



An
Bord
Pleanála

Inspector's Report PL 29E.V V0030

Type of Appeal	Section 9 Appeal against section 7(3) Notice (VV.0030)
Location	Rear of 8 Castleforbes Road/Mayor Street Upper, Dublin 7
Planning Authority	Dublin City Council
Planning Authority VSL Reg. Ref.	VS-0147
Site Owner	Danninger (in receivership)
Date of Site Visit	10/1/2018
Inspector	Dolores McCague

1.0 Introduction

- 1.1. This appeal relates to a notice issued by Dublin City Council under s.7(3) of the Urban Regeneration and Housing Act, 2015 stating that a site located to the rear of No. 8 Mayor Street Upper and Castleforbes Road, had been entered on the vacant sites register.

2.0 Site Location and Description

- 2.1. The address of the site is given as to the rear of 8 Castleforbes Road/Mayor Street Upper, Dublin 7.
- 2.2. The site is located at the junction of Mayor Street Upper and Castleforbes Road one block from the North Wall Quay and a short distance from Upper Sherriff Street in the Docklands area of the north city. The site is roughly rectangular in shape with extensive frontage to Mayor Street Upper. The frontage to Castleforbes Road is interrupted by a stone building, not part of the site, referred to as the Pelko building. Per the documentation on file, the site is bounded to the west and over a small part of the northern boundary by lands in the same ownership. Part of the northern boundary bounds an access road to a terrace of two storey dwellings known as Alexandra Terrace; and part bounds Northbank Development.
- 2.3. At Alexandra Terrace, adjoining to the north, a large two storey dwelling faces Castleforbes Rd and a narrow access road runs via an archway from Castleforbes Rd along the front (south) of smaller terraced two storey houses which are sited below the road level, and also below the level of the adjoining part of the subject site, by more than 1.m. The multi-storey Northbank Development which adjoins Alexandra Terrace is not accessible from this direction.
- 2.4. The subject site is part of a rectangular block of land lying between Sherriff Street Upper to the north, New Wapping Street to the west, Castleforbes Road to the east and Mayor Street Upper to the south where, in addition to the subject site, there are other large areas of undeveloped brownfield land. A terrace of three and two storey housing forms part of the street frontage with New Wapping Street, and there are four dwellings facing Mayor Street Upper at the New Wapping Street junction.

- 2.5. Most of the subject site is screened from view by a hoarding of timber. Most of the site has been excavated to c 2 floors below ground level and the perimeter of the excavated area is secured by sheet piling. The area between the Pelko building and Alexandra Terrace to the north remains at the level of the road adjoining and there is a site entrance in this location. Part of the area south of the Pelko building also remains at road level and there is a ramp from this level to the excavated level.
- 2.6. The excavated area is exposed ground and the area at road level is partly surfaced, partly bare ground where apart from the parking of a number of vehicles, there does not appear to be any current use.
- 2.7. The Luas Red line runs along Mayor Street at the front of the site.
- 2.8. The stated area of the site is 0.9136 ha.

3.0 Planning Authority Decision

3.1 Planning Authority Notice

- 3.2. The Planning Authority issued a notice dated 16th August 2017 which advised the site owner that the subject site had been identified as a vacant site by reference to section 5(1)(a) and 5(2) of the Urban Regeneration and Housing Act 2015. The notice, issued in accordance with section 7(3) of the Act, stated that particulars of the site would be entered on the Vacant Sites Register. The notice was accompanied by a map outlining the site boundary, produced 3rd June 2016.

3.3 Register of Vacant Sites Report

- 3.4. The report on which the notice was based, (stated to be report 2), notes that the site is zoned Objective Z14 'To seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and 'Z6' would be the predominant uses.'

The report states that ownership is stated as Danninger on the most recent planning application (3384/09). The said planning permission is referenced as the planning history and there is no record of enforcement. It further states that having regard to the criteria set out in section 5 of the Act the site should be included on the VSR.

