



An
Bord
Pleanála

Inspector's Report ABP-319667-24

Development

Application for consent for compulsory acquisition of a derelict site in accordance with Section 14 of the Derelict Sites Act 1990, as amended

Location

3 Rath Abhainn, Kilkenny Road,
Carlow. (Eircode: R93 F5A0)

Local Authority

Carlow County Council

Notice Party

Patrick & Patricia Sheridan

Date of Site Inspection

31st July 2024

Inspector

Frank O'Donnell

1.0 Introduction

- 1.1. This case relates to a request by Carlow County Council for the consent of An Bord Pleanála to the compulsory acquisition of the subject site at no. 3 Rath Abhainn, Kilkenny Road, Carlow, in accordance with the provisions of the Derelict Sites Act, 1990, as amended.

2.0 Site Location and Description

- 2.1. The property which is the subject of this application for consent for compulsory acquisition (referred to hereafter as the 'subject property') is located at no. 3 Rath Abhainn, Kilkenny Road, in a suburban residential area approximately 1.7 km to the southwest of the centre of Carlow town.
- 2.2. The property is a two storey four-bedroom detached dwelling and has a stated site area of 0.0233 hectares (c. 233 sqm). The site includes the dwelling itself, a paved parking area to the front, access passageways on either side of the dwelling, a rear private amenity space/ garden and a rear detached timber garden shed to the rear of the property in the rear garden space (c.6 sqm in area). The side boundaries of the site are defined by high capped block wall and the rear boundary is defined by a high concrete post and panel fence/ wall. The front side boundaries of the site are defined by low capped block walls and the front boundary is defined by a low capped and plastered block wall.
- 2.3. The subject property forms part of a row of two storey detached dwellings of the same design, see house no's 1 to 5 and house no. 8. The remaining dwellings within Rath Abhainn are predominately detached two storey structures and share a similar design to that of the subject dwelling/ property.
- 2.4. The subject property is not a Protected Structure nor is it listed on the National Inventory of Architectural Heritage (NIAH).
- 2.5. On the day of my site inspection the front, side and rear of the property were open. I was unable to gain entry to the dwelling itself. Based on a comparison of photographs attached to the Local Authority's Compulsory Acquisition Report (dated 4th March 2024 (Photos dated 1st March 2024) I note that certain works have been carried out at the subject property. I specifically note the following:

- Overgrown vegetation has been cut back and removed from the dwelling and surrounding land. The grass of the rear garden has been recently cut. The paths surrounding the dwelling have been power-washed and cleared of moss and dirt although some weeds have regrown in certain locations.
- The windowsills have been power-washed.
- With the exception of a side first floor bathroom window all windows and doors were closed and secured.
- A missing downpipe adjacent to the back door has been reinstalled and the wall to the rear of same seems to have been power-washed and cleaned.
- Litter and waste previously shown in the rear garden space and to the rear of the shed has been removed. The site is now clear of litter and waste.
- The door of the ESB meter box on the side/ west elevation has been reinstalled.
- 2 no. small windows on the shed to the rear were broken and partially open to the elements.
- The window frames on the front ground floor and upper floor remain unvarnished and are in a poor state of repair.
- The front door of the property is similarly unvarnished and is in a poor state of repair. The timber of the said door has started to peel away and in a poor state of repair.
- The exterior of the building has not been painted recently and has an unsightly appearance.

3.0 Application for Consent for Acquisition

- 3.1. Carlow County Council has applied to the Board for consent to compulsorily acquire the site under Section 14/ 16 of the Derelict Sites Act, 1990, as amended. I note that this application is subsequent to Carlow County Council serving a notice under Section 14 of the Act on the Derelict Sites Act, 1990, as amended, (i.e. advising of the Local Authority's intention to acquire compulsorily under the said Act, the derelict site as described).

4.0 Application and Objection

4.1. Notice of Intention to Acquire

4.1.1. Notice of Carlow County Council's intention to compulsorily acquire the site was served upon the owners/ occupiers (Patrick & Patricia Sheridan) on the 12th March 2024 and was published in the Nationalist Newspaper dated 12th March 2024. The site was described in the notices, as follows:

- All that and those the site and premises situate at and known as 3 Rath Abhainn, Kilkenny Road, Carlow, R93F5A0 situate in the townland of Mortarstown Upper, in the barony of Carlow being All of the Property comprised in folio CW24572F of the Register of Freehold Land in County Carlow being the lands delineated in red on the map attached hereto.

