



An  
Bord  
Pleanála

## Board Order ABP-318462-23

**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 15<sup>th</sup> day of November 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 66 O'Connell Street, Dungarvan, County Waterford and as more particularly described in the notice of intention to compulsorily acquire the site.

### Decision

**REFUSE** 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 current unsightly and objectionable condition of the site, 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 considered that, notwithstanding the current unsightly and objectionable condition of the site which detracts to a material degree from the amenity, character and appearance of the surrounding land in the neighbourhood, taking account of the evidence of the ongoing efforts being made by the Notice Party to render the site non-derelect, the Board does not consider that the compulsory acquisition of the site by the local authority is necessary at this time in order to render the site non-derelect. The Board is not satisfied, therefore, 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.



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

Dated this 23<sup>rd</sup> day of

July 2024