



An
Bord
Pleanála

S9 Board Direction
BD-004479-19
ABP-304039-19

The submissions on this file (including the responses received, from the planning authority and the appellant, to the Board's Section 132 notices) and the Inspector's report were considered at a Board meeting held on 08/11/2019.

The Board determined 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, (the Act) 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 area of land 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 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
- (e) the unsuitability of the area of land for housing for the duration of the period concerned, having regard to Policy HP14 of the Laois County Development Plan 2017-2023 and the date on which it was zoned *Residential 2*,
- (f) the recorded date of inspection (7th November 2017) provided by the planning authority in its submitted documentation, and

(g) 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.

In deciding not to accept the recommendation of the Inspector that the area of land was a vacant site for the 12 months concerned, the Board had regard, in particular, to (d) to (g) incl. above.

Note:

Notwithstanding the appellant's claim that it no longer owns the area of land in question, the Board considered the appeal to be valid, having regard to the meaning of "owner" in Part 2 of the Act, as provided for in Section 3 of the Act, and the acknowledgement of both the planning authority and the appellant, in their responses to the Board's Section 132 notices, that the appellant is the registered owner.

Board Member

Date: 11/11/2019

John Connolly