

An  
Bord  
Pleanála

## Board Order ABP-319667-24

**Derelict Sites Act, 1990**

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

**Planning Authority: Carlow County Council**

**Application** received by An Bord Pleanála on the 09<sup>th</sup> day of May 2024 from Carlow County Council pursuant to section 16 of the Derelict Sites Act, 1990, as amended, for consent to the compulsory acquisition of a derelict site at 3 Rath Abhainn, Kilkenny Road, Carlow 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.


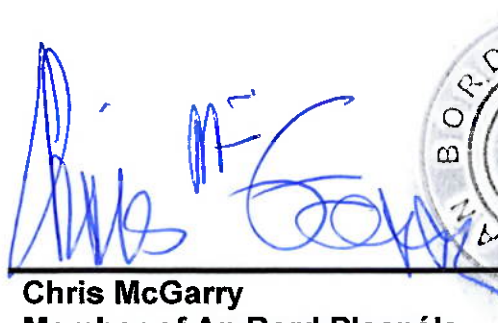
*Handwritten signature/initials in blue ink.*

## Reasons and Considerations

Having regard to the derelict, unsightly and objectionable condition of the subject property, the poor state of repair of the external walls, doors and windows and the visible presence of considerable weed growth on the hardstanding areas within the property, and also:

- (a) the constitutional and Convention protection afforded to property rights,
- (b) the public interest, and,
- (c) the provisions of the Carlow 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 Section 3 (b) of the Derelict Sites Act, 1990, as amended, and that the acquisition of the site by the local authority is necessary in order to render the site non-derelict and to prevent it 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.



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

Dated this  day of  2024