



An
Bord
Pleanála

Board Order
ABP-309200-21

Urban Regeneration and Housing Act 2015

Planning and Development Acts 2000 to 2021

Planning Authority: Kildare County Council

Planning Authority Reference Number: KILD-07

Appeal by Columbia Estates Management (IE) Limited care of HRA Planning of 3 Hartstonge Street, Limerick 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 Kildare County Council on the 18th day of December, 2020 in respect of the site described below.

Description: Former Magee Barracks Site, Kildare Town, County Kildare.

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.

SW

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, together with the additional documentation provided by the appellant and received by the Board on the 16th day of March 2021, which provided folio details of the transfer of land ownership from the appellant to Lonadale Limited on the 4th day of July 2017, and
- (c) the report of the Inspector,

the Board considered that it is appropriate that a notice be issued to the planning authority who shall cancel the entry on the Vacant Sites Register, on the basis that evidence has been provided to the Board confirming that part of the site identified in the notice issued under section 7(3) of the Urban Regeneration and Housing Act, 2015 on the 18th day of December, 2020 is not within the ownership of the appellant and there is no provision in the legislation to amend or alter the site.

In not accepting the Inspector's recommendation, the Board acknowledged that the planning authority had carried out appropriate due diligence, serving the notice on the registered owners of the site on the basis of the Land Registry folio documentation available to them at the time, and that the issue of land ownership was not raised with the planning authority by the appellant prior to this appeal process. However, in light of further evidence since submitted to the Board on the 16th day of March 2021, confirming the transfer of folios KE2094F and KE71227F to another legal entity on the 4th day of July 2017, the Board considered that the site has been incorrectly entered onto the Register contrary to the provisions of section 6 and 7 of the Urban Regeneration and Housing Act 2015, as amended, and that the entry should, therefore, be cancelled.



Dave Walsh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *7th* day of *March* 2022