



An
Bord
Pleanála

Board Order ABP-318488-23

Urban Regeneration and Housing Act 2015

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council North

Planning Register Reference Number: VS-0979 2019

Appeal by Dublin Port Company care of RPS Group Limited of West Pier Business Campus, Dún Laoghaire, County 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 6th day of October, 2023 in respect of the site described below.

Description: Site adjacent to The Tunnel Control Building, East Wall 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.

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,
- (c) the report of the Planning Inspector,
- (d) the neglected condition of the site which it is considered has adverse effects on the character of the area,
- (e) the amount of levy being correctly calculated at 7% of the site value in 2019, and
- (f) there has been no change in ownership,

the Board is satisfied that the site was a vacant site in 2019 and the amount of the levy has been correctly calculated. The demand for payment of the vacant site levy 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 levy payable for 2019, the Board noted sections 7.7 - 7.11 of the Inspector's report for ABP-301846-18 which was cross-referenced by the Inspector, including in particular the Inspector's reporting of the neglected condition of the interior of the site. The Board noted from the Inspector's report for this file that the site is overgrown, that amounts of vegetation growing within the site are visible from the public domain, and that "the physical circumstances of the site have changed very little from before (2018)". The Board concluded the condition of the site remains neglected.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

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

Dated this *8th* day of *April*, 2024