



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

An Roinn Pleanála agus Forbartha Maoine
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8
Planning and Property Development Department
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Report to the Planning and Property Development Strategic Policy Committee November 2016

Update on Preparation of a Vacant Sites Register and Implementation of the Vacant Site Levy (Urban Regeneration & Housing Act 2015)

Background:

As reported previously, under the Urban Regeneration & Housing Act 2015, all planning authorities are required to establish and maintain a Vacant Sites Register. The Register must be in place by January 2017. An identified vacant site can be entered on the register when the authority is of the opinion that it has been vacant for a minimum of 12 months preceding its entry on the register.

The Council undertook a preliminary assessment and quantification of the number and location of potential vacant sites in its functional area and circa 700 sites were identified from a desk top study. These sites are being assessed in more detail against the criteria set out in the Act which can be summarised as follows:

The site has an area in excess of 0.05 hectares and is zoned for either residential or regeneration purposes. In the case of residential land the site is:

- a) Situated in an area in need of housing
- b) The site is suitable for the provision of housing and
- c) The site or the majority of the site is vacant or idle

And in the case of regeneration land:

- a) The site, or the majority of the site is vacant or idle and
- b) The site being vacant has an adverse effect on existing amenities or reduces the amenity provided by existing public infrastructure and facilities.

Identification of Vacant Sites:

In order to form an opinion on whether a site meets the criteria, the site is first inspected, photographed and then a report is prepared which includes a general description of the site and previous planning history if same exists. To date circa 140 sites identified were below the 0.05 ha threshold, 76 sites were not vacant and 250 sites have been identified as suitable for inclusion on the vacant sites register – 157 between the canals and 95 outside the canals. 93 Electoral Districts have been surveyed and 35 remain to be surveyed. This is a work in progress and it is hoped that all inspections will be completed by the end of the year. It is estimated that up to 350 sites will be deemed suitable for inclusion on the vacant sites register. It is also a requirement of the Act that for a site to be entered on the register details of ownership, title to the site and the market value pertaining to the site are also ascertained and this information is being collated at present. It is intended that the statutory

process of notifying property owners of the authority's intention to include their property on the Vacant Sites Register will commence in the first quarter of 2017.

Vacant Sites Register & Levy:

Work is progressing well on the establishment of the register. It will be available for inputting data in January 2017 which will enable the Authority to implement the vacant site levy. The authority must notify Property owners before 1 June 2018 that their sites, which are on the register, shall be charged the levy in respect of 2018 in January 2019 and every further year thereafter until the site is no longer vacant. The levy shall be payable in arrears each year beginning in 2019 by the owner of the vacant site that is entered on the register on 1 January of that year. The levy shall be payable on a demand being made by the authority and shall be calculated at 3% of the market value of the site.

Appeals Process:

When notified by the authority of its intention to include a site on the Vacant Sites Register, a property owner has the right to object and can make a submission to the planning authority within 28 days. If, having considered the submission, the authority is still of the view that it should be entered on the register, it must notify the property owner of same and the owner may within 28 days appeal the decision to An Bord Pleanála (ABP). Entry on the register shall not take effect until the appeal is determined by ABP.

Before 1 June 2018, the authority must notify owners of vacant sites on the register on 1 January 2018 that the levy shall be charged for 2018 in January 2019. Property owners may make submissions in respect of the entry on the register to the authority within 28 days. If, having considered the submission the authority is still of the view that the property should remain on the register, it must notify the property owner of same and the owner may within 28 days of the date of the notice appeal to ABP. If ABP upholds the appeal the entry shall be cancelled on the register.

The authority must determine the market value of a vacant site as soon as after it is entered on the Vacant Sites Register and notify owner of same. The owner can appeal the valuation to the Valuation Tribunal within 28 days of the notice. Subject to the right of appeal on a point of law, the decision of the Tribunal is final.

An owner of a vacant site who receives a demand for payment of the levy may appeal against same to ABP within 28 days of the date of the demand on grounds that the site is no longer vacant or that the calculation of the levy is incorrect. If ABP upholds the appeal, then either the entry shall be removed from the register and the demand cancelled or it will advise the authority of the correct amount of the levy and an amended demand shall issue.



Paul Clegg
A/Assistant Chief Executive

Dated this the 17th November 2016