

An  
Bord  
Pleanála

**S18 Board Direction**  
**BD-015997-24**  
**ABP-317507-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/04/2024, the Board determined that:

- the site was no longer a vacant site on the 1<sup>st</sup> January 2021 with reference to section 18(2)(a) of the Urban Regeneration and Housing Act 2015, as amended,

for the following reasons and considerations.

### **Reasons and Considerations**

Having regard to:

- (a) The information placed before 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, in particular, to the following therein:
  - (i) A copy of a 'Notice of Motion' concerning an application to the District Court sitting at The Courthouse, Portlaoise, County Laois, dated 30<sup>th</sup> day of July 2021 in relation to a District Court Order of May 2019 concerning matters pertaining to the subject site.
  - (ii) The contents of a letter from the appellant to An Bord Pleanála, dated 3<sup>rd</sup> day of July 2023, with reference to the history outlined therein concerning matters to a tenancy dispute at the subject site.
  - (iii) A letter from McCormack Solicitors LLP, Newbridge, Co. Kildare, dated 19<sup>th</sup> day of August 2021, to the appellant with reference to legal proceedings concerning a tenancy dispute at the subject site.

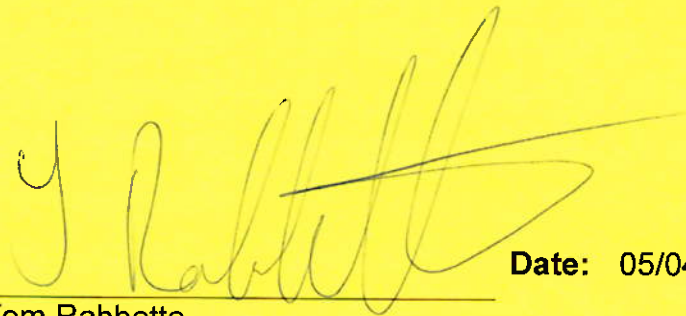
- (c) The report of the Inspector.
- (d) The provisions of section 18(2)(a) of the Urban Regeneration and Housing Act 2015, as amended.

The Board considered that the subject site was in residential use on the 1<sup>st</sup> January 2021 and for other periods in the year 2021 and it is appropriate therefore that a notice be issued to the planning authority who shall

- *cancel the entry on the Vacant Sites Register and cancel the demand for payment for the year 2021.*

In deciding not to accept the Inspector's recommendation to confirm the vacant site levy for the year 2021, the Board was satisfied that the site was no longer a vacant site on the 1<sup>st</sup> January 2021 given evidence submitted in the appeal that the site was in residential use on that date and for other periods in the year 2021.

**Board Member**



Tom Rabbette

**Date:** 05/04/2024