



Rialtas na hÉireann
Government of Ireland



Bringing Back Homes

Manual for the reuse
of existing buildings

Prepared by the Department of Housing,
Planning and Local Government
housing.gov.ie


**Rebuilding
Ireland**

Action Plan for Housing and Homelessness

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Introduction

The centres of our towns and cities contain a large amount of underused building stock, including unused or underused floors above ground-floor retail premises. To increase the supply of new homes, the reuse of such floor space for residential use must be encouraged.

Irrespective of whether they occur in city centres, suburbs or small rural towns, vacant and abandoned properties are damaging to the well-being of the surrounding communities and neighbourhoods. Communities suffer because of the vandalism and anti-social behaviour that vacant buildings can attract. Properties left vacant for prolonged periods can also have adverse effects on adjoining buildings. These harmful effects can include structural damage, dampness and even infestation.

The primary benefit of bringing back homes is, of course, the provision of quality, sustainable housing for the individuals and families who are most in need of it. Quite simply, the possibility of returning partially vacant buildings to residential use provides us with a great opportunity as a society. Housing reintroduced into the viable stock can provide increased income or capital for the owner and may also provide the Local Authority/ voluntary housing sector with a greater choice of housing that can be made available to those requiring social housing support.

With the ongoing changes taking place in our working patterns, connectivity and shopping habits, main streets in our smaller towns face the dual challenge of increasing footfall and stimulating demand. Revitalising our main streets through well-planned and designed residential units, particularly above shops, could help to rejuvenate smaller town centres. This would enable us to take advantage of the huge potential of these town centres to become compact, fine-grained multifunctional places in which to live, work and socialise. Such revitalised localities would allow people to walk or cycle to work schools or shops. Tourists and other visitors would be attracted by the enhanced cultural environments that would result from the revitalisation of these urban spaces.

Modern renovation also offers an opportunity to reduce heat loss from buildings while providing comfortable healthy living environments. Renovation also reduces embodied carbon in construction materials compared to new dwellings.

Demographic projections indicate that the number of older people in Ireland is growing. Consideration should be given to future proofing homes brought back into reuse by adopting a [Universal Design](#) approach.

As part of the overarching policy document [Rebuilding Ireland: Action Plan for Housing and Homelessness](#), the Government is committed to bringing vacant and partially vacant properties back into use. The reasons why so many properties have remained underused are complex. Identifying, reactivating and renovating the properties can, in some instances, be challenging. It can be difficult, for example, to identify a building's owner(s) and to secure an agreement to revitalise the building. Other potential challenges include higher refurbishment costs, due to construction on tight urban sites; the need to ensure accessibility for deliveries; and difficulties with adjoining owners, licences/permits, restricted working hours, etc. Moreover, initial uncertainty about the scale of the work that will be needed to develop an existing building may discourage lenders from providing necessary funding.

Additional uncertainty can result if regulatory systems regarding planning, fire safety, accessibility, rental regulations and heritage conservation are dealt with in isolation from each other. In such circumstances the perception that regulatory systems might have competing agendas can lead to increased concerns.

A number of key actions have already been undertaken, however, and new housing delivery initiatives have been developed since the launch of *Rebuilding Ireland* in July 2016. These actions include the reuse of vacant homes to accommodate people who are in receipt of social housing supports. The objective is to enable privately owned vacant properties or former commercial properties to be brought back into use for private sale or rent. This can take place, for example, by means of *Buy and Renew Scheme* or through *Repair and Leasing Scheme*.

Use of this Manual

This manual was developed to support and facilitate the reuse of older/ vacant buildings in our towns and cities for residential use. The objective is to increase the number of viable residential properties.

The manual aims to provide property owners, members of the public, Local Authorities and those involved in the construction industry with clear guidance on how current regulatory requirements apply to common, existing building types. Guidance on how best to facilitate the reuse of these building

types is also provided. It should be noted that the manual is intended to serve as a reference guide only and is not envisaged as a substitute for compliance with legal obligations.

This manual is laid out in four chapters:

Chapter 1 outlines the policy context and various statutory requirements which will likely arise with respect to the refurbishment/ conversion of a vacant building for residential use. Topics covered include planning, conservation, building regulations and building control and fire services.

Chapter 2 describes the basic process which applies when an existing building is to be brought back into use for residential purposes. The chapter covers the typical questions that may arise regarding the regulatory system, the role of the Local Authorities, the nature and scope of available incentives, etc.

The chapter illustrates conversion opportunities for common building types. Information on how the statutory regulations are likely to impact each specific building type is also provided, along with guidance on how to address resulting issues in a step-by-step manner.

Chapter 3 elaborates on how the building regulations apply to three of the most common building types that have high reuse potential. This information will provide interested parties with a clearer understanding of the scale of intervention that each reuse option requires.

Chapter 4 presents examples of successful conversions for some of the building types outlined in Chapter 2.

The **Appendices** provide supplementary information on regulations and incentives outlined in the manual. Some of this additional information is given in the form of answers to FAQs (Frequently Asked Questions).

Chapter 1 Policy and Regulatory Context



In July 2016, the Government published *Rebuilding Ireland: Action Plan for Housing and Homelessness*. This document set out a multi-stranded, action-oriented approach to achieving the Government's housing objectives, as set down in the *Programme for a Partnership Government*.

Policy Context

The objectives of the Plan are organised under five pillars, which aim, respectively, to:

1. Address homelessness
2. Accelerate social housing
3. Build more homes
4. Improve the rental sector
5. Utilise existing housing

A range of actions have been implemented under Pillar 5 to ensure that existing housing stock is used to the maximum degree possible, with a particular focus on measures to use vacant stock to renew urban and rural areas.

On foot of a review of *Rebuilding Ireland* in 2017, Action 5.21 commits to “support and facilitate the reuse and/or development of older / vacant buildings for residential use, such as unused commercial properties, under-utilised upper-floor accommodation over shops, as well as conversion/upgrading of vacant properties”.

To implement Action 5.21, the Department of Housing, Planning and Local Government set up a working group in order to encourage the development of such existing properties and increase the number of viable, liveable properties coming back into the housing stock. The working group was tasked with developing guidance to bring clarity on how the regulatory requirements apply.



Pillar Five:

Utilise

Existing Housing

Key Objective:

Ensure that existing housing stock is used to the maximum degree possible – focusing on measures to use vacant stock to renew urban and rural areas

The Department is committed to ensuring that there is maximum usage of the existing housing stock. A number of key measures to quickly bring vacant homes back into use have already been taken.

The publication of the [National Vacant Housing Reuse Strategy 2018-2021](#) strives to provide a targeted, effective and coordinated approach to identifying and tackling vacancy across Ireland. The Strategy contains a range of objectives and key actions, which will be pursued in partnership with stakeholders and agencies across the housing sector to address vacancy in our housing stock.

A Vacant Homes Unit has been established in the Department, with the aim of driving and co-ordinating actions at central and local government levels, and of supporting Local Authorities in their actions. The Vacant Homes Unit is working with the Central

Statistics Office, the local government sector and the Housing Agency to improve the range and usefulness of the available data relating to vacant homes. The key focus is to enable Local Authorities to quickly identify vacancy hotspots, particularly in areas where there is a high demand for homes, and which have vacant or under-utilised houses that are capable of being brought back into use.

A pilot survey is to be undertaken in a number of Local Authority areas to assess the numbers of homes available for reuse in those areas. The survey is also intended to provide the basis for developing a robust methodology to identify recoverable and liveable homes for roll-out across the country. The results of this survey will ensure that we efficiently target resources and schemes to bring those homes back into the liveable housing stock. This can be done, for example, through the *Buy and Renew Scheme* or the *Repair and Leasing Scheme* (for further details on these schemes – See Appendix 5).

Local Authorities have also produced Vacant Homes Action Plans for their administrative areas, setting out goals and targets to show how they intend to deal with levels of vacancy. In addition, each Local Authority will identify a designated Vacant Homes Officer to be assigned as a central point of contact within their organisation and to liaise with central government and other stakeholders, as appropriate.

Vacant Homes Officers are available in each Local Authority to provide information, advice and support for owners of vacant homes and also to deal with queries from members of the public in respect of private residential vacant properties in their administrative area. A full list of Vacant Homes Officers and their contact details is available on the website of the Department of Housing, Planning and Local Government at: <http://www.housing.gov.ie/housing/home-ownership/vacant-homes/vacant-homes>.

Under the [Government Policy on Architecture](#) implementation programme, a number of key policies have been developed to align the objectives of heritage-led regeneration with those of spatial planning. Publications such as [Shaping the Future – Case Studies in Adaptation and Reuse in Historic Urban Environments \(DCHG 2012\)](#) and the [Retail Design Manual – a Companion Document to the Retail Planning Guidelines for Planning Authorities \(DAHG/DECLG 2012\)](#) have helped to bring about a new focus on the sustainable and adaptive reuse of our existing and historic stock.

Addressing Climate Change is a key priority of Government policy. Modern renovation offers an opportunity to reduce heat loss from buildings as well as helping Ireland meet its international energy and climate goal, national [Long Term Renovation Strategy](#) objectives and the requirements of the [Energy Performance of Buildings Directive](#).

Regulatory Context

The following provides a brief description of the legislation that may be relevant when bringing an existing building back into use for residential purposes.

The main regulations that affect the design, build and use of the building on completion are:

- The planning system
- The Exempted Development Regulations, 2018
- Specific regulations affecting older buildings
- The building control system
- Minimum Standards in Rented Accommodation
- Safety Health and Welfare at Work Act
- The Fire Services Acts

The Planning System

The Planning system aims to ensure that the right development takes place in the right locations and at the right time. Our planning system provides the social, economic and physical infrastructure necessary to meet the needs of our people, and to do so in a way that protects the many qualities of our natural and built environments. This system guides Ireland's planning authorities, which in turn apply these policies when assessing individual applications.

Legislative Provisions

Under the [Planning and Development Act 2000](#), all development including a material change of use, unless specifically exempted under the Act or associated [Planning and Development Regulations 2001](#), requires planning permission. Section 4(1) of the Act provides for a range of exemptions, and section 4(2) provides that the Minister may by regulations provide for further classes of development to be exempted development.

Exempted Development

Article 6 and Schedule 2 of the [Planning and Development Regulations 2001](#) (as amended) set out certain classes of development which are exempt from planning permission requirements, many of which classes have specific conditions or limitations which restrict the exemption. In certain circumstances, for example, the conditions may restrict the exempted development to a certain size or extent.

General Restrictions on Exemptions

Article 9 of the [Planning and Development Regulations 2001](#) (as amended) provides for a range of restrictions on exemptions generally. For example, it provides that development listed in Schedule 2 which relates to exempted development shall not be exempted development if it would contravene an objective of a development plan, or local area plan or such drafts of such plans, where such objectives may relate to the preservation or protection of the character of a landscape, or of a site of archaeological or historical interest. Restrictions also apply where development would endanger public safety or would obstruct a public right of way, etc.

Change-of-Use Exemptions

Article 10 of the [Planning and Development Regulations 2001](#) (as amended) provides that certain changes of use, with regard to particular classes of use, are exempted from the requirement to obtain permission.

Article 10 change of use exemptions are not subject to Article 9 restrictions. However, all exemptions, under Section 4 of the Act, or Article 6 and 10 of the Regulations are subject to compliance with any general restrictions on exemptions set out in the Act and would need to be considered on a case-by-case basis. For example, section 4(4) of the [Planning and Development Act 2000](#) provides that development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required in accordance with relevant EU Directive requirements.

Non-Planning Requirements

It should be noted that an exemption from the requirement to obtain planning permission does not remove other regulatory requirements or general obligations. If a public road or footpath is to be dug up, for example, certain works may require the acquisition of a Road Opening License from the Local Authority (See Appendix 4). The carrying out of works generally require compliance with Building Regulations, Building Control Regulations and/or other regulatory codes and standards, excluding basic refurbishment cases.

Under property law, there may be a requirement to obtain way leave or a right of way from a landowner. These are typically sought for such purposes as the erection of telegraphy wires or the laying of pipes. In addition, there may be a need to obtain a waste license to ensure proper removal and disposal of waste and materials from the sites of certain works.

Section 5 Declaration

Under Section 5 of the [Planning and Development Act 2000](#), any person may seek a declaration from a planning authority on the question of whether a development is, or is not, exempted development. The declaration must be issued within four weeks and may be referred to An Bord Pleanála for review.

General Exemptions

As mentioned above, a wide range of general exemptions is provided for in both the [Planning and Development Act 2000](#) and the [Planning and Development Regulations 2001](#) (as amended). Section 4(1) of the Act sets out certain categories of development that are exempted development. The Act provides that maintenance and improvement works or alterations to a building, which do not materially change the external appearance of a building are exempt from the need for planning permission (section 4(1)). Schedule 2, Part 1 of the Regulations details further relevant exemptions for works within the curtilage of a house, such as an extension to a house (subject to certain restrictions), sundry works and a change of use that would facilitate the return of a building, currently used as two dwellings, back to a single dwelling (see Class 1-7, 9-14 (e)).

Further Information

For answers to FAQs (Frequently Asked Questions), please see Appendix 6.

Exempted Development Regulations, 2018

The [Planning and Development \(Amendment\) \(No.2\) Regulations 2018](#) provide that, for development consisting of the change of use, and any related works, from an existing specified use class to residential use, in certain circumstances and subject to conditions and limitations, to be exempt from the requirement to obtain planning permission. This exemption can be availed of during the period from 8 February 2018 until 31 December 2021.

The following provides a concise overview of the key provisions of the regulations but does not purport to be a legal interpretation of them. Therefore, those proposing to undertake works under the regulations should review the provisions in detail and seek any professional advice that may be required.

NOTE: The exemption relates to removing the requirement to obtain planning permission only. Development works to vacant commercial buildings which are being converted to residential use also need to comply with the requirements of the Building Regulations and Building Control Regulations.

Buildings that Benefit from the Exemption

The exemption applies to existing completed commercial buildings, such as shops and offices, which have been in use for commercial purposes but which have been vacant for a period of two years prior to the proposed works commencing and are available and suitable for housing. As envisaged in *Rebuilding Ireland*, therefore, the regulations focus on bringing existing vacant commercial units back into use for residential purposes thereby facilitating increased housing supply.

Development Works Covered by the Exemption

The development works covered by the exemption are works which may be required in connection with the change of use of a building, or part of a building, for residential purposes and are subject to certain restrictions.

In general, the development works to the building must primarily be works which only affect the interior of the building. Some limited works to the external appearance of the structure are permitted, but they must be consistent with the character of the structure and of neighbouring properties.

These limited external works may include alterations of existing ground-floor shop fronts, in which case the works must be consistent with the fenestration details and architectural and streetscape character of the remainder of the building and of neighbouring buildings. In addition, minor external works required to provide on-street access to the upper floors of the building are also permitted.

Restrictions on Works

A number of restrictions and limitations apply, including:

- The change of use and related works must occur between the 8 February 2018 and 31 December 2021.
- Generally, works cannot be carried out to a ground floor of a building that conflicts with an objective of the relevant Local Authority development plan or local area plan for such ground floor to remain in retail use.
- No more than nine individual housing units can be provided in any building.
- Works to a protected structure shall not be permitted unless it has been confirmed by the planning authority that the works will not affect the character or elements of the structure which have been identified for protection.
- Works for the provision of on-site waste-water treatment and disposal systems (i.e. septic tanks) are not exempted development.
- Works shall not be permitted in a number of limited areas, such as areas of special planning control and areas to which special amenity area orders relate and within certain perimeter distances of certain establishments where flammable/ toxic or chemical substances are stored.
- A number of other general restrictions also apply. For example, any development must not contravene a condition attached to a planning permission relating to the building.

Minimum Requirements for Residential Units

Minimum standards shall apply to residential units being developed. These include minimum requirements in relation to overall floor areas and storage space requirements and the need for adequate natural light in living rooms and bedrooms. The need for natural light should not be understood to provide an automatic exemption for the addition of new windows. However, other existing exempted development provisions may apply.

Notification Provision

Under the Regulations, the person availing of the planning exemptions must notify the planning authority in writing at least two weeks prior to the commencement of the proposed change of use and related works, and must specify the number of housing units being provided. The planning authority shall maintain a record of notifications received. This record will be made publicly available. The planning authority must also submit annual returns to the Minister for Housing, Planning and Local Government.

NOTE: This is a notification process and not an approval or verification process for the exemption.

Further Information

Refer to Appendix 1 for further information.

For answers to FAQs (Frequently Asked Questions), please see Appendix 6.

Specific Regulations Affecting Older Buildings

When considering works to an existing building, it is important to establish what (if anything) is important or significant about the building. Older buildings can be significant in many different ways. For example, a building's significance may stem from its physical fabric, from its historical associations or from its archaeological potential. The better a building's specific significance is understood, the easier it will be to design appropriate solutions. It should be noted that *only some* older buildings are recognised as having historical significance.

In some cases, the planning authority's development plan will have specific objectives regarding the adaptation of the existing building stock.

Planning Matters Relating to Older Buildings

A historic building may be protected under the [Planning and Development Acts](#) by being included in the Record of Protected Structures of a particular planning authority or by being located within an Architectural Conservation Area.

Where a building is a protected structure (or has been proposed for protection) or where a building is located within an Architectural Conservation Area, the usual exemptions from the requirement for planning permission may not apply.

In the case of a protected structure any works which would materially affect its character will require planning permission. Legal protection also extends to the interior of the building and to other structures and features within the curtilage of a protected structure, such as outbuildings, boundary walls, paving, railings, etc.

In an Architectural Conservation Area, any works to the exterior of a building which would materially affect the character of the area also require planning permission. In this context, however, works to the interior may not require planning permission, as they would do in the case of a protected structure

The Record of Protected Structures forms part of the development plan of each planning authority and is available online on the relevant planning authority's website. The development plan will also contain details, including maps, of any designated Architectural Conservation Area. If a building is a protected structure, or if it is located in an Architectural Conservation Area, the planning

authority will be able to advise on its implications for a particular property.

Under Section 57 of the Act, the owners or occupiers of a protected structure are entitled to ask in writing for the planning authority to issue a declaration which will give guidance on identifying works that would, or would not, in the opinion of the planning authority require planning permission. If an owner or occupier is in any doubt about particular proposed works, the architectural conservation officer in the relevant Local Authority should be consulted. Under Section 5 of the Act, the owner or occupier of a protected structure – or of a structure in an Architectural Conservation Area – may also or instead request a declaration stating if proposed work should or should not be classified as development – and, if it is classified as development, whether or not planning permission is required.

NOTE: A planning authority is required to issue such a declaration within 12 weeks of receiving a request.

Development proposals affecting protected structures, proposed protected structures and buildings in Architectural Conservation Areas are made through the planning system. Some additional procedures and more detailed information are required as part of the process, however, as the applicant must submit photographs, plans and particulars to show how the proposed development would affect the character of the structure.

For general advice on planning issues relating to architectural heritage, a publication entitled [Architectural Heritage Protection Guidelines for Planning Authorities \(2011\)](#).

These statutory guidelines set out the mechanisms for protecting architectural heritage, and the principles of conservation that should apply to any proposed alterations to the building. Appendix B (Architectural Heritage Impact Assessments) of that document sets out the type of information that the owner should prepare when lodging a planning application. By preparing such an assessment before finalising the plans, the owner and their professional advisors are in a better position to mitigate any negative effects and generally to consider how the development can best maintain and enhance the character of the structure.

Any new work carried out internally to historic buildings requires a different approach to materials and insulation.

The Department of Culture, Heritage and the Gaeltacht also publishes a series of booklets, the *Advice Series*, for owners and custodians of historic buildings. The booklets offer detailed guidance on how best to repair, maintain and adapt such properties.

Further information on an individual building may be available on the website of the National Inventory of Architectural Heritage: www.buildingsofireland.ie.

National Monuments Acts

In some cases, a structure or site may be protected under the [National Monuments Acts 1930–2004](#). The Record of Monuments and Places (RMP) is the most widely applying provision of the National Monuments Acts. It comprises a list of recorded monuments and places and accompanying maps on which such monuments and places are shown for each county. The RMP can be consulted in county libraries and main Local Authority offices, and it is also available to view or download from <https://www.archaeology.ie/publications-forms-legislation/record-of-monuments-and-places>.

The National Monuments Service of the Department of Culture, Heritage and the Gaeltacht can advise on the protection applying to any particular monument or place under the [National Monuments Acts](#) by reason of its being entered in the Record of Monuments and Places – and should be consulted if there is any doubt as to the status of the site.

Where a building is subject to National Monuments Acts, it is exempt from the Building Regulations (Third Schedule, Class 8 of the Building Regulations 1997).

Further Information

For the application of the Building Regulations to existing buildings, see Appendix 2.

For answers to FAQs (Frequently Asked Questions), please see Appendix 6.

Building Control System

In order to ensure the safety of people within the built environment, the design and construction of buildings is regulated under the [Building Control Acts 1990 to 2014](#). The Building Control Act sets out the primary purpose for which the Building Regulations may be made, i.e. the health, safety and welfare of people in and around buildings. The focus is on protection of people rather than property.

Building Regulations

The Building Regulations apply to the design and construction of buildings. The minimum performance requirements that a building must achieve are set out in the Second Schedule to the Building Regulations.

The Building Regulations apply to the construction of:

- New buildings (residential and non-residential)
- Extensions and material alterations to existing buildings
- Certain Parts of the Regulations apply to changes of use of existing buildings, and
- Major renovations

Guidance on compliance with the various parts of the Building Regulations is given in the associated [Technical Guidance Documents \(TGDs\)](#). The TGDs provide general information on how to deal with historic or existing buildings. Where works are carried out in accordance with the TGDs, this will, *prima facie*, indicate compliance with the Building Regulations.

In the case of material alterations or changes of use of existing buildings, the adoption without modification of the guidance in the TGDs may not, in all circumstances, be appropriate. In particular, the adherence to guidance, including codes, standards or technical specifications, intended for application to new work may be unduly restrictive or impracticable. Buildings of architectural or historical interest are especially likely to give rise to such circumstances. In these situations, alternative approaches based on the principles contained in the TGDs may be more relevant and should be considered.

The primary responsibility for compliance with the requirements of the Building Regulations rests with the designers, builders and owners of buildings. Interpretation of the legislation is, ultimately, a matter for the Courts. Implementation of the Building Control system is a matter for the local Building Control Authority.

Building Control Regulations

Building Control Regulations apply generally to new buildings and to existing buildings which undergo an extension, a material alteration or a material change of use. The Building Control Regulations require owners, builders, and registered construction professionals to demonstrate through building control processes that the works or building concerned have been designed and constructed in compliance with the Building Regulations.