4.0 Planning History

This site

PI29N.236558 (PA Reg Ref 3384/09) The Board granted planning permission, dated 11th March 2011, for development described as:

'erection of a six/seven storey office/commercial development with a gross floor area of 31,974.42 square metres (including basement levels minus one and minus two and floor levels zero to six) incorporating three number interconnected blocks (referred to as Blocks 06, 07 and 08) connected by a central atrium with glazed bridges connecting the blocks at levels one to six, a landscaped urban park (0.262 hectares) is also proposed to the west of the office/commercial development. The accommodation will consist of: Block 06 (9,886.17 square metres) - a seven-storey block incorporating office accommodation (1,289.26 square metres) and retail banking hall (387 square metres) at ground floor level with pedestrian access from Mayor Street Upper and Castleforbes Road and offices and associated ancillary uses at first to sixth floor levels (8,026.01 square metres). The fifth and sixth floor levels are set back on Mayor Street Upper and Castleforbes Road creating an outdoor terrace at fifth floor level. Plant rooms and ancillary accommodation (183.90 square metres) are located at roof level; Block 07 (10,018.77 square metres) a seven-storey block incorporating ground floor offices and staff restaurant area (1,366.26 square metres), café (310 square metres) with pedestrian access from Mayor Street Upper and proposed new urban park, office accommodation at first to sixth floor levels (8,139.78 square metres). The fifth and sixth floor levels are set back on Mayor Street Upper and the proposed new urban park creating an outdoor terrace at fifth floor level. Plant rooms and ancillary accommodation (202.73 square metres) are located at roof level; Block 08 (10,013.22 square metres) - a six-storey building incorporating ground floor office and staff restaurant area (1,676.26 square metres), office accommodation at first to fifth floor levels (8,133.15 square metres); the fourth floor level is set back on the proposed new street to the north and Castleforbes Road and the fifth floor level is set back on the proposed new street and the proposed urban park creating an outdoor terrace at fourth and fifth floor levels. Plant room and ancillary accommodation (203.81 square metres) are located at roof level; basement accommodation associated with the proposed development

will comprise two levels (minus one and minus two) incorporating 75 number car parking spaces and 314 number bicycle spaces. The basement areas also include ancillary accommodation including plant rooms, lift/stair cores, landlord/tenant storage and ancillary areas (2,056.26 square metres). Access to basement is via an access ramp from a new street to the north of the site connecting to Castleforbes Road. Permission also sought for lighting, ESB substation and all ancillary site and development works, all at this corner site (0.8979 hectares) 13 to 22 Mayor Street Upper and 5 Castleforbes Road, Dublin’.

The conditions of the permission included modification of the development and other prior to commencement and prior to occupation conditions.

The description of the site in the inspector’s report includes:

‘The site is surrounded by a hoarding along Mayor Street Upper and Castleforbes Road has been cleared and excavated. In some areas especially along the southern and western boundary deep ground water is visible.’

Site to North

PL29N.242846 PA Reg Ref 2339/13

The Board granted retention of amendments to development approved by Dublin Docklands re alteration to apartments.

Site to West

VV0027

Appeal by Chinook Investments (in receivership) to notice of entry on the Vacant Sites Register, currently before the Board.

Site mainly to west and north but with an overlap with the subject site.

DSDZ3357/17 referred to in the grounds, undetermined application to Dublin City Council, for residential development on 1.54 hectares.

5.0 Development Plan Policy

5.1. Land Use Zoning

5.2. Dublin City Development Plan, 2016-2022 is the operative plan. The site is zoned Z14 strategic development and regeneration areas, with the stated objective is 'to seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and 'Z6' would be the predominant uses.'

The objective for Z6 is 'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation'.

5.3. One of the key strategies of the plan, as set out in section 4.4 is the creation of a consolidated city, whereby infill sites are sustainably developed and new urban environments are created, by actively promoting active land management, a key component of which is the vacant site levy.

5.4. Section 2.2.8.4 of the plan states that in accordance with the Urban Regeneration and Housing Act 2015, it is a key pillar of the development plan to promote the development and renewal of areas, identified having regard to the core strategy, that are in need of regeneration, in order to prevent: (i) adverse effects on existing amenities in such areas, in particular as a result of the ruinous or neglected condition of any land, (ii) urban blight and decay, (iii) anti-social behaviour or (iv) a shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses.

5.5. Section 14.9 of the DCC development plan states that the Vacant Site Levy (VSL) will apply to lands zoned Z1, Z2, Z3, Z4, Z5, Z6, Z7, Z8, Z10, Z12 and Z14.

