



STATUTORY INSTRUMENTS.

S.I. No. 151 of 2022



PLANNING AND DEVELOPMENT ACT 2000 (EXEMPTED
DEVELOPMENT) (NUMBER 2) REGULATIONS 2022

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WHEREAS I, PETER BURKE, Minister of State at the Department of Housing, Local Government and Heritage, am of the opinion that development to which the following regulations apply would not offend against principles of proper planning and sustainable development by reason of the nature and limited effect of development belonging to that class on its surroundings; and

WHEREAS a draft of the following regulations has been laid before each House of the Oireachtas and a resolution approving that draft has been passed by each such House;

NOW I, PETER BURKE, Minister of State at the Department of Housing, Local Government and Heritage, in exercise of the powers conferred on me by subsection (2) of section 4 and section 262 of the Planning and Development Act 2000 (No. 30 of 2000) (as adapted by the Housing, Planning and Local Government (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 408 of 2020)) and by the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2020 (S.I. 559/2020), hereby make the following regulations:

Citation and construction

1. (1) These Regulations may be cited as the Planning and Development Act 2000 (Exempted Development) (Number 2) Regulations 2022.

(2) These Regulations shall be included in the collective citation the Planning and Development Regulations 2001 to 2022.

Interpretation

2. In these Regulations —

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

“relevant period” means the period commencing on the making of these Regulations and ending 2 years following the commencement.

Amendment of Part 1 of Schedule 2 to the Principal Regulations

3. Part 1 of Schedule 2 to the Principal Regulations shall have effect during the relevant period as if the following was inserted after CLASS 20D:

<p>CLASS 20E</p> <p>Temporary use by the Health Service Executive as a public vaccination centre or public infection testing centre of any structure or part of a structure used as a 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, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, or any structure or part of structure normally used for public worship or religious instruction.</p>	<p>1. The temporary use shall only be for the purposes of preventing or alleviating the risk to public health posed by the spread of disease specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981).</p> <p>2. The temporary use shall be discontinued after a period not exceeding 12 months.</p>
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GIVEN under my hand,
30 March 2022

PETER BURKE,
Minister of State at the Department of Housing,
Local Government and Heritage.

EXPLANATORY NOTE

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

These Regulations are made under sections 4(2) and 262(4) of the Planning and Development Act 2000, as amended.

These Regulations amend the existing Planning and Development Regulations 2001 to provide an exemption for the Health Service Executive (HSE) for a temporary change of use of buildings, or parts of buildings, including schools, hotels and convention centres as public vaccination or public testing centres. This provides a temporary step-down exemption for the HSE for changes of use only following the cessation of the Planning and Development Act 2000 (Section 181) Regulations 2020 (S.I. No. 93 of 2020), which Regulations were commenced on 27 March 2020 to address the COVID-19 civil emergency.

The exemption can only be availed of by the HSE to prevent or alleviate the risk to public health posed by the spread of an infectious disease. Temporary changes of use shall be discontinued after a period not exceeding 12 months and the Regulations shall only remain in effect for two years following their commencement.

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