, decided that the compulsory acquisition of the site by the Local Authority is not necessary, at this time.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted the relatively modest nature of the required works set out in the Derelict

Site Report in May 2024 as well as the evidence on file of some degree of land maintenance at the site up to 2024. In accepting the information on the file demonstrated neglect and unsightliness, the Board was not satisfied that this detracted to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question as to meet the definition of a derelict site. The Board also noted there was no information presented to indicate the site had been entered on the County Carlow Derelict Sites Register. Given the circumstances of this particular case, the Board therefore did not agree the proposed compulsory acquisition is a proportionate response at this time.

Board Member


Eamonn James Kelly

Date: 21/11/2024