



An
Bord
Pleanála

Board Order ABP-318106-23

Derelict Sites Act, 1990

Planning and Development Acts, 2000 to 2022

Planning Authority: Waterford City and County Council

Application received by An Bord Pleanála on the 27th day of September 2023 from Waterford City and County Council pursuant to section 16 of the Derelict Sites Act, 1990, as amended, for consent to the compulsory acquisition of a derelict site known as 61 John Street, Waterford 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 regard to the neglected, unsightly and objectionable condition of the structure, the poor condition and appearance of the façade including the detached and cracked harling, detachment and gap around the front door, poor condition of paintwork and cement fascia, overgrown gutters, and having considered the objection made to the compulsory acquisition, and also:

- (a) the Constitutional and Convention protection afforded to property rights,
- (b) the public interest, and
- (c) the provisions of the Waterford City and County Development Plan 2022 – 2028,

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 sections 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 objections made 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.



Joe Boland
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 12TH day of July 2024