In response to building failures that emerged over the past decade, the Department introduced the [Building Control \(Amendment\) Regulations 2014](#) (BCAR), which require greater accountability in relation to compliance with Building Regulations. Improvements in accountability will be achieved by ensuring that design and construction receive statutory certification from registered construction professionals and builders, that Commencement Notices as well as compliance documentation is lodged, that mandatory inspections are carried out during construction and validation and that certificates are registered, where S.I. No. 9 of 2014 applies (See Figure 8 for examples).

On completion of a building or works, a certificate of compliance is jointly signed by the builder and the assigned certifier. This must be accompanied by plans and documentation that collectively show how the constructed building or works complies with the building regulations – and also with the inspection plan, as implemented.

Further Information

For the application of the Building Regulations to existing buildings, see Appendix 2.

For answers to FAQs (Frequently Asked Questions), please see Appendix 6.

Minimum Standards in Rented Accommodation

In December 2016, the Minister for Housing, Planning and Local Government launched the [Strategy for the Private Rental Sector](#). Arising out of this strategy, new consolidated regulations prescribing minimum standards for rented houses, the [Housing \(Standards for Rented Houses\) Regulations 2017 \(S.I. No. 17 of 2017\)](#), were published, with commencement on the 1st of July 2017.

The objective of the Strategy is to improve poor quality accommodation so that it meets the required standards and to ensure that the quality across the rental sector is protected and improved so that tenants are provided with safe, healthy and comfortable dwellings and the sector's sustainable development into the future is secured.

Further Information

For the application of the Housing (Standards for Rented Houses) Regulations 2017 (S.I. No. 17 of 2017), see Appendix 3.

Safety, Health and Welfare at Work Act, 2005

The [Safety, Health and Welfare at Work Act, 2005](#) places responsibility for occupational health and safety on all stakeholders. The Act develops the role of employers, employees and Government in framing and implementing occupational safety and health policy in Ireland.

For designing or carrying out construction work, the [Safety, Health and Welfare at Work \(Construction\) Regulations 2013 \(S.I. No. 291 of 2013\)](#) prescribe the main requirements for the protection of the safety, health and welfare of persons working on construction sites and to give further effect to Council Directive 92/57/EEC on the minimum safety and health requirements at temporary or mobile construction sites.

These Regulations are designed to clarify and strengthen the general duties of all parties as regards securing occupational safety, health and welfare in construction work, including those of Clients, Project Supervisors, Designers, Contractors and Employees.

These Regulations apply to all construction projects including the alteration, decoration, maintenance and repair of buildings and the installation, maintenance and removal of mechanical and other systems fixed within or to structures. They place obligations on clients and designers to ensure that safety and health is taken into account before any construction work begins.

Further Information

For further information refer to the website of the Health and Safety Authority at:

https://www.hsa.ie/eng/Your_Industry/Construction/Construction_Duty_Holders/

Fire Services Acts

With the exception of dwelling houses occupied as single dwellings, buildings are subject to the requirements of Part III of the [Fire Services Acts, 1981 and 2003](#).

A building containing a flat(s) - dwelling/s separated by horizontal construction from other part(s) of the building - is subject to the requirements of the Acts. The person having control over premises has duties in respect of fire safety, as provided for in section 18(2).

Fire Safety in Flats (1994)¹, a document published by the Department, provides persons having control over premises with guidance on how to best implement and manage fire-safety requirements.

Among other things, *Fire Safety in Flats* highlights the importance of:

- Properly maintaining effective escape routes
- Inspecting and maintaining fire-protection equipment
- Maintaining fire-safety records
- Inspecting and maintaining fire-fighting equipment
- Ensuring that occupants of flats are properly informed about fire safety
- Preventing fire outbreaks
- Ensuring security arrangements do not impede escape in the event of fire

Further Information

For answers to FAQs (Frequently Asked Questions), please see Appendix 6.

¹ Fire Safety in Flats (1994) <http://www.housing.gov.ie/sites/default/files/migrated-files/en/Publications/Community/FireandEmergencyServices/FileDownload%2C1024%2Cen.pdf>

Chapter 2 The Basic Process



The simplest and most cost effective reuse options are to refurbish an existing vacant dwelling or to convert a dwelling with an existing ancillary shop back into a property used exclusively as a dwelling.

Where a building is planned to be sub-divided, resulting in horizontal and/or vertical separation to create multiple units, the works will involve a higher degree of complexity and may have to satisfy additional regulatory requirements, particularly with regard to fire, sound and energy efficiency.

This basic process is applied to four common building types which have high reuse potential for residential purposes, as follows:

Type 1 - Existing Dwelling

This refers to an existing vacant dwelling in need of repair/ refurbishment, so that it can be reused for owner-occupation or rental purposes.

Type 2 - Two-Storey Building with Over-the-Shop Accommodation

This refers to an existing vacant dwelling that has a shop at ground level.

Type 3 - Three-Storey building with Over-the-Shop Accommodation




This refers to an existing vacant dwelling that has a shop at ground level.

Type 4 - Multi-Storey Building (Non-Dwelling)

This refers to an existing building with multiple floors which is/ was used for non-residential purposes, e.g. as offices/ or for commercial/ mixed use.



Figure 1 The Basic Process

Assess		
	<p>Step 1</p> <p>Consider reusing an existing building for residential purposes.</p>	<p>Considerations:</p> <ul style="list-style-type: none"> • What is the condition of the existing building? • What heritage value (if any) does the building have? • What are the building's potential uses? • What incentives/grants are available? • What are the likely costs of the proposed works? • Are there any site specific constraints? • What utility connections are required e.g. electricity, gas, water, wastewater?
	<p>Step 2</p> <p>Identify the Regulatory Approval Path.</p>	<p>Considerations:</p> <ul style="list-style-type: none"> • Do the works require planning permission? • Do the works qualify for an exemption under Exempted Development Regulations, 2018? • Do the works require a Fire Safety Certificate? • Do the works require a Disability Access Certificate?
Design		
	<p>Step 3</p> <p>Identify the key design work needed.</p>	<p>Considerations:</p> <ul style="list-style-type: none"> • What standards (planning, building or rental) apply to the works? • Are there other site specific risks which should be considered in the design e.g. sound insulation on busy streets, flooding risks, etc?
Approval		
	<p>Step 4</p> <p>Confirm that approvals are in place.</p>	<p>Considerations:</p> <ul style="list-style-type: none"> • Has Planning Permission / Fire Safety Certificate been granted? • Are other specific permits required or restrictions? e.g. <ul style="list-style-type: none"> · Road closure licence? · Refuse/ skips? · Utility connections e.g. water, electricity, etc?
Build		
	<p>Step 5</p> <p>Commence building work.</p>	<p>Considerations:</p> <ul style="list-style-type: none"> • Is a Commencement Notice required? • When can I start work? • Will the Safety, Health, Welfare at Work Regulations apply?

Note

1. Refer to your Local Authority **Vacant Homes Office** for further guidance and advice, (See: <http://www.housing.gov.ie/housing/home-ownership/vacant-homes/vacant-homes>)
2. It is recommended to avail of professional advice when engaging in any part of this process.
 - Find an Architect: http://www.riai.ie/practice_directory/
 - Find an Engineer: <http://www.engineersireland.ie/membership/search-members.aspx>
 - Find a Surveyor: https://www.scsi.ie/members/search?gclid=EALalQobChMI7O-qpfHO2glVxp8bCh18HQ-qEAAAYASACEgKq7fD_BwE
 - Find a Builder: <https://www.ciri.ie/>
 - Refer to your Local Authority Architectural Conservation Officer: <http://oldsitehc.info/seirbhisi-contae/teagmhalaith/the/conservation-officers/?L=3>
3. For Safety, Health and Welfare at Work legislation refer to the Health and Safety Authority's website for guidance <http://www.hsa.ie/eng/>

Step 1 Consider Reusing an Existing Building for Residential Purposes

Our town and city centres contain a large amount of underused building stock. This underused stock largely comprises unused or underused floors above ground-floor retail premises. Notwithstanding this, it is not possible to simply adopt a 'one-size-fits-all' approach to increasing residential development on our main streets. For one thing, the age and condition of the original building will play a crucial role in determining how to proceed in a given context. Moreover, reusing space above shops will be more challenging where the asset is in poorer condition, which in turn has financial implications for those considering investment.

While it is vital to deliver housing as quickly as possible, it is equally important to deliver quality and durable housing that will meet the needs and expectations of consumers in manner that is sustainable - economically, socially and environmentally.

There are also important regulations to which redevelopment works must adhere. For example, Regulations relating to fire safety, sound and energy efficiency must be taken into account whenever a change of use occurs. The extent of the challenge that arises in this context will depend on the type of building involved, the nature and number of new units being created and the location of the building.

For historic buildings, it is important to establish at a preliminary stage whether a building is protected by legislation and what types of notifications, permissions and/or consents it may be necessary to obtain before undertaking any works.

To minimise the risk of delays caused by inappropriate or inadequate proposals, the early engagement of a professional agent – such as an architect, an engineer or a building surveyor – who is competent to advise about the existing building is strongly recommended. Where the building is a Protected Structure or located within an Architectural Conservation Area, it may be advisable that a conservation architect be consulted.

Encouraging the reuse of such floor space for residential use is vital to increase supply of new homes. Local Authorities are responsible for finding ways to overcome ownership issues and limited building access and/or infrastructure in order to make redevelopment of residential units easier. In this regard, the Local Authority plays a central role from the outset (the point at which the initial concept of reusing an existing building for residential purposes is formulated) and will provide information on the financial supports and schemes that are available. Such supports and schemes – e.g. the *Living City*

Initiative, the *Repair and Leasing Scheme* and the *Buy and Renew Scheme* – may well be the financial tipping point that ultimately convinces people to bring buildings/ dwellings back into use (See Appendix 5).

The Local Authorities are also tasked with the preparation of Vacant Homes Action Plans, the establishment of a Vacant Homes Office and the designation of Vacant Homes Officers.

The role of the Vacant Homes Officer is to provide information, advice and support for owners of vacant homes and also to deal with queries from members of the public in respect of private residential vacant properties in their administrative areas.

The Vacant Homes Officer serves as a contact point for dissemination to interested parties (landlords, developers, building owners) of this manual, which explains how planning and building-standards requirements apply to existing buildings and how best to facilitate the efficient and economic reuse or development of underused existing buildings for residential purposes.

The Vacant Homes Officer also serves as the first point of contact for initial consultations/engagements with parties interested in developing vacant buildings for residential purposes –and for coordination of Local Authority multidisciplinary advisory-group meetings, as necessary. These meetings bring together relevant internal Local Authority staff from Planning, Building Control, Conservation and the Fire Services etc., to support the process of development and the reuse of existing buildings for residential purposes.

A full list of Vacant Homes Officers and their contact details is available on the website of the Department of Housing, Planning and Local Government at: <http://www.housing.gov.ie/housing/home-ownership/vacant-homes/vacant-homes>

The guidance provided in this manual will bring more certainty to the task of achieving regulatory compliance. Combined with a pragmatic approach adopted by the Local Authority in demonstrating their commitment to bringing vacant buildings back into reuse, this should help those involved to de-risk these types of development.

In order to highlight the key considerations involved in the reuse of existing buildings for residential purposes, this manual explores four typical main-street buildings. It considers some of the different types of potential development that are available for these buildings and discusses the feasibility of such development opportunities in towns and villages across the country.

Step 2 Identify the Regulatory Approval Path












The regulatory system of planning, fire safety, accessibility and heritage conservation is sometimes perceived as creating competing agendas. Additional uncertainty and unnecessary delays can result if the various approvals of this system i.e. planning permission, fire safety certificates, disability access certificates etc. are dealt with in isolation from each other or at different times.

Typical considerations associated with the common existing building typologies are outlined in Figure 2.

NOTE: At all times the relevant building regulations apply to the works.









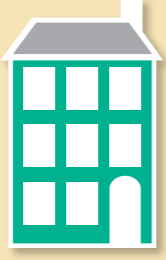







Figure 2 Typical considerations associated with the common existing building types

Existing Building	Reuse Options	Do the works require Planning Permission?	Do the works require a Fire Safety Certificate?	Do the works require a Disability Access Certificate (DAC)?
Type 1 Existing Dwelling   Elevation  Section	Option a Refurbishment 	There is no change to the building use; so, planning permission is not required.	A Fire Safety Certificate is not required for a dwelling house.	A Disability Access Certificate is not required for a dwelling house.
	Option b Conversion of dwelling into two dwellings NOTE: This is a material change of use 	Planning permission is required for change of use to two dwellings.	A Fire Safety Certificate is required for a building which undergoes a material change of use, i.e. the whole building.	A Disability Access Certificate is not required.
Type 2 Two-Storey Building with Over-the-Shop Accommodation NOTE: The shop may be ancillary to the dwelling or may be an independent shop unit.   Elevation  Section	Option a Inclusion of an ancillary shop as part of the existing dwelling 	Planning permission generally not required.**	Fire Safety Certificate is not required for a dwelling house.	A Disability Access Certificate is not required for a dwelling house.
	Option b Conversion of ancillary shop to an independent shop unit with an existing dwelling overhead NOTE: This is a material change of use* for the shop only. 	Planning permission generally required due to the change from ancillary shop to permanent shop.	A Fire Safety Certificate is required for a building which undergoes a material change of use,* i.e. the shop only. NOTE: The finished flat overhead should conform to <i>Fire Safety in Flats (1994)</i> .	A Disability Access Certificate is required for the shop only, as Part M applies to a material change of use* to a shop, (See Appendix 2).
	Option c Conversion of an ancillary/ independent shop to an independent dwelling unit with another dwelling overhead NOTE: This is a material change of use.* 	Planning permission required unless the Exempted Development Regulations, 2018 apply, (See Appendix 1).	A Fire Safety Certificate is required for a building which undergoes a material change of use,* i.e. the whole building.	A Disability Access Certificate is not required.

Note: For the purposes of clarity “ancillary” means a secondary use to the main purpose of the building i.e. dwelling.

* Reference to Material change of use in the context of Building Regulations (See Appendix 2).

Existing Building	Reuse Options	Do the works require Planning Permission?	Do the works require a Fire Safety Certificate?	Do the works require a Disability Access Certificate (DAC)?
<p>Type 3</p> <p>Three-Storey Building with Over-the-Shop Accommodation</p> <p>NOTE: The shop may be ancillary to the dwelling or may be an independent shop unit.</p>   <p>Elevation</p>  <p>Section</p>	<p>Option a</p> <p>Inclusion of an ancillary shop as part of the existing dwelling</p> 	Planning permission generally not required.**	A Fire Safety Certificate is not required for a dwelling house.	A Disability Access Certificate is not required for a dwelling house.
	<p>Option b</p> <p>Conversion of ancillary shop to an independent shop unit with an existing two-storey dwelling overhead</p> <p>NOTE: This is a material change of use* for the shop only.</p> 	Planning permission generally required due to change from ancillary shop to permanent shop.	A Fire Safety Certificate is required for a building which undergoes a material change of use,* i.e. the shop only. NOTE: The finished flat overhead should conform to <i>Fire Safety in Flats (1994)</i> .	A Disability Access Certificate is required for the shop only, as Part M applies to a material change of use* to a shop, (See Appendix 2).
	<p>Option c</p> <p>Conversion of an ancillary /independent shop to an independent dwelling unit with multiple dwellings overhead</p> <p>NOTE: This is a material change of use* of the building.</p> 	Planning permission required unless the Exempted Development Regulations, 2018 apply, (See Appendix 1).	A Fire Safety Certificate is required for a building which undergoes a material change of use,* i.e. the whole building.	A Disability Access Certificate is not required.
	<p>Option d</p> <p>Conversion of an ancillary shop to an independent shop unit with multiple dwellings overhead</p> <p>NOTE: This is a material change of use.*</p> 	Planning permission required due to change from ancillary shop to permanent shop and change of use to two dwellings	A Fire Safety Certificate is required for a building which undergoes a material change of use,* i.e. the whole building.	A Disability Access Certificate is not required.
<p>Type 4</p> <p>Multi-Storey Building (Non-Dwelling)</p>   <p>Elevation</p>  <p>Section</p>	<p>Option a</p> <p>Conversion of a multi-storey building (non-dwelling) into a single dwelling</p> 	Planning permission required unless Exempted Development Regulations, 2018 apply, (See Appendix 1).	A Fire Safety Certificate is not required for a building which undergoes a material change of use* to a single dwelling.	A Disability Access Certificate is not required.
	<p>Option b</p> <p>Maintaining a non-dwelling unit at ground floor and creating a two-storey dwelling overhead</p> <p>NOTE: This is a material change of use* of the building.</p> 	Planning permission required unless Exempted Development Regulations, 2018 apply, (See Appendix 1).	A Fire Safety Certificate is required for a building which undergoes a material change of use,* i.e. the whole building.	A Disability Access Certificate is not required.
	<p>Option c</p> <p>Conversion of a multi-storey building (non-dwelling) into multiple dwellings</p> 	Planning permission required unless Exempted Development Regulations, 2018 apply, (See Appendix 1).	A Fire Safety Certificate is required for a building which undergoes a material change of use,* i.e. the whole building.	A Disability Access Certificate is not required.
	<p>Option d</p> <p>Maintaining a non-dwelling unit at ground floor and creating multiple dwellings overhead</p> 	Planning permission required unless Exempted Development Regulations, 2018 apply, (See Appendix 1).	A Fire Safety Certificate is required for a building which undergoes a material change of use,* i.e. the whole building.	A Disability Access Certificate is not required.

NOTE: * Reference to Material change of use in the context of Building Regulations (See Appendix 2).

** Planning permission may be required in certain circumstances, for example, if proposed works the ground floor conflict with an objective in the relevant development or local area plan for the ground floor to remain in retail use. Consult the relevant planning authority.

Step 3 Identify the Key Design Work Needed

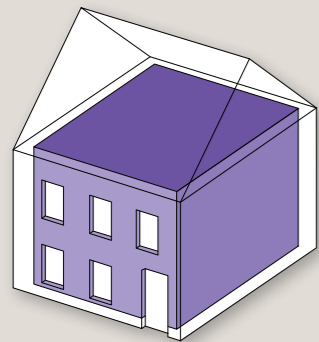
Analysis of the feasibility of development should be undertaken by exploring a range of development 'interventions' for the building type concerned. As can be seen in Figures 3 to 6 on the following pages, there are a wide range of different building types and a variety of residential development options – from low level refurbishment to large scale redevelopment of the entire plot – all of which have their own unique challenges and opportunities. Typical intervention measures relevant to the building reuse options from Figure 3 are outlined below as a broad guide to the building owner of the extent of works likely to be required. This is not a substitute for appropriate professional advice that is building-specific.



Figure 3 Type 1 Existing dwelling - Reuse options



Option a Refurbishment

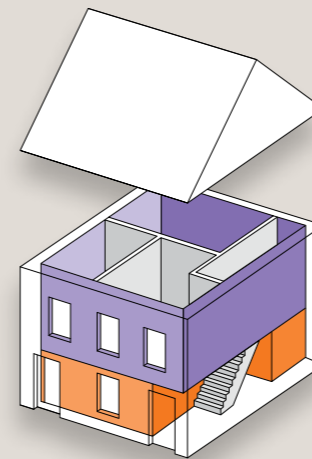


Typical Scale of Intervention

- No requirements for owner occupation, but an upgrade of finishes (painting, floor finishes) is likely to be carried out.
- Building Regulations* apply where:
 - > Services are being renewed e.g. WCs, stoves, etc.
 - > Windows and external doors are being replaced
 - > Boilers are being renewed
- Rental Regulations apply in any case where it is proposed to offer a dwelling for rental.**

Option b

Conversion of dwelling into two dwellings



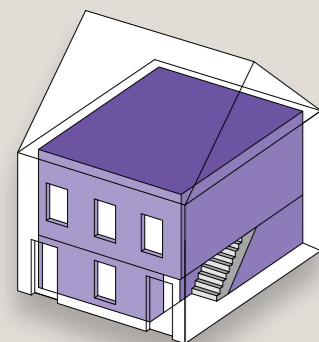
Typical Scale of Intervention

- Building Regulations* apply, as this work is a material change of use to the building.
- Typical works will include:
 - > Fire separation and sound insulation between dwellings (walls and floors)
 - > Provision of independent services (including heating, lighting and plumbing)
 - > Installation of integrated fire-alarm system in the building (where common access exists)
 - > Upgrade of thermal insulation
 - > Replacement of windows (except display windows)
- Rental Regulations apply in any case where it is proposed to offer a dwelling for rental.**

Figure 4 Type 2 Two-storey building with over the Shop Accommodation - Reuse Options



Option a Inclusion of an ancillary shop as part of the existing dwelling

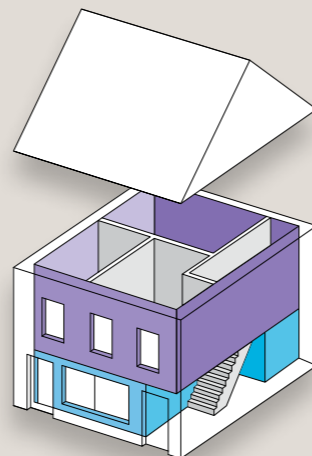


Typical Scale of Intervention

- No requirements for owner occupation, but an upgrade of finishes (painting, floor finishes) is likely to be carried out.
- Building Regulations* apply where:
 - > Services are being renewed, e.g. WCs, stoves etc.
 - > Windows and external doors are being replaced
 - > Boilers are being renewed
- Rental Regulations apply in any case where it is proposed to offer a dwelling for rental.**

Option b

Conversion of ancillary shop to an independent shop unit with an existing dwelling overhead

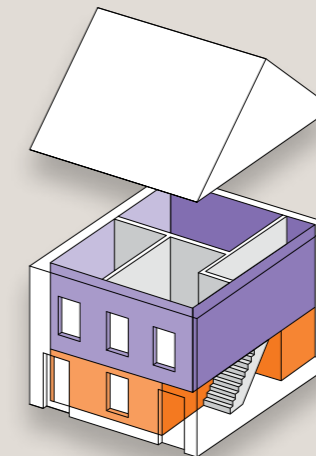


Typical Scale of Intervention

- Building Regulations* apply, as this work is a material change of use to a shop. Typical works will include:
 - > Fire separation and sound insulation between shop and dwelling (walls and floors)
 - > Provision of independent services (including heating, lighting and plumbing)
 - > Installation of integrated fire-alarm system in the building
 - > Replacement of windows (except display windows)
- Rental Regulations apply in any case where it is proposed to offer a dwelling for rental.**

Option c

Conversion of independent/ ancillary shop to an independent dwelling unit with another dwelling overhead



Typical Scale of Intervention

- Building Regulations* apply as this work is a material change of use to the building. Typical works will include:
 - > Fire separation and sound insulation between dwellings (walls and floors)
 - > Provision of independent services (including heating, lighting and plumbing)
 - > Installation of integrated fire-alarm system for building (where common access exists)
 - > Upgrade of thermal insulation
 - > Replacement of windows
- Rental Regulations apply in any case where it is proposed to offer a dwelling for rental.**

*See Appendix 2 for the application of the Building Regulations to works to existing buildings.

