

An
Bord
Pleanála

Board Order ABP-318280-23

Derelict Sites Act, 1990

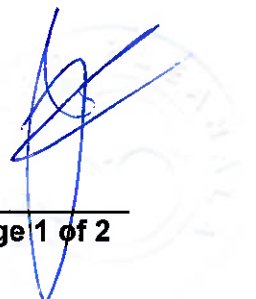
Planning and Development Acts, 2000 to 2022

Planning Authority: Waterford City and County Council

Application received by An Bord Pleanála on the 20th day of October 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 39, 39A and 38 The Glen and the site incorporating former properties known as 15, 16 and 17 Morgan 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 derelict, neglected, unsightly and objectionable state of the land, 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,

the Board considers 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 objection 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 18TH day of July 2024