



An
Bord
Pleanála

S9 Board Direction
BD-004398-19
ABP-303548-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/11/2019

The Board determined, 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 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 discrepancies in the wording within the correspondence, prepared by Westmeath County Council under Section 7(1) and Section 7(3) of the Urban Regeneration and Housing Act 2015 as amended, which includes text from Section 5(1)(b) of the Act, which sets out the meaning of a vacant site consisting of regeneration land, the designation of the site as regeneration land in the Vacant Site Assessment Report 2018, prepared by the planning authority and, notwithstanding that the site is designated as regeneration land for the purposes of the Vacant Site Levy under the statutory development plan, the Notice of Entry on the Vacant Site Register dated 20th December 2018, refers to Section 5(1)(a) of the Act, which relates to a site consisting of

residential land, and that as a consequence, the procedure for entry on to the register with regard to setting out reasons had not been properly applied.

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: 01/11/2019

Terry Prendergast