



An
Bord
Pleanála

Board Order ABP-303495-19

Urban Regeneration and Housing Act 2015

Planning and Development Acts 2000 to 2018

Planning Authority: Kilkenny County Council

Planning Authority Reference Number: VSR19-1

Appeal by City Cinemas Limited of Astor House, 29 Lower George's Street, Dún Laoghaire, County Dublin in accordance with section 9(1) of the Urban Regeneration and Housing Act 2015 against the entry on the Vacant Sites Register by Kilkenny County Council on the 31st day of December, 2018 in respect of the site described below.

Description: Site at John's Green, Kilkenny.

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, including its consideration in response to the appeal that the site should be removed from the Register,
- (b) the grounds of appeal submitted by the appellant,
- (c) the report of the Inspector, including the details of his inspection of the site,
- (d) the recorded date of site inspection (9th October, 2018) provided by the planning authority in its submitted documentation, and

- (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,

the Board considered that it is appropriate that a notice be issued to the planning authority to cancel the entry on the Vacant Sites Register.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019