



An  
Bord  
Pleanála

## Board Order ABP-306954-20

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**Urban Regeneration and Housing Act 2015**

**Planning and Development Acts 2000 to 2020**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: VS/0018**

**Appeal** by Glenveagh Homes Limited of Block B, Maynooth Business Campus, Maynooth, County Kildare in accordance with section 18 of the Urban Regeneration and Housing Act 2015, as amended, against a demand for payment of vacant site levy issued by Fingal County Council on the 19<sup>th</sup> day of February, 2020 in respect of the site described below.

**Description:** Lands to the north-west of Tyrrelstown Public Park, Townland of Kilmartin, Dublin.

## **Decision**

**The Board in accordance with section 18(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 a vacant site within the meaning of that Act, and the amount of the levy has been correctly calculated in respect of the vacant site.**

## **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 Planning Inspector,

- (d) the need for housing in the area, the suitability of the site for the provision of housing as demonstrated by the phasing strategy set out in the Kilmartin Local Area Plan, 2013, the fact that any constraints to the development of the site such as whether the site was served by the public infrastructure and facilities (within the meaning of section 48 of the Planning and Development Act, 2000, as amended) necessary to enable housing to be provided and serviced are considered to be within the control of the appellant to address and the insufficient reason put forward to cancel entry on the Vacant Sites Register,
- (e) the majority of the site is and was vacant for the period concerned,
- (f) the amount of the levy has been correctly calculated at 7% of the site value in 2019, and
- (g) there has been no change in the ownership of the site for the relevant time period, 2019,

the Board is satisfied that the site was a vacant site on the 1<sup>st</sup> day of January, 2019 and was a vacant site on the 18<sup>th</sup> day of March, 2020, the date on which the appeal was made and the amount of the levy has been correctly calculated. The demand for payment of the vacant site levy under Section 15 of the Urban Regeneration and Housing Act 2015 is, therefore, confirmed.

the Board considers that it is appropriate that a notice be issued to the planning authority who shall confirm the demand for payment.

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

**Dated this            day of            2020**