



STATUTORY INSTRUMENTS.

S.I. No. 582 of 2015

PLANNING AND DEVELOPMENT (AMENDMENT) (NO. 4)
REGULATIONS 2015

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I, ALAN KELLY, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by sections 4(2) and 262 of the Planning and Development Act 2000 (No. 30 of 2000) (as adapted by the Environment, Heritage and Local Government (Alteration of Name of Department and Title of Minister) Order (No. 193 of 2011), hereby make the following regulations with respect to which, pursuant to section 262(4) of that Act, a draft has been laid before each House of the Oireachtas and a resolution approving of the draft has been passed by each such House:

Citation

1. (1) These Regulations may be cited as the Planning and Development (Amendment) (No. 4) Regulations 2015.

(2) These Regulations and the Planning and Development Regulations 2001 to 2015 shall be construed as one and may be collectively cited as the Planning and Development Regulations 2001 to 2015.

Interpretation

2. In these Regulations, unless otherwise stated—

“the Act” means the Planning and Development Act 2000;

“the Principal Regulations” means the Planning and Development Regulations 2001 (S.I. No. 600 of 2001).

Amendment of Article 5 of the Principal Regulations

3. (1) Article 5(1) of the Principal Regulations is amended by substituting for the definition of “business premises” the following definition:

“ ‘business premises’ means—

(a) any structure or other land (not being an excluded premises) which is normally used for the carrying on of any professional, commercial or industrial undertaking or any structure (not being an excluded premises) which is normally used for the provision therein of services to persons,

(b) a hotel, hostel (other than a hostel where care is provided) or public house, or

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 1st January, 2015.*

(c) any structure or other land used for the purposes of, or in connection with, the functions of a State authority;”.

(2) Article 5(1) of the Principal Regulations is amended by substituting for the definition of “excluded premises” the following definition:

“ ‘excluded premises’ means—

- (a) any premises used for purposes of a religious, educational, cultural, recreational or medical character,
- (b) any guest house or other premises (not being a hotel or a hostel) providing overnight guest accommodation, block of flats or apartments, club, or boarding house, or
- (c) any structure which was designed for use as one or more dwellings, except such a structure which was used as business premises immediately before 1 October, 1964 or is so used with permission under the Act;”.

(3) Article 5(1) of the Principal Regulations is amended by inserting after the definition of “painting” the following definition:

“ ‘protected person’, for the purposes of Schedule 2, means—

- (a) a person who has made an application to the Minister for Justice and Equality under the Refugee Act of 1996 or the Subsidiary Protection Regulations 2013 (S.I. No. 426 of 2013),
- (b) a person who falls to be considered or has been considered under section 3 of the Immigration Act of 1999, or
- (c) a programme refugee within the meaning of section 24 of the Refugee Act of 1996;”.

Amendment of Part 1 of Schedule 2 to the Principal Regulations

4. (1) Subject to paragraph (2), Part 1 (‘Exempted Development - General’) of Schedule 2 to the Principal Regulations is amended by substituting for “*Change of use CLASS 14*” the following:

“

Column 1 Description of Development	Column 2 Conditions and Limitations
<p><i>Change of use</i></p> <p>CLASS 14</p> <p>Development consisting of a change of use—</p> <p>(a) from use for the sale of hot food for consumption off the premises, or for the sale or leasing or display for sale or leasing of motor vehicles, to use as a shop,</p> <p>(b) from use as a public house, to use as a shop,</p> <p>(c) from use for the direction of funerals, as a funeral home, as an amusement arcade or a restaurant, to use as a shop,</p> <p>(d) from use to which class 2 of Part 4 of this Schedule applies, to use as a shop,</p> <p>(e) from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,</p> <p>(f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons,</p> <p>(g) from use as a hotel, to use as a hostel (other than a hostel where care is provided),</p> <p>(h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons,</p> <p>(i) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (h) of the said premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons, and</p> <p>(j) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both.</p>	<p>The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.</p> <p>Class 14(j) shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest.</p>

”

(2) For convenience of reference there is set out in the amendment provided for by paragraph (1) the relevant headings that apply for the columns concerned.



GIVEN under my Official Seal,
17 December 2015.

ALAN KELLY TD,
Minister for the Environment, Community and Local
Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

Article 4 of these Regulations inserts 4 new classes of exempted development into the Planning and Development Regulations 2001 (“the Principal Regulations”), which has the effect that the changes of use specified in the new classes are exempted from the requirement to obtain planning permission. The new classes of exempted development are as follows:

- Class 14(g): Change of use of a premises from a hotel to a hostel (other than a hostel where care is provided);
- Class 14(h): Change of use of various forms of premises providing residential or overnight accommodation to specific use as accommodation for refugees and asylum seekers, as defined in legislation. This class of exempted development will assist in implementing the Government’s Irish Refugee Protection Programme (IRPP), which was established on 10 September 2015 in response to the migration crisis in central and southern Europe;
- Class 14(i): Change of use of various forms of premises providing overnight accommodation to use as an emergency reception and orientation centre (EROC) for refugees and asylum seekers. A network of EROCs will be established by the Department of Justice and Equality for the initial reception of persons arriving in Ireland under the IRPP;
- Class 14(j): Return of premises, the use of which changed under an exemption in Class 14(h) or 14(i), to their permitted use immediately prior to that change of use. It is a condition of this class that the exemption from planning permission will apply for a period of 3 years only from the date of the commencement of the change of use exempted under Class 14(h) or (i) or both.

Article 3 of these Regulations amends the definitions of “business premises” and “excluded premises” in the Principal Regulations to remove the distinction in them between a hotel and a hostel.

In accordance with section 16(3) of the Interpretation Act 2005, these Regulations come into operation at the end of the day before the day on which the Regulations are made.

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