



To: Directors of Planning Services in each local authority

CC: Chief Executives
Senior Planners
An Bord Pleanála
Office of the Planning Regulator
Directors of Regional Assemblies

Circular Letter: PL 05/2023

01 June 2023

New Planning Exemptions

I have been asked by Mr. Darragh O'Brien, T.D., Minister for Housing, Local Government and Heritage to advise that he has signed the following three new sets of regulations which have come into effect as follows:

1. Planning and Development (Exempted Development) Regulations 2023 (S.I. No. 250 of 2023) – effective from 19 May 2023;
2. Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2023 (S.I. No. 269 of 2023) – effective from 22 May 2023;
3. Planning and Development Act 2000 (Exempted Development) (No. 3) Regulations 2023 (S.I. No. 246 of 2023) – effective from 22 May 2023.

Copies of the regulations are attached for information and an overview of the key provisions of each set of regulations is set out below.

1. Planning and Development Act 2000 (Exempted Development) Regulations 2023 (S.I. No. 250 of 2023)

The Programme for Government (Our Shared Future) and the Waste Action Plan for a Circular Economy set out the Government's commitment to introduce a Deposit and Return Scheme (DRS) for plastic bottles and aluminium cans. In November 2021, regulations to establish a



national DRS were signed and the scheme was officially launched in November 2022 by the Minister of State for the Circular Economy, Ossian Smyth, T.D. The planned go-live date for consumers is February 2024.

The DRS encourages people to recycle drink containers. It works by charging anyone who buys a drink a small deposit for the plastic bottle or can that it comes in. Customers get this money back when they return the container to a retailer or other collection point to be recycled. The majority of retail outlets will have to be modified to cater for reverse vending machines (RVMs). RVMs are an automated way for retailers to collect, sort and handle the return of used drink containers from customers

These regulations amend the existing Planning and Development Regulations 2001 (the Principal Regulations) to provide an exemption for the installation of RVMs at retail and certain other locations, subject to certain specified conditions and size limits

Main Provisions

These regulations, which insert a new Class 42A in Part 1 of Schedule 2 of the Principal Regulations, provide an exemption for RVMs in three circumstances:

- (i) ***within the curtilage of a shop where the opening of the receptacle is located on an inner wall of the shop while storage and associated roofed area are developed to the outside and operates ancillary to the shop***

In this instance the opening, or customer interface section of the reverse vending machine, is located on an inner wall of the shop. This may look similar to an ATM machine or a standard vending machine attached to a wall. The storage/compacting unit for the machine is located outside.

There are a number of conditions associated with this provision such as:

- the outside structure cannot be attached to the front wall of the building or erected forward of the front building line;
- the height of the walls of the structure cannot exceed the height of the walls of the existing building to which it is attached;
- the footprint cannot exceed 25 square metres.



(ii) within the curtilage of a shop detached from main building

In this instance the machine is located within the curtilage of a shop detached from the main building - for example the conversion of a trolley bay in a car park. There are a number of conditions relating to the height and size of the structure – it cannot exceed 3.5 metres or the height of the highest part of the roof of the closest building, whichever is the lesser. In addition the footprint cannot exceed 36 square metres.

(iii) standalone reverse vending machines for the likes of GAA clubs or Community centres

This exemption has been provided for small return point operators such as GAA clubs, Community centres, parish halls etc. Larger industrial return point operators using larger machines i.e. for profit, will still be required to apply for planning permission. The footprint cannot exceed 6 square metres allowing for a combination of up to three standalone machines.

It should be noted that the installation of standalone RVMs within an existing building would not require any interaction with the planning system, as such installations would not constitute “development” as defined under the Planning and Development Act 2000, as amended (the Act) and so have not been included in this planning exemption.

2. Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2023 (S.I. No. 269 of 2023)

These exempted development regulations amend the Principal Regulations to provide an exemption for the installation of bus poles or bus pole signs along roads in connection with a public passenger transport service (as defined in the Dublin Transport Authority Act 2008).

Main Provisions

These regulations amend article 5 of Principal Regulations to insert a definition of ‘bus pole’ and ‘bus pole sign’ and limits its use to along roads. The bus pole is limited to 3.6m in height above ground. In addition, a new Class 30A is inserted into Part 1 of Schedule 2 of the Principal Regulations for:



“The carrying out of development consisting of the removal, construction, erection or placing by or on behalf of the National Transport Authority, a public transport operator (as defined in the Dublin Transport Authority Act 2008) or a local authority of:

- bus poles or bus pole signs in connection with a public passenger transport service (as defined in the Dublin Transport Authority Act 2008).”

These regulations will assist the roll out of bus stop infrastructure to support the use of public transport and remove the need for planning permission for bus poles whilst maintaining the requirement of Local Authority approval through the Road Traffic Act 1961 as amended.

It should be noted that this exemption does not cover bus shelters. The National Transport Authority (NTA) will work in partnership with local authorities for the provision of bus shelters.

3. Planning and Development Act 2000 (Exempted Development) (No. 3) Regulations 2023 (S.I. No. 246 of 2023)

These exempted development regulations amend the Principal Regulations to provide an exemption from the requirement to obtain planning permission for certain minor works undertaken by Gas Networks Ireland (GNI), the statutory undertaker authorised to provide a gas service.

Main provisions

These regulations amend article 5 of the Principal Regulations to insert new definitions for “gas vent stack” and “gas pressure regulating station”. In addition, a new Class 29C is inserted into Part 1 of Schedule 2 of the Principal Regulations to provide that the erection of a “gas pressure regulating station” or a “gas vent stack” shall be exempted development, subject to the following conditions and limitations:

- *the volume above ground level of any gas pressure regulating station, and ancillary equipment, shall not exceed 9 cubic metres, measured externally,*
- *a gas vent stack shall not exceed 3 metres in height, and*
- *no such development shall be constructed or erected within 5 metres of the curtilage of any house or other residential building.*



These regulations will assist GNI in the roll out of small-scale, gas infrastructure to facilitate the safe supply of natural gas to the end user whilst maintaining the requirement of Local Authority approval through the Road Traffic Act 1961 as amended.

Any proposed small-scale gas infrastructure development that is not of a type specified in the exemption or that does not comply with the associated conditions and limitations will continue to require planning permission.

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

Terry Sheridan
Principal
Planning Policy and Legislation

Enclosures:

- Planning and Development (Exempted Development) Regulations 2023 (S.I. No. 250 of 2023)
- Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2023 (S.I. No. 269 of 2023)
- Planning and Development Act 2000 (Exempted Development) (No. 3) Regulations 2023 (S.I. No. 246 of 2023)