



To: Directors of Planning Services, City and County Councils

CC: Chief Executives, City and County Councils  
Senior Planners, City and County Councils  
An Bord Pleanála  
Directors of Regional Assemblies  
Office of the Planning Regulator

**Circular Letter: EUIPR 01/2020**

20 February 2020

**Planning and Development (Amendment) Act 2018 (Commencement) Order 2020,  
and  
Planning and Development Act 2000 (Exempted Development) Regulations 2020**

I am writing to inform you that –

- the Planning and Development (Amendment) Act 2018 (Commencement) Order 2020 (S.I. No. 44 of 2020), and
- new Regulations entitled the Planning and Development Act 2000 (Exempted Development) Regulations 2020 (S.I. No. 45 of 2020),

were signed on 7 February 2020 by Mr Eoghan Murphy, T.D., Minister for Housing, Planning and Local Government and came into effect 8 February 2020. A copy of the Commencement Order and Regulations are enclosed at Appendix 1 and 2.

The Planning and Development (Amendment) Act 2018 (Commencement) Order 2020 commences section 8 of the Planning and Development (Amendment) Act 2018. Section 8 of the 2018 Act amends section 4(1)(ia) of the Planning and Development Act 2000 to provide that the construction, maintenance or improvement of a forest or woodland road (not being a public road and not including the provision of access to a national road) and any ancillary works, is exempted development. The purpose of this amendment is to maintain an exemption from the requirement to obtain planning permission for the construction, maintenance or improvement of private roads serving forests, providing such works do not extend to the provision of access to a national road from any such roads (the exemption at section 4(1)(ia) had previously been conditional on such works not extending to the

provision of access to a public road from any such roads). The exemption at section 4(1)(ia) of the 2000 Act is provided for on the basis that such development is subject to licensing by the Minister for Agriculture, Food and the Marine under the Forestry Act 2014.

The Planning and Development Act 2000 (Exempted Development) Regulations 2020 amend articles 8F and 8G of the Planning and Development Regulations 2001 to include references to the Forestry Act 2014 and amend article 8G to mirror the amended wording of the exemption at section 4(1)(ia) of the Planning and Development Act 2000 with the reference to national roads. The purpose of articles 8F and 8G is to provide that forestry related exempted development specified in sections 4(1)(i) and (ia) remain exempted from the planning system even where an Environmental Impact Assessment (EIA) and/or an Appropriate Assessment (AA) is required, as envisaged by section 4(4A) of the 2000 Act – due to the fact that EIA and/or AA will be carried out pursuant to licencing processes under the Forestry Act 2014.

The combined effect of the Planning and Development (Amendment) Act 2018 (Commencement) Order 2020 and Planning and Development (Exempted Development) Regulations 2020 is that specified forest road development, including the provision of access to public roads (but not to national roads), is exempt entirely from planning, including where an EIA and/or AA is required for that development.

In this regard, planning authorities are requested to note that the Minister for Agriculture, Forestry and the Marine has made corresponding supplementary regulations entitled the Forestry (Amendment)(No. 2) Regulations 2020 (S.I. No. 39 of 2020) which amend the forestry consent system **for forest road licences involving the creation or widening of an entrance onto a public road, to provide for consultation between the Minister for Agriculture, Food and the Marine and the relevant local authority in whose functional area the entrance or proposed entrance is situated**. These Forestry Regulations further provide that that the Minister for Agriculture, Forestry and the Marine, in making his or her decision to grant a forest road licence,

- shall have regard to *Technical Standard for the Design of Forest Entrances from Public Roads* as published by the Department of Transport, Tourism and Sport and the Department of Agriculture, Food and the Marine, and
- shall not accept an application if, in his or her opinion, the proposed development-
  - involves access onto a motorway or national road,
  - does not conform to the *Technical Standard for the Design of Forest Entrances from Public Roads*, or
  - is, in his or her opinion, likely to be a development that endangers public safety.

These Forestry Regulations came into operation on 7 February 2020. A copy of S.I. No. 39 of 2020 is enclosed at Appendix 3 for information.

Any queries in relation to this Circular letter should be emailed to [euplanningregulation@housing.gov.ie](mailto:euplanningregulation@housing.gov.ie).

A handwritten signature in black ink that reads "Eamonn Kelly". The signature is written in a cursive, flowing style.

Eamonn Kelly  
Principal Officer  
EU & International Planning Regulation