



Ireland Update: Temporary changes to the Irish planning regime

April 2020

Given the restrictions on movement currently in place, it has been acknowledged that the timelines set out in the Planning and Development Act 2000 (the “**Planning Act**”) are not sustainable. Therefore, to ensure the planning process continues to operate in an open and fair manner during the pandemic, a new Section 251A to the Planning Act was included as part of the Public Interest (Covid – 19) Act 2020 (the “**Act**”) (link to act [here](#)). This section allows the Government to disregard the period between 29 March 2020 to 20 April 2020 (this period has been extended to 9 May 2020) (the “**Emergency Period**”) when calculating statutory timelines contained in the Planning Act, the Building Control Act 1990; the Derelict Sites Act 1990; the Urban Regeneration and Housing Act 2015; and the Planning and Development (Housing) and Residential Tenancies Act 2016 and any provisions or regulations relating to same. It is important to note that the Act allows the Government to further extend the Emergency Period to any date up to 9 November 2020.

What does this mean exactly? It means that where the Planning Act may have provided that the public could inspect a planning application and lodge objections for a particular period of time post lodgement, this period of time is paused for the Emergency Period. In cases where the public consultation period or the permitted appeal period falls within the Emergency Period, they will be automatically extended by a period equal to the number of days in the original deadline that fall within the Emergency Period.

Notwithstanding the new legislation, the planning process will continue to operate and applications for planning permission may still be sent into the relevant authority albeit they will not progress through the first stage of the planning process during the Emergency Period. Indeed, in cases where planning applications are pending and the public consultation period closed prior to 29 March 2020, the planning authority is free to issue their decision.

An Bord Pleanála have set out how this will work in practice on their website [here](#), together with examples and a useful timeline which assists when calculating the extension expected to be granted.

The Housing Minister, Eoghan Murphy, also announced regulations ([here](#)) to remove planning barriers to the development of temporary medical facilities and to protect the supply chain for food and medical supplies. The regulations include the following changes for the period of the emergency:-

- a. a change in use from a premises selling food for consumption on the premises to one providing food for consumption off the premises will be considered an exempt development.
- b. the non-application of the Planning Acts to certain classes of development by or on behalf of the Government or a State authority to include the change of use and repurposing of existing buildings and facilities, and/or the provision of temporary new-build accommodation and structures to address the COVID-19 civil emergency.

Finally, the Minister issued guidance to the planning authorities to approach any enforcement issues relating to essential retail operators in a pragmatic and measured way. This is in response to concerns raised by operators who found themselves in contravention of planning conditions, e.g. opening times, while trying to ensure that food and other supplies are delivered in a timely and safe manner. In effect, exceptions should be made in all cases where such operations do not seriously affect public health and welfare.



These new measures are being introduced to facilitate a functioning planning system while also ensuring that essential businesses and retail operators can do their part and meet the challenges presented by the COVID-19 crisis.

Contact

Please contact the authors, below, or one of your other usual Walkers contacts if you would like further advice or information on this topic.



Rachel Rodgers
Partner, Head of Real Estate
T: +353 1 470 6675
E: rachel.rodgers@walkersglobal.com



Jody Toner
Of Counsel, Real Estate
T: +353 1 470 6625
E: jody.toner@walkersglobal.com



Robert Upton
Associate, Real Estate
T: +353 1 470 6652
E: robert.upton@walkersglobal.com

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