



To: Directors of Planning in each local authority

CC: Chief Executives
Senior Planners
An Bord Pleanála
Office of the Planning Regulator
Directors of Regional Assemblies

Circular Letter PL 10/2022

1 December 2022

Re: Planning and Development (Amendment)(No. 4) Regulations 2022 [S.I. 605/2022]

I have been asked by Mr. Peter Burke, T.D., Minister of State for Planning and Local Government to advise that he has signed the above set of Regulations which have immediate effect. A copy of the Regulations is attached for information.

These new Regulations amend provisions in the Planning and Development Regulations 2001, as amended (the Principal Regulations), to assist the Minister for Children, Equality, Disability, Integration and Youth (MCEDIY) in meeting Ireland's legal obligation to provide accommodation to international protection applicants.

New Class of Exempted Development

The Regulations amend Part 1 of Schedule 2, entitled 'Exempted Development - General', to the Planning and Development Regulations 2001, as amended, to insert a new Class 20F exemption.



This new Class permits the change of use of the following structures for the purpose of providing the necessary facilities for international protection applicants:

“school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.”

This provision is a temporary measure and will expire on 31 December 2024; the use of such structures shall cease on the expiry of the regulation.

Where a proposed change of use would materially affect a protected structure, the exemption is removed and planning permission is required in accordance with Section 57 of the Planning and Development Act 2000, as amended.

Notification Requirement

A planning authority must be notified in writing of the details of the development prior to the commencement of the proposed change of use.

Compliance with Building Regulations

In this context, as with the planning system generally, neither the granting of planning permission or the provision of an exemption from the requirement to obtain planning permission, removes the requirement to comply with any other code, particularly in relation to the Building Regulations, including fire safety. The aim of the Building Regulations is to provide for the safety and welfare of people in and about buildings. It is important to note in the context of these exempted development provisions that



compliance with the Building Regulations 1997 to 2021 must still be achieved and Building Control procedures will still apply.

Under the Building Control Acts 1990 to 2020, primary responsibility for compliance with the requirements of the Building Regulations rests with the owners, designers and builders of buildings. In particular, the Building Control (Amendment) Regulations 2014 (where they apply) require greater accountability in relation to compliance with Building Regulations in the form of statutory certification of design and construction by registered construction professionals and builders, lodgement of compliance documentation, mandatory inspections during construction and validation and registration of certificates.

Any queries in relation to this Circular letter should be emailed to planning@housing.gov.ie.

Terry Sheridan

Principal

Planning Policy and Legislation

Attachment for information:

Planning and Development (Amendment)(No. 4) Regulations 2022