



Background Note for Stakeholder Engagement: Examining potential for ‘Meanwhile Use’ in Ireland

National Regional and Urban Planning Unit (NRUP) DHLGH

1. Aim of Background Note

The Department of Housing Local Government and Heritage (DHLGH) is seeking feedback from relevant stakeholders on options to progress a ‘Creative and Cultural Infrastructure’ action of the Programme for Government to: *“Examine meanwhile use legislation for vacant buildings with a view to its potential application in Ireland”*.

2. Relevant Policy Actions

This action is related to two further Government policy actions to facilitate ‘meanwhile use’:

- Action 6: [Report of the Night Time Economy \(NTE\) Taskforce](#) 2021: *Examine the practical implications of ‘meanwhile use’ for planning and other legislative codes to enable the potential for buildings to be used for NTE activities¹.*
- Measure 54: [Our Rural Future](#) Rural Development Policy 2021-2025: *“Examine the feasibility of introducing ‘meanwhile use’ legislation so that empty buildings and shopfronts on main streets can be brought back into compatible use on a short-term, temporary basis as pop up shops, street markets, exhibition spaces and other purposes in accordance with Town Centre First policies”*

3. Background Information

‘Meanwhile uses’ occupy vacant or underutilised buildings and spaces on a temporary basis, and can be *“a key policy instrument for preventing and eradicating problematic vacancy and dereliction”*² and promoting regeneration in Irish Town Centres.

A Planning Workshop was co-hosted in 2022 by DHLGH and the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, which brought together a range of stakeholders from across government and the NTE and cultural sector to discuss key opportunities such as ‘meanwhile use’. Feedback included the need for more flexible planning and licensing and other regulations to enable meanwhile use of buildings for NTE and cultural activities, facilitate ‘multi-use’ within buildings, and longer periods of ‘temporary’ occupancy to encourage a suitable mix of daytime, evening and night-time economy uses that bring new activity and help to keep an area vibrant until longer term regeneration plans are realised.

The outcomes of this workshop informed revised actions in the NTE Taskforce Report in 2023, including Action 6 above.

¹ Described in the NTE Taskforce Report as a mix of *“cultural activity, entertainment, hospitality, festivals, sport and retail activity...occurring at different stages of the 6pm to 6am Night-Time Economy timeframe”*

² ‘Leaba Te - Hotbed of Meanwhile Use’ Report, 2021, Jude Sherry & Dr Frank O’Connor, Heritage Council

4. Potential Planning Exemptions

The DHLGH Planning Policy and Legislation Unit (PPLU) have reviewed both actions and the Report on the Workshop and have identified the potential to revise the [Planning and Development Regulations 2001 - 2023](#)—Exempted Development Provisions under Schedule 2 of the Regulations, specifically:

“CLASS 15 Occasional use for social or recreational purposes of any school, hall, club, art gallery, museum, library, reading room, gymnasium or any structure normally used for public worship or religious instruction”.

Class 15, which currently relates to occasional use of public/ institutional, recreational or cultural type structures, could potentially be extended to facilitate more temporary use of a broader range of structures including certain vacant former commercial properties, without the need to obtain planning permission.

However, there is the need for further engagement to define the scope of any such potential exemption, for example to determine the nature, scale and appropriate duration of both proposed temporary uses and any existing or former uses. There is also a need to ensure an appropriate balance between the need to protect neighbouring amenities, mitigate potential impacts, and promote a suitable mix of daytime to night-time activities in the context of town centre regeneration/ revitalisation objectives. It is also necessary to consider what constitutes an ‘occasional use’, as opposed to ‘short term’ or ‘temporary use’.

4. Potential Impacts /Duration of Meanwhile use

Initial stakeholder engagement was undertaken in Q1 2024 with local government and planning authority representatives to examine potential changes to planning and other legislation.

Discussions highlighted the ongoing licensing reform proposals, which may affect the hours of operation, and the levying of commercial rates, which may impact the effectiveness and uptake of any measures to promote the meanwhile use of vacant commercial properties. In particular, the Local Government Rates and Other Matters Act 2019 sets out provisions for abatement of rates in respect of vacant properties and allows discretion for elected members to introduce customised waiver schemes that support local development objectives, as a matter for individual local authorities.

These consultations also raised issues around the need to better manage/regulate meanwhile use agreements between owners and operators, given a negative perception of previous ‘pop-up’ experiments in Ireland. Also noted, were existing guidance and lease templates³ that apply in the UK for occasional/one off use, and short term (up to 6 months) meanwhile use of shop type premises.

5. Observations sought:

Additional stakeholder engagement is now being undertaken with relevant sectoral working groups including the NTE Implementation Group and the DETE Retail Forum/Town Centre First and Night time Economy Working Group to further examine the issues and determine an appropriate response to encourage meanwhile use. In particular the DHLGH are interested in receiving observations in respect of the following:

³ <https://www.gov.uk/government/publications/meanwhile-use-lease-and-guidance>

- **Appropriate uses**, including the type, location and scale of meanwhile uses and existing /former uses, and potential to consider more than one use or ‘part-use’ within a building.
- **Appropriate time periods**, for both the occasional/temporary use of vacant buildings, and appropriate period for which a building should be vacant before a meanwhile use exemption might apply.
- **Other conditions or criteria needed**, while balancing town centre/NTE objectives and potential impacts on residential communities, eg location or scale of development and hours of operation while noting certain conditions may be more appropriately dealt with by the licensing regime rather than planning
- **Dependencies with other Legislation**, including the passage of the Planning and Development Bill 2023 and subsequent adoption of secondary legislation, while noting that any potential planning exemption does not exempt a developer from their obligations under other relevant codes such as Licensing, Fire and Building Regulations, Health & Safety, Noise Nuisance etc
- **Any other stakeholder observations**, , including any conditions that should be attached in the event of legislative change.

6. Outcome of Stakeholder Engagement

The outcome of these stakeholder consultations will inform an appropriate response to the above policy actions and feed into any proposed change to the the Planning and Development – Exempted Development Regulations, to facilitate certain meanwhile uses without the need for planning permission.

Subject to feedback, a draft Regulation may be brought forward for approval. Section 262 of the Planning Act requires that such draft regulations must be laid before both Houses of the Oireachtas and receive a resolution approving the draft from both Houses before the regulations can be made. It should be noted that any draft regulations will also be subject to screening and potential full assessment under EU environmental directives (SEA/AA) to determine the potential for any significant detrimental impacts on the environment or designated European sites.

The timeline may also depend on enactment of the Planning and Development Bill 2023 and subsequent updating of associated secondary legislation.

7. Contact for Feedback

Please send observations in respect of the above to:

Pauline.Riordan@housing.gov.ie <Pauline Riordan>

Planning Adviser, National, Regional and Urban Planning Policy

Department of Housing, Local Government and Heritage

Custom House, Dublin 1, D01 W6X0