



An
Bord
Pleanála

Board Order ABP-320573-24

Derelict Sites Act, 1990

Planning and Development Acts, 2000 to 2022

Planning Authority: Carlow County Council

Application received by An Bord Pleanála on the 15th day of August 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 Henry Street, Graiguecullen, Carlow 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

The Board considered:

- (a) the report of the Inspector;
- (b) the purpose of the compulsory acquisition;
- (c) the constitutional and Convention protection afforded to property rights;
- (d) the public interest; and
- (e) the documents and submissions on file generally.

The Board also had regard to the general condition of the dwelling and the photographic evidence on file indicating some intervention and maintenance of lands on the site in 2024. Notwithstanding the current neglected and unsightly condition of the site, the Board was not satisfied it has been sufficiently demonstrated that this condition detracts to a material degree from the amenity, character and appearance of land in the neighbourhood as to meet the definition of a derelict site. The Board, therefore, decided that the compulsory acquisition of the site by the local authority is not necessary, at this time.

In deciding not to accept the Inspector's recommendation to grant consent, the Board noted the relatively modest nature of the required works set out in the Derelict Site Report in May 2024 as well as the evidence on file of some degree of land maintenance at the site up to 2024. In accepting the information on the file demonstrating neglect and unsightliness, the Board was not satisfied that this detracted to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question as to meet the definition of a derelict site. The Board also noted there was no information presented to indicate the site had been entered on the County Carlow Derelict Sites Register. Given the

circumstances of this particular case, the Board therefore did not agree the proposed compulsory acquisition is a proportionate response at this time.

Eamonn James Kelly

Eamonn James Kelly
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this *2st* day of *November*, 2024