5.6. Policy CEE16 states that it is the policy of DCC to: (i) To engage in the 'active land management' of vacant sites and properties including those owned by Dublin City Council, as set out in the Government's Planning Policy Statement 2015; to engage proactively with land-owners, potential developers and investors with the objective of encouraging the early and high quality re-development of such vacant sites. (ii) To implement the Vacant Land Levy for all vacant development sites in the city and to prepare and make publicly available a Register of Vacant Sites in the city as set out in the Urban Regeneration and Housing Act 2015. (iii) To improve access to information on vacant land in the city including details such as location, area, zoning

etc. via appropriate media/online resources and the keeping of a public register as a basis of a public dialogue in the public interest. (iv) To encourage and facilitate the rehabilitation and use of vacant and under-utilised buildings including their upper floors. (v) To promote and facilitate the use, including the temporary use, of vacant commercial space and vacant sites, for a wide range of enterprise including cultural uses, and which would comply with the proper planning and sustainable development of the area and the provisions of the Development Plan.

5.7. Policy QH3 states that it is policy of the Council (i) To secure the implementation of the Dublin City Council Housing Strategy` in accordance with the provision of national legislation. In this regard, 10% of the land zoned for residential uses, or for a mixture of residential and other uses, shall be reserved for the provision of social and/or affordable housing in order to promote tenure diversity and a socially inclusive city. (ii) To engage in active land management including the implementation of the vacant levy on all vacant residential and regeneration lands as set out in the Urban Regeneration and Housing Act 2015.

5.8. The site is designated strategic development and regeneration area, SDRA 6 'Docklands – including SDZ area and Poolbeg West'. Guiding principles for strategic development and regeneration areas are set out in Chapter 15 of the Plan and for the 'Docklands SDZ and wider Docklands area' under the heading Land-Use/ Urban Design, include:

To continue to secure the distribution of residential use throughout the Docklands area by requiring an appropriate residential/commercial land-use mix on key development sites.

5.9. **SDZ**

5.10. The North Lotts & Grand Canal Dock Planning Scheme was adopted 5th November 2013. The Scheme was approved by the Board, following appeal in 2014. The scheme extends over part of the Z14 zoning in the docklands, including the subject site.

5.11. Block 3, within which the subject site is located, is referred to in section 5.5.3, in relation to use mix:

- 70% residential and 30% commercial use mix over this City Block; with residential emphasis on Block 3D adjacent residential terraces and commercial more dominant on Castleforbes Road/Mayor Street Upper frontage (3F).
- Active frontages to be concentrated on Castleforbes Road, Mayor Street Upper and intermittently along the new Green Route.

5.12. A City Block Rollout Agreement, between the developer / owner and the agency is stated to be the method by which the appropriate use mix will be achieved.

5.13. Urban Regeneration and Housing Act 2015

5.14. The legislation in which this appeal is grounded allows for the registration of 'residential land' and 'regeneration land' as vacant land.

Sections referred to in the appeal include:

Section 3 – definitions

Section 5 (1) (a) re. residential land

Section 5 (1) (b) re. regeneration land

Section 6 (6) (particularly with reference to Section 5 (1) (b) regeneration land)

whether or not the site being vacant or idle has adverse effects on existing amenities or reduces the amenity provided by existing public infrastructure and facilities (within the meaning of section 48 of the Act of 2000) in the area in which the site is situated or has adverse effects on the character of the area for the purposes of this Part by reference to whether—

(a) land or structures in the area were, or are, in a ruinous or neglected condition,

(b) anti-social behaviour was or is taking place in the area, or

(c) there has been a reduction in the number of habitable houses, or the number of people living, in the area,

and whether or not these matters were affected by the existence of such vacant or idle land.

5.15. **Circular letter PL 7/ 2016**

5.16. The circular letter gives advice to planning authorities on implementation of the Vacant Site Levy as provided for in the Urban Regeneration and Housing Act 2015. Parts of the letter are cited in the appeal.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.2. John Spain Associates Planning & Development Consultants have submitted the appeal against the registration, on behalf of the first party Danninger (in receivership) c/o Mr David Carson, Deloitte & Touche, No. 29 Earlsfort Terrace, Dublin 2.

6.3. The main points raised in the appeal, submitted by the appellant, include the following:

Section 5 (1) (a) provides that a site shall be considered vacant if it satisfies the following criteria:

- (i) the site is situated in an area in which there is a need for housing,
- (ii) the site is suitable for the provision of housing, and
- (iii) the site, or the majority of the site, is vacant or idle.

S 3 of the Act defines residential land within the meaning of the Act.

‘residential land means land included by a planning authority in its development plan or local area plan in accordance with section 10(2)(a) of the Act of 2000 with the objective of zoning for use solely or primarily for residential purposes, and includes any structures on such land’.

