



An
Bord
Pleanála

Board Direction
BD-002911-19
ABP-303413-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on the 30th April, 2019.

The Board determined that, generally in accordance with the Inspector's recommendation, that, based on the information before it, the site was not a vacant site within the meaning of the Urban Regeneration and Housing Act, 2015, as amended, for the following reasons and considerations.

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) 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.
- (e) The absence of the provision of sufficient evidence from the Planning Authority, as required by Section 6(4) of the Act, that the site is situated in an area in which there is a housing need.

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

Note: The Board noted the commentary of the Inspector regarding the inclusion of an accumulation of lands under separate ownership, within the single designated site referenced in the Section 7(3) notice issued. The appellant in this case, is an owner of a part only of the site as designated by the Planning Authority. Attaching an entry on the Vacant Sites Register, which includes as a single 'site', both the appellant's land ownership and also other lands not in the ownership of the appellant (and therefore over which the appellant has no control on matters such as, commencing authorised development, selling the site, determining a valuation), presents practical challenges in terms of the proper implementation of the legislation.

In this context the Board considered that the spirit and intent of the legislation would be better secured, wherein a site proposed for entry on the register is clearly aligned with a single ownership, to enable all subsequent procedures within the legislation to be capable of implementation.

However, given the confirmed reasons as set out in the Direction, cancelling the entry on the Register, The Board decided not to pursue this issue, in this specific appeal.

Board Member

Date: 01/05/2019

Chris McGarry