

An
Bord
Pleanála

Board Order
ABP-315948-23

Urban Regeneration and Housing Act 2015

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: VS-0002

Appeal by Brookfield Property Limited care of DWF (Ireland) LLP of 2 Dublin Landings, North Wall Quay, North Dock, 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 Dublin City Council on the 3rd day of February, 2023 in respect of the site described below.

Description: Site at 1-15 Brookfield Road, 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. However, the Board also considered that the site was not validly entered on the Vacant Site Register.

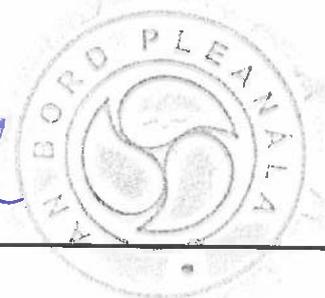
Reasons and Considerations

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 Inspector, and
- (d) further correspondence received by the Board in response to a request issued by the Board on the 25th day of July, 2023,

the Board noted that the site stands removed from the register at this time, but that this did not preclude the site from being validly entered on the register in respect of the year in question. However, the Board considered that, contrary to Section 11(1) of the Urban Regeneration and Housing Act 2015, the planning authority did not, within the time permitted, give written notice to the owner of the vacant site that the site stood entered on the register on the 1st January, 2018. The Board acknowledged that the planning authority notified a previous owner of the site, but the Board considered that this was not sufficient to satisfy the above statutory requirement.

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 and cancel the demand for payment.



Peter Mullan

Member of An Bord Pleanála

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

Dated this *10th* day of *August*, 2023