

Draft

REGULATIONS

entitled

Planning and Development Act 2000 (Exempted Development) (No. 3) Regulations 2022

To be made by the Minister of State at the
Department of Housing, Local Government and Heritage

WHEREAS I, _____, Minister of State at the Department of Housing, Local Government and Heritage, am of the opinion that development to which the following regulations apply would not offend against principles of proper planning and sustainable development by reason of the nature and limited effect of development belonging to that class on its surroundings; and

WHEREAS a draft of the following regulations has been laid before each House of the Oireachtas and a resolution approving that draft has been passed by each such House;

NOW I, _____, Minister of State at the Department of Housing, Local Government and Heritage, in exercise of the powers conferred on me by subsection (2) of section 4 and section 262 of the Planning and Development Act 2000 (No. 30 of 2000) (as adapted by the Housing, Planning and Local Government (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 408/2020)) and by the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2020 (S.I. No. 559/2020), hereby make the following regulations:

Citation

1. (1) These Regulations may be cited as the Planning and Development Act 2000 (Exempted Development) (No. 3) Regulations 2022.

(2) These Regulations shall be included in the collective citation the Planning and Development Regulations 2001 to 2022.

Interpretation

2. In these Regulations “Principal Regulations” means the Planning and Development Regulations 2001 (S.I. No. 600 of 2001).

Amendment of Article 5 of the Principal Regulations

3. (1) Article 5(1) of the Principal Regulations is amended by inserting the following definition after the definition of “amusement arcade”:

“

“ancillary equipment” for the purpose of rooftop solar photo-voltaic or solar thermal collector panels in classes 56(d), 56(e), 60 or 61 of Part 1 of Schedule 2 and class 18(c) of Part 3 of Schedule 2 does not include any equipment which must be placed or erected on a wall or a rooftop to allow a solar photo-voltaic or solar thermal collector installation to function;”.

- (2) Article 5(1) of the Principal Regulations is amended by inserting the following definition after the definition of “port operational building”:

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“primarily” for the purpose of classes 56(d), 56(e), 60 or 61 of Part 1 of Schedule 2 and class 18(c) of Part 3 of Schedule 2 means greater than 50%;”.

- (3) Article 5(1) of the Principal Regulations is amended by inserting the following definition after the definition of “small cell antenna”:

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“solar safeguarding zone” has the same meaning as in the Planning and Development (Solar Safeguarding Zone) Regulations 2022;”.

Amendment of Article 9 of the Principal Regulations

4. Article 9(1)(a) of the Principal Regulations is amended by inserting the following sub-paragraph after sub-paragraph (iii):

“(iia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft.”.

Amendment of Part 1 of Schedule 2 to the Principal Regulations

5. (1) Class 2 of Part 1 (‘Exempted Development – General’) of Schedule 2 to the Principal Regulations is amended, subject to sub-article (4), by substituting the following for paragraph (c):

“

Column 1 Description of Development	Column 2 Conditions and Limitations
(c) The placing or erection on a roof of a house, or within the curtilage of a house, or on a roof of any ancillary buildings within the curtilage of a house (this class does not include apartments) of a solar photo-voltaic and/or a solar thermal collector installation.	<ol style="list-style-type: none">1. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 50cm in the case of a flat roof or 15cm in any other case.2. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 50cm from the edge of a roof on which it is mounted.3. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the house.4. The total aperture area of any free-standing solar photo-voltaic and solar thermal collector panels taken together with any other such existing free-standing panels shall not exceed 25 square metres.