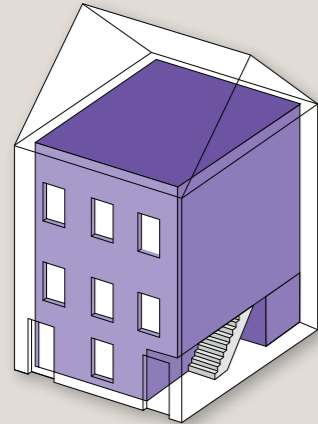
**See Appendix 3 for Minimum standards in rented accommodation.

Figure 5 Type 3 Three-Storey Building with Over-the-Shop Accommodation



Option a

Inclusion of an ancillary shop as part of the existing dwelling

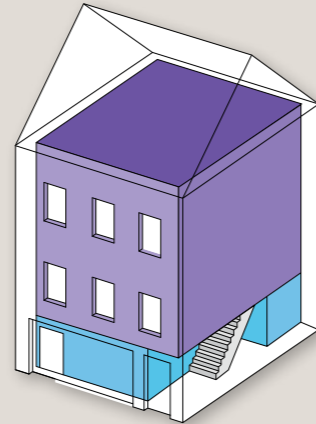


Typical Scale of Intervention

- No requirements for owner occupation, but an upgrade of finishes (painting, floor finishes) is likely to be carried out.
- Building Regulations* apply where:
 - > Services are being renewed e.g. WCs, stoves, etc.
 - > Windows and external doors are being replaced
 - > Boilers are being renewed
- Rental Regulations apply in any case where it is proposed to offer a dwelling for rental.**

Option b

Conversion of ancillary shop to an independent shop unit with an existing two-storey dwelling overhead

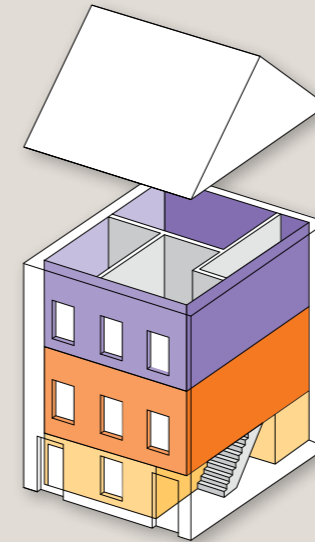


Typical Scale of Intervention

- Building Regulations* apply, as this work is a material change of use to the shop. Typical works will include:
 - > Fire separation and Sound insulation between shop and dwelling (walls and floors)
 - > Provision of independent services to shop (including heating, lighting and plumbing, where appropriate)
 - > Installation of fire alarm in shop (if required)
 - > Replacement of windows in shop (except display windows)
- Rental Regulations apply in any case where it is proposed to offer a dwelling for rental.**

Option c

Conversion of an ancillary shop/ independent shop to an independent dwelling unit with multiple dwellings overhead

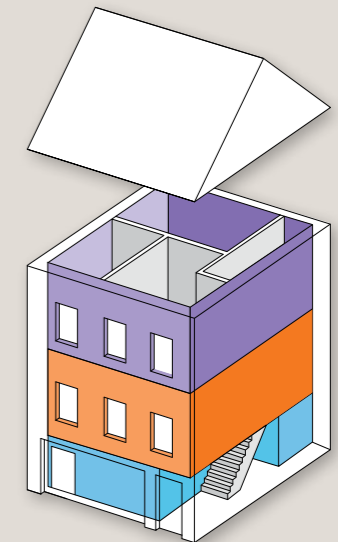


Typical Scale of Intervention

- Building Regulations* apply, as this work is a material change of use to the building. Typical works will include:
 - > Fire separation and Sound insulation between dwellings (walls and floors) and access corridors
 - > Provision of independent services (including heating, lighting and plumbing)
 - > Installation of integrated fire-alarm system in the building
 - > Upgrade of thermal insulation
 - > Replacement of windows
- Rental Regulations apply in any case where it is proposed to offer a dwelling for rental.**

Option d

Conversion of an ancillary shop to an independent shop unit with multiple dwellings overhead



Typical Scale of Intervention

- Building Regulations* apply, as this work is a material change of use to the building. Typical works will include:
 - > Fire separation and sound insulation between dwellings/ shop (walls and floors), and access corridors
 - > Provision of independent services (including heating, lighting and plumbing)
 - > Installation of integrated fire-alarm system for building
 - > Upgrade of thermal insulation
 - > Replacement of windows (except display windows)
- Rental Regulations apply in any case where it is proposed to offer a dwelling for rental.**

*See Appendix 2 for the application of the Building Regulations to works to existing buildings.

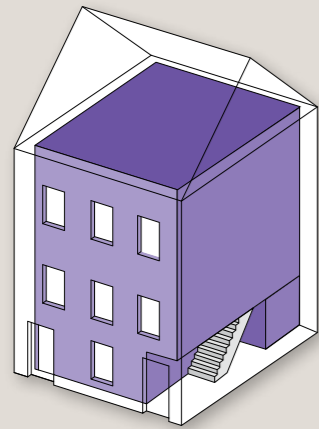
**See Appendix 3 for Minimum standards in rented accommodation.

Figure 6 Type 4 Multi-Storey Building (Non-Dwelling)



Option a

Conversion of a multi-storey building (non-dwelling) into a dwelling

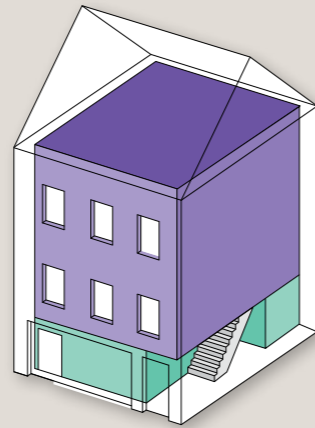


Typical Scale of Intervention

- Building Regulations* apply, as this work is a material change of use to the building. Typical works will include:
 - > Fire resistance of floors and stairway enclosure
 - > Provision of services (including heating, lighting and plumbing)
 - > Installation of fire-alarm system in the dwelling
 - > Upgrade of thermal insulation
 - > Replacement of windows
- NOTE: Where the building is greater than 3 storeys in height, further requirements may result.
- Rental Regulations apply in any case where it is proposed to offer a dwelling for rental.*

Option b

Maintaining a non-dwelling unit at ground floor and creating a two-storey dwelling overhead

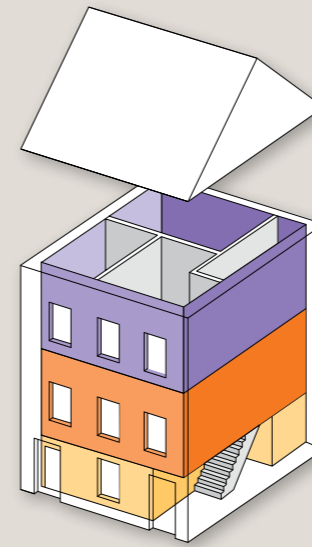


Typical Scale of Intervention

- Building Regulations* apply, as this work is a material change of use to the upper floor levels. Typical works will include:
 - > Fire resistance of intermediate floor and stairway enclosure
 - > Fire separation and sound insulation between non-dwelling and dwelling (walls and floors)
 - > Provision of independent services (including heating, lighting and plumbing)
 - > Installation of fire-alarm system in the dwelling
 - > Upgrade of thermal insulation
 - > Replacement of windows
- NOTE: Where the building is greater than 3 storeys in height, further requirements may result.
- Rental Regulations apply in any case where it is proposed to offer a dwelling for rental.**

Option c

Conversion of a multi-storey building (non-dwelling) into multiple dwellings

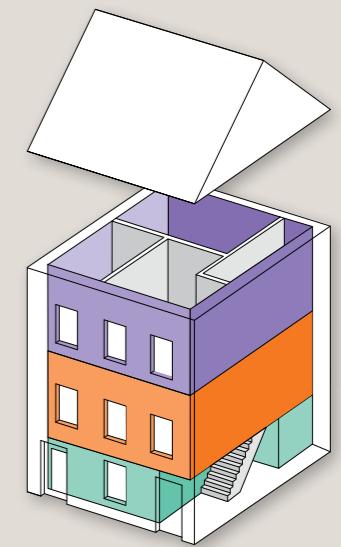


Typical Scale of Intervention

- Building Regulations* apply, as this work is a material change of use to the building. Typical works will include:
 - > Fire separation and sound insulation between dwellings (walls and floors) and access corridors
 - > Provision of independent services to each dwelling (including heating, lighting and plumbing)
 - > Installation of integrated fire-alarm system in the building
 - > Upgrade of thermal insulation
 - > Replacement of windows
- NOTE: Where the building is greater than 3 storeys in height, further requirements may result.
- Rental Regulations apply in any case where it is proposed to offer a dwelling for rental.**

Option d

Maintaining a non-dwelling unit at ground floor and creating multiple dwellings overhead



Typical Scale of Intervention

- Building Regulations* apply, as this work is a material change of use to the upper floors. Typical works will include:
 - > Fire separation and sound insulation between dwellings (walls and floors), access corridors and non-dwelling unit
 - > Provision of independent services to each dwelling (including heating, lighting and plumbing)
 - > Installation of integrated fire-alarm system in the building
 - > Upgrade of thermal insulation
 - > Replacement of windows
- NOTE: Where the building is greater than 3 storeys in height, further requirements may result.
- Rental Regulations apply in any case where it is proposed to offer a dwelling for rental.**

*See Appendix 2 for the application of the Building Regulations to works to existing buildings.
 **See Appendix 3 for Minimum standards in rented accommodation.

Step 4 Confirm that Approvals are in Place

It is essential that the required Local Authority approvals for the proposed work are in place. The required approvals for each reuse option are outlined below.

NOTE: If a public road or footpath is to be dug up, certain works may require the acquisition of a Road Opening Licence from the Local Authority. In some cases, to ensure proper removal and disposal of waste from the site, a waste license may be required. A Road Closure Notice may be required if the street elevation is such that scaffolding needs to be erected. Appendix 4 provides guidance on typical licences that may be required.

Figure 7 Summary of Approvals Required

BUILDING TYPE	Reuse Option	Planning Permission	Fire Safety Certificate	Disability Access Certificate*
TYPE 1 Existing Dwelling	Option a Refurbishment	X	X	X
	Option b Conversion of a dwelling into two dwellings	✓	✓	X
TYPE 2 Two-storey building with over the Shop Accommodation	Option a Inclusion of an ancillary shop as part of the existing dwelling	Generally not required	X	X
	Option b Conversion of an ancillary shop to an independent shop unit with an existing dwelling overhead	Generally required	✓ (for shop only)	✓ (for shop only)
	Option c Conversion of an ancillary/ independent shop to an independent dwelling unit with another dwelling overhead	✓ (unless Exempted Development Regulations, 2018 apply)	✓	X

BUILDING TYPE	Reuse Option	Planning Permission	Fire Safety Certificate	Disability Access Certificate*
TYPE 3 Three-storey building with over the Shop Accommodation	Option a Inclusion of an ancillary shop as part of the existing dwelling	Generally not required	X	X
	Option b Conversion of ancillary shop to an independent shop unit with an existing two-storey dwelling overhead	Generally required	✓ (for shop only)	✓ (for shop only)
	Option c Conversion of an ancillary/ independent shop to an independent dwelling unit with multiple dwellings overhead	✓ (unless Exempted Development Regulations, 2018 apply)	✓	X
	Option d Conversion of an ancillary shop to an independent shop unit with multiple dwellings overhead	✓	✓	X
TYPE 4 Multi-storey building (non-dwelling)	Option a Conversion of a multi-storey building (non-dwelling) into a single dwelling	✓ (unless Exempted Development Regulations, 2018 apply)	X	X
	Option b Maintaining a non-dwelling unit at ground floor and creating a two-storey dwelling overhead	✓ (unless Exempted Development Regulations, 2018 apply)	✓	X
	Option c Conversion of a multi-storey building (non-dwelling) into multiple dwellings	✓ (unless Exempted Development Regulations, 2018 apply)	✓	X
	Option d Maintaining a non-dwelling unit at ground floor and creating multiple dwellings overhead	✓ (unless Exempted Development Regulations, 2018 apply)	✓	X

NOTE:

For licences/ approvals required to facilitate works, e.g. road closure, refuse/ skips, deliveries, traffic free flow, water/ wastewater connection(s) - refer to Appendix 5.

* A Disability Access Certificate must be granted prior to valid application for a Certificate of Compliance on Completion (but a Disability Access Certificate is not legally required before commencement of work).

Step 5 Commence Building Work

A summary of the notification processes, relevant to each reuse option and the routes available to enable work to commence on-site are outlined below.

Planning

Where a person is undertaking development which avails of the exemptions afforded by the Planning and Development (Amendment) (No. 2) Regulations 2018 (S.I. No. 30 of 2018), they must notify the planning authority two weeks prior to commencing development (See Appendix 1).

NOTE: Separate notifications may still be required for Building Control purposes (see below), but may be submitted concurrently.

Health and Safety

For Safety, Health and Welfare at Work legislation refer to the Health and Safety Authority’s website for guidance http://www.hsa.ie/eng/Your_Industry/Construction/

Building Control

Where a notification is required prior to commencing works on-site, the Local Authority Building Control section may be notified in two different ways:

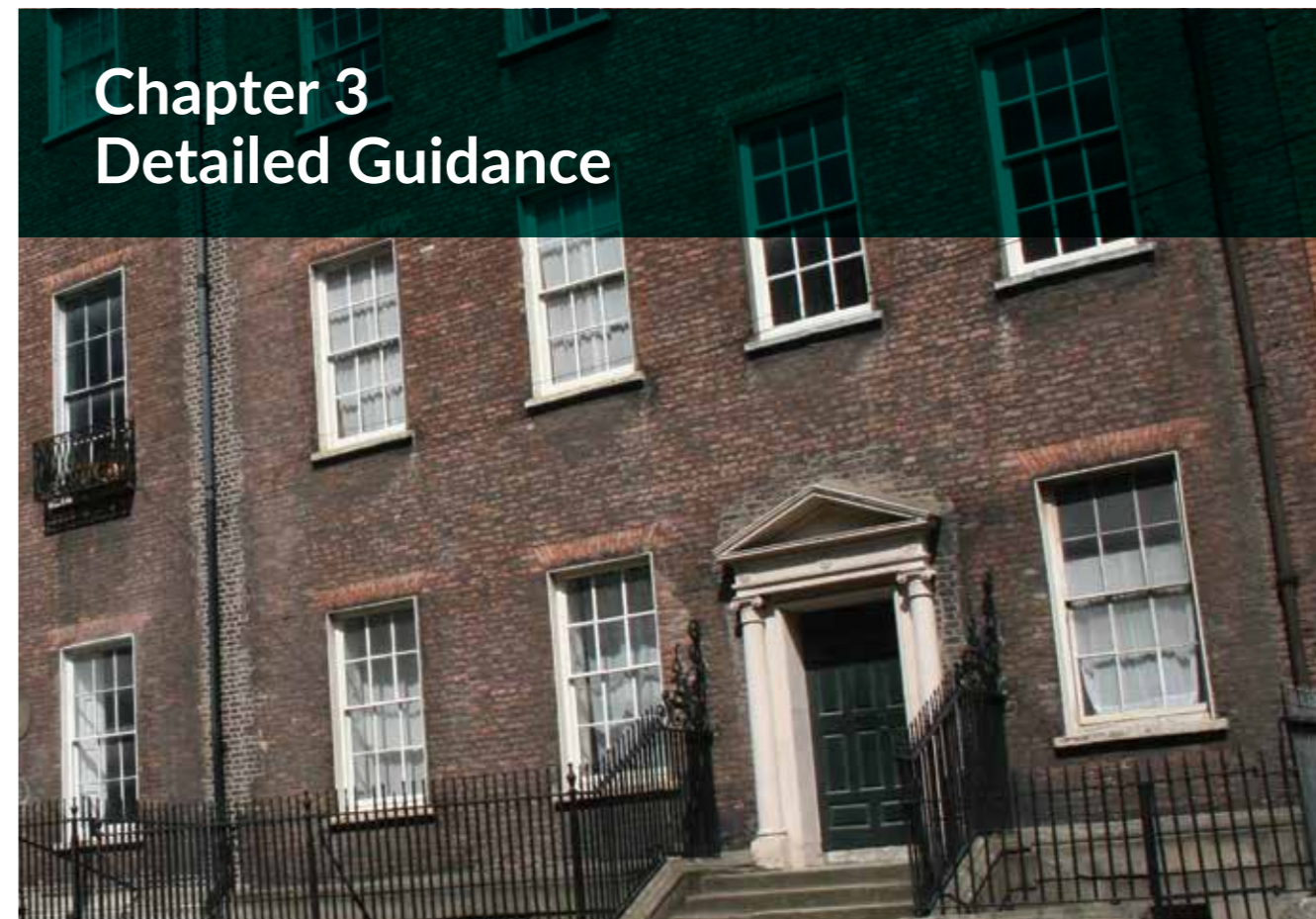
- a) The most common method is by submitting a Commencement Notice, which is a notification to a Building Control Authority that a person intends to carry out works or a material change of use to a building to which the Building Regulations apply. This notice must be given to the authority not more than 28 days and not less than 14 days before the commencement of works or the change of use.
- b) To expedite the start date on site, there is also the option of submitting a 7 Day Notice. This is similar to a Commencement Notice and may be used for works that require a Fire Safety Certificate but need to start before the Fire Safety Certificate is granted.

A Commencement Notice or 7 Day Notice may be submitted online via the Building Control Management System available at: <https://www.localgov.ie/en/bcms>

Figure 8 examines each reuse option in turn and summarises the requirements to provide notification to Building Control that apply in each case.

Figure 8 Building Control Notifications Required Prior to Commencing Works On-Site

TYPE	Option	Is notification of commencement of works required?
1	a. Refurbishment	A Commencement Notice is not required (because neither Planning permission nor a Fire Safety Certificate is required). Works may commence on-site, as desired.
2	a. Inclusion of an ancillary shop as part of the existing dwelling	
3	a. Inclusion of an ancillary shop as part of the existing dwelling	
4	a. Conversion of a multi-storey building (non-dwelling) into a single dwelling	A Commencement Notice without accompanying documentation is required.
1	b. Conversion of a dwelling into two dwellings	<p>A Commencement Notice (CN) with accompanying documentation (S.I. No.9 of 2014) is required (because planning permission and a Fire Safety Certificate are required).</p> <p style="text-align: center;">Choice of Notification of Commencement of work</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>Commencement Notice + Accompanying Documentation, where a Fire Safety Certificate has been granted</p> <p>Works must start between 14 days and 28 days from date of submission</p> </div> <div style="text-align: center;"> <p>7 Day Notice + Accompanying Documentation, where Fire Safety Certificate has not been granted</p> <p>Works may start 7 days from date of application</p> </div> </div> <p style="text-align: center;">Notice Validated Commence Works</p>
2	b. Conversion of an ancillary shop to an independent shop unit with an existing dwelling overhead c. Conversion of an ancillary/ independent shop to an independent dwelling unit with another dwelling overhead	
3	b. Conversion of ancillary shop to an independent shop unit with an existing two-storey dwelling overhead c. Conversion of an ancillary/ independent shop to an independent dwelling unit with multiple dwellings overhead d. Conversion of an ancillary shop to an independent shop unit with multiple dwellings overhead	
4	b. Maintaining a non-dwelling unit at ground floor and creating a two-storey dwelling overhead c. Conversion of a multi-storey building (non-dwelling) into multiple dwellings d. Maintaining a non-dwelling unit at ground floor and creating multiple dwellings overhead	



Where a building is planned to be subdivided resulting in horizontal and/or vertical separation to create multiple units, the works will involve a high degree of complexity. The works may have to satisfy additional regulatory requirements, particularly with regard to fire safety and sound. There may also be disruption of the existing building fabric to facilitate, for example, the introduction or alteration of services.

This Chapter elaborates on the typical intervention measures outlined in Figure 5 for a Type 3 building (a three-storey building with over-the-shop accommodation) where reuse Options b and d are considered.

This Chapter also elaborates on the typical intervention measures outlined in Figure 6 for a Type 4 building (a Multi-Storey Building (Non-Dwelling)) where reuse Option b is considered.

The information provided in this chapter may be used to compare the levels of work that each reuse option would require.

A holistic approach is required when bringing buildings back into reuse, taking into consideration fire safety, sound insulation, conservation of fuel and energy etc.

Typical issues that are relevant to the refurbishment of old buildings include:

- Structural Assessment of timber elements (floors and roofs).
- Fabric assessment of the structure of the building for moisture ingress.

- Assessment of floor load carrying capacity and structural strengthening if required, particularly where existing timber elements are intended to be reused and where additional load is being placed on floors (to meet fire safety and sound requirements for example).
- Masonry wall structural condition and stability including masonry panel assessment, review of cracking and source of any cracking and identification of masonry repairs.
- Overall stability – sometimes structural walls have been removed at ground floor for retail or other use which may have acted as shear walls in the original building and this will affect the structural integrity of the building.
- Co-ordination of M&E service installations – very often there are significant limitations within timber floors in particular for service penetrations.
- Assessment of existing drainage for reuse. Often there can be significant defects with old and historic local drainage systems associated with older properties.

