



An
Bord
Pleanála

Board Direction
BD-014995-24
ABP-315198-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/01/2024.

In accordance with Section 18 (3) of the Urban Regeneration and Housing Act 2015 (as amended), the Board confirmed that the site was a vacant site on the 1st day of January, 2021 and that the amount of the levy has been correctly calculated in respect of the vacant site. The demand for payment of the vacant site levy under Section 15 of the Urban Regeneration and Housing Act 2015 is, therefore, confirmed generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

Having regard to:

- (a) Section 18(1) of the Urban Regeneration and Housing Act 2015 (as amended) which states that the owner of a site who receives a demand for payment of vacant site levy under Section 15 may appeal against the demand to the Board within 28 days after the date of the demand,
- (b) the information placed before the Board by the Planning Authority in relation to the entry of the site on the Vacant Sites Register,
- (c) the grounds of appeal submitted by the appellant,
- (d) the report of the Planning Inspector,
- (e) the need for housing in the area and the site being suitable for the provision of housing as demonstrated by the residential land use zoning for the area,
- (f) insufficient detail concerning the extent to which the site encompassed by the boundaries described in VS-SL-33 was not vacant on the 1st day of January 2021 or

on the date on which the appeal was made being put forward by the owner to cancel entry on the Vacant Sites Register and cancel the demand made in respect of 2021, (f) the amount of the levy being correctly calculated at 7% of the site value in 2021, and (g) there has been no change in the ownership of the site, the Board is satisfied that the site was a vacant site in 2021 and the amount of the levy has been correctly calculated. The demand for payment of the vacant site levy under Section 15 of the Urban Regeneration and Housing Act 2015 is, therefore, confirmed.

Note

The Board noted that Section 9(1) of the Urban Regeneration and Housing Act 2015 (as amended) states that the owner of a site that is entered on the register under Section 6(2) may appeal against such entry to the Board within 28 days after the date of the notice given to him or her under Section 7(3). The Board therefore confined its deliberations of this appeal to the scope of Section 18 of the Act, an appeal against a demand for levy by the planning authority for the year 2021.

Board Member

Eamonn James Kelly

Date: 09/01/2024

Eamonn James Kelly