



An  
Bord  
Pleanála

## Board Order ABP-303543-19

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**Urban Regeneration and Housing Act 2015**

**Planning and Development Acts 2000 to 2019**

**Planning Authority: Westmeath County Council**

**Planning Authority Reference Number: MG2**

**Appeal** by JMCM Properties Limited care of Emma Pillion Planning of Fardrum, Athlone, County Westmeath in accordance with section 9(1) of the Urban Regeneration and Housing Act 2015, as amended, against the entry on the Vacant Sites Register by Westmeath County Council on the 20<sup>th</sup> day of December, 2018 in respect of the site described below.

**Description:** Site at Newbrook Road, Clonmore, Mullingar, County Westmeath. (Folio Number: WH3844F).

### **Decision**

**The Board in accordance with section 9(3) of the Urban Regeneration and Housing Act 2015, as amended, 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, and

(d) the discrepancies in the wording within the correspondence, prepared by Westmeath County Council under Section 7(1) and Section 7(3) of the Urban Regeneration and Housing Act 2015 as amended, which includes text from Section 5(1)(b) of the Act, which sets out the meaning of a vacant site consisting of regeneration land, the designation of the site as regeneration land in the Vacant Site Assessment Report 2018, prepared by the planning authority and, notwithstanding that the site is designated as regeneration land for the purposes of the Vacant Site Levy under the statutory development plan, the Notice of Entry on the Vacant Site Register dated the 20<sup>th</sup> day of December, 2018, refers to Section 5(1)(a) of the Act, which relates to a site consisting of residential land, and that as a consequence, the procedure for entry on to the register with regard to setting out reasons had not been properly applied,

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

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

Dated this      day of      2019