



STATUTORY INSTRUMENTS.

S.I. No. 306 of 2022

EUROPEAN UNION (PLANNING AND DEVELOPMENT) (DISPLACED
PERSONS FROM UKRAINE TEMPORARY PROTECTION)
REGULATIONS 2022

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I, DARRAGH O'BRIEN, Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving further effect to Council Directive 2001/55/EC of 20 July 2001¹ and giving effect to Council Implementing Decision (EU) 2022/382 of 4 March 2022², hereby make the following regulations:

1. These Regulations may be cited as the European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022.

2. In these Regulations –

“Act of 2000” means the Planning and Development Act 2000 (No. 30 of 2000);

“Council Directive” means Council Directive 2001/55/EC of 20 July 2001¹ on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof;

“Council Implementing Decision” means Council Implementing Decision (EU) 2022/382 of 4 March 2022² establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection;

“development” has the same meaning as it has in the Act of 2000;

“displaced persons” means persons to whom temporary protection applies in accordance with Article 2 of the Council Implementing Decision;

“relevant period” means the period commencing on the making of these Regulations and ending when the temporary protection introduced by the Council Implementing Decision comes to an end in accordance with Article 6 of the Council Directive;

“State authority” means –

- (a) a Minister of the Government, or
- (b) the Commissioners of Public Works in Ireland;

¹ OJ No. L 212, 7.8.2001, p. 12.

² OJ No. L 71, 4.3.2022, p. 1.

“temporary protection” has the same meaning as it has in the Council Directive.

3. (1) The Act of 2000 (other than sections 181A to 181C) shall not apply to the classes of development specified in the Schedule carried out by, or on behalf of, a State authority during the relevant period for the purposes of providing temporary protection to displaced persons.

(2) A reference to “proposed development” in sections 181A to 181C of the Act of 2000 shall include a reference to development of a class specified in the Schedule to which section 181A(1) of the Act of 2000 would apply if it was development of a class specified in regulations made under section 181(1)(a) of the Act of 2000.

SCHEDULE

Article 3

1. Reception and integration facilities.
2. Residential accommodation, including ancillary recreational and sporting facilities.
3. Medical and other health and social care accommodation.
4. Education and childcare facilities, including ancillary recreational and sporting facilities.
5. Emergency management coordination facilities.
6. Structures or facilities ancillary to development referred to in paragraphs 1 to 5, including administration and storage facilities.
7. Infrastructure and other works ancillary to development referred to in paragraphs 1 to 6.

L.S.

GIVEN under my Official Seal,
23 June, 2022.

DARRAGH O'BRIEN,
Minister for Housing, Local Government and Heritage.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations are made under section 3 of the European Communities Act 1972 (No. 27 of 1972) for the purpose of giving effect to Council Directive No 2001/55 EC (the Temporary Protection Directive), and Council Implementing Decision EU 2022/382 of 4 March 2022, to provide immediate protection in EU countries for persons displaced by the Russian invasion of Ukraine, including the need to provide emergency accommodation and support to these displaced persons.

The Regulations relate to the non-application of the Planning and Development Act 2000 to certain classes of development by or on behalf of a State authority, which is defined as a Minister of the Government or the Commissioners of Public Works in Ireland.

The provisions of the Planning and Development Act 2000 shall not apply to the specified classes of temporary development in the Schedule only for so long as the regulations are in force. After this time the removal, demolition or alteration of any temporary structure and the discontinuance of any temporary use and, in so far as is practicable, the restoration of the land to its condition prior to the commencement of the development, shall be required, unless the development is permitted, exempted or otherwise regularised by a provision of the Planning and Development Act 2000, or the Regulations thereto.

The classes of development listed in the Schedule may include the change of use and repurposing of existing buildings and facilities, and temporary new-build accommodation and structures to address the urgent need to provide emergency accommodation and support to displaced persons from the conflict in Ukraine.

In accordance with the Temporary Protection Directive 2001/55/EC, the duration of temporary protection activated by European Union Council Decision EU 2022/382 of 4 March 2022 should be for an initial period of one year. Unless terminated under the terms of Article 6(1), point (b), of that Directive, that period should be extended automatically by six monthly periods for a maximum of one year. At any time, the European Commission may propose to the Council to end the temporary protection, based on the fact that the situation in Ukraine is such as to permit the safe and durable return of those granted temporary protection, or propose that the Council extend the temporary protection by up to one year. As such, the maximum extended period for the duration of Temporary Protection Decision EU 2022/382, of 4 March 2022, shall be three years.

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