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**Urban Regeneration and Housing Act 2015**

**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: VS-0013**

**Appeal** by Benburb Street Property Company Limited care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin in accordance with section 18 of the Urban Regeneration and Housing Act 2015 against a demand for payment of vacant site levy issued by Dublin City Council on the 12<sup>th</sup> day of February, 2019 in respect of the site described below.

**Description:** 32-40 Benburb Street, Dublin.

## **Decision**

The Board in accordance with section 18(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 is no longer a vacant site within the meaning of that Act.

## **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 removal of graffiti from the public realm,
- (e) the erection of hoarding,
- (f) the provision of sports facilities on part of the site, and
- (g) the lack of visibility of the interior of the site from the public realm,

it was considered that, while the majority of the site remains vacant and idle, the site no longer has adverse effects on existing amenities or reduces the amenity provided by existing infrastructure and facilities in the area and no longer has adverse effects on the character of the area.

The Board, therefore, considered that it is appropriate that a notice be issued to the planning authority to cancel the entry on the Vacant Sites Register and cancel the demand for payment.

In deciding not to accept the Inspector's recommendation to confirm the demand for payment, the Board did not agree that the site continued to have adverse effects on the character or the amenities of the area.

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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.**