

An
Bord
Pleanála

Board Order ABP-318494-23

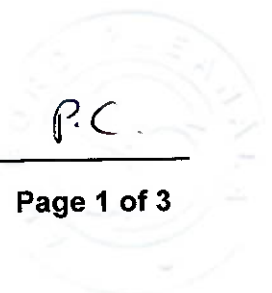
Local Government (No. 2) Act, 1960

Housing Act, 1966

Planning and Development Acts, 2000 to 2022

Planning Authority: Waterford City and County Council

Application received by An Bord Pleanála on the 21st day of November 2023 from Waterford City and 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 **Waterford City and County Council, 13 Michael Street, Waterford, Waterford Compulsory Purchase Order 2023, No. 4.**



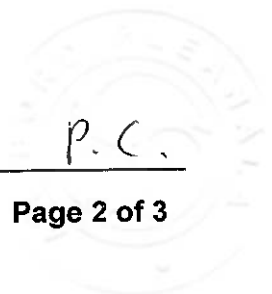
DECISION

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

REASONS AND CONSIDERATIONS

Having considered the objections made to the Compulsory Purchase Order, 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:

- (a) the constitutional and European Human Rights Convention protection afforded to property rights,
- (b) the current and active use of Number 13 Michael Street as a retail premises and its general upkeep and condition,
- (c) the inadequate case made to justify the need for the proposed compulsory purchase at this time in terms of overriding public need and potential usage,
- (d) the purpose of the compulsory acquisition to provide for multiple uses at Number 13 Michael Street, Waterford City, and,
- (e) the policies and objectives of the Waterford City and County Council Development Plan 2022-2028,



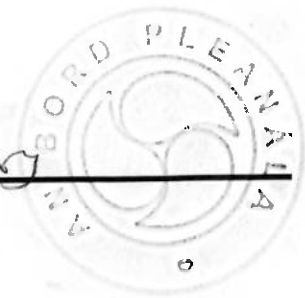
it is considered that Waterford City and County Council has not sufficiently demonstrated at this time that a case for the compulsory purchase of lands to provide for multiple uses and to meet the stated need has been made. It is, therefore, considered that the acquisition by the local authority of the lands which are the subject of the Compulsory Purchase Order is not justified and that the Compulsory Purchase Order shall be annulled.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

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



Dated this *30* day of *May*

2024