



An
Bord
Pleanála

**Board Order
29E.VV.0029**

Urban Regeneration and Housing Act 2015

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Authority Reference Number: VS-0435

Appeal by Otimo Capital Limited care of OBH Partners of 17 Pembroke Street Upper, Dublin in accordance with section 9(1) of the Urban Regeneration and Housing Act 2015 against the entry on the Vacant Sites Register by Dublin City Council on the 28th day of July, 2017 in respect of the site described below.

Description: Lindsay Grove (site to rear of 21 and 22 Prospect Road), Dublin.

Decision

The Board in accordance with section 9(3) of the Urban Regeneration and Housing Act 2015, and based on the reasons and considerations set out below, hereby determines that the above site is not a vacant site within the meaning of that Act.

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, and
- (c) the report of the Inspector,

the Board considered that it is appropriate that a notice be issued to the planning authority to cancel the entry on the Vacant Sites Register.

In reaching its decision, the Board considered that the site, although vacant, does not have adverse effects on existing amenities, does not reduce the amenity provided by existing public infrastructure and facilities in the area in which the site is situated and does not have adverse effects on the character of the area in accordance with section 6(6) of the Urban Regeneration and Housing Act, 2015. In these circumstances, the Board considered that the site would not fall within the definition of a vacant site as set out in section 5 of that Act.

In deciding not to accept the Inspector's recommendation that the entry on the Vacant Sites Register should be confirmed, the Board had regard to the criteria set out in section 6(6) of the Urban Regeneration and Housing Act, 2015 for inclusion on the Register, and was satisfied, based on the physical condition of the site, that the criteria were not met in this instance.

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

Dated this day of 2018