



Circular Letter PL 02/2020

29 March 2020

To Chief Executives and Directors of Planning

### **Planning and Development during the COVID 19 Emergency**

Dear Colleagues,

The Department has been working with the City and County Management Association and the Local Government Management Agency, An Bord Pleanála and the Office of the Planning Regulator over these last few weeks, in seeking to ensure that every effort is being made to make certain that the planning system continues to operate effectively as possible, in the context of the most up-to-date public health advice during this COVID-19 Emergency.

The planning and development system plays an important role in supporting the economic development of the country, and will play a vital role in supporting social and economic activity when this COVID 19 emergency is past. Consequently, the Department is deeply appreciative of the efforts of the staff of planning authorities to keep the planning service open for business, using new ways of working, maximising on-line systems in order to facilitate the public's viewing of planning applications/making submissions and tele/video conferencing to facilitate pre-planning consultations.

The announcements by An Taoiseach on 27 March, introducing cocooning of a sizeable sector of our population and considerable restrictions on the population at large, as part of escalating measures to respond to the COVID-19 emergency, has required consideration of the impacts of these measures on the full range of planning services.

This Circular outlines the package of actions in the planning domain which have been taken over the past few days to respond to the evolving situation, and provides contact details during this time for the Department, for any queries arising. The Department also has a planning section within its COVID-19 section on our website ([www.housing.gov.ie](http://www.housing.gov.ie)) which will be kept up-to-date with FAQ and any further announcements.



### **1. Order under new Section 251A of the Planning and Development Act, as amended**

Having considered the potential impacts on the effective operation of planning system from the most recent advice regarding actions of the public and workers for whom it is not essential to leave home to work, the Minister has commenced Section 9 of the recently enacted Emergency Measures in the Public Interest (Covid 19) Act 2020. This section inserts a new provision (Section 251A) into the Planning and Development Act, 2000 as amended (**the Act**). The provision is modelled on an existing and long-established provision under Section 251 of the Act, which applies in normal circumstances every year over the Christmas period.

Subsequently, and having regard to the issues set out in Section 251A(5) of the Act, the Government made an order under Section 251A(4), to the effect that the period from **29<sup>th</sup> March 2020** to the **20 April 2020, inclusive**, may be disregarded when calculating any appropriate period, specified period, or other timelines in the following Acts, or provisions, or in any regulations made under those acts or provisions:-

- The Planning and Development Act 2000, as amended;
- The Derelicts Sites Act, 1990;
- Part 2 of the Urban Regenerations and Housing Act, 2015 (which relates to the vacant site levy);
- Chapter 1 of Part 2 of the Planning and Development (Housing) and Residential Tenancies Act, 2016 (which relates the Strategic Housing Developments)

It is important to stress that the effect of the activation of this provision does not freeze the planning system, rather it extends the timelines within which decisions can be made. Otherwise the work of the authorities will continue, of course subject to adherence to public health advice and reflective of consequential local working arrangements in this regard. A preliminary set of FAQs is attached to this Circular, and this will be expanded over the coming days, and kept up-to-date on the Departments website.

### **2. Regulations**

The second element of the package of measures, relates to two regulations made by the Minister to address particular development needs during this emergency.



- The Planning and Development Act 2000 (Exempted Development) (No.2) Regulations, 2020 provides, that, for the period of the emergency, that a change in use from a premises selling food for consumption on the premises to one providing food for consumption off the premises will be considered an exempt development.
- The Planning and Development Act 2000 (Section 181) Regulations, 2020 provides for the non-application of the Planning and Development Act 2000 to certain classes of development by or on behalf of a State authority. This may include the change of use and repurposing of existing buildings and facilities, and/or the provision of temporary new-build accommodation and structures to address the COVID-19 civil emergency.

### **3. Section 28 Guidance on enforcement**

The final element of the package of measures, responds to some issues which have been raised with the Department regarding the approach to be adopted where essential retail operators, in an effort to ensure that food and other supplies can be delivered in a safe and timely manner, may be find themselves technically contravening planning conditions that restrict times of operation or delivery. Similar issues may arise for provision of child care facilities, where established for front line workers.

The CCMA and the LGMA, on behalf of planning authorities have given reassurance that the approach to enforcement in this context should be pragmatic and measured, and the discretion available to planning authorities under the relevant Sections of the Planning Act, should be applied insofar as possible, other than in circumstances where such operations could seriously impact on public health and welfare.

To ensure that there is maximum clarity and consistency on this point, the Minister is issuing guidance under Section 28 of the Planning and Development Act 2000, as amended. This guidance is appended for your information.

### **4. Urban Regeneration and Development Fund (URDF)**

In the aftermath of the present difficulties the programme of URDF supported transformational regeneration and rejuvenation projects will take on an increased importance in terms of its potential in the medium to longer term to provide a catalyst for economic and social renewal in our cities and large towns. In this regard, the Department's objective is to maintain the continuity and momentum of the URDF supported programme. The Department is committed to



progressing projects already approved under Call 1 and to the continuation of the programme under Call 2. You will already have been advised that in recognition of the present exceptional circumstances of an extension in the deadline for receipt of applications under Call 2, and we have now further extended the deadline to 29 May 2020.

#### **5. Foreshore**

The Department is continuing to progress foreshore applications, subject to adaptations which need to be made in relation to the public health advice.

#### **6. Contact with the Department.**

The staff of the Planning Division will continue to work with planning authorities, as we all endeavour to ensure that this essential part of our public service can be delivered effectively through this period, and beyond.

We would be grateful if any queries could be sent to the following email addresses rather than individual emails during this time, so that we can ensure that your query is dealt with as quickly as possible. These email accounts will be monitored daily, and addresses are as follows:

- General planning queries, including those relating to development plan making and development management and enforcement should be directed to [planning@housing.gov.ie](mailto:planning@housing.gov.ie)
- Correspondence relating to Foreshore development and enforcement should be directed to [foreshore@housing.gov.ie](mailto:foreshore@housing.gov.ie) .
- Queries or correspondence relating to existing URDF projects, recoupments, project budget revisions, or applications under Call 2 should be directed to [urdf@housing.gov.ie](mailto:urdf@housing.gov.ie).

Finally, we will remain in contact with planning authorities to monitor the evolving situation and wish you all the best in these difficult times.

Maria Graham  
Assistant Secretary  
Planning Division