

Joint Oireachtas Committee on Housing, Local Government and Heritage

11 May 2023

- **Planning and Development (Exempted Development) Regulations 2023**
- **Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2023**
- **Planning and Development Act 2000 (Exempted Development) (No. Y) Regulations 2023**
- **Planning and Development (Street Furniture Fees) Regulations 2023**

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 four sets of proposed Planning Regulations.

The four sets of regulations consist of the:

- Planning and Development (Exempted Development) Regulations 2023,
- Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2023,
- Planning and Development Act 2000 (Exempted Development) (No. Y) Regulations 2023 and
- Planning and Development (Street Furniture Fees) Regulations 2023.

The three Exempted Development Regulations propose to amend provisions in the Planning and Development Regulations 2001 (the Principal Regulations) concerning development that is exempt from the requirement to obtain planning permission. This concerns the installation of reverse vending machines, bus poles and gas infrastructure.

The Street furniture regulation proposes to waive the fee for tables and chairs for outdoor dining, similar to the waiver approved in previous years.

Under the Planning Acts, each House of the Oireachtas is required to approve draft Planning Regulations relating to exempted development and street furniture fees by way of positive resolution before they can be made by me, as Minister. The consideration of the draft Regulations by the Committee here today is part of that approval process.

Exempted Development:

Planning and Development (Exempted Development) Regulations 2023 – Reverse Vending Machines

The first set of Regulations for consideration by the Committee today – the Planning and Development (Exempted Development) Regulations 2023 - insert a new definition of “reverse vending machine” into the Principal Regulations, which is defined as *a machine for the purpose of accepting in-scope bottles and in-scope containers, reimbursing deposits for each item accepted, and retaining the items accepted for collection, within the meaning of the Separate Collection (Deposit Return Scheme) Regulations 2021.*”

In addition the regulations provide an exemption, for the installation, alteration, repair or replacement of reverse vending machines (RVMs) in certain circumstances in locations near shops, GAA clubs and community centres.

These regulations will support the introduction of Ireland’s national Deposit Return Scheme (DRS) and the planned go-live date for consumers is February 2024.

Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2023 – Bus poles and bus pole signs

The second set of Regulations for consideration today - the Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2023 - propose to insert a new Class 30A into Part 1 of Schedule 2 of the Principal Regulations to provide 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).”

This regulation will assist the roll out of bus stop infrastructure to support the expansion and use of public transport. Local authorities will maintain control of the locating of bus poles under the Road Traffic Act 1961.

Planning and Development Act 2000 (Exempted Development) (No. Y) Regulations 2023 – Small-scale gas infrastructure

The third set of regulations for consideration by the Committee today – the Planning and Development Act 2000 (Exempted Development) (No. Y) Regulations 2023 - propose to insert a new Class 29C into Part 1 of Schedule 2 of the Principal Regulations to provide an exemption for the erection of certain, small-scale gas infrastructure undertaken by Gas Networks Ireland (GNI), to facilitate the safe supply of natural gas to the end user.

Class 29C provides that the erection of a ‘gas pressure regulating station’ or a ‘gas vent stack’ shall be exempted development, subject to certain conditions and limitations regarding the scale and location of the development.

Street Furniture Licence Fees

The fourth set of regulations presented today - the Planning and Development (Street Furniture Fees) Regulations 2023 – propose to waive the section 254 street furniture license fee of €125 per table for the remainder of 2023 for tables and chairs associated with outdoor dining.

This is a repeat of the waiver applied in 2021 and 2022 to assist in reducing the cost burden for hotels, restaurants, public houses and other establishments where food is sold for consumption. We all recognise that businesses are facing increasing

pressures in the current economic climate and this street furniture licence fee waiver is in acknowledgement of the difficulties faced by the hospitality sector.

Conclusion

To conclude Chair, I commend these four sets of draft regulations to the Committee.

The approval of these four sets of regulations – which support Government policy in the relevant areas - will assist in the delivery of energy infrastructure, public transport infrastructure, recycling infrastructure and also help to reduce costs for the hospitality sector.

Finally Chair, if – further to today’s presentation to the Committee – these draft regulations are subsequently approved by positive resolution of both Houses of the Oireachtas as required under the Planning and Development Act, they will come into force as soon as they are signed by me. If approved by the Oireachtas, it would be my intention to sign the regulations into law at the earliest opportunity.

The Committee should note that it is my intention to sign the Planning and Development (Exempted Development) Regulations 2023 on reverse vending machines myself and the draft SI laid before the Oireachtas will be edited accordingly to allow this.

I look forward to discussion with the Committee on these proposed draft Regulations and I will endeavour to answer any questions that Committee members may have.

Thank you for your attention.