

An
Bord
Pleanála

**Board Order
ABP-307449-20**

Urban Regeneration and Housing Act 2015

Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

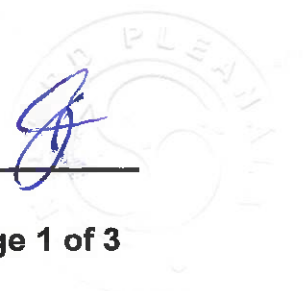
Planning Register Reference Number: VS-0059

Appeal by Torca Developments Limited care of McGill Planning of 45 Herbert Lane, Dublin 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 Dún Laoghaire-Rathdown County Council on the 2nd day of June, 2020 in respect of the site described below.

Description: The Glen, Golf Lane, Glenamuck Road, Carrickmines, 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

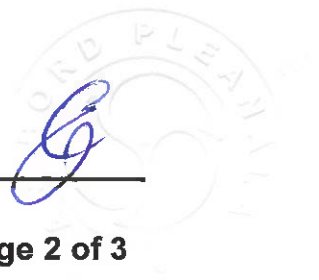
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations


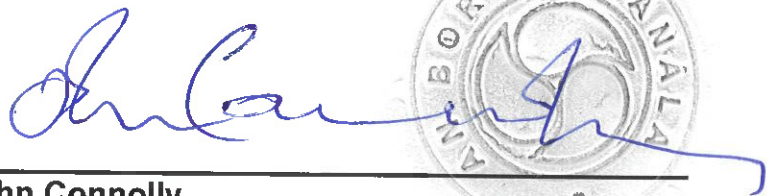
Having regard to the information placed before the Board by the planning authority in relation to the entry of the site on the Vacant Sites Register, the grounds of appeal submitted by the appellant, and the report of the Inspector, it is considered that

- (a) it has not been shown that the site was no longer a vacant site within the meaning of the Urban Regeneration and Housing Act, 2015, as amended, on the 1st day of January 2019, or that the amount of the levy has been incorrectly calculated in respect of the site by the planning authority and
- (b) the site continued to be a vacant site on the date on which the appeal was made.

The demand for payment of vacant site levy as calculated by the planning authority under section 15 of the Urban Regeneration and Housing Act 2015 is, therefore, confirmed.



In deciding not to accept the Inspector's recommendation to cancel the demand for payment of the vacant site levy, the Board considered that in the case of the subject appeal, being an appeal under section 18 of the Urban Regeneration and Housing Act, 2015, as amended, the Board's powers are limited to determining whether the site was no longer a vacant site on the 1st January in the year concerned, or that the amount of the levy has been incorrectly calculated in respect of the site by the planning authority, and whether the site continued to be a vacant site on the date on which the appeal was made.



John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this ^{1st} day of NOVEMBER 2021