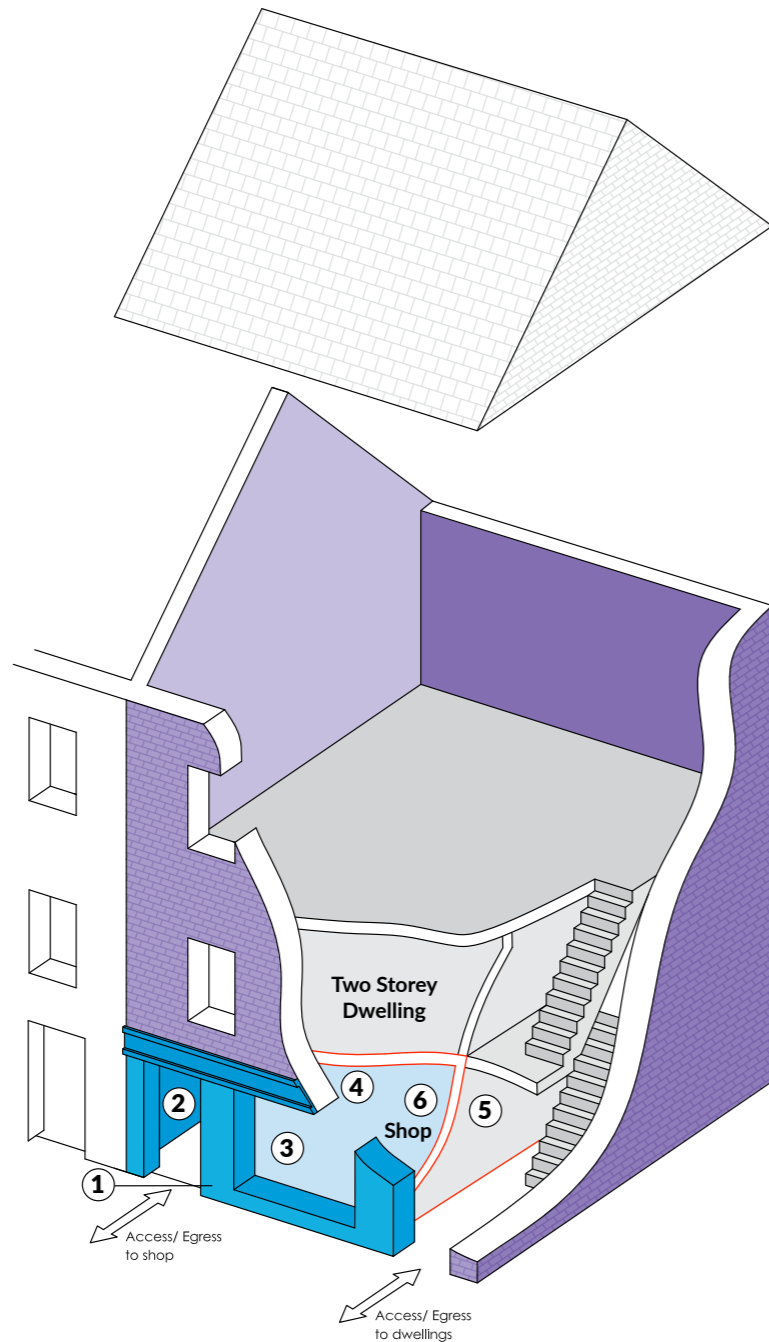
Figure 9 Type 3 Three-Storey Building with Over-the-Shop Accommodation



Reuse Option b

Conversion of an ancillary shop to an independent shop unit with an existing two-storey dwelling overhead

Existing Building – Typically solid walls, timber floors, pitched roof, un-insulated throughout



Ref	Element (Shop Unit)	Main Requirements (non-exhaustive) for works to shop only ^{1,2}
1	External wall	<ul style="list-style-type: none"> > Confirmation that existing walls are structurally sound > Confirmation of Class 1 (or Class C-s3,d2) - Internal fire spread of flame > Confirmation that the fire resistance of the wall is appropriate in relation to the boundary > Confirmation that existing walls are not showing evidence of ingress of moisture from ground or external source > Threshold U-value – 0.55 W/m²K for solid walls, otherwise upgrade to 0.35 W/m²K
2	Separating wall between shop and adjoining building	<ul style="list-style-type: none"> > Confirmation that existing wall is structurally sound > Class 1 (or Class C-s3,d2) Internal fire spread of flame > 60 minute fire resisting construction (No penetrations or openings) > Confirmation that there is no rising damp > Sound Insulation – Airborne 53 D_{nt,w} dB (min), if shop is adjoining a dwelling
3	Windows	<ul style="list-style-type: none"> > Purge ventilation – total openable area ≥ 1/20th floor area. > Background ventilation may be provided via trickle vents or wall vents > Threshold U-value – 3.6 W/m²K, otherwise upgrade to 1.6 W/m²K
4	Separating floor above shop	<ul style="list-style-type: none"> > Confirmation that existing floor is structurally sound > 60 minute fire resisting construction with no penetrations with a service zone to be provided below floor construction for shop. Vertical pipes to be fire stopped at floor level and pipes >40 mm ø (PVC) fitted with fire collars > Sound Insulation - Airborne 53 D_{nt,w} dB (min)
5	Compartment wall between shop and dwelling overhead	<ul style="list-style-type: none"> > 60 minute fire resisting construction with no penetrations > Sound Insulation - Airborne 53 D_{nt,w} dB (min)
6	Shop/ Commercial unit	<ul style="list-style-type: none"> > Confirmation that ground floor will prevent ingress of moisture > Fire alarms – Depending on size, layout and occupancy > Independent services > Access and Use
<p>NOTE:</p> <ol style="list-style-type: none"> 1. Because this is a material change of use only in respect of the shop unit, only works to the shop must comply with the Building Regulations. 2. No requirements apply to the existing dwelling, but any works in the dwelling should create no new or greater contravention and works constituting a material alteration must comply with all parts of the Building Regulations (See Appendix 2). Rental regulations apply where the dwelling is proposed to be rented (See Appendix 3 for Minimum standards in rented accommodation). 		

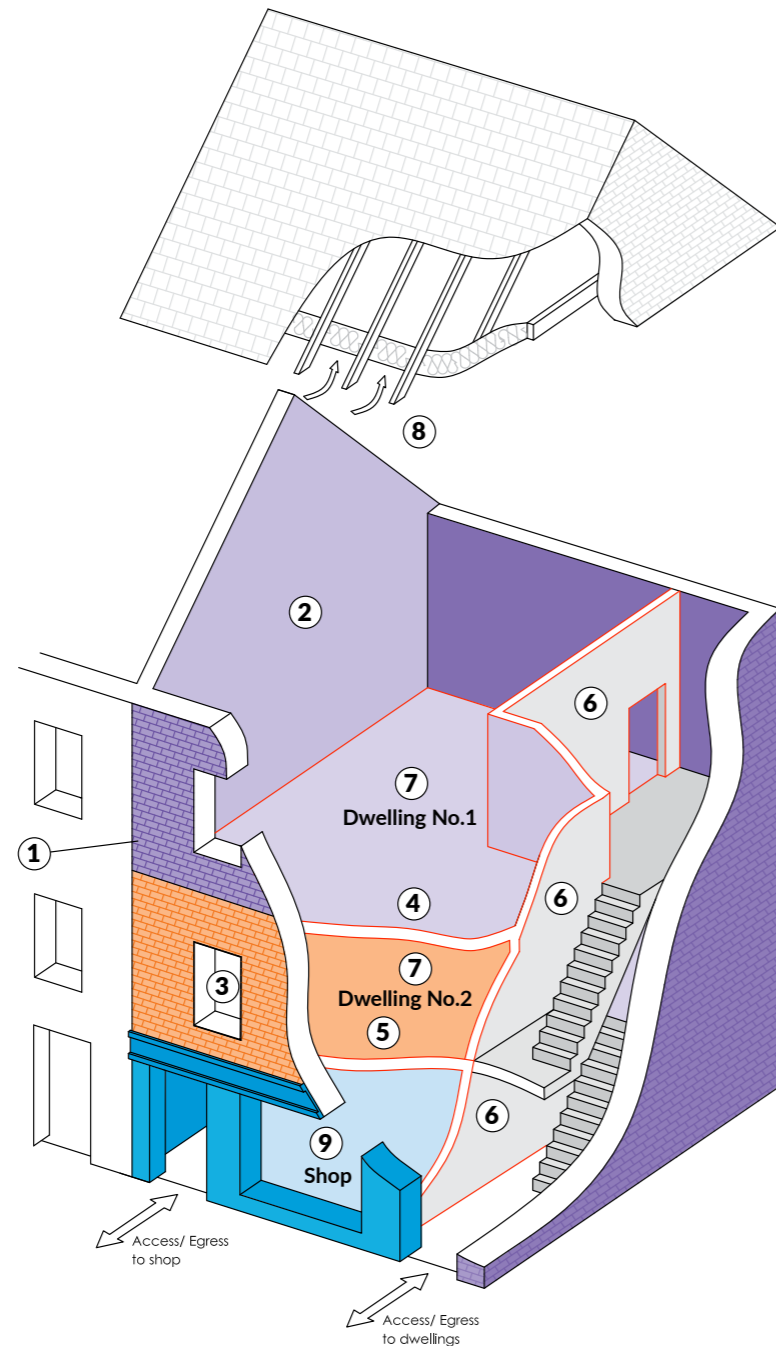
Figure 10 Type 3 Three-Storey Building with Over-the-Shop Accommodation



Reuse Option d

Conversion of an ancillary shop to an independent shop unit with multiple dwellings overhead

Existing Building – Typically solid walls, timber floors, pitched roof, un-insulated throughout



Ref	Element (dwelling)	Main Requirements (non-exhaustive) ^{1, 2, 3, 4}
1	External wall	<ul style="list-style-type: none"> > Confirmation that existing walls are structurally sound > Confirmation of Class 1 (or Class C-s3,d2) Internal fire spread of flame > Confirmation of Class 1 (or Class C-s3,d2) External fire spread of flame > Confirmation that existing walls are not showing evidence of ingress of moisture from ground or external source > U-value – 0.35 W/m²K for solid walls
2	Separating wall	<ul style="list-style-type: none"> > Confirmation that existing wall is structurally sound > Confirmation of Class 1 (or Class C-s3,d2) Internal fire spread of flame > 60 minute fire-resisting construction with fire stopping at roof level and at eaves (No penetrations or openings) > Confirmation that existing walls are not showing evidence of ingress of moisture from ground > Sound Insulation – Airborne 53 D_{nt,w} dB (min)
3	Windows	<ul style="list-style-type: none"> > Purge ventilation – total openable area ≥ 1/20th floor area > Background ventilation may be provided via trickle vents or wall vents > U-Value ≤ 1.6W/m²K
4	Separating floor between dwellings	<ul style="list-style-type: none"> > Confirmation that existing floor is structurally sound > 60 minute fire-resisting construction with no penetrations. Service zone to be provided below floor construction for lower dwelling. Vertical pipes to be fire stopped at floor level > Sound Insulation - Airborne 53 D_{nt,w} dB (min), Impact 58 L_{nt,w} dB (max)
5	Separating floor above shop	<ul style="list-style-type: none"> > Confirmation that existing floor is structurally sound > 60 minute fire resisting construction with no penetrations. Service zone to be provided below floor construction for shop; vertical pipes to be fire stopped at floor level and pipes > 40 mm ø (PVC) fitted with fire collars > Sound Insulation - Airborne 53 D_{nt,w} dB (min)
6	Protected Stairwell	<ul style="list-style-type: none"> > 60 minute fire resisting construction to plane of roof or fire resisting ceiling throughout > Confirmation of Class O (or Class B-s3,d2) Internal fire spread of flame > 30 minute self-closing fire door at entrance to dwellings > All doors on escape route to be readily openable (incl. dwelling entrance door and main entrance door) > Sound Insulation - Airborne 53 D_{nt,w} dB (min) > Reverberation control in common area > Fire detection and alarm system to common area > Emergency escape lighting and smoke ventilation
7	Dwelling No.1 and No.2	<ul style="list-style-type: none"> > Travel distance within apartment protected corridor with self-closing fire doors up to 9 m long > Integrated mains powered smoke/ heat alarms (with battery back-up) in living room, kitchen and entrance hallway > Potable water to sink with water storage serving appliances > Dual flush toilets with adjacent wash-hand basin and appropriate drainage system > Heating system (boilers) to comply with minimum energy efficiency of 90% > Where there are existing open-flued appliances (fireplace, stoves etc.), CO alarms should be fitted in the room and the corridor
8	Roof	<ul style="list-style-type: none"> > Confirmation that roof is structurally sound, with no moisture ingress > Confirmation that existing slates/ tiles meet AA, AB or AC (National Class) or B_{roof} t4 for roof covering > U-value – 0.16 W/m²K (pitched roof) for insulation at ceiling level > Adequate roof ventilation at eaves level
9	Shop/ Commercial unit	<ul style="list-style-type: none"> > See Figure 9 and associated table of requirements for shop unit

NOTE:

1. As this is a material change of use to the whole building, requirements for the shop are as specified in Figure 9 and the associated table.
2. For renovations involving thermal upgrades, see S.R. 54 Code of Practice for the Energy Efficient Retrofit of Dwellings.
3. Rental regulations apply where a dwelling(s) is proposed to be rented. See Appendix 3 for Minimum standards in rented accommodation.
4. Where more than 25% of the surface area of the building envelope undergoes renovation, the energy performance of the whole building should be improved to cost optimal level in so far as this is technically, functionally and economically feasible.

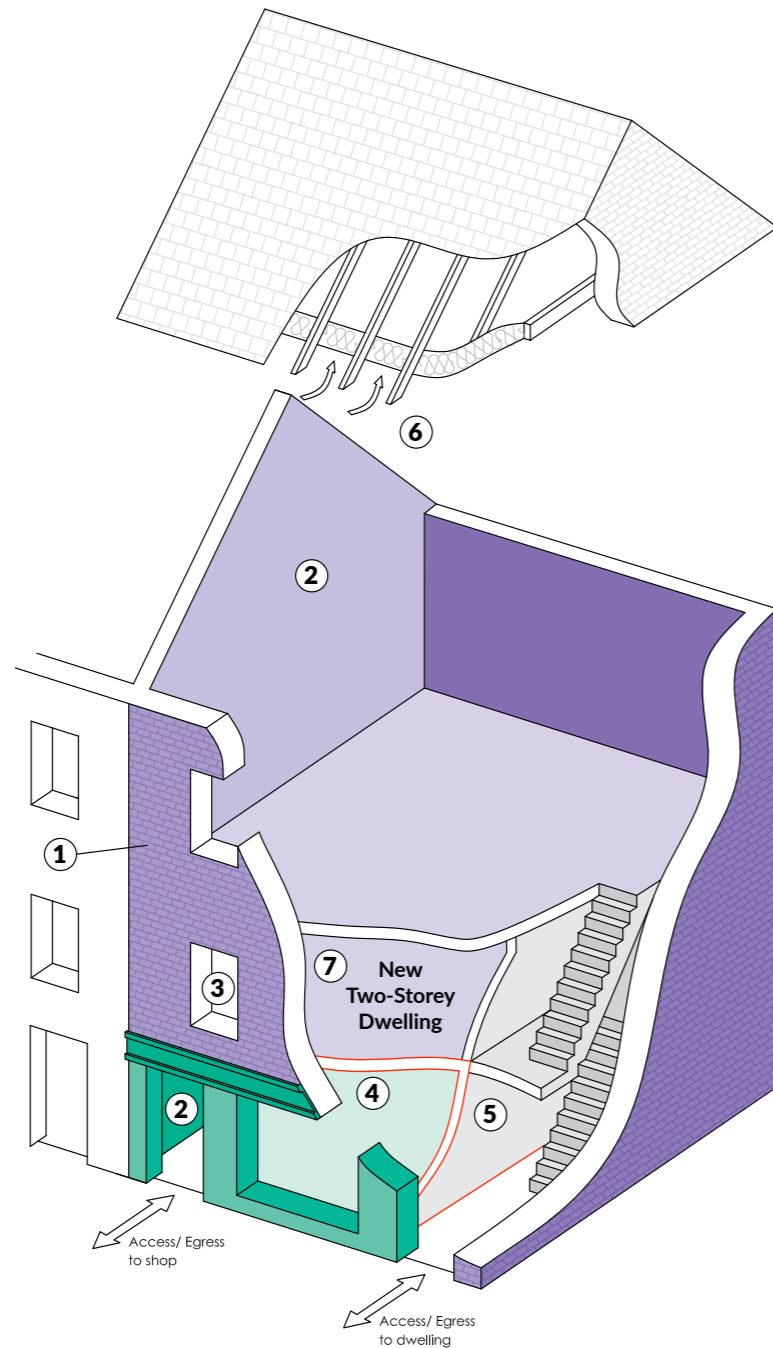
Figure 11 Type 4 Multi-Storey Building (Non-Dwelling)



Reuse Option b

Maintaining a non-dwelling unit at ground floor and creating a two-storey dwelling overhead

Existing Building – Typically solid walls, timber floors, pitched roof, un-insulated throughout



Ref	Element	Main Requirements (non-exhaustive) for Works to Dwelling ^{1,2}
1	External wall	<ul style="list-style-type: none"> > Confirmation that existing walls are structurally sound > Confirmation of Class 1 (or Class C-s3,d2) Internal fire spread of flame > Confirmation of Class 1 (or Class C-s3,d2) External fire spread of flame > Confirmation that existing walls are resistant to ingress of moisture > U-value – 0.35 W/m²K for solid walls
2	Separating wall	<ul style="list-style-type: none"> > Confirmation that existing wall is structurally sound > Confirmation of Class 1 (or Class C-s3,d2) Internal fire spread of flame > 60 minute fire-resisting construction with fire stopping at roof level and at eaves (No penetrations or openings) > Confirmation that existing walls are not showing evidence of ingress of moisture from ground > Sound Insulation – Airborne 53 D_{nt,w} dB (min)
3	Windows	<ul style="list-style-type: none"> > Purge ventilation – total openable area ≥ 1/20th floor area > Background ventilation may be provided via trickle vents or wall vents > U-value ≤ 1.6W/m²K
4	Separating floor above shop	<ul style="list-style-type: none"> > Confirmation that existing floor is structurally sound > 60 minute fire-resisting construction with no penetrations. Service zone to be provided below floor construction for shop; vertical pipes to be fire stopped at floor level and pipes > 40 mm ø (PVC) fitted with fire collars > Sound Insulation – Airborne 53 D_{nt,w} dB (min)
5	Compartment wall between shop and dwelling	<ul style="list-style-type: none"> > 60 minute fire-resisting construction with no penetrations > Sound Insulation – Airborne 53 D_{nt,w} dB (min)
6	Roof	<ul style="list-style-type: none"> > Confirmation that roof is structurally sound with no moisture ingress > Confirmation that existing slates/ tiles meet AA, AB or AC (National Class) or B_{roof} t4 for roof covering > U-value – 0.16 W/m²K (pitched roof) for insulation at ceiling level > Adequate roof ventilation at eaves level
7	Two-storey Dwelling	<ul style="list-style-type: none"> > Potable water to sink with water storage serving appliances > Dual flush toilets with adjacent wash-hand basin and appropriate drainage system > Heating system (boilers) to comply with minimum energy efficiency of 90% > Where there are existing open-flued appliances (fireplace, stoves etc.), CO alarms should be fitted in the room and the corridor > 30 minute fire resisting construction for intermediate floor

NOTE:

1. As this is a material change of use to the building, the works that must comply with the Building Regulations are those to the upper floor levels (See Appendix 2).
2. Rental regulations apply where the dwelling is proposed to be rented. See Appendix 3 for Minimum standards in rented accommodation.



Chapter 4 Examples of Bringing Back Homes



The following examples demonstrate the enormous potential for providing a much needed supply of residential accommodation while also enhancing areas that have suffered from dereliction.

Number 35, Philip Street, Waterford City

The property consists of a two-storey dwelling located in a small terrace with three similar dwellings. Number 35 is at the end of this terrace and adjoins a three-storey building. The accommodation consists of a living room, kitchen, shower room at ground-floor level. There are three bedrooms at first floor level. The house would appear to be about 200 years old, and flat roof extensions have been constructed to the rear of the building to accommodate the kitchen and shower room at ground-floor level and the small rear bedroom. There is a small concrete yard to the rear of the property. The front door of the house opens directly on to the public pavement. Pre-works, the Building Energy Rating was E2.

The dwelling has been refurbished under the *Repair and Leasing Scheme*

This property was upgraded to become compliant with the Housing (Standards for Rented Houses) Regulations. The cost of the works was less than €40,000 (including VAT). The owner entered a lease with Waterford City and County Council for 20 years under the *Repair and Leasing Scheme*. The works included improvements in terms of drainage, plumbing and electricity, insulation, windows and doors, ventilation, kitchen design and amenities, internal joinery, floor coverings and painting and decoration. Post-works, the Building Energy Rating was C2.

This development aligns with Reuse Option Type 1a. – ‘*Refurbishment*’.



BEFORE



AFTER

Courtesy: Waterford City and County Council

Number 73 York Road, Dun Laoghaire, Co. Dublin

This two-storey building is located close to the town centre of Dun Laoghaire, and within sight of the West Pier. It consisted of a shop at ground level, with separate office space at first floor level. Each unit had its own entrance. Planning permission was sought and granted for the change of use from retail to residential, to include the placement of a screen inside the front window, for the display of art.

The building was refurbished in 2017/2018, with the ground floor shop becoming a living room, with kitchen to the rear, and an open rising stair providing access to 2 no. bedrooms at first floor level. The original shop façade was retained and incorporated into the development.

This development aligns with Reuse Option Type 4a - 'Conversion of a multi-storey building (non-dwelling) into a dwelling'.



BEFORE

AFTER

Courtesy: Sherrard Design, Downey Property

Number 49, Dorset Street Upper, Dublin 1

This three-storey building consisted of a shop at ground level, with ancillary storage on the upper floors. Constructed in the late 19th Century, the building was vacant for approximately one year before works commenced.

The upper floors were converted into a single two-storey dwelling unit over an independent shop, with separate access provided for the dwelling at street level.

The traditional shopfront design was restored so that the upper floors are accessible from the street level. The repair of appropriate fenestration to the facade contributes positively to the overall street-scape and highlights the amenity of the building.

This development aligns with Reuse Option Type 4b. - 'Maintaining a non-dwelling unit at ground floor and providing a two-storey dwelling overhead'.



BEFORE



AFTER

Courtesy: Denis Byrne Architects

Numbers 22–23, Dawson Street, Dublin 2

The two properties are interlinked five-storey buildings over basements. They have an established retail/ café use at ground and basement levels. Prior to securing planning permission, the two properties had offices on their first and second floors and apartments on their third and fourth floors. Number 23, Dawson Street, is a protected structure. Development Strategies were negotiated through pre-planning meetings with the Local Authority Planning/Conservation.

Planning permission was sought and granted for the change of use of the first and second floors of the two buildings from office use to two apartments of 96.38m² and 101m², respectively. The project also provided for the construction of new floor plate and fireproofing between floors, provision of structural reinforcement at first-floor level, placement of internal soundproof panels to existing windows, the extension of an existing roof terrace and provision of new access from the fourth floor to the roof terrace. The roof-top terrace is accessible to all four apartments as an amenity for the residents.

This development aligns with Reuse Option Type 4d - *'Maintaining a non-dwelling unit at ground floor and providing multiple dwellings overhead'*.



BEFORE

AFTER

Courtesy: Urban Agency

Numbers 84 and 85, Marlborough Street, Dublin 1

Numbers 84 and 85, Marlborough Street, are Protected Structures situated in a historically important location in Dublin city centre, adjacent to the Pro-Cathedral and opposite Tyrone House. The buildings were constructed circa 1757 as part of the Gardiner Estate. A pawn broking business operated out of the premises for over 100 years with the upper floors in a very poor state and used for storage and as a workshop. The building was refurbished in 2005/2006 under Dublin City Council's 'Living over the Shop' scheme, which aimed to provide residential accommodation over retail premises. The total floor area was approximately 815m².

The works involved restoration, conservation and change of use (in part) of the protected structures. Retail was provided at basement and ground levels and a total of six apartments (ranging from one-bed to three-bed units), one at each upper level in both houses, accessed via an independent circulation route. In addition, direct access was reinstated from Marlborough Street down to basement level by means of an open light well, and the gable wall to no. 84 Marlborough Street (facing Cathedral Street) was partly rebuilt and new shop fronts introduced.

