

## Appendix 1

### Proposed changes to existing classes of exempted development or introduction of new classes

The review of the exempted development regulations has identified areas of specific interest that are in need of updating, and also potential new areas where exemptions should be considered. These areas are outlined below under the following categories:

1. Domestic exemptions
2. Rural exemptions
3. Health and Education exemptions
4. Infrastructure exemptions
5. Use Classes

#### **1. Domestic Exemptions**

Exemptions in relation to residential development should seek to maximise accommodation within the existing envelope of the dwelling and also provide greater flexibility for minor works. The existing exemption for rear extensions to dwellings should remain and the 40m<sup>2</sup> maximum area is still considered appropriate. There should also be greater flexibility for minor works.

##### **Residential - domestic extensions/ minor works**

Areas identified as requiring further consideration include:

- Clarity that attic conversions are allowed and are not considered to be an extension to a house,
- Alteration of the side roof profile in detached and semi-detached dwellings to make better use of attic conversions and the space above existing ground floor side extensions/garages,
- Installation of roof lights – consideration to be given to exempting roof lights to the front of a dwelling as well as refining the exemption for roof lights on the side and rear of dwellings,
- Dormer windows to the rear and side subject to consideration of appropriate size and location,
- Wrapping of dwellings for insulation purposes, subject to limitations in respect of protected structures and ACA areas
- Installation of heat pumps – subject to size, consider extending the exemption to the front and side of a dwelling,

- Minor external alterations to dwellings subject to the formulation of appropriate size limitations to allow for:
  - Bike storage, bin storage or any similar size structures to the front,
  - Water butts and similar measures,
  - Increase in existing vehicular entrances subject to road type,
  - Consideration of front boundary height limits,
  - The placing of solar panels on sheds/ garages and on the ground.

### **Detached habitable accommodation and subdivision of dwellings**

It is proposed to exempt a detached habitable accommodation unit to the rear of a dwelling within its curtilage that would be subordinate to the host dwelling.

Consideration needs to be given to the following issues before finalising the details of the proposed exemption:

- Size – the maximum size of the detached unit needs to be considered but could be up to 45m<sup>2</sup>.
- The unit must comply with building regulations.
- Access – how will the unit be accessed.
- Garden size – the size of the residual private garden space that should be retained and set back distances from boundary walls. Under current exemptions for extensions to dwellings, 25m<sup>2</sup> of private garden space must be retained in the interests of residential amenity.
- Where there are individual waste water treatment systems ensuring adequate capacity.

It is also proposed to allow for subdivision of dwelling houses subject to certain criteria including size, standards, storage etc., to allow for flexible measures to be taken to support continued living in situ by older people and other family members. Among the issues to be considered are:

- Number of subdivisions – should it be only one subdivision to allow for two units in order to take account of balancing flexibility with residential amenity?
- That any subdivided units should comply with minimum standards?

In considering exemptions in relation to detached habitable dwellings and subdivision of dwellings, consideration will be given as to whether both can be availed of in respect of a dwelling unit to avoid cumulative impact and over development of a residential site.

## **2. Rural exemptions**

These exemptions mainly relate to the carrying out of activities in relation to agriculture and fishing. In providing for exemptions in relation to agriculture there is a need to allow for appropriate flexibility on what can be carried out on agricultural land without the need for planning permission, balanced with the need to adhere to European Directives and requirements for AA or EIA.

Areas identified as requiring further consideration include:

- Extending the exemption in respect of the erection of fencing on farms under Class 4 to sites where there is an environmental plan approved by the Department of Agriculture, Food and Marine.
- In support of compliance with the Nitrates Directive, provide additional slurry storage capacity on farms with a total maximum capacity of no more than 1500 cubic metres. However, consideration needs to be given to this aggregated total and appropriate separation distances between farm holdings and adjacent properties. This aggregated total would include existing slurry storage exemption provisions associated with structures for the housing of animals under Class 6 and a new exemption for a stand-alone slurry storage tank of up to 1000 cubic metres.
- In the interest of animal welfare, increase the exemption under Class 6 in relation to animal housing size from 200 m<sup>2</sup> to 300m<sup>2</sup>. With an aggregated threshold of no more than 450 m<sup>2</sup>.
- Solar panels on the roofs of farm buildings to support the running of the farm with supporting battery storage to assist in promoting resilience.
- Wind turbine exempted size under Class 18 is currently 20m - should this be reconsidered to support self-generation power?
- Biomass boiler units – should the conditions of current exemption be reviewed with regard to size and location.
- Anaerobic Digestion units – should the placement of these units with regard to size and location be considered?
- Clarity on Fishery Harbour Centres being capable of availing of ports exemptions (currently Class 21 & 59) to ensure the maintenance of harbours and their infrastructure.

### **3. Health and Education Exemptions**

These exemptions provide greater flexibility in the provision of minor and retrofitting works for schools and hospitals.

