

Board Order ABP-304884-19

Derelict Sites Act, 1990

Planning and Development Acts, 2000 to 2019

Planning Authority: Dublin City Council

Application received by An Bord Pleanála on the 9th day of July, 2019 from Dublin City Council pursuant to section 16 of the Derelict Sites Act, 1990, as amended, for consent to the compulsory acquisition of a site at No. 37 Thomas Court, Dublin 8 and as more particularly described in the notice of intention to compulsorily acquire the site.

Decision

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

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the observed condition of the site and the documentation provided in relation to the procedures and steps taken under the Derelict Sites legislation to include the site on Dublin City Council's Derelict Sites Register and the serving of the notice on the lands, it is considered that the site detracts to a material degree from the amenity, character and appearance of the land in the neighbourhood, owing to the neglected, unsightly and objectionable condition of the site and, therefore, falls within the definition of a derelict site as defined in sections 3(b) of the Derelict Sites Act 1990, as amended. Accordingly, the compulsory acquisition of the site by the local authority is warranted and necessary in order to render the site non-derelict and to prevent it continuing to be a derelict site. The Board is also satisfied that the procedures followed by the local authority were not unfair or unreasonable, having regard to the provisions of the Derelict Sites Act 1990, as amended.

Dave Walsh Member of An Bord Pleanála duly authorised to authenticate the seal of the Board.

Dated this day of 2019