This development aligns with Reuse Option Type 4d - *'Maintaining a non-dwelling unit at ground floor and providing multiple dwellings overhead'*.



BEFORE

AFTER

Courtesy: Mahoney Architecture

Number 130, Thomas Street, Dublin 2

Located in an historic setting in Dublin’s city centre, this property consists of three storeys over a basement, with a ground-floor shop. Prior to refurbishment, the building had been vacant for many years and was in an advanced state of dereliction. The house is a protected structure, and survey work found that it contained a staircase and structural beams dating back to the 17th century, which placed the house amongst the oldest dwellings in the city.

The refurbishment was carried out to a high standard of conservation. The historic timber framing was carefully retained as an integral part of the overall building’s character through the development of a carefully considered structural solution that supplemented the original timber framing and bore the loading of the new roof and floors. This new structure provided the historic building with enhanced stability in the event of fire. The refurbishment comprised of a single high quality residential unit which had the enjoyment of the unique historic staircase independently accessed from the street.

This development aligns with Reuse Option Type 3d - *Conversion of an ancillary shop to an independent shop unit with multiple dwellings overhead.*



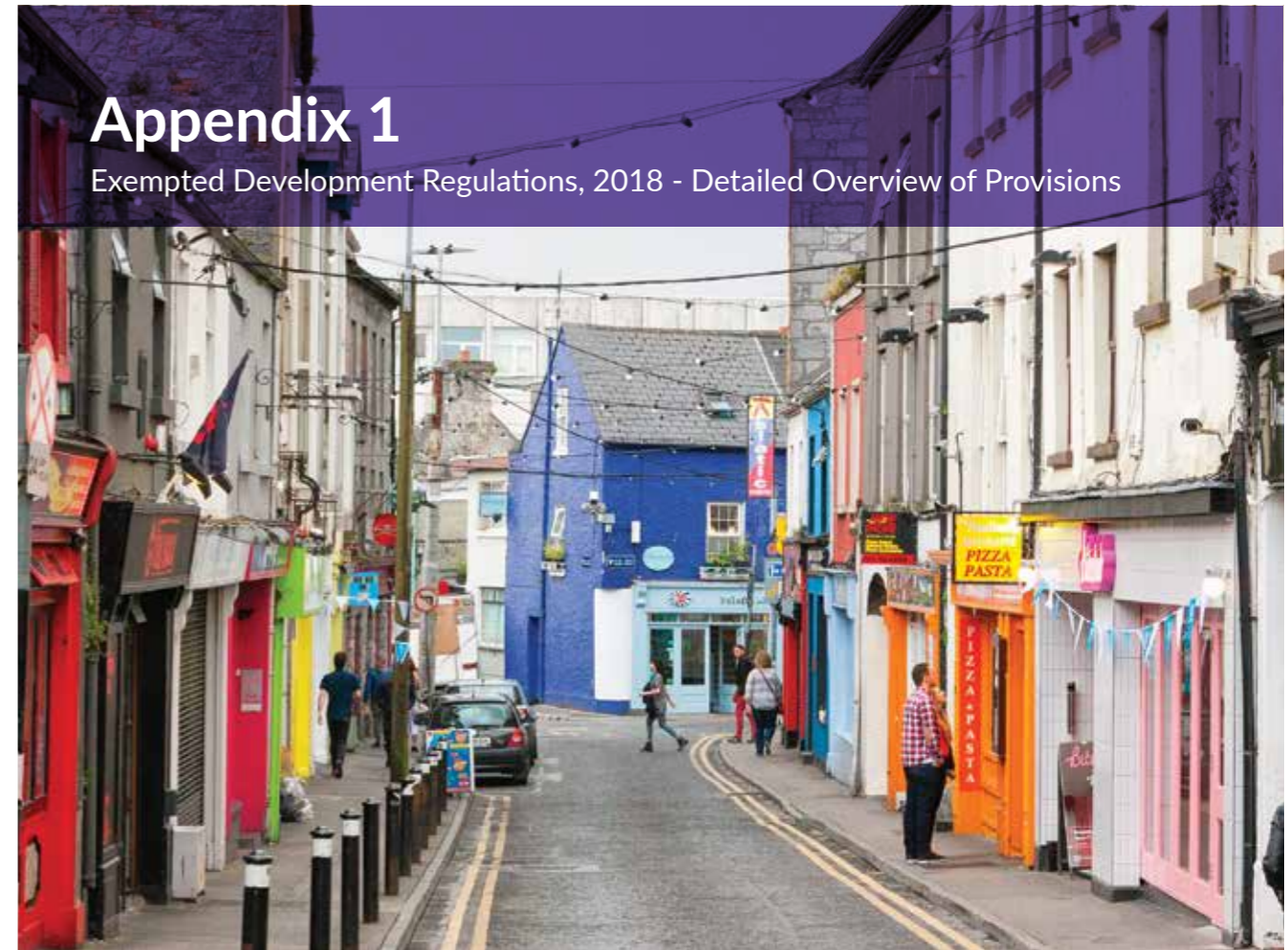
BEFORE

AFTER

Courtesy: Mr Paul Sinnott/Sheehan and Barry Architects

Appendix 1

Exempted Development Regulations, 2018 - Detailed Overview of Provisions



A key objective of Pillar 5 of *Rebuilding Ireland* is to ensure that existing housing stock is used to the maximum degree possible. Accordingly, Pillar 5 focuses on measures that promote the use of existing vacant stock as a means of renewing urban and rural areas.

Background

Specifically, Action 5.9 of *Rebuilding Ireland* commits to reviewing planning legislation to allow the change of use of vacant commercial units in urban areas – including vacant or under-utilised areas over ground-floor premises – so that they can be reused as residential units without having to go through the planning process. This proposal is also incorporated in Action 6 of the *Action Plan for Rural Development*.

Period in which the Exemptions will Apply

Subject to conditions and limitations, the Regulations will apply for a limited period (8 February 2018– 31 December 2021) and will apply to changes of use and related associated works which occur from the date when the exemption comes into operation. This period is concurrent with the lifetime of *Rebuilding Ireland* and is intended to act as an incentive that will encourage those who wish to avail of the exemption to do so as soon as possible. This, in turn, has the potential to bring forward the delivery of additional residential units by means of conversion works at the earliest possible date.

Current Classes of Use to which the Exemption will Apply

The Regulations apply to commercial type buildings which may be vacant (and therefore available) and which are suitable for housing, such as shops, offices, etc. As such, the exemption will apply only to buildings that currently have a specific Class of Use with reference to the Exempted Development Classes of Use set out in Part 4 of Schedule 2 of the Principal Regulations—Planning and Development Regulations 2001 (as amended) — as follows:

Class 1: Use as a shop

Class 2: Use for the provision of

- (a) financial services,
- (b) professional services (other than health or medical services),
- (c) any other services (including use as a betting office) where the services are provided principally to visiting members of the public

Class 3: Use as an office, other than a use to which class 2 of this part of this Schedule applies

Class 6: Use as a residential club, a guest house or a hostel (other than a hostel where care is provided)

Other Limitations on the Buildings which Benefit from the Exemption

There are some limitations on the nature and type of building — or part of a building — which may avail of the exemption as follows:

- It must have been completed prior to the making of the Regulations on 8 February 2018
- It must have been used for one of the four Classes of Use (1, 2, 3 and 6) at some time in the past
- It must have been vacant for two years or more immediately prior to the commencement of development

As envisaged by the Action 5.9 in *Rebuilding Ireland*, the Regulations aim to facilitate reuse of existing and vacant commercial buildings for residential purposes.

Limitations on the Development Works

Given the relatively expansive exemption being provided, it is important that certain restrictions and controls are put in place to ensure that the development undertaken by availing of the exemption is consistent with the principles of ‘proper planning and sustainable development’.

In this regard, there are certain limits or restrictions that apply to any works, as follows:

- The works to the building must primarily relate to works which only affect the interior of the structure. Some limited works to the external appearance of the structure are permitted, but they must be consistent with the character of the structure and of neighbouring properties.
- External works to existing ground-floor shop fronts must be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures. See an example in Figure A.1 below.
- Works cannot be carried out to a ground floor area if they conflict with an objective of the relevant Local Authority development plan or local area plan to remain in retail use. Such an objective is designed to keep ground floor premises in retail use in particular areas and to ensure the continued vibrancy of commercial streets and areas. The only exception to this requirement in the exemption is to allow minor works to provide on-street access to the upper floors of the structure. This is necessary to enable the development of above-the-shop premises.

- The provision of an onsite wastewater treatment and disposal system is not exempted development.

Minimum Requirements – Residential Units

The Regulations set out some minimum standards — including minimum floor areas, storage space and the provision of natural light — that apply to any residential units being provided.

- A maximum of nine residential units can be provided in any structure.
- The minimum floor area and minimum storage space requirements of the [Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities, March 2018](#) must be complied with. This ensures that apartments will be of adequate size and will include adequate storage.

The minimum floor areas allowed are as follows:

Studio apartment:	Minimum = 37 m ²
1 bedroom apartment:	Minimum = 45 m ²
2 bedroom (3 person) apartment:	Minimum = 63 m ²
2 bedroom (4 person) apartment:	Minimum = 73 m ²
3 bedroom apartment:	Minimum = 90 m ²

The minimum storage space requirements are:

Studio apartment:	Minimum = 3 m ²
1 bedroom apartment:	Minimum = 3 m ²
2 bedroom (3 person) apartment:	Minimum = 5 m ²
2 bedroom (4 person) apartment:	Minimum = 6 m ²
3 or more bedroom apartment:	Minimum = 9 m ²

NOTE: It should be noted that the area requirements above apply where an exemption is being availed of. Variations to the floor areas and/or storage areas and method of complying with same may be facilitated where a planning permission is sought.

- Rooms for use — or intended for use — as habitable rooms (such as rooms for living or sleeping) must have adequate natural light through the provision of windows. It is important to note that this condition must be met, within the provisions in the Regulations stating that works undertaken should affect the interior of the structure and should not materially affect the external appearance of the structure — and that permitted works must be consistent with the character of the structure and of neighbouring properties.

Restrictions for Protected Structures

Exempted development works to a protected structure, as specified in the Regulations, are not allowed unless a Section 57 declaration is received from the relevant planning authority confirming that the proposed works would not materially affect the character of the structure or any element of the structure that contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Restricted Areas where the Exemption will not apply

The exemption will not apply to development in a building in the following areas:

- An area to which a special amenity area order relates: A special amenity area order is made for an area of outstanding natural beauty or special recreational value and has regard to any benefits for nature conservation. For example there is a Special Amenity Area Order in place for Howth.
- An area of Special Planning Control: Areas of Special Planning Control allow the planning authority to specify development objectives for the preservation or enhancement of an area considered to be of special architectural importance. Examples include Grafton Street and O’Connell Street, Dublin. The purpose of the Grafton Street designation is the creation of a busy, thriving, commercial area. O’Connell Street is so designated because of its special architectural importance, as well as its historical and civic importance.
- Within the relevant perimeter distance set out in Table 2 of Schedule 8 of the Principal Regulations of any establishment to which the major accident regulations apply; see the following extract for clarification:

Figure A1.



The perimeter distances are within a range of 100 to 2000 metres depending on the type of establishment. Establishments listed in Table A.1 below include establishments where flammable/toxic or chemical substances are stored. This will prevent new residential units being developed in close proximity to such establishments, by way of these exempted development regulations.

Table A.1 Distances from establishments

Column 1 Type of Establishment	Column 2 Distance from Establishment Perimeter (Metres)
Establishment where pressurised flammable substances (including liquefied petroleum gas) are stored in bulk – - above ground - mounded/underground < or = 100 tonnes > 100 tonnes.	600 100 200
Establishment where pressurised or refrigerated toxic substances (including ammonia) are present – - in bulk storage - in cylinder or drum storage.	2,000 700
Establishment consisting of or comprising a warehouse where chemicals are present	700
Establishment where non-pressurised flammable substances are stored in bulk	300
Establishment where chemical processing involving flammable or toxic substances takes place	1,000
Establishment where chemical processing, which involves the risk of dust explosion, takes place	300
Establishment where explosives are manufactured	1,000

General Restrictions on Exemptions (Article 9 Provisions)

Article 9 of the Principal Regulations places certain restrictions on exempted development under Article 6 and Schedule 2 of the Regulations. These restrictions outline a number of forms of development that would not be considered exempted development, e.g. works to archaeological sites, natural heritage areas, an unauthorised structure and works that would require an Environmental Impact Assessment. Also under Article 9, development cannot contravene a condition attached to permission under the Act or be inconsistent with any use specified or included in such permission.

In order to ensure that appropriate controls are in place for the current exemption which relates to change of use and associated works, the Regulations apply certain Article 9 restrictions to the new Article 10 exemption.

The Article 9 restrictions applied are the restrictions set out in subparagraphs (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a); or paragraphs (c) or (d) of article (9)(1). The Principal Regulations should be consulted for the full text of the restrictions that apply to the exemptions. In summary, these provisions state that development is not exempted development if it consists of:

- (With the exception of a porch), bringing a building forward beyond the front wall of the buildings on either side or the building line determined in the development plan
- Works to places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan
- The excavation, alteration or demolition of any archaeological monuments included in the Record of Monuments and Places
- Works requiring an Appropriate Assessment because they would be likely to have a significant effect on the integrity of a European site¹
- Works that would be likely to have an adverse impact on an area designated as a natural heritage area

- Works to an unauthorised structure or a structure with an unauthorised use
- Alteration of a building that would restrict the continuance of an existing use where it is an objective of the planning authority to ensure that the building would remain available for such use
- Development to which Part 10 of the Regulations relating to Environmental Impact Assessment applies
- The provision of, or modifications to, an establishment to which the Major Accident Regulations apply, and which could have significant repercussions for major accident hazards

In addition, no development shall contravene a condition attached to a permission issued under the Act, in line with a similar provision in Article 9(1)(a)(i).

Notification Process Provision

A notification provision is included in the Regulations, as follows:

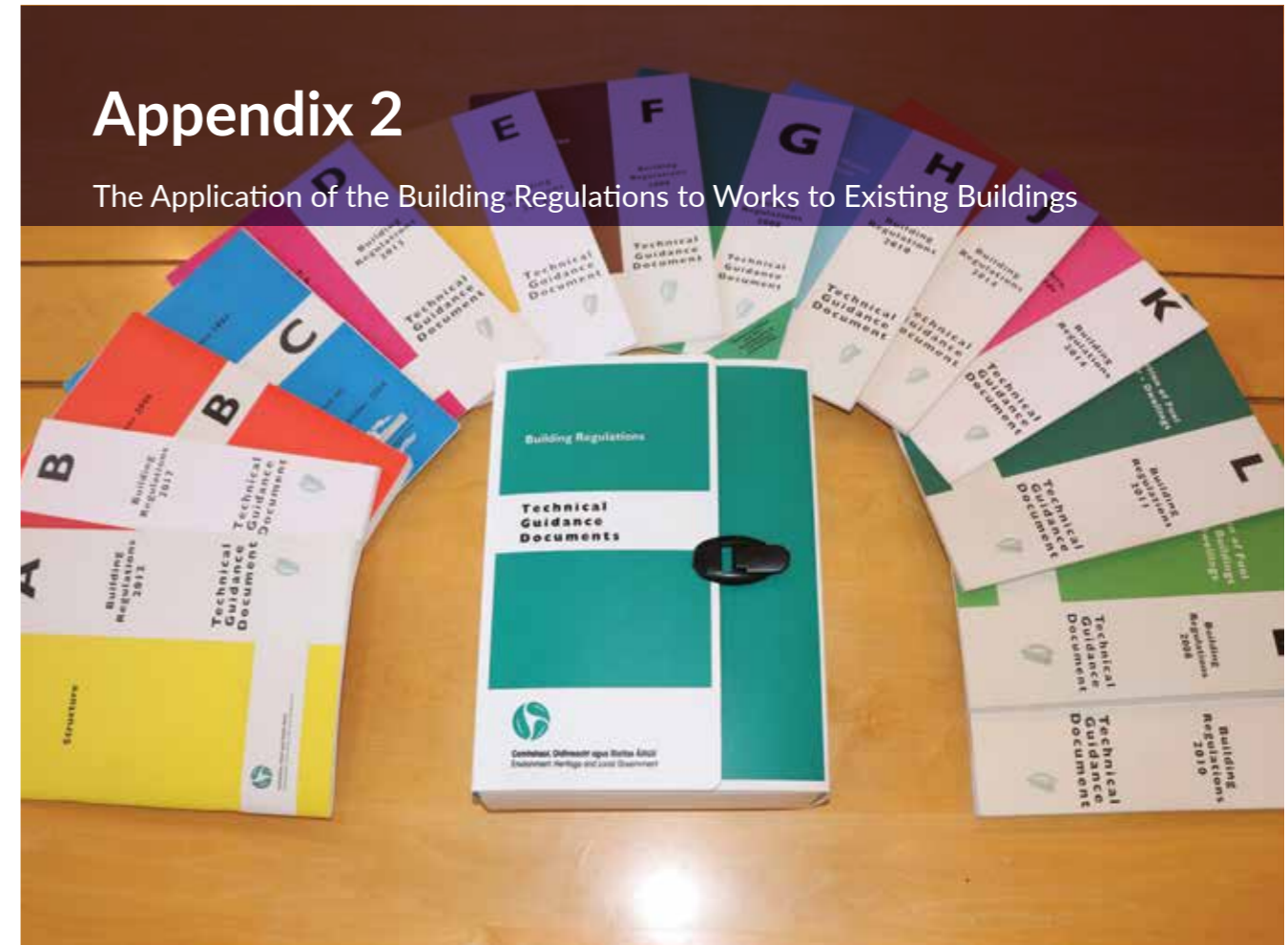
- A person undertaking development under these exemptions must notify the planning authority two weeks prior to commencing development. The notification should detail the location of the structure, the number of residential units involved, the unit sizes and the number of bedrooms in each unit.

See sample notification form overleaf.

- The planning authority must keep a record of all notifications and have it available for inspection at its offices and on its website.
- The planning authority must return annual statistics to the Minister with details of the notifications.
- This notification provision has a threefold purpose:
 - > To ensure that planning authorities are informed and aware of change of uses occurring and numbers of residential units being delivered in their functional areas
 - > To monitor the effectiveness of the exemption, as indicated by its uptake
 - > To facilitate the collation of important information in relation to the amount of additional housing units being provided in this way

NOTIFICATION FORM EXEMPTED DEVELOPMENT - ARTICLE 10(6) CHANGE OF USE EXEMPTION		
Name of Relevant Planning Authority: _____		
Name of Notifier/Property Owner: _____		
Name of Person/Agent Acting on behalf of Notifier/Property Owner (if any): _____		
<i>[Note: Contact Details to be supplied at the end of this form]</i>		
Notification of intention to avail of exempted development provisions under Article 10(6) of the Planning and Development Regulations 2001, as inserted by Article 2 of the Planning and Development (Amendment) (No. 2) Regulations 2018, at least two weeks prior to the commencement of the proposed change of use and any related works.		
Notification Details Required:		
Location of structure	<i>Full Postal Address</i>	
	<i>Eircode</i>	
Total number of Residential Unit(s)	<i>number - e.g. 5</i>	
Total Residential Floorspace (m²)	<i>number - e.g. 642</i>	
	Number of bedrooms	Floorspace of unit (m²)
Residential Unit 1	<i>number - e.g. 2</i>	<i>number - e.g. 84</i>
Residential Unit 2		
Residential Unit 3		
Residential Unit 4		
Residential Unit 5		
Residential Unit 6		
Residential Unit 7		
Residential Unit 8		
Residential Unit 9		
Date works will commence (Minimum of two weeks subsequent to date of notification)		<i>dd/mm/yyyy</i>
Signed (Notifier/ Agent as appropriate): _____		Date: _____

CONTACT DETAILS – NOT TO BE PUBLISHED
Notifier/Property Owner
Address: _____
Eircode: _____
Telephone number: _____
Mobile number: _____
E-mail address: _____
Person/agent (if any) acting on behalf of the Notifier/Property Owner
Address: _____
Eircode: _____
Telephone number: _____
Mobile number: _____
E-mail address: _____



Appendix 2

The Application of the Building Regulations to Works to Existing Buildings

Building Regulations apply to existing buildings where works are being performed on a building as prescribed in the Building Regulations 1997 (S.I. No. 497 of 1997) as amended.

General

Article 9(2) of the Building Regulations 1997 (as amended) prescribes that no works shall be carried out to a building which would cause a new or greater contravention in the building of any provision of Building Regulations.

In addition, subject to Article 3 (Application) and Article 8 (Exemptions), the Building Regulations 1997 (as amended) have specific provisions applying to:

- Material alterations, extensions and repair or renewals
- Provision of services, fittings and equipment (by way of new work or by way of replacement)
- Material changes of use
- Major renovations

Material Alterations, Extensions and Repair and Renewals

With regard to material alterations, extensions of buildings and repair and renewals, Article 11 of S.I. No. 497 of Building Regulations 1997 (as amended) applies to:

- (a) All works in connection with the material alteration or extension of an existing building
- (b) Every part of a building affected by such works referred to in Paragraph (a) above but only to the extent of prohibiting any such works which would cause a new or greater contravention, in such a building, of any of the provisions of the Building Regulations
- (c) Any repair or renewal likely to affect the structural integrity of the building or building element that is being repaired or renewed

In addition, Part L (Conservation of Fuel and Energy) of the Second Schedule to the Building Regulations:

- (a) Shall apply to renewal works to existing buildings involving the replacement of external doors, windows and roof lights
- (b) Requires that replacement oil or gas boilers where practicable should have a boiler efficiency of greater than 90% in dwellings as defined on the HARP database. (Condensing boilers should achieve an efficiency of > 86%).
- (c) Does not apply to works (including extensions) to an existing building which is a 'protected structure' or a 'proposed protected structure' within the meaning of the [Planning and Development Act 2000 \(S.I. No. 30 of 2000\)](#).

NOTE: 'Works' includes any act or operation in connection with the construction, extension, alteration, repair or renewal of a building.

'Repair or renewal' means works of maintenance or restoration of a routine nature relating to:

- (a) The keeping of a building in good condition or working order
- (b) The return of the fabric of the building to its original condition

'Material alteration' means an alteration, where the work or part of the work carried out by itself would be the subject of a requirement of Part A (Structure), B (Fire Safety) or M (Access and Use) of the Second Schedule to the Building Regulations 1997 (as amended).

Provision of Services, Fittings and Equipment

With regard to building services, Article 12 of S.I. No. 497 of 1997 of the Building Regulations applies to all works in connection with the provision (by way of new work or by way of replacement) in relation to a building of services, fittings and equipment where Parts G (Hygiene), H (Drainage and Waste Water Disposal) or J (Heat Producing Appliances) of the Second Schedule to the Building Regulations impose a requirement.