4.1.2. I consider the notices were in accordance with the requirements of Section 15 (1) (a) and (b) of the Derelict Sites Act 1990, as amended.

4.2. Objection to Acquisition

4.2.1. 1 no. submission (by and on behalf of the property owner) expressing objection to the proposed acquisition was submitted to Carlow County Council.

4.2.2. The objection to the proposed acquisition was submitted to Carlow County Council by O'Reilly & Co Solicitors, dated 11th April 2024. The objection can be summarised as follows:

- The Registered Owners (Patrick & Patricia Sheridan) strongly object to the proposed compulsory acquisition of their property on the following grounds:
 - The property is not a derelict site and is a substantial four-bedroom, detached house, which has been in their ownership since in or about 2004.
 - The Registered Owners have periodically maintained the property to a reasonable standard, notwithstanding the distance between the property and their residence (Navan, County Meath). The property was purchased as an investment property with the assistance of a Bank Loan.

- Attempts to sell the property on a number of occasions have been prevented by the Bank.
- The property was initially rented out by the Registered Owners. Approximately 10 years ago, Mr. Patrick Sheridan, was advised that he should no longer continue to work on health grounds. (Please see said letter attached to file). Due to this, he has been unable to make mortgage payments for approximately 10 years and the Bank have consistently refused to allow the property to be continued to be rented out and they considered that a sale could be hindered as a result.
- Owing to this, the Registered Owners attempted to sell the property and secured 3 no. different buyers. On each occasion, the Bank refused to consent to the sale.
- The Mortgage has since been sold to a separate Mortgage/ Finance Company who purchased the Mortgage in or around 2022.
- The Registered Owners understand there is no longer any restriction on them renting the property and they propose to proceed with upgrade works and have the property available for rental within the next 4 to 6 weeks.
- The Registered Owners are stated to have instructed a local Auctioneer with a view to placing the property on the market for rental and have made preliminary contact with tradesmen to prepare for commencement of renovation works.
- It is requested that confirmation be provided that the proposal to acquire the property by Compulsory Purchase will not proceed.

4.3. Local Authority's Application for Consent

4.3.1. The Local Authority requests the consent of the Board to the compulsory acquisition of the derelict site. The application for consent was received on 9th May 2024 and included the following:

- Local Authority internal memo and email from the Vacant Homes Officer to the Housing Officer dated 28th June 2023 regarding the Acquisition/ CPO of the property.

- Copies of the Land Registry Folio Map.
- Copy of Land Registry Folio details.
- Copies of Photographs of the Subject Property.
- Copy of Local Authority memo from Housing Officer to Vacant Property Unit/ Vacant Homes Officer dated 8th July 2023 requesting that the vacant homes unit pursue the property under CPO or negotiated acquisition at market value rates.
- Copies of 2 no. Local Authority letters to Registered Owners dated 19th July 2023 and 3rd August 2023 seeking that the recipients make contact within two weeks of the date/s of the respective letters.
- Copy of 1 no. Local Authority letter to Registered Owners dated 15th September 2023 informing them of the intention of the Local Authority to acquire the property by Compulsory Purchase Order, in accordance with the Derelict Sites Act 1990, as amended and inviting them to make contact within 2 weeks should they wish to discuss the matter further.
- Copy of 1 no. email from the Vacant Homes Officer to the Executive Technician in the Planning Department dated 29th February 2024 requesting that the property be inspected and that advice be provided as to the derelict status of same in accordance with the Derelict Sites Act 1990.
- Copy of a Local Authority memo from the Vacant Homes Officer to the Chief Executive of the Local Authority dated 5th March 2024 recommending that the CPO procedure proceeds. This memo is counter signed by a Director of Services and the Chief Executive.
- Copy of Derelict Sites Report prepared by the Executive Technician in the Planning Department and associated photographs dated 4th March 2024.
- Copy of 1 no. email from the Executive Technician in the Planning Department to the Vacant Homes Officer dated 12th March 2024 confirming the posting of notices on the subject property on 12th March 2024 with 2 no. accompanying photographs.

