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**Urban Regeneration and Housing Act 2015**

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: VS MON-05**

**Appeal** by Clonmel Enterprises Limited of Unit R, M7 Business Park, Newhall Naas, 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 7<sup>th</sup> day of June, 2023 in respect of the site described below.

**Description:** Lands located at The Malt House, Canal Harbour, Monasterevin, 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 no longer a vacant site within the meaning of that Act.**

## 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, in particular, to the following therein:
  - (i) A copy of a 'Notice of Motion' concerning an application to the District Court sitting at The Courthouse, Portlaoise, County Laois, dated 30<sup>th</sup> day of July, 2021 in relation to a District Court Order of May 2019 concerning matters pertaining to the subject site.
  - (ii) The contents of a letter from the appellant to An Bord Pleanála, dated 3<sup>rd</sup> day of July 2023, with reference to the history outlined therein concerning matters to a tenancy dispute at the subject site.
  - (ii) A letter from McCormack Solicitors LLP, Newbridge, County Kildare, dated 19<sup>th</sup> day of August 2021, to the appellant with reference to legal proceedings concerning a tenancy dispute at the subject site.
- (c) the report of the Inspector, and
- (d) the provisions of section 18(2)(a) of the Urban Regeneration and Housing Act 2015, as amended.

The Board considered that the subject site was in residential use on the 1<sup>st</sup> January, 2021 and for other periods in the year 2021 and it is appropriate therefore 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 for the year 2021.

In deciding not to accept the Inspector's recommendation to confirm the vacant site levy for the year 2021, the Board was satisfied that the site was no longer a vacant site on the 1<sup>st</sup> January 2021 given evidence submitted in the appeal that the site was in residential use on that date and for other periods in the year 2021.



**Tom Rabbette**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this 11<sup>th</sup> day of April 2024