



An
Bord
Pleanála

Board Order ABP-306273-19

Urban Regeneration and Housing Act 2015

Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Authority Reference Number: VS0124

Appeal by Anne O'Neill of 9 Doon Avenue, North Circular Road, Dublin in accordance with section 9(1) of the Urban Regeneration and Housing Act 2015, as amended, against the entry on the Vacant Sites Register by Fingal County Council on the 3rd day of December, 2019 in respect of the site described below.

Description: Lands at Weavers Row, Clonsilla Road, Dublin (immediately east of The Church of Jesus Christ of Latter-day Saints).

Decision

The Board in accordance with section 9(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 a vacant site within the meaning of that Act for the period concerned.

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 Senior Planning Inspector,
- (d) the recorded dates of site inspections (5th April, 2019, 17th April, 2019, 30th August, 2019 and 23rd September, 2019), the aerial photographic survey carried out on behalf of the planning authority on the 27th day of June, 2018 and the planning authority's knowledge and familiarity with the site due to the planning history of adjoining lands, in its submitted documentation, and
- (e) the acknowledgement by the owner that the site in question is currently vacant,

the Board considers that it is appropriate that a notice be issued to the planning authority who shall confirm the entry on the Vacant Sites Register.

In not accepting the Inspector's recommendation, the Board considered that there is sufficient evidence provided by the planning authority that the site has been vacant for a period of 12 months, and pursuant to Section 9(2) of the Urban Regeneration and Housing Act 2015, as amended, noted that the burden of showing that the site was not a vacant site for the duration of the 12 months concerned is on the owner of the site.

Dave Walsh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020