An Bord Pleanála

Board Order
ABP-320927-24

Derelict Sites Act, 1990

Planning and Development Acts, 2000 to 2022

Planning Authority: Waterford City and County Council

Application received by An Bord Pleanála on the 25th day of September 2024 from Waterford City and County Council pursuant to section 16 of the Derelict Sites Act, 1990, as amended, for consent to the compulsory acquisition of a derelict site known as Plot at Waterside and John's Street, Waterford and as more particularly described in the notice of intention to compulsorily acquire the site.
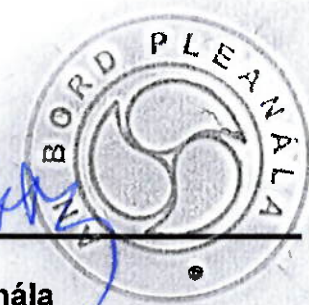
Decision

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 subject property including the exposed utilities and the visible presence of considerable weed growth on the concrete plinth and walls within the property, having considered the objection made to the compulsory acquisition, and also:

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

(b)   the public interest, and,

(c)   the provision of Waterford City and 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 11th day of December 2024