



To: Directors of Planning Services, City and County Councils
CC: Chief Executives, City and County Councils
Senior Planners, City and County Councils
Directors of Regional Assemblies
An Bord Pleanála
Environmental Protection Agency

Circular Letter: PL 01/2019

29 January 2019

**Planning and Development Act 2000 (Exempted Development) Regulations 2019
(S.I. No. 12 of 2019)**

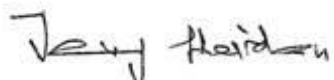
I am directed by Mr Eoghan Murphy T.D., Minister for Housing, Planning and Local Government to advise that he has recently made new regulations entitled the Planning and Development Act 2000 (Exempted Development) Regulations 2019 (S.I. No. 12 of 2019) which provide for an exemption from planning permission for large-scale peat extraction activity coming under a consent system operated by the Environmental Protection Agency (EPA). These Regulations were signed by the Minister on 25 January 2019 and came into operation on that date. A copy of the Regulations is enclosed at Appendix 1.

Article 2 of the Regulations amends the Planning and Development Regulations 2001, as amended, by inserting a new Article 8H to provide that, with effect from the operative date of 25 January 2019, peat extraction within the meaning of the Environmental Protection Agency Act 1992 (the 1992 Act) – i.e. peat extraction that involves an area of 30 hectares or more (see also the next paragraph) - and any development necessary to comply with a condition attached to a licence or revised licence under Part IV of that Act to carry out such peat extraction, is exempted development under section 4(4A) of the Planning and Development Act 2000. In effect, such peat extraction will no longer be subject to planning permission under the planning code and will instead from the operative date be exclusively subject to licensing by the EPA.

In this regard, the Minister for Communications, Climate Action and Environment has made corresponding supplementary regulations entitled the European Union (Environmental Impact Assessment) (Peat Extraction) Regulations 2019 (S.I. No. 4 of 2019) which amend the 1992 Act to provide that the extraction of peat that involves an area of 30 hectares or more will be an activity controlled by Integrated Pollution Control (IPC) licensing by the EPA. These Regulations also came into operation on 25 January 2019. A copy of S.I. No. 4 of 2019 is enclosed at Appendix 2 for information.

I am also to advise that the development of a new regulatory framework for smaller scale peat extraction (i.e. in respect of areas below 30 hectares) will shortly be initiated and progressed. Proposals for such new permitting arrangements, which will also take such peat extraction out of the planning system, will be the subject of extensive consultation with the relevant stakeholder groups and interested parties.

Any queries in relation to this Circular letter should be emailed to planning@housing.gov.ie or by telephone to tel no (01) 888 2873.

A handwritten signature in black ink that reads "Terry Sheridan". The signature is written in a cursive style with a large initial 'T'.

Terry Sheridan

Principal

Planning Policy

Teach an Chustaim, Baile Átha Cliath 1, D01 W6X0

Custom House, Dublin 1, D01 W6X0

T +353 1 888 2000 | Planning@housing.gov.ie

www.tithiocht.gov.ie www.housing.gov.ie