



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: EUIPR 02/2022**

1 April 2022

**Planning and Development Act 2000 (Exempted Development)(Number 2)  
Regulations 2022**

I am writing to inform you that the Planning and Development Act 2000 (Exempted Development)(Number 2) Regulations 2022 (S.I. No 151 of 2022) were signed on 30 March 2022 by Mr Peter Burke, T.D., Minister of State at the Department of Housing, Local Government and Heritage, and they came into effect on the same day.

The present Regulations (S.I. No 151 of 2022) have the effect of replacing some elements of the Planning and Development Act 2000 (Section 181) Regulations 2020 (S.I. 93 of 2020) – which were commenced on 27 March 2020 to address the Covid-19 civil emergency, and which expired on 31 March 2022. The present Regulations are more limited in scope than S.I. 93 of 2020 and relate to temporary change of use of specified building types for use as vaccination and testing centres by the HSE only.

The present Regulations temporarily amend the Planning and Development Regulations 2001 ('the Principal Regulations') to provide an exemption at Class 20E of Part 1 of Schedule 2 of the Principal Regulations for a temporary change of use of specific structures, or parts of structures for use as public vaccination or public testing centres. The classes of development to which this temporary exemption applies comprise the following:

- 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 normally used for public worship or religious instruction.



The following specific conditions and limitations apply to the exemption:

- The temporary use shall be limited to a period of up to 12 months and;
- The exemption only applies to change of use for the purposes of preventing and alleviating the risk to public health posed by the spread of specific infectious diseases listed in the Infectious Diseases Regulations, 1981 (S.I. No 390 of 1981) e.g. Covid-19.

These Regulations (S.I. No 151 of 2022) will remain in effect for two years following their commencement on 30 March 2022, within which period one or more changes of use not exceeding 12 months could be applied. A copy of the Regulations is enclosed at Appendix 1 for information. The Regulations will also be available to view or download on the electronic Irish Statute Book in the coming days (<http://www.irishstatutebook.ie>).

#### **Details of Covid-19-related Planning legislation that has expired on 31 March 2022**

For information, consequential to the expiry of Part 3 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 (No. 1 of 2020) by virtue of subsection (3) of section 2 of that Act on 31 March 2022, the following temporary Planning Regulations (whose duration was linked to the duration of Part 3 of the Health Act of 2020) also expired on 31 March 2022:

- Planning and Development Act 2000 (Exempted Development) (No.2) Regulations 2020 (S.I. 92 of 2020) – relating to the change of use for the sale of food for consumption on the premises to use for the sale of food for consumption off the premises;
- Planning and Development Act 2000 (Section 181) Regulations 2020 (S.I. 93 of 2020) – as mentioned above; and
- Planning and Development Act 2000 (Exempted Development) (No.3) Regulations 2020 (S.I. 293 of 2020) – relating to temporary awnings, marquees, portable cabins or covered pedestrian or set down areas connected with the management of airport passenger movement in a State airport for purposes connected with the prevention of transmission of Covid-19.



It is also the case that Emergency Period Orders under Section 5 of the Planning and Development, and Residential Tenancies, Act 2020 can no longer be made following the expiry of Part 3 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 on 31 March 2022.

### **Interpretation**

Please be advised that the above summary of legislative provisions has been prepared for ease of reference only and does not purport to be a legal interpretation of the legislation.

Any queries in relation to this Circular letter should be emailed to [euplanningregulation@housing.gov.ie](mailto:euplanningregulation@housing.gov.ie).

Eamonn Kelly  
Principal Officer  
EU & International Planning Regulation