Circular letter PI 7/2016:

‘As indicated, a particular early focus of planning authorities in the implementation of the levy provisions should be on vacant sites in designated areas which meet criteria set out in the Act (see Appendix 1 for further elaboration) and which in their opinion are capable of being developed, as well as on groups of sites in rundown areas which have been vacant for some time and where it is envisaged that the regeneration of such sites and areas can provide wider societal benefits. Having

regard to the housing supply shortage issues currently being experienced, identifying vacant sites which are capable of providing housing should be a particular focus. In this connection, it should be noted that the levy provisions can be applied for regeneration and residential development purposes to both vacant sites in designated areas in central urban areas (largely “brownfield sites”) identified in development plans or local area plans, as well as to vacant sites in designated areas which are in outer urban areas (largely “green field sites”) and which have the potential to provide housing to meet local housing need and demand,’ (their emphasis).

The clear purpose of the Vacant Site Levy is to incentivise development on key sites that are suitable and appropriate for the delivery of housing. The subject site is not suited for residential development and does not have the potential to provide housing to meet local housing need and demand. The site has been designated for commercial development.

The site does not constitute residential or regeneration land.

It is not zoned for use solely or primarily for residential purposes. Block F has been expressly zoned in the context of the Planning Scheme as commercial being ‘more dominant’ on Castleforbes Road/Mayor Street Upper frontage, and on that basis does not fall within the definition of residential land.

Notwithstanding that the Notice of Entry on the vacant sites register refers to section 5 (1) (a) they set out reasons why the site does not constitute a vacant site, under section 5 (1) (b).

In relation to section 5 (1) (b) the Urban Regeneration and Housing Act 2015 which states:

in the case of a site consisting of regeneration land—

- (i) the site, or the majority of the site, is vacant or idle, and
- (ii) the site being vacant or idle has adverse effects on existing amenities or reduces the amenity provided by existing public infrastructure and facilities (within the meaning of section 48 of the Act of 2000) in the area in which the site is situated or has adverse affects on the character of the area; neither of the requirements apply.

The site is not vacant or idle having been the subject of a masterplan and with an application for a commercial scheme being prepared. A residential application for a substantial portion of Block 3 has been submitted by the first party (Reg Ref DSDZ3357/17) and is indicative of the intention to develop lands including the subject property. The site is being actively developed.

Even if it is considered idle, it does not have any adverse effects on existing amenities of the areas character or reduce amenity provided by existing infrastructure facilities.

They refer to section 6 the Urban Regeneration and Housing Act 2015 which states:

(6) A planning authority, or the Board on appeal, shall determine whether or not the site being vacant or idle has adverse effects on existing amenities or reduces the amenity provided by existing public infrastructure and facilities (within the meaning of section 48 of the Act of 2000) in the area in which the site is situated or has adverse effects on the character of the area for the purposes of this Part by reference to whether—

- (a) land or structures in the area were, or are, in a ruinous or neglected condition,
- (b) anti-social behaviour was or is taking place in the area, or
- (c) there has been a reduction in the number of habitable houses, or the number of people living, in the area,

and whether or not these matters were affected by the existence of such vacant or idle land.

Re 'a' and 'b' the first party has prepared the overall landholding by demolishing the existing dilapidated buildings and warehouses (DSDZ2242/16), which has improved the visual appearance of the area and removed the opportunity for anti-social behaviour. A letter attached as appendix 3 to the grounds refers to these works.

Re 'c' the specific objective of the SDZ for this site is for commercial use. The North Lotts and Grand Canal Planning Scheme has the potential to deliver a significant

quantum of residential development, 360 units are proposed by the first party under Reg Ref DSDZ2242/16 on the adjoining site.

This site has not contributed to these matters but improved them.

Circular letter PI 7/2016 (appendix 1 thereto) is quoted:

'In effect, a vacant site on residential land or regeneration land should meet all of the initial relevant criteria in section 5, further supported by the criteria for determination of certain factors set out in section 6. These focused and detailed definitions and supporting criteria provide a clear evidence basis for identifying vacant sites which strengthens the legislative provisions and clarifies the justification for the application of the levy for such sites, (their emphasis).

The site is located within the North Lotts and Grand Canal Dock Planning Scheme. The Scheme set out the future development framework for all sites within the SDZ boundary and establishes key criteria and objectives regarding issues such as land use mix etc.

Specific objectives for Block 3:

- Use mix 70% residential and 30% commercial.
- Residential 3D and commercial 3F.
- Active frontages concentrated on Castleforbes Road/Mayor Street Upper and intermittently along the new Green Route.

