

Motion on
Draft Planning and Development (Exempt Development) Regulations 2021
(Schools)
and
Draft Planning and Development (Exempt Development) (No. 2) Regulations
2021 (electric vehicle charging points)

before the Joint Oireachtas Committee on Housing, Local Government and
Heritage on 16 February 2021

Opening Statement by Mr Peter Burke, T. D., Minister of State at the
Department of Housing, Local Government and Heritage

Cathaoirleach, thank you for affording me the opportunity to present to you and the Committee today these two sets of proposed Planning and Development Exempt Development Regulations.

The two sets of regulations consist of the Planning and Development (Exempt Development) Regulations 2021, which concerns planning exemptions for certain school related works and the provision of temporary accommodation for education purposes, and the Planning and Development (Exempt Development) (No. 2) Regulations 2021, which relates to updating the existing planning exemptions for electric vehicle charging points.

Exempted Development

Each of the proposed Regulations are aimed at amending provisions in the principal Planning and Development Regulations 2001-2021 concerning development that is exempt from the requirement to obtain planning permission, with each of the proposed Regulations dealing with a specific type of development.

Under section 262(4) of the Planning and Development Act 2000, as amended, each House of the Oireachtas is required to approve draft Planning Regulations relating to exempted development by way of positive resolution before they can be made and

brought into effect by me, as Minister of State at the Department of Housing, Local Government and Heritage. This is a form of check and balance that was incorporated in the 2000 Planning Act to ensure that any exempted development proposals would be subject to scrutiny and approval by both Houses before they could be signed into law. The consideration of the draft Regulations by the Committee here today is part of that approval process.

Schools Exemptions

The first set of draft Regulations – the Planning and Development (Exempted Development) Regulations 2021 – relate to planning exemptions for Schools.

These draft Regulations propose the amendment of the pre-existing exempted development Classes 20C and 57 in Part 1 of Schedule 2 of the Principal Regulations, supplemented by the insertion of a new Class 20D in the same Schedule, all concerning schools related development works.

If approved, the proposed exemptions will:

- Expand the existing exemption under CLASS 20C to allow the temporary use of all public buildings as a school for a period not exceeding 2 years.
- Insert a new CLASS 20D which will allow schools to construct temporary structures to facilitate the continued delivery of education, subject to the following conditions:
 - No such structure shall be erected for a period exceeding 5 years;
 - The gross floor area of such structure shall not exceed 30% of the gross floor area of the existing school;
 - No such structure shall exceed two storeys;
 - With regard to the distance of the structure to any party boundary -
 - any single storey structure shall be a distance of not less than 2 metres from any party boundary;

- any two-storey extension facing an existing dwelling shall be a distance no less than 22 metres from the main part of the dwelling, or
- in the cases of any two-storey extension closer than 12.5m to a party boundary, or facing and closer than 22 metres to the dwelling, any such two-storey extension shall -
 - have no windows overlooking the adjacent dwelling, or
 - have obscure glass.
- Furthermore, any such structure shall comply with the Department of Education Primary and Post Primary Technical Guidance Documents for the time being in force.

With regard to pre-existing CLASS 57 of the exempted development classes in the Schedule to the Regulations, it is proposed to increase the existing exemption for extensions to school buildings from 160sqm up to 210 sqm, and to insert a limit on the use of such exemption to just once.

With regard to these proposed changes to the exempted development provisions relating to schools, it is important to highlight that there are almost 1 million students attending educational facilities in the primary and post primary sectors. These pupils are spread across approximately 4,000 schools, within which close to 100,000 staff are employed.

It is a national priority for Government, as reflected in the [Government's Plan for Living with COVID-19](#)¹ to ensure that schools safely re-open and remain safely open. This is acknowledged across society, and supported within the Public Health Medical community and the health services at large.

These proposed amendments are aimed at providing the Department of Education with the necessary scope to maintain the delivery of education both during the ongoing Covid 19 scenario requiring compliance with necessary public health protocols and social distancing requirements, and having regard to the expected increase in pupil

¹ See <https://www.gov.ie/en/campaigns/resilience-recovery-2020-2021-plan-for-living-with-covid-19/>

numbers over the coming years due to demographic factors, while also adhering to the general principles of proper planning and sustainable development.

Electric Vehicle Charging Point Exemptions

The second set of draft Regulations – the Planning and Development (Exempted Development) (No. 2) Regulations 2021 – relate to an increase in the pre-existing planning exemptions for electric vehicle charging infrastructure.

This set of regulations concerns the amendment of the existing Class 29A in Part 1 of Schedule 2 of the Regulations relating to electric vehicle charging points and to replace the current conditions and limitations attaching to same, supplemented by the insertion of a new Class 29B in the Schedule specifying the conditions and limitations attaching to charging hubs for electric vehicles.

If approved, the proposed exemptions will increase the size of electric vehicle charging points allowed without the requirement for planning permission, as follows:

- The existing exemption for off-street charging points is being increased from 3 cubic metres to 3.6 cubic metres.
- The existing exemption for on-street charging points is being increased from 0.5 cubic metres to 0.75 cubic metres.
- Furthermore, the new exemption for charging hubs will facilitate the provision of up to four charging points where parking complies with planning permission. The installation of such charging hubs without planning permission will be restricted to off-street locations.
- Planning exemptions have also been included for the provision of bollards to protect both charging units and hubs.

These proposed changes - which have been developed in consultation with the Department of Transport and the Department of Environment, Climate and Communications - allow for the future proofing of electric vehicle charging units within the planning exemption provisions taking account of the latest technical advancements

in this area, thereby facilitating the efficient and more widespread delivery of electric vehicle charging infrastructure which in turn will facilitate increased take-up of electric vehicles and reduced carbon emissions in the transport sector.

The introduction of these revised exempt development Regulations feeds into several government policies, *The Programme for Government – Our Shared Future* and most notably the *Climate Action Plan 2019: to tackle climate breakdown*. The Regulations will further deliver on my Department's commitment in Action 73 of the Climate Action Plan to 'develop and implement planning rules and guidelines across residential and non-residential parking locations for EV charging infrastructure'.

I would particularly like to point out that both sets of draft Regulations do not propose to provide blanket exemptions from planning. The exemptions provided are subject to a number of conditions and limitations including that the proposed development does not require EIA or AA. Any works, which are not specifically exempted by these exempted development regulations will still require planning permission in the normal manner.

Conclusion

To conclude Chair, I commend these two sets of draft Regulations to the Committee. They are each very important in their own right and I believe have the potential to have a real and positive impact on people's lives. They will support Ireland's response to climate change by facilitating the efficient and more widespread delivery of electric vehicle charging infrastructure, and they will assist schools in facilitating the continued delivery of education in the context of ongoing Covid 19 measures and pupil number demographic changes.

I look forward to an engaging discussion with the Committee this morning and I and my officials will endeavour to answer any questions that Committee members may have.

Finally, Chair, if these draft Regulations are subsequently approved by positive resolution of both Houses of the Oireachtas, they will come into force as soon as they

are signed by me, as Minister of State at the Department of Housing, Local Government and Heritage. In this regard, it would be my intention to sign the regulations into law at the earliest possible date.

Thank you for your attention.