Material Change of Use

Where a material change of use to a building takes place, Article 13(1) of the Building Regulations 1997 (as amended) provides that the following requirements of:

- Parts A1 and A2 (Structure),
- Part B (Fire Safety),
- Part C4 (Site Preparation and Resistance to Moisture),
- Part E (Sound),
- Part F (Ventilation),
- Part G (Hygiene),
- Part H (Drainage and Waste Water Disposal),
- Part J (Heat Producing Appliances), and
- Part L (Conservation of Fuel and Energy)*

apply to the building undergoing the change of use.

In addition, Part M (Access and Use) also applies to the building, where a material change of use to a day centre, a hotel, hostel or guest building, an institutional building, a place of assembly, a shop (which is not ancillary to the primary use of the building), a shopping centre takes place.

Major Renovations

With regard to major renovations where works commence to (a) *non-domestic buildings on or after 1 Jan 2019* or (b) *domestic buildings on or after 1 (TBC) 2019* Part L requires that the minimum energy performance requirement of the building or the renovated part thereof should be upgraded in order to meet the cost optimal level of energy performance in so far as this is technically, functionally and economically feasible. (The energy performance requirements are provided in the relevant TGD L).

NOTE: 'Major Renovation' means the renovation of a building where more than 25% of the surface of the building envelope undergoes renovation. The 'surface area of the building thermal envelope' means the entire surface area of a building through which it can lose heat to the external environment or the ground, including all heat loss areas of walls, windows, floors and roof.

Requirements and Application of Part M (Access and Use) for Material Changes of Use to a dwelling(s)

Part M – The Requirements

The requirements of Part M (M1 - M4) aim to ensure that regardless of age, size or disability:

- (a) new buildings other than dwellings are accessible and usable;
- (b) extensions to existing buildings other than dwellings are where practicable, accessible and useable;
- (c) material alterations to existing buildings other than dwellings increase the accessibility and usability of existing buildings where practicable;
- (d) **certain changes of use** to existing buildings other than dwellings increase the accessibility and usability of existing buildings where practicable; and
- (e) new dwellings are visitable.

Where works are carried out in accordance with the Technical Guidance Document M 2010 this will, *prima facie*, indicate compliance with Part M.

In the case of material alterations or change of use of existing buildings, the adoption without modification of the guidance in the Technical Guidance Documents may not, in all circumstances be appropriate. In particular, the adherence to guidance, including codes, standards or technical specifications, intended for application to new work may be unduly restrictive or impracticable. Buildings of architectural or historical interest are especially likely to give rise to such circumstances. In these situations, alternative approaches based on the principles contained in the document may be more relevant and should be considered.

Material Change of Use

In S.I. No. 497 of 1997 (as amended), material change of use is defined in Article 13(2) and includes "a change of use, deemed by section 3(3) of the Act", included below for clarity:

Section 3(3) of the Building Control Act states:-

(3) *In addition to the provisions of any regulations made for the purposes of subsection (1)(d), there shall be deemed to be a material change in the purposes for which a building is used if, on or after the operative day—*

- (a) *a building, being a building, which was not originally constructed for occupation as a dwelling, or which, though so constructed, has been appropriated to other purposes, becomes used as a dwelling,*

(b) *a building, being a building, which was originally constructed for occupation as a dwelling by one family only, becomes occupied by two or more families, or*

(c) *where building regulations contain special provisions in relation to buildings used for any particular purpose, a building to which the regulations apply, and which was not being used for that purpose, becomes so used*

With reference to Article 13(2)(b) - "a material change of use as regards a building shall be deemed to take place if—

(b) *a building which was not being used as—*

- (i) *a day centre, becomes so used, or*
- (ii) *a hotel, hostel or guest building, becomes so used, or*
- (iii) *an industrial building, becomes so used, or*
- (iv) *an institutional building, becomes so used, or*
- (v) *an office (which is not ancillary to the primary use of the building), becomes so used, or*
- (vi) *a place of assembly, becomes so used, or*
- (vii) *a shop (which is not ancillary to the primary use of the building), becomes so used, or*
- (viii) *a shopping centre, becomes so used."*

Article 13 of S.I. No. 497 of 1997 (as amended) also sets out the specific requirements (of the Second Schedule) which apply in the case of a material change of use. These obligations are likely to require works to be carried out. The relevant text in Article 13 of S.I. No. 497 of 1997 (as amended) is:-

(a) *the requirements of the following Parts of the Second Schedule:*

Parts A1 and A2

Part B

Part C4

Part E

Part F

Part G

Part H

Part J

Part L

shall apply to the building. In addition, Part M shall apply to the building, where a material change of use as described in subparagraph (2)(b)(i), (ii), (iv), (vi), (vii) or (viii) of this article takes place.

Application of Part M

In the context of a material change of use, Part M only applies to certain types of buildings as referred to in 13(1)(a) of S.I. No. 497 of 1997 (as amended).

These are:

- (i) a day centre,
- (ii) a hotel, hostel or guest building,
- (iv) an institutional building,
- (vi) a place of assembly,
- (vii) a shop (which is not ancillary to the primary use of the building),
- (viii) a shopping centre.

Part M does not apply where there is a change of use to an industrial building or an office (which is not ancillary to the primary use of the building). Nor does Part M apply to a change of use deemed by Section 3(3) of the Building Control Act (No. 3 of 1990), because these provisions are not referred to in Article 13(1)(a).

However, if some works in connection with the change of use are carried out and those works on their own would be subject to the requirements of Parts A, B or M, then the works constitute a Material Alteration. As such, it is **only** those works that must comply with Part M and every part of a building affected by the works but only to the extent that the works would cause a new or greater contravention of the Regulations.

In the case of a Material Change of Use to a dwelling(s), Part M does not impose a requirement to upgrade the approach route to the building, or provide a passenger lift for vertical circulation in the building. However, if it is decided to alter the approach route or install a new passenger lift, the works themselves must comply with Part M.

Appendix 3

Minimum Standards in Rented Accommodation



All landlords have a legal duty to ensure that their rented properties comply with certain minimum physical standards. These minimum standards are set out in the [Housing \(Standards for Rented Houses\) Regulations 2017](#)

What are the Minimum Standards?

For each house let or available for letting, the landlord must ensure that the rental property is in a proper state of structural repair. This means that the landlord must maintain the property in a sound state, inside and out. Roofs, slates, windows, floors, ceilings, walls, stairs, doors, skirting boards, fascias, gutters, down pipes, fittings, gardens and common areas must be maintained in good condition and repair, as must all tiles on floors, ceilings and wall.

The landlord must ensure that all gas, oil and electricity installations are maintained in good repair and safe working order and that every room has adequate ventilation and both natural and artificial lighting.

Suitable safety restrictors must be fitted to any window through which a person could fall.

The landlord (including Local Authority and Approved Housing Body) must provide:

- A water closet with a dedicated wash hand basin with hot and cold water
- A separate room, for the exclusive use of each rented unit, with a toilet, a washbasin and a fixed bath or shower with hot and cold water
- A fixed heating appliance in each room, which is capable of providing effective heating and which the tenant can control
- Where necessary, suitably located devices to detect and give warning of carbon monoxide
- Facilities for cooking and for the hygienic storage of food, including a four-ring hob with oven and grill, a fridge-freezer and a microwave oven
- Access to a washing machine

- Access to a clothes-dryer, if the rented unit does not have a private garden or yard
- A smoke alarm and fire blanket
- Access to vermin-proof and pest-proof refuse storage facilities

In multi-unit buildings, the landlord must provide each unit with a mains-wired smoke alarm, a fire blanket and an emergency evacuation plan. There must also be emergency lighting in common areas. For full details of rented accommodation requirements, please refer to the Regulations.

The [Guide to Minimum Standards in Rented Accommodation](#) outlines the main features. Also, refer to [Guidelines for Housing Authorities - Minimum Standards in Rented Accommodation \(Sept 2017\)](#).

What if My Property Does Not Meet the Minimum Standards?

Local Authorities are responsible for enforcing these minimum standards. This includes inspection of properties. If you are a tenant and you think your accommodation is not up to standard, you can contact your Local Authority.

Failure to comply with the minimum standards can result in penalties and prosecution. Local Authorities can issue Improvement Notices and Prohibition Notices to landlords who breach the minimum-standards regulations.

An Improvement Notice sets out the works that the landlord must carry out to remedy a breach of the regulations.

There may also be a role for the Residential Tenancies Board (RTB), for example, where a landlord is not responding to a request to repair a heating appliance or where a tenant is using the property in such a way as to lead to deterioration in the condition of the property and breach of a standard.

Local Authorities and Housing Bodies

Local Authorities and certain housing bodies have to adhere to different requirements regarding laundry, food preparation and storage facilities and must provide:

- Facilities for the installation of cooking equipment
- A sink with a piped supply of potable cold water taken directly from the service pipe supplying water from the public main or other source to the building containing the house, a facility for the piped supply of hot water, and an adequate draining area
- Suitable facilities for the effective and safe removal of fumes to the external air by means of a cooker hood or extractor fan
- A suitable and adequate number of kitchen presses for food-storage purposes.

Appendix 4

Typical Licenses Required



This Appendix gives a brief overview of the additional licences that may be required. This is particularly important when the proposed works would be carried out on tight urban sites in town-centre locations.

Waste

Waste Prevention and designing out waste can be a cost saving in the reuse of existing buildings, and it is recommended that the design team should explore reuse, recovery and recycling opportunities, in that order. Refer to [“Design Out Waste: A Design Team Guide to Waste Reduction in Construction and Demolition Projects”](#) fact sheet 4, “Reuse and Recycling Opportunities”.

Waste Collection on a commercial basis requires a waste-collection permit from the National Waste Collection Permit Office (NWCPO). Offaly County Council manages the National Waste Collection Permit Office [NWCPO](#) where all new and review Waste Collection Permit applications are processed and additions and amendments to existing Waste Collection Permits are made.

Scaffolding- Licence to Place a Hoarding, Fence or Scaffold on a Public Road

The erection and use of hoarding, fence or scaffolding adjacent to public streets/places may require a builder/contractor to apply for a hoarding or scaffolding licence under the *Planning and Development Act 2000 (Section 254)* and the *Planning and Development Regulations 2001 (Article 202)* to erect, construct, place and maintain a hoarding, fence or scaffold at a location, subject to such conditions as shall be specified by the Local Authority. Reference should be made to [“CODE OF PRACTICE FOR ACCESS AND WORKING SCAFFOLDS, HSA”](#)

An application for a hoarding or scaffolding license under the above-mentioned Act and Regulations must be accompanied, at minimum, by the following:

- A copy of the relevant insurance policy
- A site location map
- A pedestrian management plan
- A traffic management plan
- Details and drawing of the hoarding/fence/scaffolding and its placement on-site
- A fee of €1,250, as set out in Schedule 12 Article 202, Planning and Development Regulations 2001 –2015

The erection of hoarding, fence or scaffolding in a streetscape may also involve getting permission/a license to close streets or footpaths while the hoarding, fence or scaffolding is being erected, modified or dismantled. This is intended to prevent hazards for the public, who should be excluded from the area.

Skips-Permit to Place on Public Road, Street or Footpath

Local Authorities in exercise of the powers conferred upon them by *Sections 72 of the Road Act, 1993 (No. 14 of 1993)* and having consulted with the Commissioner of An Garda Síochána, can make Bye-Laws in relation to the control and regulation of Skips in their administrative areas.

These Bye-Laws may provide for prohibitions, restrictions and conditions relating to the siting of skips on public roads. Therefore, before placing a skip in a public place, please check with your Local Authority's roads department and complete the required permit application to place a skip on a public road or footpath.

An application for a permit to put a skip on a public road where parking restrictions apply must be accompanied, at minimum, by the following:

- Details of the skip's location (road / street name)
- Details of the location of the waste to be placed in the skip (house number / shop name)
- Proposed dates of permit
- Skip operator's name
- Skip operator's licence number

- Details of the number of parking spaces required
- The applicable fee

In this context, the term 'skip' designates a container used for the storage or removal of builder's materials, rubble, waste, rubbish or other materials and which is designed to be transported by means of a mechanically propelled vehicle (as defined in the Act of 1961).

Cranes, Hoists and Vehicles Permits on Public Roads

A consent/licence in accordance with, and subject to, the provisions of *Section 71 of the Roads Act 1993*, is required when the positioning of a Mobile Crane/Hoist/Vehicle on a public road or footpath to prevent/mitigate obstruction to a lane of traffic or interference with pedestrian traffic flow. Reference should be made to: [Guide to the Safety, Health and Welfare at Work, \(General Application\) Regulations 2007, 2010 Update, Chapter 2 of Part 2: Use of Work Equipment](#)

An application for permission to place a crane/hoist/vehicle on a public road must be accompanied, at minimum, by the following:

- A work-method statement/traffic management plan.
- A pedestrian management plan
- A copy of the relevant insurance policy endorsement.
- A dimensioned plan sketch (See Note 6)
- Pre-construction Photographs (See Condition 9)
- Application Fee/ Deposit/ Parking Charge if applicable

Road Opening Licenses

No excavation may be made in a public road/path without a Road Opening Licence. The [Road Traffic Act 1961](#)-Section 101D provides for permitting under licence the carrying out by third parties of 'road works' i.e. 'repairs, maintenance, alterations, improvements or installations or any other works to, above or under, a public road'. MapRoad Roadworks Licensing (MRL) is the national on-line system for managing road opening licensing. Applications for a Road Opening Licence can be made to the [Local Authorities Road Management Office \(RMO\)](#), which manages road licensing on behalf of the 31 Local Authorities. The general standards and guidelines for the opening, backfilling and reinstatement of openings in public roads are set out in the [Guidelines for Managing Openings in Public Roads](#) April 2017

DTTAS. Applicants are required to register with the RMO and to complete and submit the following;

- (1) Registration Form to register your Company/Organisation as licence applicant on MapRoad Roadworks Licensing (MRL)
- (2) Insurance template from your insurance broker/company, i.e. confirmation of insurance details for the purposes of road openings and associated works on Public Roads under Licence or consent from the road authority.

For queries, please email contact@rmo.ie

- To apply for a licence from Dublin City, South Dublin County Council, Dún Laoghaire-Rathdown County Council or Cork City Council, refer to the following weblink: <http://www.rmo.ie/road-licences.html>
- To apply for a licence from other Local Authorities or for TII Telecoms applications on national roads, refer to the following weblink: <http://www.rmo.ie/maproad-users.html>

Road openings vary in size, complexity and location. These variations have different impacts on different roads and on the traffic that uses them. In order to manage the effect on the road asset and traffic, road authorities use a 'T' Model Licensing Process to manage the works in a proportionate manner, i.e. T1 to T5 p30 Guidelines for Managing Openings in Public Roads.

Traffic Management Plans

When road openings are being carried out, it may be necessary for the licence holder to implement temporary traffic management plan(s) or measures to facilitate the road works. Such plans or measures must satisfy:

- The road authority/TII requirements in relation to the control of traffic in the vicinity of road works
- The standards set out in Chapter 8 including Chapter 8 drawings and addendum of the [Traffic Signs Manual 2010](#)
- Safety, Health and Welfare at Work legislation

A traffic management plan must include, at minimum, the following:

- Details of the proposed diversion route/s
- Provision for pedestrians and local access
- Information about the location and detail of signage
- Details regarding the delivery of materials (for development sites)
- Details of any skips that will be used (for development sites)
- Information on the scale of the works being carried out both for length-fixed works (works at a specific location) and for moving works (works which are carried out along a street or road)

It is noted that the road authority/Transport Infrastructure Ireland will not approve or verify whether submitted traffic management plans meet the standards of Chapter 8 of the Traffic Signs Manual or Safety, Health and Welfare at Work legislation.

Temporary Road Closures

The statutory procedures related to road closures, including time frames, are set out under Section 75 of the Roads Act 1993 and the Regulations published under Statutory Instrument S. I. No. 119 of 1994. Typically, a road closure will require a minimum of six weeks' notice.

Typical applications for temporary road closures may be made in order to:

- Facilitate building works
- Store materials on the public road/footpath
- Erect a hoarding/scaffolding on public roads/footpaths
- Carry out other construction related activity, such as the placing of mobile cranes/hoists on the public road/footpath

When dealing with an application or project, a road authority/Transport Infrastructure Ireland, should be satisfied that a closure is essential for the works, having regard to needs of other road users, and that alternative options — such as limiting working hours — have been considered. Road closures can have a serious effect on bus operations, one-way street systems, etc. The closure of the road to traffic in one direction only is a similar procedure and requires application to the road authority and public notice as described above.

It is the responsibility of the licence holder to implement temporary traffic management plan(s) that satisfy:

- The road authority/TII requirements in relation to the control of traffic in the vicinity of road works
- The standards set out in Chapter 8 including Chapter 8 drawings and addendum of the Traffic Signs Manual 2010

The road authority/TII will not approve submitted traffic management plans or verify that they meet the standards of Chapter 8 of the Traffic Signs Manual or Safety, Health and Welfare at Work legislation.

An application for a temporary road closure must, at minimum, include:

- A completed application form
- A written traffic management Plan
- The appropriate fee
- A sketch of the site, showing the compound, location of material, plant, etc
- Details of public liability and employer Insurance

Where building work is taking place adjacent to heavily trafficked routes, builders/developers are required to ensure that all building activity (including storage of materials and machinery, location of cranes, siting of skips) is carried out in accordance with the statutory requirements. In order to minimise the extent and duration of temporary road closures, economic charges are imposed by the Local Authority for the use of all road space.

Water and Waste Water Connections

Irish Water is now responsible for water services and for the provision of water and wastewater service connections.

Buildings which are sub-divided will require separate water service connections for each unit and, in the case of the non-domestic units, the water service connection will have to be provided with a non-domestic meter. In addition, the water supply demand and wastewater discharge from the multi-unit building will be increased over an above the requirements of the existing premises due to the sub-division of the premises.

In this context, a connection application will have to be made to Irish Water for the provision of water and/or wastewater connections and for the increased use of water and discharge of wastewater.

For water and wastewater connections, Irish Water's website at www.water.ie/connections/ should be used. Builders/developers should use the Irish Water's Step by Step process as guidance through the water and/or wastewater application process. This is a two stage process comprising a Pre-Connection Enquiry phase and a Connection Application Phase.

Lead Pipework

Since December 2013, the European Union (Drinking Water) Regulations state that the maximum allowable limit for lead concentration in drinking water is 10 µg/l (micrograms per litre, also expressed as parts per billion). Non-compliance with this standard is almost entirely a private side issue. This is principally as a result of properties which were built or altered prior to 1980 having lead pipework installed in either the water service connection or the internal plumbing. It is recommended that as buildings are being renovated that the plumbing system is inspected and any lead pipework found is replaced.

Irish Water currently provide guidance on this on their website at:

<https://www.water.ie/water-supply/supply-issues/lead-in-drinking-water/>

Surface Water Connections

Consideration should be given to opportunities for the removal of surface water from combined sewers through Sustainable Urban Drainage Systems or Water Reuse opportunities. This will confer significant benefit both from a sustainability perspective and in providing capacity to offset increased demand arising from intensification of development which may otherwise pose a constraint on intensification plans.

For connection to the surface water network, contact the Local Authority drainage section and have available a copy of the detailed drawing of your proposed drainage for the site and a site location map for approval by the drainage inspector.

Appendix 5

Assistance, Grants and Incentives



This Appendix provides a non-exhaustive list of grant assistance and incentives which can assist owners of vacant homes:

Repair and Leasing Scheme

The *Repair and Leasing Scheme* is targeted at owners of vacant properties who cannot afford or access the funding needed to bring their properties up to the required standard for rental property.

Subject to the suitability of the property for social housing, and the agreement of the property owner, the cost of the necessary repairs will be met upfront with a capital loan from the Local Authority or an approved housing body up to a maximum of €40,000 (€50,000 where the property is a former bedsit). This allows the property owner to sign up to a lease arrangement for a duration that is linked to the value of the repairs, subject to a minimum of 5 years. The value of the repairs will then be offset incrementally against the agreed rental payment over a defined period within the lease.

More information on the *Repair and Leasing Scheme* can be found at: <http://www.housing.gov.ie/housing/social-housing/leasing/repair-and-leasing-scheme-rls-frequently-asked-questions>

Alternatively, you can contact your Local Authority Vacant Homes Officer. A full list of Vacant Homes Officers and their contact details is available on the website of the Department of Housing, Planning and Local Government at: <http://www.housing.gov.ie/housing/home-ownership/vacant-homes/vacant-homes>

Buy and Renew Scheme

The Buy and Renew Scheme supports Local Authorities in purchasing and renewing housing units in need of repair and makes them available for social housing use. It is a matter for each Local Authority to determine the suitability of a property for social housing. Important considerations in that regard include the location of a property in relation to housing need and demand, the design/scale suitability of a property for social housing use and the costs and practicality of acquiring and remediating a property.

To help tackle the problem of dereliction and improve the appearance of the community, the Buy and Renew Scheme particularly focuses on older vacant homes. As a complementary initiative to the *Repair and Leasing Scheme*, it provides the option for suitable properties to be purchased rather than leased, if that is the preference of the owners of the vacant properties in question. Further information on the Buy and Renew Scheme is available from Vacant Homes Officers.

Better Energy Home Grants

Sustainable Energy Authority Ireland (SEAI) provides Better Energy Home grants to help homeowners and landlords reduce their energy costs and emissions. Grants are available for the following energy-saving and renewable solutions:

- Attic insulation
- Wall insulation - including cavity-wall insulation, internal dry lining and external insulation
- Heating-controls upgrades
- Solar thermal solutions
- Heat-pump systems (This grant is available from April 2018)
- A Building Energy Rating (BER) after the energy-saving work is carried out (You must get a BER to qualify for the grant)

The works being undertaken must be carried out by a SEAI-approved contractor. Grants range from €300 for attic insulation, to €700 for upgrades to heating controls, to €6,000 for external wall insulation.

Full details on the grants that are available, on how to apply for them and on which works qualify for them are available from the SEAI website at [Better Energy Homes | Home Grants | SEAI](#)

Living City Initiative (LCI)

The *Living City Initiative* is a tax incentive scheme for special regeneration areas (SRA) in Cork, Dublin, Galway, Kilkenny, Limerick and Waterford. This initiative allows owners and investors to claim tax relief for money spent on refurbishment and/or conversion of residential property either as income tax relief (for owner-occupied residential property) or capital allowance (for rented residential property).

The LCI aims to incentivise owners/investors to carry out the necessary refurbishment and/or conversion works to upgrade existing accommodation or to bring derelict/disused properties back into use. The relevant property can be a house, apartment, shop or any kind of structure and can include all or part of a property. To qualify for the relief, however, it must be located within a designated 'Special Regeneration Area' map of the Special Regeneration Areas. Further details are available on websites of the Local Authorities.

