

VACANT SITES – GUIDANCE & FREQUENTLY ASKED QUESTIONS

Introduction

Under the provisions of the Urban Regeneration and Housing Act 2015, as amended by the Planning and Development (Amendment) 2018 (hereafter the Act) a new vacant site levy was introduced for vacant urban sites not coming forward for development, including a requirement for all planning authorities to establish and maintain a vacant sites register.

What is a Vacant Site?

A vacant site is defined in the Act as any land exceeding 0.05 hectares, and:

- **In the case of residential land:** there is a need for housing in the area, the site is suitable for the provision of housing, the site or the majority of the site is vacant or idle, or -
 - the site is being used for a purpose that does not consist solely or primarily of the provision of housing or is not being developed for housing, provided that the site was purchased after being zoned residential land in the relevant development plan for the area (Note: residentially zoned land that was purchased prior to its designation as residential land and which continues to be used for farming purposes, shall be exempt from the Vacant Site Levy).
- **In the case of regeneration land:** the majority of the site is vacant or idle and is having a negative impact on existing amenities or on the character of the area, or reduces the amenity provided by existing public infrastructure and facilities.

An identified vacant site can be entered on the vacant sites register when the planning authority is of the opinion that it has been vacant for a minimum of 12 months preceding its entry on the register.

A vacant site does not include any structure that is a person's home.

What is Residential Land?

Residential land is land for which the landuse zoning objective in the development plan or local area plan is solely or primarily for residential purposes. This includes any structures on such land.

What is Regeneration Land?

Regeneration land is land that has been identified in the development plan or local area plan as in need of regeneration and with the objective of development and renewal. This includes any structures on such land.

What is the Vacant Site Levy?

The vacant site levy is a site activation and incentivisation measure for the purpose of promoting and implementing the concept of sustainable urban development, and to ensure that vacant or underutilised land in urban areas is brought into beneficial use.

The levy applies to a vacant site entered on the vacant sites register and for which a market value has been ascertained by the planning authority.

The levy is payable in arrears each year by the owner of a vacant site that is entered on the register on 1st January of the preceding year.

The levy shall be payable on a demand being made by the planning authority and shall be calculated at 7% of the market value of the site.

What this means in practical terms is that any owner of a vacant site on the register who does not develop their land will pay the 7% levy. The levy is payable on demand within 2 months. If not paid the levy shall be recoverable as a simple contract debt through the Courts. Any levy that is due will remain a charge on the land until paid.

How can I make a submission or appeal?

Notification of proposed entry on the Vacant Sites Register

A property owner can make a submission to the planning authority within 28 days after the date of the notice of a proposed entry of a site on the vacant sites register.

Notification of an entry on the Vacant Sites Register

Where having considered a submission, the planning authority is still of the view that the site should be entered on the vacant sites register, a written notice must be issued to the owner when the site is entered on the vacant sites register. A site owner can appeal the planning authority's decision to enter a site on the vacant sites register to An Bord Pleanala within 28 days after the date of the notice of such an entry having been made. The entry of a site on the vacant sites register cannot take effect until the appeal is determined by An Bord Pleanala. If An Bord Pleanala upholds an appeal the entry on the vacant sites register must be cancelled.

Market Valuation

As soon as a site is entered on the vacant sites register the planning authority must ascertain its market value and notify the site owner of same. The owner can appeal the market valuation to the Valuation Tribunal within 28 days after the date of the notice.

Demand for payment of levy

A site owner who receives a demand for payment of the vacant sites levy from the planning authority may appeal against the demand to An Bord Pleanala on the grounds that the site is no longer vacant or the calculation of the levy is incorrect. The appeal must be made within 28 days of the date of the demand for payment of the levy. If An Bord Pleanala upholds the appeal, the entry of the site on the vacant site register shall be removed and the demand cancelled, or the planning authority will be advised to correct the levy calculation and an amended demand shall issue.

How can a site be removed from the Vacant Sites Register?

The owner of a vacant site can notify the planning authority at any time if their site is no longer vacant or idle. In the event the planning authority is satisfied the site is no longer a vacant site, the entry on the register can be cancelled. However, any outstanding levy for the site will remain payable.

What has been the process to date in County Carlow?

In line with the guidance set out in the Department of the Environment, Community and Local Government Circular Letter PL 7/2016, to date Carlow County Council has adopted Variation no. 1(a) on 10/07/17, which incorporates the provisions of the Urban Regeneration and Housing Act 2015 into the Carlow County Development Plan 2015-2021, providing for the implementation of the Vacant Site Levy within the urban areas of County Carlow.

Also, the Muine Bheag/Royal Oak Local Area Plan 2017-2023 (Adopted 09/01/17) and the Tullow Local Area Plan 2017-2023 (Adopted 13/02/17) both incorporate policies and objectives in relation to the provisions of the Urban Regeneration and Housing Act 2015 and the development of vacant sites, including the identification of potential regeneration lands.

The planning authority is currently considering potential sites for inclusion on the register. In order to form an opinion on whether a site meets the relevant vacant site criteria in the Act, the site is first inspected and photographed, and an initial referral report is prepared and issued for the attention and response of the Council's internal departments and Irish Water. This is an ongoing survey and assessment process that will involve correspondence with relevant site owners.

The vacant site register is available to view at <http://www.carlow.ie/publications>. The register will be updated as the site survey and assessment process progresses.

ADDITIONAL INFORMATION

For more information you can contact the Planning Department on (059)9170300 or e-mail vacantsites@carlowcoco.ie.

The Urban Regeneration and Housing Act 2015 is available to view and download at:

<http://www.irishstatutebook.ie/eli/2015/act/33/enacted/en/pdf>

The Planning and Development (Amendment) Act 2018 is available to view and download at:

<http://www.irishstatutebook.ie/eli/2018/act/16/enacted/en/html>

Detailed guidance is also available in the Department of the Environment, Community and Local Government Circular Letter PL 07/2016, which is available to view and download at:

http://www.housing.gov.ie/sites/default/files/publications/files/pl_07-2016_guidance_on_implementation_of_the_vacant_site_levy.pdf

<https://www.housing.gov.ie/planning/legislation/circular-pl-042018-planning-development-amendment-act-2018>