



To: Chief Executives, City and County Councils
Chief Executive, Office of Planning Regulator
Chairperson, An Bord Pleanála
Directors, Regional Assemblies

Cc: Senior Planners, City and County Councils
Deputy Regulator, Office of Planning Regulator
Director of Planning, An Bord Pleanála
Assistant Directors, Regional Assemblies

Circular Letter: EUIPR 3/2022

01 July 2022

**European Union (Planning and Development)(Displaced Persons from Ukraine
Temporary Protection) Regulations 2022**

A Chara,

I am writing to inform you that the European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. No 306 of 2022) were signed on 23 June 2022 by Mr Darragh O'Brien, T.D., Minister of Housing, Local Government and Heritage, and came into effect 23 June 2022.

The Regulations are made under Section 3 of the European Communities Act 1972 and give effect to Council Directive No 2001/55 EC and Council Implementing Decision EU 2022/382 of 4 March 2022, to provide immediate protection in EU countries for persons displaced by the Russian invasion of Ukraine, including the need to provide emergency accommodation and support to these displaced persons.

The Regulations provide that the provisions of the Planning Act (other than the environmental considerations in Sections 181A to 181C) will not apply to certain classes



of development by or on behalf of a State Authority i.e a Minister of the Government or the Commissioners of Public Works in Ireland, for the purposes of providing temporary protection to displaced persons as specified in the Regulations.

The classes of development listed in the Schedule for the purposes of providing temporary protection to displaced persons comprise:

- Reception and integrations facilities;
- Residential accommodation, including ancillary recreational and sporting facilities;
- Medical and other health and social care accommodation;
- Education and childcare facilities, including ancillary recreational and sporting facilities;
- Emergency management coordination facilities;
- Structures or facilities ancillary to development referred to above, including administration and storage facilities; and
- Infrastructure and other works ancillary to the above development.

The classes of development listed include the temporary change of use and repurposing of existing buildings and facilities, and temporary new-build accommodation and structures to address this emergency.

The provisions of the Planning and Development Act 2000 (other than the environmental considerations in Sections 181A to 181C) will not apply to the specified classes of development in the Schedule only for so long as the Regulations are in force, which duration is linked to the duration of temporary protection activated by European Union Council Decision EU 2022/382 of 4 March 2022.



After this time the removal, demolition or alteration of any temporary structure and the discontinuance of any temporary use and, in so far as is practicable, the restoration of the land to its condition prior to the commencement of the development, will be required, unless the development is permitted, exempted or otherwise regularised by a provision of the Planning and Development Act 2000 or the Planning and Development Regulations 2001, as amended.

In accordance with the Temporary Protection Directive 2001/55/EC, the duration of temporary protection activated by European Union Council Decision EU 2022/382 of 4 March 2022 shall be for an initial period of one year. Unless terminated under the terms of Article 6(1)(b) of the Directive, that period shall be extended automatically by six monthly periods for a maximum of one year. At any time, the European Commission may propose to the Council to end the temporary protection, based on the fact that the situation in Ukraine is such as to permit the safe and durable return of those granted temporary protection, or propose that the Council extend the temporary protection by up to one further year. As such, the maximum extended period for the duration of Temporary Protection Decision EU 2022/382 may be for a total period of three years from 4 March 2022.

Please find a copy of the Regulations (S.I. No 306 of 2022) enclosed at Appendix 1 for information. The Regulations are also available to view or download on the electronic Irish Statute Book (<http://www.irishstatutebook.ie>).

Any queries in relation to this Circular letter should be emailed to euplanningregulation@housing.gov.ie.

Is mise le meas,



Eamonn Kelly

Eamonn Kelly

Principal Officer

EU and International Planning Regulation