Full details of the scheme are available at:

<https://www.revenue.ie/en/property/living-city-initiative/index.aspx>

Long Term Leasing Scheme

The Long Term Leasing Initiative is an option for any owner of a house or apartment that is vacant and in good condition. Your Local Authority can lease your private property for the purpose of providing accommodation to households on social housing waiting lists. Leasing your property to your Local Authority under this scheme takes the uncertainty out of being a landlord for terms of 10–20 years. It is also financially viable, since, as a landlord, you are guaranteed to receive a rental income of 80% of the market rent each month.

Some of the benefits to the owner:

- No management of tenants
- No rent or arrears collections
- No day-to-day maintenance on the property
- No advertising or administration fees

For more information on this option, please contact your Local Authority.

Housing Assistance Payment (HAP)

The HAP is a form of social housing support provided by all Local Authorities. Under HAP, Local Authorities provide housing assistance for households which have a long-term housing need and which qualify for social housing support. (HAP is a replacement for rent supplement). Under the scheme, payments are made on behalf of tenants directly to the landlord for rent subject to maximum rent limits.

Benefits of HAP:

- Direct electronic payment to the owner every month
- 99% rent payment rate
- Tax relief on 100% of your mortgage interest as an expense against rental income

NOTE: Homeless HAP is in general the same scheme as HAP but differs in that it provides discretion to exceed the HAP rent limits for homeless households. For more information on HAP and Homeless HAP, please contact your Local Authority.

Rental Accommodation Scheme (RAS)

The RAS scheme is an initiative to cater for people who are in receipt of HAP/rent supplement and living in the private rented sector for 18 months or more. Local Authorities enter into direct contracts with landlords for their properties for medium- to long-term periods.

Some of the benefits to the landlord;

- Prompt monthly payments directly from the Local Authority for the duration of the RAS contract
- Guaranteed rental income of up to 95% of the market rent
- Landlords can still receive payment if the property is vacant between tenancies
- 100% tax relief on mortgage interest, as an expense against rental income

For more information, please contact your Local Authority.

Urban Regeneration and Development Fund

The establishment of the [Urban Regeneration and Development Fund](#) is a flagship element of Project Ireland 2040, primarily to support the compact growth and sustainable development of Ireland's five cities and other large urban centres. The Fund comprises of an allocation of €2 billion in the National Development Plan to 2027, with an overall Exchequer allocation of €550 million earmarked for the Fund up to the end of 2022.

In line with the objectives of the National Planning Framework, the Fund is designed to leverage a greater proportion of residential and commercial development, supported by infrastructure, services and amenities, within the existing built 'footprint' of our larger settlements.

Further information on the Urban Regeneration and Development Fund is available on the [National Planning Framework website](#).

Rural Regeneration and Development Fund

As part of Project Ireland 2040, the Government has committed to providing an additional €1 billion for a new [Rural Regeneration and Development Fund](#) over the period 2019 to 2027. The Fund will provide investment to support rural renewal for suitable projects in towns and villages with a population of less than 10,000, and outlying areas. The Rural Regeneration and Development Fund will be administered by the Department of Rural and Community Development.

The new Fund provides an unprecedented opportunity to support the revitalisation of rural Ireland, to make a significant and sustainable impact on rural communities, and to address de-population in small rural towns, villages and rural areas. It will be a key instrument to support the objectives of the National Planning Framework, and in particular to achieve Strengthened Rural Economies and Communities – one of the National Strategic Outcomes of the National Planning Framework.

Initial funding of €315 million will be allocated to the Fund on a phased basis over the period 2019 to 2022. The objective of the new Fund is to support coordinated and integrated projects between Government Departments, State agencies, Local Authorities, other public bodies, communities and, where appropriate, philanthropic funders and/or the private sector, which will have an impact on sustainable economic and social development in rural areas.

Funding will be awarded through a competitive bid process, based on delivering the objectives for rural Ireland in the National Planning Framework.

The Fund will support ambitious and strategic projects which contribute to sustainable rural regeneration and development. It will support investments of scale which would not otherwise be delivered without the additionality provided by the Fund and projects that are outside the scope of existing schemes. In this context, projects are likely to be multi-annual and multi-faceted, involving a number of elements or phases as part of a broad strategic plan.

Key outcomes will be to support sustainable community and economic development in rural Ireland, including through regenerating smaller towns and villages and encouraging entrepreneurship and innovation to support job creation in rural areas.

Further information on the Rural Regeneration and Development Fund is available at: <https://drdc.gov.ie/about/rural/rural-regeneration-development-fund/>

Historic Buildings – Grant Schemes

The Department of Culture, Heritage and the Gaeltacht operates grant schemes for the conservation and repair of historic structures and the heritage-led regeneration of towns.

Built Heritage Investment Scheme

The Built Heritage Investment Scheme has a fund of up to €2.5 million in 2019. Eligible structures under the scheme include:

- protected structures,
- proposed protected structures, and
- structures within architectural conservation areas or within the amenity of a national monument where, in the opinion of the Department, exceptional circumstances apply.

The Built Heritage Investment Scheme seeks to lever private capital for investment in a significant number of small-scale, labour-intensive conservation projects throughout the country and to support the employment of skilled and experienced conservation professionals, craftspeople and tradespersons.

The minimum awarded is €2,500 up to a maximum of €15,000. Total public funding should not exceed 50% of the total project cost.

Details of the Built Heritage Investment Scheme and how to apply are available on all local authority websites and the website of the Department of Culture, Heritage and the Gaeltacht, www.chg.gov.ie

Historic Structures Fund

The Historic Structures Fund commences in 2019 with funding of up to €1.8 million. The Historic Structures Fund seeks to invest essential capital into the built heritage and help the owners and custodians of historic structures to safeguard them into the future for the benefit of communities and the public.

The core aims of this fund are to:

- enable larger scale conservation works to be carried out to structures which are deemed to be significant and in need of urgent support;
- encourage the regeneration and reuse of historic properties and to help secure the conservation and repair of protected structures and/or historic-culturally significant assets; and
- support the investment of private capital in labour-intensive projects to conserve historic structures in public and private ownership for community use.

The Historic Structures Fund has two streams:

- Stream 1 offers grants from €20,000 up to €50,000 and is aimed at essential repairs and smaller capital works for the conservation and repair of historic structures
- Stream 2 offers a small number of grants from €50,000 up to €200,000 for larger enhancement, conservation or reuse projects involving historic structures, where a clear community or public benefit has been demonstrated.

Private applicants or community groups who are owners or custodians of historic structures may apply to the relevant local authority who shortlist projects and submit a specified number to the Department of Culture, Heritage and the Gaeltacht for consideration.

The Minister for Culture, Heritage and the Gaeltacht may designate part of the Fund for projects in partnership with State-funded organisations. These include the Office of Public Works, the Irish Heritage Trust, Waterways Ireland, the National Parks and Wildlife Service, the Irish Landmark Trust and others, to care for historic structures and buildings in public ownership and improve recreational infrastructure and public access to these heritage assets. State-funded organisations should submit their applications directly to the Department of Culture, Heritage and the Gaeltacht.

Details of the Historic Structures Fund and how to apply are available on all local authority websites and the website of the Department of Culture, Heritage and the Gaeltacht, www.chg.gov.ie

Historic Towns Initiative

The Historic Towns Initiative is a joint undertaking by the Department of Culture, Heritage and the Gaeltacht and the Heritage Council, which aims to promote the heritage-led regeneration of Ireland's historic towns.

The Historic Towns Initiative is administered by the Heritage Council, as advised by a National Steering Group. The programme is intended to support a small number of towns each year.

Funding is allocated on a competitive basis, in accordance with the assessment criteria of the scheme. Priority is given to applications that are 'plan-led', i.e. in line with a Management Plan based on the Historic Towns Initiative framework, or a Conservation Plan, or a Public Realm Plan, or eligible actions from a Town Centre Health Check Plan, or equivalent.

Applications under the Historic Towns Initiative are only accepted from local authorities. Funding for each successful town is in the region of €150-200K, depending on the projects proposed. Each local authority may apply in respect of one historic town (with an indicative minimum population level of 1,500 inhabitants) in their functional area where a programme of suitable heritage-led regeneration projects has been identified by the local authority, working with a town partnership team or local steering group.

Urban centres designated as Special Regeneration Areas under the Living City Initiative are not eligible to apply.

Applications are assessed under the following criteria:

- the significance of the town and its heritage,
- the town's track record to date in heritage-led regeneration,
- the extent to which the application fulfils the aims of the HTI, and is likely to make a significant contribution to the heritage-led regeneration of the town,
- the quality of the project(s) proposed,
- the presence of a vibrant and engaged community who would support the implementation of the Initiative.

Details of the Historic Towns Initiative and the online grants applications system are available on the Heritage Council website: <https://www.heritagecouncil.ie/historic-towns-grant-scheme>

Heritage Council grants

The Heritage Council also operates a grant scheme for historic buildings. Its objectives are to promote the appreciation and enjoyment of heritage, to make a lasting difference to heritage, people and communities and to reach out to new audiences and make heritage accessible to people with special needs.

Priority is given to not-for-profit voluntary and community groups and heritage-related NGOs. The scheme is also open to applications from individuals, Local Authorities, statutory organisations, academic institutions and private companies.

Refer to the website of the Heritage Council at: <https://www.heritagecouncil.ie/funding/funding-schemes>

Historic Buildings – Tax Relief

Section 482 of the [Taxes Consolidation Act 1997](#) applies to approved buildings and gardens. Tax relief is available for expenditure incurred in the repair, maintenance or restoration of an approved property. The decision to allow tax relief is a matter for the Revenue Commissioners.

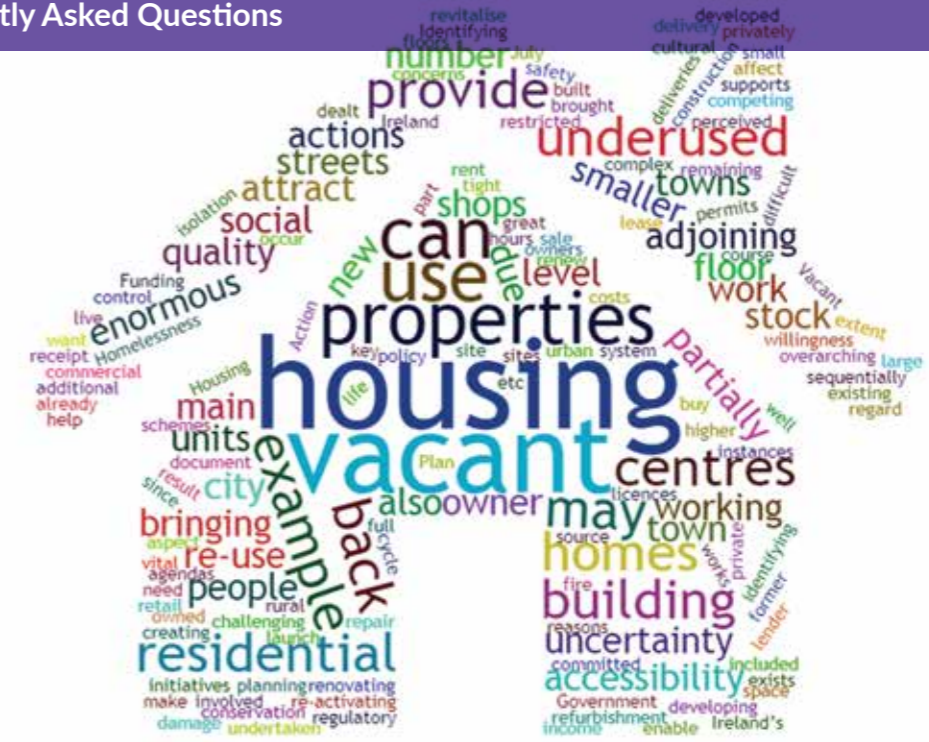
Further Information

Further Information on Vacant Homes is available from designated Vacant Homes Officers in each administrative area. A full list of Vacant Homes Officers and their contact details is available on the website of the Department of Housing, Planning and Local Government at: <http://www.housing.gov.ie/housing/home-ownership/vacant-homes/vacant-homes>.



Appendix 6

Frequently Asked Questions



This Appendix provides answers to frequently asked questions concerning:

- The Planning System (FAQs 1–23)
- Exempted Development Regulations, 2018 (FAQs 24–33)
- Historic Buildings (FAQs 34–42)
- The Building Control System (FAQs 43–69)
- Fire Services Acts (FAQ 70)

The Planning System

1. When do I need planning permission?

Generally, you need planning permission for any development of land or property unless the development is specifically exempted from this need. Development includes the carrying out of works (building, demolition, alteration) on land or buildings and the making of material (i.e. significant) changes of use of land or buildings.

2. What is exempted development?

Exempted development is development for which planning permission is not required. Categories of exempted development are set out in planning law. There are usually certain thresholds relating, for example, to size or height. Where these thresholds are exceeded, the exemptions no longer apply. The purpose of exemption is to avoid controls on developments of a minor nature.

3. Are there different types of permission?

Yes. There are two types of planning permission. An application may be made for either of the following:

- Permission, or
- Outline permission

The most common type of application made is for permission, sometimes referred to as *full* permission. There are some circumstances, however, in which you might wish instead to make an application for *outline* permission. For example, you may want to see whether the planning authority agrees with your proposal in principle before you go to the trouble of making detailed plans.

If you obtain outline permission, you must obtain full permission before starting work. In most cases, a subsequent application for permission must be made within 3 years of the date of grant of outline permission. However outline permission cannot be sought for retention of a structure, of works to a protected structure or a proposed protected structure or of developments which require an environmental impact assessment, an integrated pollution control licence or a waste licence.

4. Where do I get planning permission?

Applications for planning permission should be made to the planning authority for your area, i.e. your local County or City Council.

5. How much will this cost?

A fee is payable with an application for planning permission. Fees for the different classes of development are available with the application form. You must pay the correct fee when you submit your application. If the correct fee is not paid, the planning application will be returned to you. Voluntary organisations may qualify for an exemption from the fee.

6. How long will it take to get planning permission?

This will be affected by the completeness of the application and by whether there is an appeal or not. Generally, a valid application will be dealt with by a planning authority within a period of 12 weeks from the date when the application was made. However, the period can vary, particularly if the planning authority seeks further information from the applicant (which it should do within the first 8 weeks). From the date when the further information is received, the planning authority has 4 weeks to make a decision on the application. The following table illustrates the timescale involved in most cases.

Timescale	Action
Start	Notice published in newspaper and site notice erected
2 weeks later	Latest date for lodging application
Between 2 weeks and 5 weeks	Application is validated by the planning authority. Submissions or objections are considered.
Between 5 and 8 weeks later	Planning authority issue notice of their decision on the application. (Alternatively, they may request further information.)
4 weeks after issue of notice	If no appeal is made, the planning authority will issue grant of decision, permission, or outline permission – except where they have already indicated a decision to refuse.
NOTE: An appeal may take longer to decide than an application would do. However, An Bord Pleanála has an objective to decide appeals within 18 weeks from receipt of an appeal.	

7. Can I consult the planning authority in advance?

You do not have to consult the planning authority before making a planning application, but it is often advisable to do so where you are unsure of local planning policies, how to apply, etc.

8. Where can I find out about local planning policies?

The development policies and objectives of the planning authority are set out in the local development plan. You can view the plan at any time during office hours at the planning authority offices and local libraries or the Council’s website.

9. How do I make a planning application?

Forms and information are available from the planning authority.

10. I have lodged a valid planning application. Now what?

Your application will be acknowledged and placed on the planning register in the planning authority offices, and made available for public inspection. It will also be included on the lists of planning applications displayed in council offices, public libraries and circulated to certain interest groups. The lists may also be available on the planning authority’s website.

11. What if my application is incomplete?

An application will be deemed invalid and will be returned, along with any fee paid, if it:

- Lacks any of the required documents;
- Lacks the appropriate fee
- Is inadequate in any other respect (e.g., if it does not meet the statutory requirements for public notice of your application)

12. Can other people comment on my application?

Yes. Any person can see a copy of your application and – on payment of the appropriate fee – make written submissions or observations to the planning authority on any planning aspect of the application. Any submissions and observations received must be considered by the planning authority when determining your application.

13. How is the decision made?

In making the decision, the planning authority takes a number of matters into account, including:

- The proper planning and sustainable development of the area (e.g. appropriate land use [zoning], road safety, development density, size, location, adherence to established planning and development practices)
- The planning authority’s own development plan
- Government policy
- The provision of a Special Amenity Area Order
- Any European site (e.g. Special Areas of Conservation, Special Protection Areas)
- Submissions and observations made by members of the public on the application

In making the decision, the planning authority may not take non-planning issues – e.g. boundary or other disputes – into account, because it may be more appropriate to resolve these issues through legal means, etc.

14. How will I know that permission has been granted or refused?

The decision to grant permission, with or without conditions, will be notified to you, and to anyone who commented on the application. What you will receive in this event is a notice of intention to grant permission. During a period of 4 weeks beginning from the date when this decision was made, you or anyone else who has made a submission or observation on the application and has paid the appropriate fee may appeal it to An Bord Pleanála. Where there is no appeal, the planning authority will formally give you the grant of permission at the end of the appeal period. You must not commence work until you receive this notification. If the decision is appealed, you will receive from An Bord Pleanála either notification stating that permission has been granted – with or without whatever conditions the Board considers appropriate – or notification that it has been refused.

Where the planning authority decides to refuse your application, its reasons will be included in the notification sent to you. The same period for appeal (4 weeks) will apply.

15. Can conditions be attached to my permission?

Planning permission may be subject to certain conditions, which will be listed on the decision. These may require changes to your proposal (e.g. new arrangements for the disposal of surface water, revised height/colour/material for boundary walls, improved landscaping of the site).

You may also be required to make a contribution to the Local Authority for services. These contributions differ from place to place and for different types of development. You must comply with all of the conditions attached to the permission and finish work in accordance with them. Even if you have more than one permission for a site, you cannot simply pick and choose the conditions that suit you best.

16. How long does permission last?

The standard duration for planning permission (permission or outline permission) is generally five years from the date when the permission was granted by the planning authority or An Bord Pleanála. In certain circumstances, the planning authority may extend the life of a planning permission.

If a planning permission expires and you apply for a new permission for the same development, the planning authority may refuse permission or attach significantly different conditions. This can happen if planning policies or the requirements for the proper planning and sustainable development of the area have changed in the interim.

17. Can I get copies of documents relating to a planning application?

Yes. Planning authorities are required to provide, on request, copies of any part of a planning application file at a fee not exceeding the reasonable cost of making a copy. This includes plans or other drawings or photographs. Most planning authorities also display documents on their website.

18. Who enforces planning decisions?

This is the responsibility of the planning authority, which has wide enforcement powers to ensure that development is carried out in conformity with planning permission, and to halt and rectify unauthorised development. Any legal action must, however, be initiated within 7 years of the breach of the planning laws taking place. Care should be taken to ensure that each condition of a permission is fully complied with in order to avoid incurring such action, and also to avoid difficulties when the property is being sold at a later date (see FAQ 21 below).

19. How can I stop unauthorised development?

If you think that somebody is developing or using land without, or contrary to, a planning permission, you should – in writing – contact the planning authority, which will issue a warning letter to the person carrying out the development. The planning authority will investigate the matter to determine if an enforcement notice should issue. Any person may apply in either the Circuit or the High Courts for an order restraining unauthorised development or use of land, or requiring compliance with a planning permission. Depending on the circumstances, court orders can be obtained at extremely short notice. The Courts will ensure compliance with any order made.

20. Are there penalties for breaches of planning law?

Yes. It is an offence to undertake without permission any work that requires a permission. Planning authorities have powers to stop unauthorised development, and this can be a costly experience for the offender. You may be required to rectify any unauthorised works and will have to pay whatever costs are involved. On conviction in the District Court, offenders may incur fines of up to €5,000, with additional fines of up to €1,500 per day for continuing offences, or they may be sentenced to a term of imprisonment of 6 months. On conviction in the Higher Courts, the maximum fine is €12,700,000 (€12,700 per day for continuing offences) and up to 2 years imprisonment – or both.

21. Can I rectify a planning error?

Genuine mistakes can be made about the need for planning permission. If you have undertaken unauthorised development, you may apply for permission to retain it. This approach should not be relied upon in order to avoid seeking planning permission before starting work, however, because you may not be granted permission for retention and may be required to carry out costly modifications. Furthermore, the fee for a retention-permission application is three times the fee for a planning-permission application made before development starts. Permission for retention does not automatically absolve you from prosecution if enforcement action has already been taken against you. If you are buying property, check that the building itself and any extensions or alterations to it have proper planning permission or are exempt from planning permission, since you, as the new owner, may be liable to enforcement action.

22. Do I need any other type of permission?

Possession of a planning permission will not on its own be sufficient to permit you to carry out your proposed development. You may also need other approvals, depending on the type of development. For example, all new buildings, extensions and alterations and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements. Developments other than a house will probably require a fire safety certificate under the regulations.

23. Where can I get further information?

The Department of Housing, Planning and Local Government has published a series of information leaflets which may be accessed on the Department's website at: <http://www.housing.gov.ie/node/6312>. Alternatively, contact your Local Authority.

Exempted Development Regulations, 2018 (S.I. No. 30 of 2018)

24. What is the background to the Regulations?

Action 5.9 of *Rebuilding Ireland* commits to reviewing planning legislation to allow the change of use of vacant commercial units in urban areas – including vacant or under-utilised areas over ground-floor premises – so that they can be used as residential units without having to go through the planning process. This proposal is also incorporated in Action 6 of the *Action Plan for Rural Development* (January 2017).

The Regulations amend Article 10 of the Principal Regulations to allow the change of use of certain vacant commercial premises into residential use without the need to obtain planning permission.

25. What will the exemptions achieve?

The exemption aims to maximise the use of existing resources by facilitating the change of use of certain types of vacant buildings to bring them back into productive use as homes. This will have the dual benefit of facilitating the bringing on stream of urgently needed housing supply in high demand areas while simultaneously breathing new life into inner-core urban areas, many of which have been adversely affected by the economic downturn.

26. Why do the Exempted Development Regulations, 2018 only apply until 31 December 2021?

The Exemption Regulations being in force until 31 December 2021 is concurrent with the lifetime of the *Rebuilding Ireland*. The sunset clause of the Regulations aims to encourage the uptake of the exemption.

27. What standards apply to the residential units being delivered?

The Exemption Regulations set out some minimum standards that must apply to any residential units being provided. These minimum standards cover such matters as minimum floor areas, storage space and the provision of natural light. It is important to note that these exemptions relate to planning permission only. Development works to vacant commercial buildings which are being converted to residential use also generally need to comply with the requirements of the Building Regulations and Building Control Regulations.