(The subject site is predominantly within Block 3F in the planning scheme.0

An extract from a masterplan, prepared by the first party and stated to have been agreed with the City Council's Head of Development Management prior to issuing notice of proposed entry on the register, is attached as appendix 4 to the grounds.

This indicates that the lands will be developed in the future for commercial development to accord with the clear objectives of the planning scheme and to provide an appropriate land use ratio of 70:30, residential: commercial, over Block 3.

They reiterate that the site is not suitable for the provision of housing and does not meet the criteria in the circular letter.

The site is being actively developed and does not constitute the description of vacant or idle.

It is the intention to lodge an application for a commercial scheme on the site in line with the SDZ.

The following appendices are attached to the grounds:

Appendix 1 Correspondence from Dublin City Council of decision to include the subject site on the Vacant Site Register.

Appendix 2 Correspondence from Dublin City Council of proposed inclusion of the subject site on the Vacant Site Register.

Appendix 3 CORCOM Evidence of Works on Site.

Appendix 4 Masterplan for Block 3.

6.4. Planning Authority Response

6.5. The planning authority have responded to the grounds of appeal stating that a third site inspection on 6th September 2017 noted that since the previous inspection of 5th January 2017 works have taken place with parts of the units on site being demolished and new hoarding erected around the site. There was no activity on site at the time of inspection.

6.6. A planning application was submitted for a residential development on this site and adjoining sites (DSDZ3357/17) and additional information is currently being sought. The site is within Block 3 of the North Lotts and Grand Canal Dock SDZ. The SDZ requires a use mix of 70% residential and 30% commercial and specifically states that there should be a residential emphasis on the site in question as it is adjacent to residential terraces on New Wapping Street and Mayor Street Upper.

6.7. The site is zoned Z14 and would be considered residential land for the purposes of the levy.

- 6.8. The site is situated in an area in need of housing, is suitable for same and at present would be considered vacant/idle.
- 6.9. (It should be noted with regard to the foregoing submission that the Board also has before it a Section 9 Appeal against a section 7(3) notice in respect of land to the west, close to New Wapping Street, (VV.0027).)

7.0 **Assessment**

- 7.1. By reference to the Planning Authority notice, it is noted that the site comprises residential land for the purposes of the Vacant Site Levy.
- 7.2. Housing need in this area has not been challenged.
- 7.3. The issues which arise in relation to this appeal are: suitability for the provision of housing, whether the site is vacant or idle; and Section 5 (1) (b) and the following assessment is dealt with under these headings.
- 7.4. **Suitability for the provision of housing**
- 7.5. The grounds refers to Section 5 (1) (a) (ii) which requires that 'the site is suitable for the provision of housing', stating that the site is not zoned for use solely or primarily for residential purposes. Block F has been expressly zoned in the context of the Planning Scheme as commercial being 'more dominant' on Castleforbes Road/Mayor Street Upper frontage, and on that basis does not fall within the definition of residential land. In addition, they attach to the grounds an extract from a masterplan for block 3, prepared by the first party and stated to have been agreed with the City Council's Head of Development Management prior to issuing notice of proposed entry on the register. They state that this indicates that the lands will be developed in the future for commercial development to accord with the clear objectives of the planning scheme and to provide an appropriate land use ratio of 70:30, residential: commercial, over Block 3.
- 7.6. Residential land comes under Section 5 (1) (a) and Section 3 defines 'residential land' as land zoned in the development plan (or local area plan) for use solely or primarily for residential purposes.

- 7.7. The development plan zoning for this area is Z14 'to seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and 'Z6' would be the predominant uses'.
- 7.8. The site is also designated a strategic development and regeneration area SDRA 6 'Docklands – including SDZ area and Poolbeg West'. The guiding principles for the 'Docklands SDZ and wider Docklands area' include under the heading Land-Use/ Urban Design
- To continue to secure the distribution of residential use throughout the Docklands area by requiring an appropriate residential/commercial land-use mix on key development sites.
- 7.9. The SDZ North Lotts & Grand Canal Dock Planning Scheme, refers to the mix of uses on this block, Block 3 of the SDZ, being 70% residential and 30% commercial over the block; with commercial more dominant on Castleforbes Road/Mayor Street Upper frontage.
- 7.10. The planning scheme provides a mechanism for the achievement of the appropriate use mix using a City Block Rollout Agreement, which is an agreement between the developer / owner and the agency. The default situation being that the 70:30 residential: commercial otherwise applies.
- 7.11. It is worth noting that the planning authority in their response did not address the issues raised in relation to the use mix on the overall block or with reference to the masterplan which is stated to have been agreed with the City Council's Head of Development Management; and further that their references to demolition works on the site and a current application and being adjacent to New Wapping Street appear to be more relevant to another appeal currently before the Board (VV0027) on related lands. The Board may consider it appropriate to request the planning authority to respond to the issues raised in the grounds of appeal, in particular with reference to any agreement reached between the owner / developer and the City Council's Head of Development Management.
- 7.12. The Board has previously confirmed an order under 5 (1) (a) in an area zoned Z14 (VV0014).
- 7.13. In my opinion, on the basis of the information available, the site is zoned for use which is primarily residential.