- Copies of 5 no. Registered letters from the Local Authority to AIB Bank, Carlow, AIB Bank, Dublin, Patrick Sherida, Patricia Sheridan and Everyday Finance DAC dated 12th March 2024 advising that the Local Authority is now proceeding to Compulsorily Purchase/ acquire the subject property. The letters are accompanied by a copy of the notice dated 12th March 2024, 1 no. copy of a land registry compliant map, 1 no. copy of the Newspaper Notice dated 12th March 2024 and 1 no. copy of the Chief Executive's Order dated 12th March 2024.
- Copy of a letter from AIB Bank, Dublin to the Local Authority dated 22nd March 2024 confirming the transfer of the Mortgage to Mars Capital Finance Ireland DAC.
- Copy of letter from the Local Authority to Mars Capital Finance Ireland DAC dated 25th March 2024 advising that the Local Authority is now proceeding to Compulsorily Purchase/ acquire the subject property. The letter is accompanied by a copy of the notice dated 12th March 2024, 1 no. copy of the land registry compliant map and 1 no. copy of the Newspaper Notice dated 12th March 2024.
- Copy of Returned Registered Letter/ Envelope (to Mars Capital Finance Ireland DAC) addressed to the Town Regeneration Officer received by CCC on 27/03/2024.
- Copy of a letter of Objection to the proposed Compulsory Acquisition from O'Reilly & Co. Solicitors to the Local Authority for and on behalf of their client's Patrick Sheridan & Patricia Sheridan dated 11th April 2024. The letter requests the Local Authority to confirm by return that the proposal to acquire this property by Compulsory Purchase will not proceed.
- Copy of a letter from the Local Authority to O'Reilly & Co. Solicitors dated 8th May 2024. The letter acknowledges the earlier letter of 11th April 2024 and advises, as per Section 16 of the Derelict Sites Act 1990, as amended, that all documentation in relation to the Compulsory Acquisition will now be forwarded to An Bord Pleanála for consideration.

- Copy of a letter from the Local Authority to An Bord Pleanála dated 8th May 2024 seeking the confirmation of a Compulsory Acquisition in respect of the subject property.

4.3.2. The **Derelict Site Report** can be summarised as follows:

- The Derelict Site Report is dated 1st March 2024, VHO Ref. VHO258.
- The Report relates to the subject property, No. 3 Rath Abhainn, Kilkenny Road, Carlow, folio ref. no. CW24572F. The site has a stated site area of 0.0494 hectares (494 sqm). The property is stated to be unoccupied.
- The Report finds that having inspected the property, it is a Derelict Site under Section 3 of the Derelict Sites Act, 1990.
- The Report includes the following Recommendation:
 - *‘Given the long-term neglected and objectionable condition of this prominent property within Rath Abhainn Estate, and the lack of engagement from the registered owner(s) I advise direct initiation of CPO proceedings against this property.’*
- The Report is informed by a Case Summary dated 1st March 2024. The Case Summary indicates the Registered Owner as Patrick Sheridan.
- The property is described as a 4-bed detached two storey property within the housing estate of Rath Abhainn and it is stated that this is a long-term vacant property (in excess of 3 years).
- The existing condition of the property is stated to be deemed derelict as it is visually objectionable in terms of its surrounding environs. Significant remedial works are stated to be required to raise the property from dereliction. This is stated to require the power-washing and extensive cleaning of the entire house, painting of the external walls and the upgrade of existing windows and external doors.
- It is further stated that the associated site is **overgrown** and **neglected** with out of control and unattended front and rear gardens.

