

An
Bord
Pleanála

Board Order ABP-317962-23

Derelict Sites Act, 1990

Planning and Development Acts, 2000 to 2022

Planning Authority: Carlow County Council

Application received by An Bord Pleanála on the 7th day of September 2023 from Carlow County Council pursuant to section 16 of the Derelict Sites Act, 1990, as amended, for consent to the compulsory acquisition of a derelict site at Ballyvergal, Palatine, County Carlow 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.

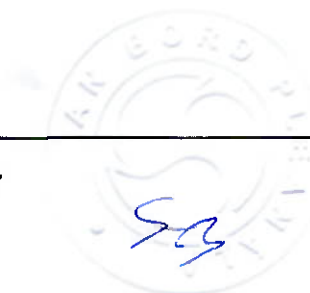


Reasons and Considerations

Having considered the objections made to the compulsory acquisition, the report of the Inspector, the purpose of the compulsory acquisition to ensure that the site does not continue to be a derelict site in the interests of public amenity and having regard to the ruinous and derelict condition of the structures on the site and the derelict state of the site and to its neglected, unsightly and objectionable condition, having considered the objections made to the compulsory acquisition, 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 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 against such acquisition cannot be sustained, having regard to that said necessity and also having regard to:

- (i) the constitutional and Convention protection afforded to property rights, and
- (ii) the public interest served by remedying dereliction and overall benefits, including the return to use of property in an area in which there is a demand for housing, to be achieved by the compulsory purchase of the site,
- (iii) the suitability of the lands and the necessity of their acquisition and the prevention of dereliction,



- (iv) the provisions of the Carlow County Development Plan including Policy CS.06 which seeks to actively promote the redevelopment and renewal of areas in need of regeneration through appropriate active land management measures including availing of statutory powers under, inter alia, the Derelict Sites Act to actively promote regeneration of urban and rural areas within the County,

it is considered that the acquisition of the subject site at Ballyvergal, Palatine, Co. Carlow within the folio number CW538F, as set out in the draft order and on the deposited maps, is necessary for the purpose stated, which is a legitimate objective being pursued in the public interest, 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.



Stephen Brophy
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 13th day of February 2024