



An  
Bord  
Pleanála

**Board Direction**  
**BD-002157-19**  
**ABP-302355-18**

The submissions on this file and the Inspector's report were further considered at a Board meeting held on January 15<sup>th</sup> 2019. The Board noted its original decision of January 8<sup>th</sup>, but upon more detailed consideration determined, generally in accordance with the recommendation of the Inspector, that the site in question was a vacant site, within the meaning of the Urban Regeneration and Housing Act, 2015 (as amended), for the relevant period for the following reasons and considerations.

### **Reasons and Considerations**

Having regard to:

- (a) The information placed before 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 Planning Inspector,

It is considered that the majority of the site was a vacant site for the relevant period by reason of the unkempt and unused condition of these lands, that it had been established by the planning authority that there is a need for housing in the area, that the site is suitable for the provision of housing as demonstrated by the residential land use zoning for the area and an extant permission for a mixed use and residential development, and that insufficient reason has been put forward by the landowner to justify the cancellation of the entry on the Vacant Sites Register.

The Board considers that it is appropriate that a notice be issued to the Planning Authority to confirm the entry on the Vacant Sites Register.

**Note:** In arriving at its decision, the Board had regard to the provisions of the Planning and Development (Amendment) Act 2018, and noted that the amendments to the Urban Regeneration and Housing Act, 2015, provided for as a result of the 2018 Act, came into force on 19<sup>th</sup> July 2018, which was before the notice of entry of the subject site on the Vacant Sites Register on 23<sup>rd</sup> July 2018. Accordingly, the provisions of the amended Act fall to be considered, in particular the provisions of Section 5 (1)(a)(iii)(I) and 5 (1)(a)(iii)(II) (inserted by Section 63 of the 2018 Act). In this regard, the Board noted that it was not necessary for the site to meet the tests set out in Section 5 (1)(a)(iii)(II), once it met the tests set out in Section 5 (1)(a)(iii)(I), as these tests are alternatives. Therefore the Board did not consider that the notice of entry on the Vacant Sites Register in this case should be cancelled, as referred to by the Inspector.

*[Please issue a copy of this Direction with the Board Order to the parties.]*

**Board Member**

**Date:** 18<sup>th</sup> January 2018

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Philip Jones