- The Report notes that attempts of engagement with the registered owners has yielded no results and that this is confirmed by the Vacant Homes Officer (VHO) and the Town Regeneration Officer (TRO).
- The Report includes a Photographic Survey taken on 1st March 2024 (24 no. photos in total).
- The following advice is provided in the Report:
 - *‘Advise that the property be put forward for direct CPO by the Local Authority as it is deemed in this instance that putting the property through a protracted dereliction process will only yield limited improvements (if any). Lack of engagement from the registered owners to date informs this recommendation.’*
- The Report includes 2 no. tables each with the same 14 no. Remedial Measures and dated 01st March 2024 and 4th March 2024 respectively. The latter table dated 4th March 2024 includes the following recommendations to be carried out **immediately**:
 1. *Cut back and remove the overgrown vegetation from the dwelling and surrounding land.*
 2. *Remove the litter and waste from the site to an authorised facility.*
 3. *Wash down the dwelling exterior walls, boundary walls and paint in a similar colour to the existing finish.*
 4. *Secure all the windows and doors opening on the structure.*
 5. *Carry out all the necessary roof repairs.*
 6. *Replace the missing downpipe/ Slates/ Rood Tiles/ Ridge Tiles.*
 7. *Repair the damaged fascia/ Soffit and clear the gutters.*
 8. *Clean down and paint the garage doors and window frames.*
 9. *All waste to be disposed of in an authorised facility by a duly authorised contractor currently holding all necessary permits.*
 10. *Leave the site in a clean and tidy condition.*

- The following **recommendations** are listed as **ongoing** in the same table:

11. *Put regular pest control measures in place.*

12. *Carry out regular maintenance to prevent future dereliction issues.*

- Under point no. 13 it is stated that the following is to be carried out **upon completion**:

13. *Forward a copy of any receipts of waste disposal to the CC.*

- Under point no. 14 it is stated that the following **is not applicable**:

14. *Engage a specialised invasive plant species contractor to treat/ manage the infestation of Japanese Knotweed (*Fallopia japonica*) or other on the site and prevent it spreading to neighbouring properties.*

4.4. Objector's Submission

4.4.1. No objector's submission was received by An Bord Pleanála.

4.5. Oral Hearing

4.5.1. No request has been received for an Oral Hearing.

5.0 Planning History

5.1. Planning History

- None on file for the application site.

6.0 Legislation and Policy Context

6.1. Derelict Sites Act 1990 (as amended)

6.1.1. The Derelict Sites Act 1990, as amended, makes provision to prevent land being or becoming a derelict site. Amongst other things, it enables local authorities to require landowners or occupiers to take measures on derelict sites and, in certain circumstances, to acquire derelict sites compulsorily.

6.1.2. Section 3 of the Act defines 'derelict site' as:

“Any land...which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of—

(a) the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or

(b) the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or

(c) the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by or under statute or by common law.”

6.1.3. Other relevant provisions of the Act are summarised below:

- Section 8 of the Act requires Local Authorities to establish a register of derelict sites in their functional area and to serve notices on occupiers/ owners of their intention to do so.
- Section 9 of the Act places a duty on every owner and occupier of land, to take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site.
- Section 10 of the Act places a similar duty on Local Authorities to take all reasonable steps, including the exercise of any appropriate statutory powers, to ensure that any land in their functional area does not become or continue to be a derelict site.
- Section 11 of the Act enables Local Authorities to serve a notice on an owner or occupier of land, requiring them to take specified measures to prevent land becoming or continuing to be a derelict site.
- Section 14 provides that a local authority may acquire by agreement or compulsorily any derelict site situated in its functional area.
- Section 15 sets out arrangements for giving notice if the local authority intends to acquire a derelict site compulsorily.

- Section 16 sets out arrangements if the owner/occupier wishes to object to the acquisition and it provides that if an objection is made, then the derelict site shall not be acquired compulsorily by the local authority without the consent of the Board.

6.2. Carlow County Development Plan 2022 to 2028

- 6.2.1. The subject property is within the defined CSO settlement boundary and outside the defined development plan boundary for Carlow Town, as shown on the Carlow Town Land Use Zoning Map. The site is therefore not ascribed any specific zoning use.
- 6.2.2. The following policies and objectives are of relevance to the subject proposal:

Objectives

Active Land Management

It is an Objective of the Council to:

- **CS. 06:**
 - *Actively promote the redevelopment and renewal of areas in need of regeneration through appropriate active land management measures including availing of statutory powers under the Derelict Sites Act, Housing Act, Vacant Site Levy and supporting implementation of the Residential Zoned Land Tax together with other statutory provisions to actively promote regeneration of urban and rural areas within the County.*

Core Strategy – Objectives

It is an Objective of the Council to:

- **CS. 012:**
 - *Promote measures to reduce vacancy and the underuse of existing building stock and support initiatives that promote the reuse, refurbishment and retrofitting of existing buildings within urban centres and targeted settlements in the county.*

7.0 Assessment

7.1. Site Inspection

- 7.1.1. I carried out my site inspection on 31st July 2024. Internal access to the dwelling was not available. I walked around the property and inspected the front, side and rear. I inspected the interior of the property from the exterior at the rear patio door and side kitchen window. I also inspected inside the shed and to the rear of same.

