



An
Bord
Pleanála

Board Order ABP-303581-19

Urban Regeneration and Housing Act 2015

Planning and Development Acts 2000 to 2019

Planning Authority: Westmeath County Council

Planning Authority Reference Number: MG4

Appeal by Peadar Conlon care of Dónal Carroll and Company of Harmony Hill, Sligo in accordance with section 9(1) of the Urban Regeneration and Housing Act 2015 against the entry on the Vacant Sites Register by Westmeath County Council on the 28th day of December, 2018 in respect of the site described below.

Description: Site at Newbrook Road, Clonmore Road, Mullingar, County Westmeath.

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 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,
- (c) the report of the Planning Inspector, and
- (d) the discrepancies on 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, along with the designation of the site as regeneration land not residential land, in the Vacant Site Assessment Report 2018, prepared by the planning authority, notwithstanding that the site is designated as residential land for the purposes of the Vacant Site Levy under the statutory development plan and that the Notice of Entry on the Vacant Site Register dated 28th 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 is satisfied that the site is not a vacant site.

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.

Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019