

An  
Bord  
Pleanála

## Board Order ABP-321684-25

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**Derelict Sites Act, 1990**

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

**Planning Authority: Cork County Council**

**Application** received by An Bord Pleanála on the 15<sup>th</sup> day of January 2025 from Cork 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 17 The Rise, Owenabue Heights, Carrigaline, County Cork 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

Having regard to the neglected, unsightly and objectionable condition of the subject property, the poor state of the paintwork on the external walls, the missing fascia, the poor state of the windows, window surrounds and windowsills, and the damage to the roof ridge and 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 provisions of Cork 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. However, the Board was not satisfied that the compulsory acquisition of the site by the local authority is necessary, at this time, in order to render the site non-derelict and to prevent it from continuing to be a derelict site.

In deciding not to accept the Inspector's recommendation to grant consent for the compulsory acquisition, the Board considered that the effects of the compulsory acquisition of the property would impact disproportionately on the property rights of the affected landowner and are not justified by the exigencies of the common good, at this time.

  
**Mick Long**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**



Dated this  day of  2025