7.2. Category of Dereliction

- 7.2.1. Based on the condition of the subject property which I observed during my site inspection I do not consider that the site falls within category (a), which relates to structures which are in a ruinous, derelict or dangerous condition. Having inspected the site and reviewed the material on the file, I do not consider that the structure(s) are likely to be in a dangerous condition, or that they could be considered ruinous. I note that certain works have been carried out recently. While I note the condition of the shed to the rear of the dwelling, I note that this is not readily visible from the public road. Therefore, on balance I do not consider that the condition of this structure results in the wider property being considered to fall under category (a).
- 7.2.2. In respect of category (b) of Section 3 of the Act and notwithstanding the works which have been undertaken to address the indicators of dereliction, including repair of rear downpipe, power washing and weeding, I note the condition of the front door and front ground floor and upper floor windows which have not been painted, overgrowth of weeds to the front and rear of the property and the general appearance of the property having a neglected, unsightly and objectionable condition and I consider that the site falls within category (b) of Section 3 of the Derelict sites Act, 1990. I particularly note that the subject property is located in an established residential area and is located alongside dwellings which are for the most part attractive and well maintained.
- 7.2.3. I do not consider the property to fall within category (c) of Section 3 of the Act as there was no rubbish evident at the time of my inspection.
- 7.2.4. In conclusion, I consider that the property detracts to a material degree from the amenity, character and appearance of land in the neighbourhood, which in my view, renders it derelict under Section 3 of the Act.

7.3. Action of Local Authority

- 7.3.1. The Compulsory Acquisition Report of the Local Authority dated 5th March 2024 sets out the engagement between the Local Authority and the Registered Owners of the property. This included letters to the Registered Owners dated 19th July 2023 and 3rd August 2023. The property is stated in the report to have been vacant for more than three years. The Report refers to the Derelict site Report from an Executive Technician of the Local Authority dated 1st March 2024 which has deemed the property to be derelict. The Report recommends that the property be Compulsorily Acquired under the Derelict Sites Act, 1990, as amended.
- 7.3.2. A Notice of the Local Authority's intention to Compulsorily Acquire the property under Section 15 of the Derelict Sites Act, as amended, was served on 12th March 2024 and published in the Nationalist Newspaper on 12th March 2024.
- 7.3.3. Under Section 10 of the Derelict Sites Act 1990, as amended, it is noted that the Local Authority has a duty *'to take all reasonable steps (including the exercise of any appropriate statutory powers) to ensure that any land situate in their functional area does not become or continue to become a derelict site.'*
- 7.3.4. I note that in using its powers to Compulsorily Acquire the property, as set out in the Compulsory Acquisition Report, the Local Authority consider the said Compulsory Acquisition accords with policies and objectives of the Carlow County Development Plan, 2022 to 2028, and that regard has been had to the provisions of the Draft Carlow Graiguecullen Joint Urban Local Area Plan 2024 to 2030 including relevant policies and objectives. I further note the Local Authority consider that the Compulsory Acquisition accords with general Government Policy as set out in the Action Plan for Housing and Homelessness and in particular the stated policy objective to acquire vacant homes for social housing. I accept that the Local Authority has taken steps in consultation with the owner of the subject property to bring the property out of dereliction. I note initial contacts were made with the Registered Owners of the Property on 19th July 2023 (Registered Letter received on 21st July 2023) and then subsequently on 3rd August 2023 (Registered Letter received on 4th August 2023), 15th September 2023 (Registered Letter received on 18th September 2023) and 12th March 2024 (including the posting of notices at the property on same said date) and that it was not until 12th April 2024 that a Letter

(dated 11th April 2024) from Solicitors acting on behalf of the Registered Owners was received by the Local Authority. Having regard to the foregoing I am satisfied that the Local Authority gave the property owner sufficient time and opportunity to address the dereliction. Therefore, I am satisfied that the efforts of the Local Authority have been fair and reasonable.