Areas identified as requiring further consideration include:

#### **Schools**

- Detached meal-heating unit (25m<sup>2</sup> size and one per school) for the purpose of heating meals and not cooking-
- Increasing Class 57 school building extension size limit to over 210m<sup>2</sup> (consideration of two storey extensions where appropriate).
- Increasing Class 20C temporary use period from 2 to 3 years.
- External wrapping for insulation purposes, subject to limitations in respect of protected structures and ACA areas.
- Works around wheelchair access (ramps, railings etc.).
- Green walls should be encouraged to comply with future Nature Restoration Law subject to certain restrictions on location.
- Increasing Class 56 heat pump provision to encourage climate resilience.
- Bike storage.

#### **Hospitals**

- Consideration be given to the capacity for the use of existing structures within hospital grounds to be used for medical facilities to assist during redevelopment projects.
- Where new medical building projects are being developed, should the use of temporary structures to facilitate the expansion of medical facilities in advance of the construction/completion of the project be considered (similar to Class 20C temporary school use)?
- Consider additional capacity for solar and other renewable energy technologies to support self-generation power in medical facilities.

## **4. Infrastructure Exemptions**

Consideration is being given to alterations to existing exemptions. This should be based on the principle of broadly increasing electricity and energy connections, ensuring durability of infrastructure already on the ground and increasing the capacity of that infrastructure where possible, supporting EV charging and ensuring that emergency response measures to all types of weather events and disasters are not encumbered or halted by planning laws (particularly AA/EIA).

Areas identified as requiring further consideration include:

### **Transport**

- Increasing EV charging capacity.
- Clarifying that projects permitted under Roads and Railways Acts are not required to fall into the planning system where possible.
- Ensuring airports and Tier 1 and Tier 2 ports can carry out a broad range of works within their curtilage.

### **Ports**

- Should port activity be defined as an industrial process, with limitations including development in the marine environment and implications for compliance with AA and EIA need to be considered. Exemptions for buildings used for storage and existing load processing are considered broadly acceptable.
- Exemptions for the removal of old or redundant port assets provided there are no heritage issues.
- Exempting works for the maintenance and spatial consolidation of ports in addition to climate adaptability but not for any 'new activity'.

### **Airports**

- Exemptions for security infrastructure.
- Consideration to be given to temporary use of structures to respond to unforeseen circumstances. Should different considerations be given to this form of use on the landside of the airport (accessing the airport) and the airside part of the airport (checked-in passengers)?

### **Emergency response**

- Consider the possible scope of preparatory works that should take place to in preparation for a significant weather event.
- Consider exempting emergency works that are required to respond to the effects of an emergency event.

- Consider the appropriate definition for invoking emergency works such as a status red warning or other appropriate objective decision.
- Explore the use of public buildings as 'rest centres' or community hubs for disaster relief, in line with other European countries who have designated zones and civic buildings for emergencies.
- Temporary modular buildings for overnight accommodation in emergencies.

### **Security Considerations**

- Consideration be given to expanding exemptions to respond to emerging security issues.).

### **EV Charging**

Consideration is being given to modifying exemptions in relation to EV charging. There are two separate elements of EV Charging for consideration:

- (1) domestic charging outside households, and
- (2) car parks/service stations and similar large grounds.

Among the issues for consideration are:

- Larger canopied charging stations in car parks and service stations etc.
- Avoid street clutter and ensure inclusive design.
- Residential streets with no off-street parking for domestic charging but need to avoid street clutter and ensure inclusive design.
- Apartment block charging.

### **Utilities**

The importance of ensuring continued strength in utility connections, including for Uisce Éireann, by:

- Exempting overground infrastructure (cables and wires) where appropriate under Class 25 subject to appropriate limitations.
- Increasing the Class 27 exemption for overhead power lines to include ancillary infrastructure (transformers).
- Increasing the size limit of electricity substations permitted under Class 29 to future-proof electricity grid and provide security of supply is acceptable in principle but only for substations that already exist. It is not intended to exempt new, larger substations from planning.
- Facilitate infrastructure maintenance and upgrading of existing water and gas networks to allow for existing systems to respond to demands subject to consideration of appropriate limitations.

## **5. Use Classes**

### **Use Classes**

Consideration will to be given to amending the use classes and whether exempted changes of use should be amended to better reflect modern commercial activity. Particular attention will be given to our main streets and urban centres and consideration of whether it is appropriate to alternate between various commercial uses without the need for planning permission.

### **Section 4(1) works**

The current exemptions set out in Section 4(1) of the Planning and Development Act 2000 will be included in the revised regulations. Issues for consideration include whether there is a need to add to the list of works that carry exemptions such as works that benefit communities or urban regeneration for example. There will also be a consideration of the need for climate resilience and ensuring that adequate retrofitting can be carried out with ease.