



An  
Bord  
Pleanála

## Board Order ABP-320223-24

**Derelict Sites Act, 1990**

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

**Planning Authority: Offaly County Council**

**Application** received by An Bord Pleanála on the 22<sup>nd</sup> day of July 2024 from Offaly 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 The Green Cottage, Fairgreen, Edenderry, County Offaly 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 neglected, unsightly and objectionable condition of the site, the ruinous, derelict or dangerous condition of the structures and the deposit or collection of debris within the site and also:

- (a) the constitutional and Convention protection afforded to property rights,
- (b) the public interest, and,
- (c) the provisions of Offaly 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 (a), (b) and (c) of the Derelict Sites Act 1900, 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. Taking account of the limited details and supporting evidence provided by the objector in the objection made to the application and no evidence of steps taken to render the site non-derelict, it is also considered that the objection made cannot be sustained, having regard to the said necessity.



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

Dated this <sup>th</sup> 13 day of Sept. 2024