



To: Directors of Planning Services, City and County Councils

CC: Chief Executives, City and County Councils
Senior Planners, City and County Councils
An Bord Pleanála
Directors of Regional Assemblies
Office of the Planning Regulator

Circular Letter PL 01/2020

4 March 2020

**Amendments to Exempted Development Provisions - Planning and Development
(Amendment) Regulations 2020 (S.I. No. 46 of 2020)**

I am directed by Mr Damien English, T.D., Minister of State at the Department of Housing, Planning and Local Government with Special Responsibility for Housing and Urban Development to advise that he has recently made regulations, which came into operation with effect from 13 February 2020.

The Planning and Development (Amendment) Regulations 2020 amend provisions in the Planning and Development Regulations 2001 (the Principal Regulations) to enable certain minor works to be undertaken by, or on behalf of, the Commissioners (OPW) within a port operated by a state port company without the requirement to obtain planning permission. These exemptions will facilitate the provision of temporary or permanent ancillary port infrastructure for custom and excise/border controls which may be required at major ports as a result of Brexit. A copy of the Regulations is enclosed for information.

Restrictions on Exemptions

Exempted development provisions are subject to restrictions set out in section 4 of the Planning and Development Act 2000 (as amended). In addition, article 6 and Schedule 2 of the Principal Regulations, which set out certain classes of development which are exempt from planning permission requirements, have specific conditions or limitations which restrict the exemption. These are also subject to any general restrictions on exemptions as set out in article 9 of the Principal Regulations.



Planning and Development (Amendment) Regulations 2020 (S.I. No. 46 of 2020)

These Regulations amend the Principal Regulations by the insertion of a dedicated new class of exempted development, Class 59, in Part 1 of Schedule 2 and by amending article 5 to provide a definition for "port", "port operational building" and "state port company".

These exemptions will permit the OPW, or a body acting on its behalf, to undertake certain necessary incremental, ancillary port related development on behalf of bodies with responsibility for Customs without the need to obtain planning permission. The exemptions, which are subject to specific conditions and limitations, include works relating to:

- The construction or erection of an extension of a port operational building within a port.
- The construction, erection or alteration of visual navigation aids on the ground including docking guidance, signage, inset and elevated port lighting or apparatus necessary for the safe navigation of ships and vehicles, within a port.
- The construction or erection of an extension to loading or unloading areas, or vehicle queuing or parking areas within a port.
- The construction, erection or alteration of security fencing and gates, security cameras and signage and other measures connected with the security of a port infrastructure within a port.
- The erection or alteration of directional locational or warning signs within a port.
- The construction, extension, alteration or removal of roads and related signage and ancillary safety barriers used for the movement of vehicles and equipment within a port.

Any enquires in relation to this Circular can be emailed to planning@housing.gov.ie.

A handwritten signature in black ink, appearing to read 'Terry Sheridan', is positioned above the printed name.

Terry Sheridan
Principal
Planning Policy & Legislation

Teach an Chustaim, Baile Átha Cliath 1, D01 W6X0
Custom House, Dublin 1, D01 W6X0
T +353 1 888 2000 | name@housing.gov.ie
www.tithiocht.gov.ie, www.housing.gov.ie