



To: Directors of Planning

CC: Chief Executives

Senior Planners

An Bord Pleanála

Office of the Planning Regulator

Directors of Regional Assemblies

Circular Letter PL 09/2020

23 October 2020

Re: Operation of Planning System during Covid-19 Level 5 Restrictions

I am directed by Mr. Darragh O'Brien, T.D., Minister for Housing, Local Government and Heritage to advise you of the following arrangements applicable to the operation of the planning system further to the Government decision to move to Level 5 of the Framework for Living with Covid-19 on a national basis, as announced earlier this week.

For the purpose of giving legal effect to the Level 5 restrictions announced by the Government, new Regulations have been made by the Minister for Health entitled the Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (No. 8) Regulations 2020 (S.I. No. 448 of 2020) which will continue in operation until 1 December 2020.

Exemption of planning staff from Level 5 travel restrictions

Regulation 5 of the above Regulations makes provision for restrictions of movement of relevant persons in relation to travel from their place of residence and provides that a person shall not leave their place of residence without reasonable excuse. For this purpose, a reasonable excuse for travelling or moving includes travelling for work or employment relating to an “essential retail outlet” or an “essential service” and where it is not practicable to so work in the person’s place of residence. An “essential service” is a service specified in Part 2 of the Schedule to the Regulations which includes Class 14 relating to Public Administration, Emergency Services and Defence, within which the following is explicitly classified as an “essential service” -

“(x) specific statutory planning system activities, to the extent that they cannot be carried out remotely.”

This classification therefore enables planning authority and An Bord Pleanála staff to travel to and from their offices as may be required for the performance of their statutory functions. It also



enables such staff to perform related statutory functions including site visits and inspections as well as enforcement activity subject to public health and social distancing requirements. All relevant staff should obtain a letter from their employer giving them authorisation to travel for the purposes of performing essential duties quoting the relevant travel exemption above.

Public participation in the planning process

For the purpose of facilitating continued public participation in the planning process during the Level 5 restrictions, Regulation 5(2) of the above Regulations further explicitly provides that a reasonable excuse for travelling or moving includes travelling or moving in order to -

“(y) attend the offices of a planning authority or An Bord Pleanála to engage in a statutory planning process (including making or inspecting a planning application or appeal, making an observation or submission or participating in a Development Plan process) or inspect a site notice (within the meaning of the Planning and Development Act 2000 (No. 30 of 2000)).”

This will enable members of the public to view documentation at planning offices and facilitate planning application, appeal or other submissions to be made during the Level 5 period. These arrangements may include provision for attendance by appointment so that public health and social distancing requirements can be observed by both staff and customers. Planning authorities are reminded of the requirements of S.I. 180 of 2020 to upload planning applications and related documentation onto their internet websites within 5 working days of receipt or, where exceptional circumstances exist, as soon as practicable thereafter.

Updated “Frequently Asked Questions” document in light of Level 5 restrictions

An updated “Frequently Asked Questions” document on the effect of the national Level 5 restrictions on the planning system over the forthcoming period is also attached for information, which has been uploaded on the Department’s website [housing.gov.ie](https://www.housing.gov.ie). This document will be further updated as may be required. Any queries in relation to this Circular Letter can be emailed to planning@housing.gov.ie.

Maria Graham,
Assistant Secretary,
Planning Division