	<ol style="list-style-type: none"> 5. The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation shall not reduce the remaining area of private open space, reserved exclusively for the use of the occupants of the house, to the rear or to the side of the house to less than 25 square metres. 6. The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level. 7. The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development. 8. The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area. 9. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.
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(2) Class 56 of Part 1 (‘Exempted Development – General’) of Schedule 2 to the Principal Regulations is amended, subject to sub-article (4):

(a) by substituting the following for paragraphs (d) and (e):

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Column 1 Description of Development	Column 2 Conditions and Limitations
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<p>(d) The placing or erection on a roof or wall of an industrial building, or within the curtilage of an industrial building, or on a roof or wall of any ancillary buildings within the curtilage of an industrial building of a solar photo-voltaic and/or a solar thermal collector installation.</p>	<ol style="list-style-type: none"> 1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photo-voltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres. 2. Where such development is located within a solar safeguarding zone, the planning authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development. 3. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 2 metres in the case of a flat roof or 1.2 metres in any other case. 4. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted. 5. Development shall not be exempted development where the highest part of the solar photo-voltaic or solar thermal collector installation exceeds the highest part of any roof that is not a flat roof (excluding any chimney). 6. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels shall not be placed or erected on a wall or any roof that is not a flat roof. 7. The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level.
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8. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.
9. The total aperture area of any wall mounted solar photo-voltaic and solar thermal collector panels taken together with any other such existing wall mounted panels shall not exceed 75 square metres.
10. The distance between the plane of the wall and the solar photo-voltaic or solar thermal collector panels shall not exceed 15cm.
11. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 50cm from the edge of the wall on which it is mounted.
12. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the industrial building.
13. The total aperture area of any free-standing solar photo-voltaic and solar thermal collector panels taken together with any other such existing free-standing panels shall not exceed 75 square metres.
14. The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level.
15. The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.

<p>(e) The placing or erection on a roof of a business premises or light industrial building, or within the curtilage of a business premises or light industrial building, or on a roof of any ancillary buildings within the curtilage of a business premises or light industrial building of a solar photo-voltaic and/or solar thermal collector installation.</p>	<p>16. No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.</p> <p>17. Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the industrial building, and shall not be considered a change of use for the purposes of the Act.</p> <p>18. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.</p> <p>1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photo-voltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres.</p> <p>2. Where such development is located within a solar safeguarding zone, the planning authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.</p>
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	<ol style="list-style-type: none">3. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed:<ol style="list-style-type: none">a. for a business premises, 1.2 metres in the case of a flat roof or 15cm in any other case.b. for a light industrial building, 2 metres in the case of a flat roof or 50cm in any other case. 4. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted. 5. Development shall not be exempted development where the highest part of the solar photo-voltaic or solar thermal collector installation exceeds the highest part of any roof that is not a flat roof (excluding any chimney). 6. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels shall not be placed or erected on a wall or any roof that is not a flat roof. 7. The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level. 8. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted. 9. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the business premises or light industrial building.
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	<ol style="list-style-type: none">10. The total aperture area of any free-standing solar photo-voltaic and solar thermal collector panels taken together with any other such existing free-standing panels shall not exceed 75 square metres.11. The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level.12. The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development.13. The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.14. No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.15. Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the business premises or light industrial building, and shall not be considered a change of use for the purposes of the Act.16. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous
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	glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.
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(b) by the deletion of paragraph (f).

(3) Part 1 (‘Exempted Development – General’) of Schedule 2 to the Principal Regulations is amended, subject to sub-article (4), by inserting the following after Class 59:

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<p style="text-align: center;">Column 1 Description of Development</p>	<p style="text-align: center;">Column 2 Conditions and Limitations</p>
<p>Class 60 The placing or erection on a roof of a building comprising apartments, or on a roof of any ancillary buildings within the curtilage of a building comprising apartments of a solar photo-voltaic and/or solar thermal collector installation.</p>	<ol style="list-style-type: none"> 1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photo-voltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres. 2. Where such development is located within a solar safeguarding zone, the planning authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development. 3. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 1.2 metres in the case of a flat roof or 15cm in any other case. 4. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted. 5. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector

