

An  
Bord  
Pleanála

## Board Order ABP-318958-24

**Derelict Sites Act, 1990**

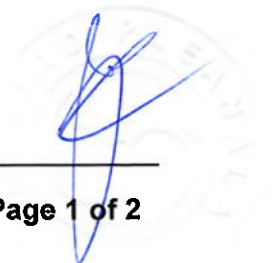
**Planning and Development Acts, 2000 to 2022**

**Planning Authority: Waterford City and County Council**

**Application** received by An Bord Pleanála on the 31<sup>st</sup> day of January 2024 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 33 Ard na Gréine, 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,

it is considered that, having regard to the nature and extent of works which are required to address the dereliction on the site, that the compulsory acquisition of the site by the local authority is not necessary in order to render the site non-derelict. 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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**Joe Boland**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

Dated this 18<sup>TH</sup> day of July 2024