



An
Bord
Pleanála

Board Order ABP-302872-18

Urban Regeneration and Housing Act 2015

Planning and Development Acts 2000 to 2018

Planning Authority: Carlow County Council

Planning Authority Reference Number: VS-18-21

Appeal by M.B. Homes Limited care of Malcolmson Law of The Atrium, Shamrock Plaza, Green Lane, Carlow in accordance with section 9(1) of the Urban Regeneration and Housing Act 2015 against the entry on the Vacant Sites Register by Carlow County Council on the 28th day of September, 2018 in respect of the site described below.

Description: Site at Montgomery Street, Carlow.

Decision

The Board in accordance with section 9(3) of the Urban Regeneration and Housing Act 2015, and based on the reasons and considerations set out below, hereby determines that the above site was not a vacant site within the meaning of that Act for the period concerned.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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 absence of sufficient evidence to support the contention of the planning authority that the site was vacant and idle for the period of 12 months preceding the date of placing the site on the register, and
- (e) the Board is not satisfied that the site was specifically identified for regeneration as required by the definition of “regeneration land” as set out in section 3 of the Urban Regeneration and Housing Act 2015, as amended, which states that regeneration land means land identified by a planning authority in its development plan or local area plan, after the coming into operation of section 28, in accordance with section 10(2)(h) of the Planning and Development Act, 2000, as amended, with the objective of development and renewal of areas in need of regeneration, and includes any structures on such land,

