

An
Bord
Pleanála

Board Order ABP-320645-24

Derelict Sites Act, 1990

Planning and Development Acts, 2000 to 2022

Planning Authority: Carlow County Council

Application received by An Bord Pleanála on the 22nd 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 10 Maryborough Street, Graiguecullen, County 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 the policies and objectives of the Carlow County Development Plan 2022-2028, the Derelict Sites Act 1990, as amended, the Government's Vacant Homes Action Plan 2023-2026, the submissions of the Notice Party and the report of the Planning Inspector.



The Board is not satisfied it has been adequately demonstrated in the information presented that the subject site is in such a state of neglect as to detract to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question. Therefore, considering the constitutional and convention protection afforded to property rights, the acquisition of the site at this time by the local authority is not considered necessary in order to render the site non-derelict and to prevent it continuing to be a derelict site.

Having regard to:

- (i) the inspection report of the local authority dated the 13th day of June 2024 including, inter alia, the recommendation to put the site forward for direct compulsory purchase order because putting the property through a protracted dereliction process will only yield limited improvements, if any,
- (ii) the subject site not being entered on the Derelict Sites Register for County Carlow, and,
- (iii) the lack of clarity on the file regarding the further engagement (if any) between the local authority and the Notice Party concerning the Repair and Leasing Scheme after the 20th day of September 2023 coupled with the very short timelines between the letter to the Notice Party on the 17th day of June 2024 and the Notice of Intention to acquire the site dated the 25th day of June 2024, the Board is not satisfied that the local authority took all reasonable steps to ensure that any land situate in their functional area does not become or continue to be a derelict site. Furthermore, the Board does not consider it has been sufficiently demonstrated in the totality of information on the file that the

local authority pursued this central test under Section 10 of the Derelict Sites Act 1990, as amended, having regard to the local authority letter to the Notice Party dated the 17th day of June 2024 advising it would proceed to compulsorily acquire the property in accordance with the Derelict Sites Act 1990, as amended, on the basis that no action has been taken to bring the property back into use.

In deciding not to accept the Inspector's recommendation to grant consent, the Board did not concur with the assessment that the site detracts to a material degree from the amenity, character and appearance of land in the neighbourhood or that the local authority has presented adequate grounds to demonstrate the acquisition of the site by them under the Derelict Sites Act 1990, as amended, is necessary in order to render the site non-derelict and to prevent it continuing to be a derelict site.



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

Dated this 4th day of December, 2024