



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 05/2021

12 April 2021

Re: Working hours conditions attached to planning permissions in the context of Covid-19

I have been asked by Mr. Darragh O'Brien, T.D., Minister for Housing, Local Government and Heritage to refer to the phased easing of public health restrictions as recently announced as part of the Government's plan ***Covid-19 Resilience and Recovery 2021: The Path Ahead***, and specifically to the recommencement of residential construction projects allowed as part of the initial easing of the Covid Level 5 restrictions further to the recent lockdown which is effective from today's date, subject to compliance with public health guidelines and protocols.

As you will recall, ***Circular Letter PL 06-2020*** which issued on 16 May 2020 requested planning authorities - having regard to the exceptional circumstances of the public health emergency and as certain activities, including the construction sector, were allowed to resume activity further to the initial Covid-19 lockdown in 2020 – to exercise an appropriate level of discretion in respect of the enforcement of construction working hours conditions attached to housing related planning permissions with a view to assisting the sector to compensate for lost productivity and output.

As referenced in Circular PL 06-2020, there is already provision for derogation and local agreement in many construction conditions, to allow for particular activities outside 'normal' operating hours (e.g. a continuous pour of concrete on a large site). The adoption of such a discretionary approach in relation to construction working hours conditions attached to planning permissions assists the splitting of shifts premise for separating trades, skills and activities required to achieve physical distancing on construction sites in accordance with relevant public health/ health and safety protocols, while seeking to balance this with the need to ensure output and productivity by the sector.



Further to the resumption of residential construction activity from today's date as part of the phased easing of Covid Level 5 restrictions and noting that all sites are different, such discretionary approach should continue to be applied for a time-limited period on a case-by-case basis by planning authorities, having regard to the local circumstances relating to individual sites including factors such as:

- the nature, scale, extent and location of the construction site i.e. rural/urban, small-scale/major development, single/multi storey etc;
- in particular, the proximity of the construction site to occupied homes and other types of premises or land uses that may be potentially sensitive receptors in the area concerned i.e. number, distance and type;
- the likelihood of noise, dust or other emissions, traffic and local parking impacts, and any proposed ameliorative measures, including management/monitoring;
- cumulative impacts i.e. where there is more than one site in close proximity, particularly in urban areas;
- the proposed hours of construction beyond those conditioned and their frequency and duration;
- the adequacy of site construction, management procedures, including any community liaison plan;
- any other relevant factors, including stage of construction (external & internal works etc).

Having regard to the foregoing and similar to the arrangements that were applied on the resumption of construction activity in 2020 in relation to this matter, each planning authority is requested to determine and agree an appropriate, pragmatic and reasonable extent of discretion in respect of the hours of operation of construction sites in excess of those specified by planning condition and, where applicable, to reach agreement on application by developers in respect of derogation, for all or some of the period to 25 September 2021.

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

Terry Sheridan

Principal

Planning Policy and Legislation



