

An  
Bord  
Pleanála

**S9 Board Direction**  
**BD-010172-22**  
**ABP-309200-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/03/2022

The Board determined 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, as set out in the entry in the Vacant Sites Register, for the following reasons and considerations.

**Reasons and Considerations**

Having regard to:

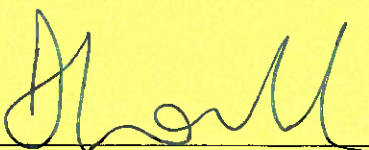
- (a) The information submitted to the Board by the Planning Authority in relation to the entry of the site on the Vacant Sites Register,
- (b) The grounds of appeal submitted by the appellant, together with the additional documentation provided by the appellant and received by the Board on the 16<sup>th</sup> day of March 2021, which provided folio details of the transfer of land ownership from the appellant to Lonadale Limited on the 4<sup>th</sup> day of July 2017, and
- (c) The report of the Inspector,

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, on the basis that evidence has been provided to the Board confirming that part of the site identified in

the notice issued under section 7(3) on the 18<sup>th</sup> day of December 2020 is not within the ownership of the appellant and there is no provision in the legislation to amend or alter the site.

In not accepting the Inspector's recommendation, the Board acknowledged that the Planning Authority had carried out appropriate due diligence, serving the notice on the registered owners of the site on the basis of the Land Registry folio documentation available to them at the time, and that the issue of land ownership was not raised with the Planning Authority by the appellant prior to this appeal process. However, in light of further evidence since submitted to the Board on the 16<sup>th</sup> day of March 2021, confirming the transfer of folios KE2094F and KE71227F to another legal entity on the 4<sup>th</sup> day of July 2017, the Board considered that the site has been incorrectly entered onto the Register contrary to the provisions of section 6 and 7 of the Urban Regeneration and Housing Act 2015, as amended, and that the entry should therefore be cancelled.

**Board Member**

  
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Dave Walsh

**Date:** 04/03/2022