



An
Bord
Pleanála

S9 Board Direction
BD-004308-19
ABP-303529-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/10/2019

The Board determined, generally in accordance with the Inspector's recommendation, that, based on the information before it, the area of land was not a vacant site within the meaning of the Urban Regeneration and Housing Act, 2015, as amended, for the period concerned, 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 fact that the area of land is a garden or portion of ground attached to and usually occupied with a dwelling (the Carmelite Monastery) or otherwise required for the amenity or convenience of the dwelling, and is therefore part of a 'home' for the purpose of section 5 of the Urban Regeneration and Housing Act 2015 (as amended) and therefore does not meet the definition of 'site' for the purpose of that section of the Act,
- (e) the fact that the area of land is used for amenity purposes associated with the Carmelite community and is therefore not vacant or idle,

- (f) the fact that the most recent purchase of the area of land occurred prior to it becoming residential land, and before, on or after the commencement of section 63 of the Planning and Development (Amendment) Act, 2018,
- (g) the recorded date of site inspection (12th November 2018) provided by the planning authority in its submitted documentation, and
- (h) the absence of sufficient appropriate records to support the contention of the planning authority that the area of land was vacant or idle for the period of 12 months preceding the date of placing it 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.

Board Member

Date: 21/10/2019

John Connolly