7.4. Compliance with Development Plan

- 7.4.1. I note the Carlow County Development Plan, 2022 to 2028, and specifically Objectives CS. O6 and CS. O12, which seek, inter alia, to address dereliction, reduce vacancy and encourage and facilitate appropriate redevelopment. The subject property is in a derelict state and has remained vacant for a period in excess of 3 years. I consider that the subject property detracts to a material degree from the character and appearance of the surrounding area. Therefore, I consider that the subject property and a compulsory purchase order (CPO) would be consistent with the policies and objectives of the Development Plan and will ensure that the lands do not continue to be in a derelict condition.

7.5. Action of the Owner to Address Dereliction

- 7.5.1. I note the objection to the proposed compulsory acquisition lodged for and on behalf of the Registered Owners of the property which was received by the Local Authority on 12th April 2024 (dated 11th April 2024). It is stated that the Registered Owners periodically maintain the property and have maintained it to a reasonable standard. It is stated on behalf of the Registered Owners that it is understood there is no longer any restrictions on them renting the property, that they propose to immediately proceed with upgrade works and have it available for rental within the following four to six weeks, i.e. four to six weeks following the date of the letter (11th April 2024). It is further stated that the Registered Owners have instructed a local Auctioneer with a view to placing the property on the market for rental and that preliminary contact has been made with tradesmen to prepare for commencement of renovation works. No documentation in support of these statements has been provided.
- 7.5.2. At the time of my site inspection the property appeared to be vacant and as noted further above was in a derelict state. Actions of the owner to address dereliction therefore include the actions outlined above, i.e. repair of rear downpipe, grass cutting, removal of rubbish, power washing and weeding. There is no evidence of

any further significant action having been taken by the Owner to Address Dereliction. The measures taken appear to be largely cosmetic. I am satisfied the proposed compulsory acquisition is proportionate given the circumstances of this particular case.

8.0 Conclusion

- 8.1. I am satisfied that the process and procedures undertaken by Carlow County Council have been fair and reasonable, that the Local Authority has demonstrated the need for the land to be acquired are both necessary and suitable to ensure that the lands do not continue to be a derelict site.
- 8.2. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the proposed acquisition of the Derelict Site comprising the site and premises situate at and known as 3 Rath Abhainn, Kilkenny Road, Carlow, R93F5A0, containing 0.0233 hectares or thereabouts, as set out in the Derelict Site Notice issued under Section 15(1)(b) of the Derelict sites Act 1990, (as amended) and dated 12th March 2024 and on the deposited map CPODS-VHO258, pursues, and was rationally connected to, a legitimate objective in the public interest, namely, to ensure that the lands do not continue to be in a derelict condition.
- 8.3. I am also satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible. In this respect, I have considered alternative means of achieving the objective referred to in the submissions to the Board and am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the compulsory acquisition by the acquiring authority unreasonable or disproportionate.
- 8.4. The effects of the compulsory acquisition on the rights of affected landowners are proportionate to the objective being pursued. I am further satisfied that the proposed acquisition of these lands would be consistent with the policies and objectives of the Carlow County Development Plan 2022-2028, and specifically Objectives CS. O6 and CS. O12, which seek, inter alia, to address dereliction, reduce vacancy and encourage and facilitate appropriate redevelopment. Accordingly, I am satisfied that

the grant of consent to compulsorily acquire these lands is clearly justified by the exigencies of the common good.

9.0 Recommendation

- 9.1.1. Having regard to the observed condition of the site, in particular the derelict condition, the unsightly and objectionable condition of the land and the structure thereon, I consider that the site materially detracts from the amenity, character and appearance of land in the neighbourhood and there is therefore a derelict site within the meaning of Section 3 b) of the Derelict Sites Act, 1990, as amended.
- 9.1.2. I consider it reasonable that the Local Authority seeks to compulsorily acquire the land, as provided by Section 14 of the Act. I recommend that the Board grant consent to Carlow County Council to compulsorily acquire the site.

10.0 Reasons and Considerations

- 10.1.1. Having regard to the derelict, unsightly and objectionable condition of the subject property, the poor state of repair of the external walls, doors and windows and the visible presence of considerable weed growth on the hardstanding areas within the property, 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Frank O'Donnell
Planning Inspector

14th August 2024