



An
Bord
Pleanála

Board Order ABP-302981-18

Urban Regeneration and Housing Act 2015

Planning and Development Acts 2000 to 2018

Planning Authority: Carlow County Council

Planning Authority Reference Number: VS-18-09

Appeal by Carlow Estates care of Malcolmson Law of Iceland House, Arran Court, Smithfield, Dublin 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 17th day of October, 2018 in respect of the site described below.

Description: Site at Chapelstown, Tullow Road, 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 procedural error in respect of the inclusion of lands within the boundary of the proposed vacant site and the failure to issue the Section 7(3) Notice to the owner of same,
- (e) 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

