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**Urban Regeneration and Housing Act 2015**

**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: VSR18-6**

**Appeal** by John McGrath of Rope Walk House, Castle Road, Kilkenny in accordance with section 18 of the Urban Regeneration and Housing Act 2015, as amended, against a demand for payment of vacant site levy issued by Kilkenny County Council on the 24<sup>th</sup> day of January, 2019 in respect of the site described below.

**Description:** Father Hayden Road, Kilkenny.

## **Decision**

**The Board in accordance with section 18(3) of the Urban Regeneration and Housing Act 2015, as amended, and based on the reasons and considerations set out below, hereby determines that the above site was no longer a vacant site within the meaning of that Act.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to:

- (a) the information submitted to the Board by the planning authority in relation to the entry of the site on the Vacant Sites Register,
- (b) the grounds of appeal submitted by the appellant,
- (c) the report of the Inspector,
- (d) that part of the identified site which forms the curtilage of an existing residential dwelling and is required at least in part for the amenity or convenience of this dwelling, and
- (e) the recorded date of the site inspection, (the 14<sup>th</sup> day of March, 2017) provided by the planning authority in its submitted documentation and the absence of sufficient evidence to support the contention of the planning authority that the site was vacant and idle for the period of 12 months preceding the date of placing the site on the Register,

the Board considers that it is appropriate that a notice be issued to the planning authority who shall cancel the entry on the Vacant Sites Register and cancel the demand for payment.

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**Michelle Fagan**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2020**