



An
Bord
Pleanála

Board Order
ABP-314586-22

Urban Regeneration and Housing Act 2015

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: VS/KILD-10

Appeal by Stephen and Audrey Lynch of Darflán Limited, Dublin Road, Kildare Town, 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 Kildare County Council on the 16th day of August, 2022 in respect of the site described below.

Description: Dublin Road, Kildare Town, County Kildare.

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 the Act, and that the amount of the levy has been incorrectly calculated in respect of the site for the year 2020.

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;
- (d) the lack of information to show that the site was no longer a vacate site within the meaning of the Urban Regeneration and Housing Act 2015, as amended; and
- (e) the fact that the site had not yet stood on the register as of the 1st day of January, 2020, the payment of the Vacant Site levy in arrears cannot be correctly calculated in accordance with section 15(3) of the Urban Regeneration and Housing Act 2015, as amended,

the Board considered that, in accordance with Section 18(4) of the Urban Regeneration and Housing Act 2015, as amended, the amount of the levy has been incorrectly calculated in respect of the vacant site, the amount charged by the planning authority was not in accordance with Section 15(3) of the Urban Regeneration and Housing Act 2015, as amended, and the amount of vacant site levy to be charged in respect of the site for the year 2020 shall be zero. The Board considered that it was appropriate that a notice be issued to the planning authority who shall amend the demand made in respect of the year 2020 in accordance with the revised amount (zero) but shall retain the entry on the Vacant Sites Register.



Stephen Brophy

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

Dated this 18th day of January 2024.