

An
Bord
Pleanála

Board Order ABP-320061-24

Derelict Sites Act, 1990

Planning and Development Acts, 2000 to 2022

Planning Authority: Kilkenny County Council

Application received by An Bord Pleanála on the 2nd day of July 2024 from Kilkenny 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 Father Hayden Road, Kilkenny 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

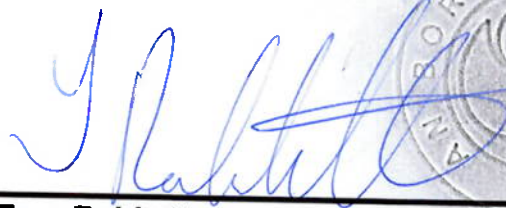
Having regard to the derelict, unsightly and objectionable condition of the subject property, and also:

(a) the constitutional and Convention protection afforded to property rights,

(b) the public interest, and,

(c) the provisions of Kilkenny City and County Development Plan 2021-2027,

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.



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

Dated this 13th day of

Sept.

2024