	<p>panels shall not be placed or erected on a wall or any roof that is not a flat roof.</p> <ol style="list-style-type: none">6. The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level.7. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.8. The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall or the placing of any free-standing solar photo-voltaic or solar thermal collector installation shall not be exempted development.9. No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.10. Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the building comprising apartments, and shall not be considered a change of use for the purposes of the Act.11. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous
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	glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.
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<p>Class 61</p> <p>The placing or erection on a roof, or within the curtilage, or on a roof of any ancillary buildings within the curtilage, of the following buildings or sites of a solar photo-voltaic and/or solar thermal collector installation:</p> <p>(i) an educational building, (ii) health centre or hospital, (iii) recreational or sports facility, (iv) place of worship, (v) community facility or centre, (vi) library, (vii) sites for the provision of gas, electricity, telecommunications services or water supplies or wastewater services operated by a statutory undertaker.</p>	<ol style="list-style-type: none"> 1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photo-voltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres. 2. Where such development is located within a solar safeguarding zone, the planning authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development. 3. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 1.2 metres in the case of a flat roof or 15cm in any other case. 4. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted. 5. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels shall not be placed or erected on a wall or any roof that is not a flat roof. 6. The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level. 7. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels
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	<p>on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.</p> <ol style="list-style-type: none">8. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the building or site.9. The total aperture area of any free-standing solar photo-voltaic and solar thermal collector panels taken together with any other such existing free-standing panels shall not exceed 75 square metres.10. The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level.11. The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development.12. The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.13. No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.14. Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the building or site, and shall not be considered a change of use for the purposes of the Act.
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	<p>15. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.</p>
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(4)For convenience of reference, there is set out in the amendments provided for in sub-article (1), (2) and (3) the relevant headings that apply for the columns concerned.

Amendment of Part 3 of Schedule 2 to the Principal Regulations

6. (1) Class 18 of Part 3 ('Exempted Development – General') of Schedule 2 to the Principal Regulations is amended, subject to sub-article (2), by substituting the following for paragraph (c):

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<p style="text-align: center;">Column 1 Description of Development</p>	<p style="text-align: center;">Column 2 Conditions and Limitations</p>
<p>(c) The placing or erection on a roof or wall of an agricultural structure, or within the curtilage of an agricultural holding, or on a roof or wall of any ancillary buildings within the curtilage of an agricultural holding of a solar photo-voltaic and/or solar thermal collector installation.</p>	<ol style="list-style-type: none"> 1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photo-voltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres. 2. Where such development is located within a solar safeguarding zone, the planning authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development. 3. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 1.2 metres in the case of a flat roof or 15cm in any other case.

	<ol style="list-style-type: none">4. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted.5. Development shall not be exempted development where the highest part of the solar photo-voltaic or solar thermal collector installation exceeds the highest part of any roof that is not a flat roof (excluding any chimney).6. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels shall not be placed or erected on a wall or any roof that is not a flat roof.7. The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level.8. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.9. The total aperture area of any wall mounted solar photo-voltaic and solar thermal collector panels taken together with any other such existing wall mounted panels shall not exceed 75 square metres.10. The distance between the plane of the wall and the solar photo-voltaic or solar thermal collector panels shall not exceed 15cm.11. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 50cm from the edge of the wall on which it is mounted.
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	<p>12. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the nearest agricultural structure, within the curtilage of the agricultural holding, to a public road.</p> <p>13. The total aperture area of any free-standing solar photo-voltaic and solar thermal collector panels taken together with any other such existing free-standing panels shall not exceed 75 square metres.</p> <p>14. The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level.</p> <p>15. The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.</p> <p>16. No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.</p> <p>17. Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the agricultural holding, and shall not be considered a change of use for the purposes of the Act.</p> <p>18. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall</p>
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	either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.
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(2) For convenience of reference, there is set out in the amendments provided for in sub-article (1) the relevant headings that apply for the columns concerned.

GIVEN under my Hand,

_____ 2022

Minister of State at the
Department of Housing, Local Government and Heritage