

**Motion on  
Draft Planning and Development Act (Exempted Development) Regulations  
2022**

**before the Joint Oireachtas Committee on Housing, Local Government and  
Heritage on 10 February 2022**

**Opening Statement by Mr Darragh O'Brien T.D., Minister for Housing, Local  
Government and Heritage**

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

**Exempted Development**

The proposed Regulations amend provisions in the principal Planning and Development Regulations 2001-2021 relating to development that is exempt from the requirement to obtain planning permission.

Under 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 signed into law by me, as Minister for Housing, Local Government and Heritage. The consideration of the draft Regulations by the Committee here today is part of that approval process.

**Planning and Development Act (Exempted Development) Regulations 2022**

The Planning and Development (Amendment) (No.2) Regulations 2018 - S.I. No. 30 of 2018 - which came into operation on 8 February 2018 and were introduced under the previous Government's Action Plan on Housing and Homelessness - Rebuilding Ireland - provide for an exemption from the requirement to obtain planning permission in respect of the change of use of certain vacant commercial premises, including vacant areas above ground floor premises, to residential use. This measure was introduced to facilitate the productive re-use of qualifying vacant commercial buildings

as homes, while also facilitating urban renewal and the bringing on stream of increased housing supply.

The 2018 Regulations originally had a termination date of end 2021 in line with the timeline of Rebuilding Ireland but this was subsequently extended to 25 February 2022 arising from the Covid-related shutdown of the construction sector for eight weeks in the period March to May 2020.

The new draft exempted development regulations propose to extend to end 2025 the exemption provided by the 2018 Regulations thereby fulfilling the commitment given by action 20.3 of the Government's new Housing Plan for Ireland - Housing for All, in this regard.

### **Impact of the 2018 Regulations**

Under the 2018 Regulations, property owners availing of the exemption were required to notify their local planning authority of the proposed conversion of their vacant commercial space to residential use at least 2 weeks prior to the commencement of works, and also the number of housing units that would be provided by the ensuing works. In 2019, the first full year of the operation of the 2018 regulations, there were 129 notifications submitted to the local planning authorities which yielded 158 housing units. The take-up of the regulations has increased year on year since then with 283 notifications being received in 2021 in respect of 676 units.

Overall since the introduction of the measure, just under 1,400 residential units have been provided under the exemptions, which is not an insignificant number. There is continued potential for this exemption to have a positive impact in helping to get vacant properties back into use and I would be confident that as the awareness of the measure increases, including through the work of dedicated vacant homes officers in all local authorities, the number of housing units generated under the scheme will be considerably increased in the period to 2025.

### **Introduction of a new Class**

One feature that we have all increasingly witnessed in recent years has been the number of public houses that have closed down and become vacant in towns and villages throughout the country. The likelihood is that post Covid, many of these pubs will never return to being viable businesses and will remain closed.

Taking account of this trend, a new class of use eligible to avail of the planning exemption is now being added to the regulations – that of public houses. This is designed to ease the burden of converting small and medium sized pubs, which are no longer viable and have ceased to operate, to residential accommodation.

I believe that the extension of the scope of the regulations in this regard can further assist in combating vacancy across the country.

### **Limits of the Regulations**

I should point out that the draft Regulations do not propose to provide blanket exemptions from planning for the forms of commercial buildings included within the scope. The exemptions provided are subject to a number of conditions and limitations including:

- that the property must have been vacant for at least 2 years prior to the commencement of the proposed works;
- adherence to minimum requirements in relation to floor area, storage space requirements, the need for adequate natural light in habitable rooms;
- a maximum of 9 residential units being provided in any structure;
- relevant controls being adhered to in relation to protected structures; and
- that any works to the external fabric of the building being in keeping with the architectural streetscape and neighbouring structures

In the case of public houses wishing to avail of the exemption, the license associated with the premises must be extinguished. In addition, a 250 square meter size threshold has been set which should enable all small to medium sized vacant pubs to avail of the exemption.

However I should explain that this 250 square metre threshold relates solely to the area of the building covered by the pub licence. Other parts of the building not covered by the pub licence - such as vacant upstairs space - can also be converted to residential use under the exemption provided that the total number of residential units being provided does not exceed 9.

It further goes without saying that the conversion works must comply with relevant building control requirements, including fire safety and be structurally sound.

It is also worth mentioning that the Part V obligations under the Planning and Development Act in relation to the provision of social and affordable housing for housing developments of 5 units or more do not apply to conversion or regeneration works of this nature, as already provided for under section 96(13) of the Planning and Development Act.

## **Conclusion**

To conclude Chair, I commend these draft Regulations to the Committee which supplement concerted efforts being made to address dereliction and vacancy, already being supported by the Urban Regeneration Development Fund, the Rural Regeneration and Development Fund as well as other measures being progressed under Housing for All, including Town Centre First.

As I have outlined, their benefits are two-fold - firstly, to have a real and positive impact on revitalising urban areas while secondly, simultaneously responding to the current need for increased housing supply by facilitating the more efficient – including more cost-efficient - delivery of residential units than is the case with new build.

In the context of the current housing supply shortage, it is incumbent on us as legislators to make every effort to generate as many housing units as possible from all available sources, including from the conversion of vacant commercial premises.

I look forward to what I know will be an engaging discussion with the Committee on these proposed draft Regulations this evening and I will endeavour to answer any questions that Committee members may have.

Finally, Chair, if these draft Regulations are approved by positive resolution of both Houses of the Oireachtas next week, they will come into force as soon as they are signed by me, as Minister for 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.