

An
Bord
Pleanála

Board Order ABP-316239-23

Local Government (No. 2) Act, 1960

Housing Act, 1966

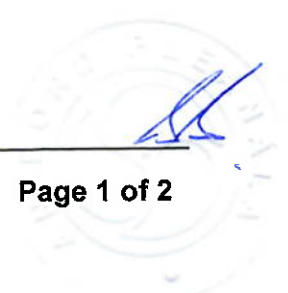
Planning and Development Acts, 2000 to 2022

Planning Authority: Carlow County Council

Application received by An Bord Pleanála on the 12th day of April 2023 from Carlow County Council pursuant to section 76 of, and the Third Schedule to, the Housing Act, 1966 as extended by section 10 of the Local Government (No.2) Act, 1960 (as substituted by section 86 of the Housing Act, 1966) and the Planning and Development Acts, 2000 to 2022, for confirmation of a Compulsory Purchase Order authorising compulsory acquisition of lands and entitled **Carlow County Council, Number CPOH-VH021-2023 Carlow Compulsory Purchase Order, 2023.**

DECISION

ANNUL the above Compulsory Purchase Order based on the reasons and considerations set out below.



REASONS AND CONSIDERATIONS

Having considered the objection made to the Compulsory Purchase Order, which was not withdrawn, the report of the person who conducted the oral hearing into the objections, the purpose for which the lands are to be acquired as set out in the Compulsory Purchase Order and also having regard to the following;

- the constitutional and Convention protection afforded to property rights,
- the purpose of the compulsory acquisition of Number 33 St. Fiacc's Terrace, Carlow for refurbishment of this house, to address vacancy and the acute housing need,
- the policies and objectives of the Carlow-Graiguecullen Joint Urban Local Area Plan 2024-2030 and the Carlow County Development Plan 2022-2028,
- the submissions and observations made at the Oral Hearing held on 14th day of November 2024,
- the personal circumstances of the landowner and impacts of travel restrictions arising from the Covid-19 pandemic on the ability of the landowner being able to visit the site and to carry out necessary maintenance works to the property, and,
- the intention of the property owner to return to live in the property within the year.

it is considered that, the acquisition by the local authority of the property in question, as set out in the Order and on the deposited map, would result in an excessive and disproportionate impact on the property owner.


Stephen Bohan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 14th day of December 2024