



STATUTORY INSTRUMENTS.

S.I. No. 250 of 2023



PLANNING AND DEVELOPMENT ACT (EXEMPTED DEVELOPMENT)
REGULATIONS 2023

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WHEREAS I, DARRAGH O'BRIEN, Minister for 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, DARRAGH O'BRIEN, Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on me by sections 4(2) and 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 of 2020)), hereby make the following regulations:

Citation and construction

1. (1) These Regulations may be cited as the Planning and Development (Exempted Development) Regulations 2023.

(2) These Regulations shall be included in the collective citation the Planning and Development Regulations 2001 to 2023.

Interpretation

2. In these Regulations —

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

Amendment to Article 5(1) of the Principal Regulations

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

“ “reverse vending machine” means a machine for the purpose of accepting in-scope bottles and in-scope containers, reimbursing deposits for each item accepted, and retaining the items accepted for collection, within the meaning of the Separate Collection (Deposit Return Scheme) Regulations 2021(S.I. No. 599 of 2021)”

Amendment of Part 1 of Schedule 2 to the Principal Regulations

4. Part 1 of Schedule 2 to the Principal Regulations is amended by inserting the following Class after Class 42:

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CLASS 42A	
<p>(a) the installation, alteration, repair or replacement of a reverse vending machine within the curtilage of a shop where:</p> <ol style="list-style-type: none"> i. The opening of the reverse vending machine is located on an inner wall of the shop while storage unit and associated roofed area are developed to the outside. ii. The reverse vending machine together with storage unit and associated roofed area operates ancillary to the shop. 	<ol style="list-style-type: none"> 1. No such structure shall be attached to the front wall of the building or erected forward of the front building line. 2. (a) The height of the walls of any such structure shall not exceed the height of the walls of the existing building to which it is attached. (b) The height of the highest part of the roof of any such structure shall not exceed, in the case of a flat roofed structure, 3.0 metres or the height of the eaves or parapet, as may be appropriate, whichever is the lesser, or in any other case shall not exceed 3.5 metres or the height of the highest part of the roof of the existing building, whichever is the lesser. 3. The footprint shall not exceed 25 square metres.
<p>(b) the installation, alteration, repair or replacement of a reverse vending machine, storage unit and associated ancillary roofed area if required within the curtilage of a shop detached from main building.</p>	<ol style="list-style-type: none"> 1. The height of the highest part of the roof of any such structure shall not exceed 3.5 metres or the height of the highest part of the roof of the closest building, whichever is the lesser. 2. The footprint shall not exceed 36 square metres.

<p>(c) the use of land to accommodate the installation, alteration, repair or replacement of standalone reverse vending machines.</p> <p>(d) the construction of bollards, not exceeding –</p> <ul style="list-style-type: none"> (i) 1.2 metres in height, and (ii) 0.2 cubic metres by volume above ground, <p>and warning signs for the purpose of protecting such Vending Machines and persons.</p>	<ol style="list-style-type: none"> 1. The height of any such structure shall not exceed 2.4 metres. 2. The total footprint shall not exceed 6 square metres allowing for a combination of up to three reverse vending machines. <p>The following condition applies to subsections b and c of Class 42A:</p> <p style="padding-left: 40px;">No reverse vending machine or storage area containing such machines shall be placed on pre-existing disabled persons' parking bays.</p> <p>The following conditions apply to all subsections of Class 42A:</p> <ol style="list-style-type: none"> i. No reverse vending machine or associated bollards and signage shall be placed obstructing emergency exits or emergency evacuation paths. ii. No reverse
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	<p>vending machine shall be placed on a footpath or public road and associated bollards and signage shall not obstruct a footpath.</p> <p>iii. No reverse vending machine shall be situated, located or developed such that vehicular access to the machine (including its associated storage) for the purpose of the installation, alteration, repair, replacement, removal, use or emptying of the machine, would endanger public safety by reason of traffic hazard or obstruction of persons using, accessing or egressing the shop, land or machine in question.</p> <p>iv. The external finishes of the reverse vending machine shall conform in style with its surroundings.</p> <p>v. No reverse vending machine shall be situated within 20 metres of the curtilage of any house, save with the consent in writing of the owner or occupier</p>
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	<p>thereof.</p> <p>vi. Advertising signage or other advertising material shall not be affixed to, or placed at, the reverse vending machine or storage area containing such machine other than for the purpose of –</p> <p>(a) identifying the machine,</p> <p>(b) warning signs for the purpose of protecting persons,</p> <p>(c) providing instructions in relation to the use of the machine, or</p> <p>(d) providing the contact details of the operator, manager or owner of the machine.</p>
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GIVEN under my Official Seal,
19 May, 2023.

DARRAGH O'BRIEN,
Minister of Housing, Planning and Local Government.

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