7.14. Vacant or Idle

- 7.15. The first party states in relation to item (iii) of the list of requirements that the 'the site, or the majority of the site, is vacant or idle', that the site is not vacant or idle having been the subject of a masterplan, and with an application for a commercial scheme being prepared. A residential application for a substantial portion of Block 3 has been submitted by the first party (Reg Ref DSDZ3357/17) and is indicative of the intention to develop lands including the subject property.
- 7.16. It is also stated that first party has prepared the overall landholding by demolishing the existing dilapidated buildings and warehouses (DSDZ2242/16),
- 7.17. The 'masterplan' extract submitted indicates three blocks of commercial development fronting onto Mayor Street, one with dual frontage, also fronting Castleforbes Road. A smaller commercial block north of the Pelko building is shown fronting to Castleforbes Road. Blocks of residential development are shown in much of the remaining undeveloped areas.
- 7.18. The planning application referred to, Reg Ref DSDZ3357/17 is an application, not yet determined by Dublin City Council, for residential development on 1.54 hectares, comprising 6 blocks with a gross floor area of c. 43,065 sq. metres (including basement of 9,264 sq. metres) accommodating 360 residential units in a development of 2 to 7 storeys over single basement. That site which extends over most of the remaining undeveloped land within Block 3, includes a portion of the north west corner of the subject site, which would form part of a 'civic park'.
- 7.19. The demolition of existing dilapidated buildings and warehouses referred to in the grounds appears to apply only to lands outside the subject site.
- 7.20. In my opinion, notwithstanding the foregoing submissions which in the main refer to adjoining lands, it can be determined that 'the site, or the majority of the site, is vacant or idle' and has been vacant or idle since prior to the 2009 planning application (PL29N.236558 PA Reg Ref 3384/09), as described in the Inspector's Report.

7.21. **Section 5 (1) (b) (ii)**

7.22. Although the site has been entered on the register under Section 5 (1) (a), the grounds also puts forward evidence in relation to Section 5 (1) (b).

7.23. The notice of registration has been issued under Section 5 (1) (a) and therefore any assessment under Section 5 (1) (b) would be inappropriate.

7.24. **Conclusion**

7.25. It is my opinion on the basis of the information presented and an inspection of the site that the site the subject of this appeal that:

- the site is situated in an area in which there is a need for housing, per 5 (1) (a) (i) of the Urban Regeneration and Housing Act 2015;
- the site is suitable for the provision of housing, per 5 (1) (a) (ii) of the Urban Regeneration and Housing Act 2015;
- the site, or the majority of the site, is vacant or idle, per 5 (1) (a) (iii) of the Urban Regeneration and Housing Act 2015.

8.0 **Recommendation**

8.1. I recommend that the Board should determine that the site located to the rear of No 8 Castleforbes Road/Mayor Street Upper, Dublin 7 was vacant or idle for the duration of the 12 months preceding the date of entry on the Vacant Sites Register on 28th July 2017. Therefore, the entry of the site on the vacant Sites Register should be confirmed.

9.0 **Reasons and Considerations**

9.1. Having regard to

- (a) The evidence placed before the Board by the Planning Authority in relation to the condition and use of the site over the relevant period,
- (b) The evidence in the appellant's submission and
- (c) The report of the Planning Inspector

the Board is satisfied that the majority of the site was vacant or idle for the relevant period.

Planning Inspector

22nd January 2018

- 1 Photographs----
- 2 Extracts from Dublin City Development Plan 2016-2022.
- 3 Extracts from The North Lotts & Grand Canal Dock Planning Scheme.
- 4 Extracts from the Inspector's report on The North Lotts & Grand Canal Dock Planning Scheme.
- 5 Extracts from the application documents for SADZ3357/17 accessed from the Dublin City Council website.