

Joint Oireachtas Committee on Housing, Local Government and Heritage

17 November 2022

Draft Planning and Development (Exempted Development) (No. 4) Regulations 2022

Opening Statement by Mr Malcolm Noonan, 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 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 of State with responsibility for Planning and Local Government. The consideration of the draft Regulations by the Committee here today is part of that approval process.

Planning and Development Act (Exempted Development) (No. 4) Regulations 2022

The draft Regulations that I have laid before the Oireachtas – the Planning and Development Act (Exempted Development) (No. 4) Regulations 2022 - amend Part 1 of Schedule 2, entitled ‘Exempted Development - General.’, to the Principal Planning and Development Regulations, by inserting a new Class 20F in the relevant Schedule.

This new class provides for the temporary change of use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth (MCEDIY) of a wide list of buildings and structures to accommodate or support persons seeking international protection.

This provision is a temporary measure and will expire on 31 December 2024, with the use of the relevant buildings and structures for this purpose ceasing to apply at the expiry of the regulation. It should be noted that where a proposed change of use would materially affect a protected structure, the exemption does not apply and planning permission is required for the proposed use of such structures for the accommodation of international protection applicants in accordance with Section 57 of the Planning and Development Act 2000, as amended.

It should also be noted that, neither the granting of planning permission or the provision of an exemption from the requirement to obtain planning permission, removes the requirement to comply with any other statutory code, particularly in relation to building control regulations. The aim of the Building Control Regulations is to provide for the safety and welfare of people in and about buildings. It is important to note in the context of these exempted development provisions that compliance with the Building Regulations 1997 to 2021 must still be achieved and Building Control procedures will still apply before any such buildings can be occupied.

International Protection

Under the EU Recast Reception Conditions Directive of 2013, Ireland – through the International Protection Accommodation Service (IPAS) of the Department of Children, Equality, Disability, Integration and Youth - is legally required to provide accommodation to international protection applicants who seek it while their claim for international protection is being determined by the Department of Justice.

The accommodation of international protection applicants is a demand-led process with applicants arriving in the country and seeking accommodation spontaneously.

Briefing received from my colleague the Minister for Children, Equality, Disability, Integration and Youth has indicated that the average figure for international protection applicants arriving here over the 3 year period from 2017 to 2019 was 3,500. However, since 1 January 2022 alone, over 12,300 international protection applicants have arrived in Ireland with almost 17,000 international protection applicants now being accommodated by IPAS as a whole.

In addition, further to the EU Temporary Protection Directive of last March which requires Member States to provide temporary protection and accommodation for displaced Ukrainian citizens arising from the Russian invasion of that country, the Department of Children, Equality, Disability, Integration and Youth has been working to facilitate the provision of accommodation solutions for some 46,000 Ukrainian citizens who have arrived here which has placed further significant pressures on the housing supply situation pertaining here.

It is quite clear that there are now unprecedented numbers of persons seeking refuge in Ireland, from both Ukraine and other countries, and the pressure to accommodate the 63,000 people that have arrived here since the start of the year – equating to a city with the population of Waterford - has led to significant difficulties in the provision of necessary accommodation, particularly for the international protection cohort.

Conclusion

To conclude Chair, I commend these draft Regulations to the Committee. The introduction of this temporary change of use planning exemption will assist the Minister for Children, Equality, Disability, Integration and Youth and his Department in providing much needed accommodation for persons seeking international protection at a time where there is unprecedented demand for their services.

As I have stated, there is currently almost 17,000 people being accommodated by the International Protection Accommodation Service as a whole. Ireland is legally required to provide appropriate reception conditions to any person seeking international protection. These regulations are aimed at assisting the Minister for Children, Equality, Disability, Integration and Youth in fulfilling these legal obligations.

I look forward to what I know will be an engaging discussion with the Committee on these proposed draft Regulations this morning 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 of State for Planning and Local Government. In this regard, it would be my intention to sign the regulations into law at the earliest possible date.

Thank you for your attention.