28. Why does the planning authority need to be notified before works commence?

The notification provision has a threefold purpose:

- To ensure that planning authorities are informed and aware of change of uses occurring and the delivery of residential units in their functional area
- To monitor the effectiveness of the exemption, as indicated by its uptake
- To facilitate the collation of important information in relation to the number and type of additional housing units being provided in this way

29. What is the purpose and meaning of the notification process?

This is purely a notification process. It is not a consent process. The developer is merely notifying the planning authority that they will commence works under the Regulations on a certain date. As with all exempted development, developers must assure themselves that the works fall under these Regulations. By receiving/accepting notification, the planning authority will not be confirming whether the work can or cannot be carried out.

30. What kind of general restrictions normally apply to exemptions (Article 9 provisions)

Article 9 of the Regulations places certain restrictions on exempted development under Article 6. These restrictions outline a number of forms of development that would not be considered exempted development, e.g. unauthorised structures; works to archaeological sites or natural heritage areas; and works that would require an Environmental Impact Assessment.

Also under Article 9, development cannot contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such permission. It is a basic premise of any exempted development that an exemption cannot overrule a condition of planning permission.

31. What benefit will the exemptions have for developers?

It is intended that the exemptions provided will be attractive to developers for a number of reasons. Firstly, they remove the need to obtain planning permission and the associated costs of preparing and submitting a planning application. Secondly, as there is no planning application, then no development contributions will apply to the proposed development. Therefore, there is a reduced administrative burden, with positive impacts on project timeframes and on costs associated with the development.

32. Are these exemptions only for cities and large towns?

The Regulations are not location specific and may therefore be applied in both urban and rural areas. The change of use and associated works must meet the provisions and criteria as set out in the Regulations. The properties in question must, for example have been vacant for two years and be in use for a particular class of use, and the works to be carried out on them must primarily relate to the interior of the building.

33. What if there is uncertainty in relation to the application of the exemption?

Those proposing to undertake works under the Regulations should review the provisions in detail and seek any professional advice that may be required. It is open to any person to request from a planning authority a declaration under section 5 of the Act on the question of whether a development is, or is not, exempted development. The declaration must be issued within four weeks and may be referred to An Bord Pleanála for review.

Historic Buildings

34. What is a protected structure?

A protected structure is a structure, of a specified part of a structure, that is of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest and which is included in the record of protected structures of the planning authority. By definition, the protection extends to the interior of the building, to the land lying within its curtilage, to any other structures within that curtilage and their interiors and to all fixtures and features of these structures. Where specified in the Record of Protected Structures, the protection can also include any feature within the attendant grounds of the protected structure.

35. How do I find out if my building is a protected structure?

When a building is first proposed for protection, the owner and occupiers are notified by the planning authority. Subsequent owners and occupiers will not have been notified, however, and should consult the relevant planning authority's Record of Protected Structures. Every planning authority has a Record of Protected Structures as part of its development plan. This can be accessed in the offices of the planning authority or on the planning authority's website.

36. How do I know what type of works to a protected structure will need planning permission?

Any works which would materially affect the character of a protected structure must have planning permission. An owner or occupier of a protected structure may request the local planning authority to issue a declaration under Section 57 of the [Planning and Development Act 2000](#) regarding the structure. This will indicate the types of works that can and cannot be carried out without affecting the character of the protected structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. Works which do not affect the character of the structure would not require planning permission. However, owners or occupiers who carry out such works without a specific exemption in a declaration from the planning authority do so at their own risk. In order to provide a declaration, it will be necessary for an official of the authority to carry out a detailed inspection of the structure. A planning authority is required to issue such a declaration within 12 weeks of receiving a request.

An owner or occupier may request a Section 57 declaration from the planning authority at any time, even where no works are contemplated. Alternatively, anyone can request a planning authority to issue a declaration under section 5 of the Act as to whether particular works are, or are not, exempted development.

A Section 57 declaration cannot exempt works that would not otherwise be exempt from a requirement for planning permission.

37. How do I apply for planning permission to carry out works to a protected structure?

A planning application involving a protected structure is generally made in the same way as any other planning application. However, because of the sensitivity of most protected structures to inappropriate works, more detail will generally be required in a planning application for works to a protected structure. The relevant newspaper and site notice for the planning application must indicate that the application relates to a protected structure. Photographs and other additional information on how the proposed development would affect the character of the structure must be included with the application. Before making a decision on the application, the planning authority must notify a number of bodies, including the Minister for Culture, Heritage and the Gaeltacht; the Heritage Council; the Arts Council; Fáilte Ireland; and An Taisce.

It may be advisable to check with your planning authority in advance of applying for permission for development to make sure that your application is complete.

38. Can I build an extension to a protected structure?

Most historic buildings are capable of sustaining change, including extensions and additions. Extensions should not damage the character and special interest of protected structures or of an architectural conservation area. Extensions should not adversely affect principal elevations of the buildings (including other principal elevations as well as the façade). They should be sympathetic to the historic building and should not dominate in terms of materials, scale and form. Their design and materials should be of good quality.

39. Does protection apply to works to the interior of the protected structure?

Yes, if a building is a protected structure, this automatically means that its interior is protected. Planning permission will be required for works that materially affect the character of the building, even if the works are being carried out to comply with other legislative requirements, such as fire safety or building regulations. Works to the interior of a building in an Architectural Conservation Area may or may not require planning permission.

40. What is an Architectural Conservation Area?

An Architectural Conservation Area is a place, area, group of structures or townscape which is of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest in its own right, or which contributes to the appreciation of protected structures. This could include, for example, a terrace of houses, buildings surrounding a square or any group of buildings which together give a special character to an area.

A planning authority may designate an area as an Architectural Conservation Area in its development plan to ensure that the character of the area is preserved. An Architectural Conservation Area could also include protected structures.

41. What must I do if my building is in an architectural conservation area?

Planning permission would normally be required before works can be carried out to the exterior of a structure in an architectural conservation area. A planning application involving a structure in an Architectural Conservation Area is generally made in the same way as any other planning application. Additional information on how the proposed development would affect the character of that area should be submitted with the application. Before making a decision on the application, the planning authority must consult other bodies, including the Minister for Culture, Heritage and the Gaeltacht, the Heritage Council, the Arts Council, Fáilte Ireland and An Taisce.

To make sure that your application is complete, it may be advisable to check with your planning authority before applying for permission to develop.

42. Where can I get advice and further information?

For projects involving works to a historic building, it is important to have expert advice from the outset. This should ideally be provided by a registered building professional such as an architect, structural engineer or building surveyor.

- The Royal Institute of the Architects of Ireland has an accreditation system for architects trained in building conservation. See http://www.riai.ie/practice_directory/
- The Society of Chartered Surveyors Ireland accredits building surveyors in building conservation. See https://www.scsi.ie/members/search?gclid=EA1alQobChMI70-qpfHO2gIVxp8bCh18HQ-qEAAYASACEgKq7fD_BwE
- Engineers Ireland has a conservation accreditation scheme for structural engineers. See <http://www.engineersireland.ie/membership/search-members.aspx>
- The Construction Industry Federation has a Register of Heritage Contractors. See <https://www.ciri.ie/>
- The architectural conservation officer in the local authority can provide general advice and may have information on appropriately qualified and experienced conservation professionals in the area.

The Department of Culture, Heritage and the Gaeltacht has published guidelines on planning issues relating to architectural heritage in *Architectural Heritage Protection Guidelines for Planning Authorities* (2011). This publication sets out the statutory guidelines to which a planning authority must have regard when considering development objectives. These guidelines are available to download from the website of the Department of Culture, Heritage and the Gaeltacht: <https://www.chg.gov.ie/app/uploads/2015/07/Architectural-Heritage-Protection-Guidelines-2011.pdf>

The Department of Culture, Heritage and the Gaeltacht also publishes the *Advice Series*, a series of booklets that provide owners and custodians of historic buildings with guidance on how best to repair, maintain and adapt their properties. These are available through any bookshop, or they can be downloaded at: <https://www.chg.gov.ie/heritage/built-heritage/architectural-heritage-advisory-service/advice-for-owners/>

Further information on an individual building may be available on the website of the National Inventory of Architectural Heritage: www.buildingsofireland.ie

Building Control System

43. What are the Building Regulations?

Building Regulations are a set of legal requirements for the design and construction of new buildings, extensions and for material alterations to and certain changes of use of existing buildings. Building Regulations primarily provide for, in relation to buildings, the health, safety and welfare of people; for conservation of fuel and energy; and for access for people with disabilities.

44. How many parts of the Building Regulations are there?

As set out above, the Building Regulations 1997–2017 comprise 12 parts, each of which is accompanied by a Technical Guidance Document (commonly referred to as a 'TGD') which addresses a specific area of construction works, *vis-à-vis*:

- Part A - Structure
- Part B - Fire Safety (Two TGDs are in place for Part B – one for dwelling houses and another for other buildings)
- Part C - Site Preparation and Resistance to Moisture
- Part D - Materials and Workmanship
- Part E - Sound
- Part F - Ventilation
- Part G - Hygiene
- Part H - Drainage and Waste Water Disposal
- Part J - Heat Producing Appliances
- Part K - Stairways, Ladders, Ramps and Guards
- Part L - Conservation of Fuel and Energy (Two TGDs are in place for Part L – one for dwellings and another for buildings other than dwellings)
- Part M - Access and Use

45. What is a Technical Guidance Document?

The Technical Guidance Documents (Parts A - M respectively) provide technical guidance on how to comply with the Building Regulations in practical terms. Where works are carried out in accordance with the relevant technical guidance, such works are considered to be, *prima facie*, in compliance with the relevant regulation(s).

Technical Guidance Documents are free to view on or to download from the website of the Department of Housing, Planning and Local Government at: <http://www.housing.gov.ie/housing/building-standards/tgd-part-d-materials-andworkmanship/Technical-guidance-documents>

46. Who has responsibility for compliance with the Building Regulations?

The primary responsibility for compliance with the requirements of the Building Regulations rests with the designers, builders and owners of buildings. Interpretation of the legislation is, ultimately, a matter for the Courts. Implementation of the Building Control system is a matter for the local Building Control Authority.

47. What are the Building Control Regulations?

Building Control Regulations apply generally to new buildings and to existing buildings which undergo an extension, a material alteration or a material change of use. The Building Control Regulations require owners, builders, and registered construction professionals to demonstrate through building control processes that the works or building concerned have been designed and constructed in compliance with Building Regulations.

48. What is a Commencement Notice?

A Commencement Notice is a notification to a Building Control Authority that a person intends to carry out works or to make a material change of use to a building to which the Building Regulations apply. The notice must be given to the authority not more than 28 days and not less than 14 days before the commencement of works or the change of use. Once validated by the building control authority, works must commence on site between day 14 and day 28. To lodge a Commencement Notice, log in to www.localgov.ie/en/BCMS

49. What happens if I do not start work within the statutory notice period of the Commencement Notice?

If the works do not start within 28 days of the date of lodgement of the Commencement Notice, you must submit a new Commencement Notice prior to the commencement of any works taking place.

50. What happens if I don't submit my Commencement Notice?

Failure to submit a Commencement Notice is an offence and may have serious consequences which cannot be regularised at a later date. For works subject to S.I. No. 9 of 2014, you will be unable to submit a Certificate of Compliance on Completion, and your building will not be recorded on the public register. This may affect your ability to lease or sell the building if you cannot prove that the statutory requirements relevant to the property have been met. It is an offence to occupy a building without a Certificate of Compliance on Completion.

51. Do all developments require a Commencement Notice?

Commencement Notices are required for the following:

- The erection of a building
- A material alteration or extension of a building
- A material change of use of a building
- Works in connection with the material alteration (excluding minor works) of a shop, office or industrial building

A Commencement Notice is not required:

- For works or a change of use which are exempted development under the planning code (1963–1993), and for which a Fire Safety Certificate is not required
- Where a 7 Day Notice has been submitted

For further information, refer to the flowchart on following page to establish if a Commencement Notice is Required.

52. What is the Fee for a Commencement Notice?

The fee for a Commencement Notice is €30. Where the Commencement Notice relates to multiple buildings, the fee is €30 in respect of each building.

Flowchart to establish if a Commencement Notice is required

DOES THE PROJECT INVOLVE:

S.I. No. 496 of 1997 Art 7 (1)

- (a) an erection of a building,
- (b) the material alteration of a building, or the extension of a building
- (c) the material change of use of a building to which the Building Regulations apply.

Material Alteration means an alteration, (other than a repair or renewal) where the work or any part of the work, carried out by itself would be the subject to a requirement of Part A or B of the Second Schedule.

Material Change of Use: is a change of use, deemed by Section 3(3) of the Act to be a material change of use, takes place, or a building which was not being used as a i) a day care centre, becomes so used, or ii) a hotel, hostel or guest building, becomes so used, or iii) an industrial building becomes so used, or iv) an institutional building becomes so used, or v) an office (which is not ancillary to the primary use of the building) becomes so used, or vi) place of assembly becomes so used, or vii) a shop (which is not ancillary to the primary use of the building), becomes so used, or viii) a shopping centre, becomes so used.

Building: includes part of a building and any class or classes of structure which are prescribed by the Minister to be a building for the purposes of the Building Control Act.

Exemptions from Building Regulations: works in connection with a building referred to in the 3rd schedule to the Building Regulations, provided that after the works are carried out, such building is or continues to be a building referred to in that schedule, or a building referred to in the 3rd schedule to the Building Regulations. See 3rd schedule for detail - abbreviated version in table below.

See Third Schedule to regulation for full description, conditions and limitations of classes.	Class 3: A single storey extension to an existing dwelling which is ancillary to the dwelling and consists of a conservatory, porch, car port or covered area.	Class 6: A building erected in connection with any mine or quarry other than a house or a building used as offices, labs or showrooms.	Class 9: Used to be ESB buildings but entire class deleted since Sept 2006 (S.I. No. 115 of 2006)	Class 12: A temporary building which is used only in connection, alteration, extension or repair of any work.
Class 1: A single storey building used as a garage (detached, <25m ² , height <3 or 4m for pitched roof)	Class 4: A single storey agricultural glasshouse (not being a building in Class 2)	Class 7: A building the construction of which is subject to the Explosives Act 1875.	Class 10: A temporary dwelling as in the Local Government (sanitary services) Act, 1948 (No.3 of 1948)	Class 13: A building of a temporary nature erected on a site for ≤ 28 consecutive days or 60 days in a 12 month period.
Class 2: A single storey building ancillary to a dwelling (such as a summer house, poultry house, conservatory, shed)	Class 5: A single storey building which is used exclusively for storage of materials, accommodation of plant or in connection with livestock.	Class 8: A building subject to the National Monuments Act 1930-1994	Class 11: A temporary building used only in connection with the sale or letting of buildings or building plots in course of development.	Class 14: A lighthouse or similar structure which is an aid to navigation on water.

NO

No Commencement Notice

YES

DO ANY OF THE FOLLOWING EXEMPTIONS APPLY?

S.I. No. 496 of 1997 Art 6

- (a) (Deleted by S.I. No. 365 of 2015)
- (b) works in connection with
 - i. a Garda station or other building used for the purposes of or in connection with the operations of An Garda Síochána
 - ii. a courthouse,
 - iii. a barrack or other building used for the purposes of or in connection with the operations of the Defence forces.
 - iv. an office or other building used for the purposes of or in connection with the business of Uachtarán na h-Éireann, Dáil Éireann, Seanad Éireann, the Department of the Taoiseach, the Office of the Tánaiste, the Department of Defence, the Department of Foreign Affairs, the Department of Justice, Equality and Law Reform, the Office of the Attorney General, the Chief State Solicitor's Office and the Office of the Director of Public Prosecutions, (provided that after the works the building is or continues to be a building referred to in sub-paragraphs (i) to (iv))
- (c) works, or a building as regards which a material change of use takes place, where the works are carried out or the material change of use is made, for reasons of national security -
 - i. within, or bounding, the curtilage of any building (other than a building referred to in paragraph (b)), premises or other installation occupied by, or under the control of, a State Authority,
 - ii. by or on behalf of a State authority, within, or bounding, the curtilage of the residence of a holder, or former holder, of a public office or any other public servant or former public servant.
- (d) a building referred to in paragraph (b)

YES

No Commencement Notice

NO

Continued overleaf >>>>

Continued from previous page

IS A FIRE SAFETY CERTIFICATE REQUIRED? i.e. is it?

S.I. No. 496 of 1997 Art 7 & 11

- (a) a new building
- (b) a material alteration of
 - i. a daycare centre,
 - ii. a building containing a flat,
 - iii. a hotel, hostel or guest building, or
 - iv. an institutional building, or v. a place of assembly, or
 - vi. a shopping centre
 but excluding works to such buildings, consisting solely of minor works
- (c) material alteration of a shop, office or industrial building where -
 - i. additional floor area is being provided within the existing building, or
 - ii. the building is being subdivided into a number of units of separate occupancy
- (d) extension of a building by more than 25m²
- (e) a material change of use

YES

Commencement (or 7 Day Notice) + Accompanying Documents (S.I. No. 9 of 2014)

Exemptions from a Fire Safety Certificate

- (a) a single storey building which -
 - i. is used exclusively for storage of materials or products, for the accommodation of plant or machinery or in conjunction with the housing care or management of livestock,
 - ii. is used solely for the purpose of agricultural, and
 - iii. is a building in which the only persons habitually employed are engaged solely in the care, supervision, regulation, maintenance, storage or removal of the materials, products, plants or machinery or livestock in the building
- (b) a building used as a dwelling other than a flat,
- (c) a single storey building used as a domestic garage,
- (d) a single story building (other than one described in (c) ancillary to a dwelling (such as a summer house, poultry-house, aviary, conservatory, coal shed, garden tool shed or bicycle shed) which is used exclusively for recreational or storage purposes or the keeping of plants, birds or animals for domestic purposes and is not for the purpose of any trade or business or for human habitation.

NO

Is it a material alteration (excl. minor works) of a shop, office or industrial building exempt from a Fire Safety Cert? S.I. No. 496 of 1997 Art 7

YES

Commencement Notice only

NO

Is it a new dwelling or an extension to a dwelling with a total floor area of > 40m²?

YES

NO

Is it considered "exempted development" under Planning Act (1963 -1993)? S.I. No. 496 of 1997 Art 7 2(a)

YES

No Commencement Notice

NO

Commencement Notice only

In the case of a new single dwelling on a single unit development, or an extension to a dwelling, has the Building Owner decided to "Opt-Out" of Statutory Certification?

YES

Commencement Notice + Accompanying Documents (S.I. No. 365 of 2015)

NO

Commencement Notice + Accompanying Documents (S.I. No. 9 of 2014)

53. Can I submit my Commencement Notice Online?

Yes. To lodge a Commencement Notice, log in to the Building Control Management System (BCMS) at www.localgov.ie/en/BCMS

Plans, specifications, particulars, and the preliminary inspection plan can be uploaded to the BCMS. In addition, the online assessment of the proposed approach to compliance with the Building Regulations is also completed through the BCMS. The BCMS allows building owners to nominate an Assigned Certifier, and a Builder for the development works. The BCMS facilitates the Owner, Design Certifier, Assigned Certifier, and the Builder to fill out the required Notices and Certificates online. To fill in or sign their respective parts, each party must be registered with the BCMS.

54. What is a 7 Day Notice?

A 7 day notice is similar to a Commencement Notice and may be used for works, which require a Fire Safety Certificate, when the works need to start before the Fire Safety Certificate is granted. It must be accompanied by a valid Fire Safety Certificate application and a Statutory Declaration. The fee for a 7 Day Notice is €250 or €5.80 per square metre of applicable floor area (whichever is the greater). To lodge a 7 Day Notice, log in to www.localgov.ie/en/BCMS

55. Who is responsible for compliance with the Building Control Regulations?

The owner of the building, the designer who designs the works and the builder who carries out the works are responsible, under law, for compliance with Building Regulations and Building Control Regulations.

56. What is a Fire Safety Certificate?

A Fire Safety Certificate is a certificate granted by a Building Control Authority, which certifies that the building or works, if constructed in accordance with the plans, documents and information submitted to the Authority, would comply with the requirements of Part B of the Second Schedule to the Building Regulations 1997 as amended.

With the exception of houses and certain agricultural buildings, a Fire Safety Certificate is required for all new buildings (including apartments and flats), as well as material changes of use and certain alterations and extensions to buildings. A Fire Safety Certificate must be obtained before work starts, unless an application has been made for a 7 Day Notice.

57. Where do I get a Fire Safety Certificate?

Before you begin any work or make a material change of use, you should apply to the local Building Control Authority for a Fire Safety Certificate. The application form for a Fire Safety Certificate should be submitted together with:

- Plans, calculations and specifications for the works or building
- Details of the nature and extent of the proposed use and, where appropriate, of the existing use of the building
- The appropriate fee, based on floor area being €2.90 per square metre of gross floor space (The minimum fee is €125, while the maximum fee is €12,500.)

Any application not including the above can be rejected by the Authority as invalid.

58. How long should it take to get a Fire Safety Certificate?

Normally, it should take two months, but this period may be extended by written agreement between the applicant and the Building Control Authority, e.g. when the Authority seeks further information on your application. A Fire Safety Certificate may be granted with or without conditions, or refused.

59. Can I Appeal if I am refused a Fire Safety Certificate?

Yes. A person whose application for a Fire Safety Certificate has been refused can appeal against the refusal to An Bord Pleanála within one month of the decision. (Details of the appeal fee are available from your Local Authority or from An Bord Pleanála).

60. What is a Disability Access Certificate?

A Disability Access Certificate is a certificate granted by a Building Control Authority, which certifies that certain works if constructed in accordance with the granted Certificate, will comply with the requirements of Part M of the Building Regulations.

61. When is a Disability Access Certificate required?

A Disability Access Certificate is required for the following classes of buildings:

- The construction of a new building, including a building containing a flat,

- The material alteration (excluding minor works) of:
 - (i) a day centre,
 - (ii) a hotel, hostel or guest building, or
 - (iii) an institutional building, or
 - (iv) a place of assembly, or
 - (v) a shopping centre,
- The material alteration of a shop, office or industrial building where additional floor area is being provided, or the building is being subdivided into a number of units for separate occupancy,
- The extension of a building by more than 25 square meters,
- The material change of use where the following uses become so used:
 - (i) a day centre,
 - (ii) a hotel, hostel or guest building,
 - (iii) an institutional building,
 - (iv) a place of assembly,
 - (v) a shop (which is not ancillary to the primary use of the building), or
 - (vi) a shopping centre.

A Disability Access Certificate is not required for:

- (i) An agricultural building,
- (ii) A domestic dwelling other than a flat,
- (iii) A garage ancillary to a domestic dwelling,
- (iv) Certain other buildings ancillary to a domestic dwelling,
- (v) A building used solely to enable inspection, repair or maintenance of fixed plant, building services, or machinery.

It is also not required for the Material Alteration to a flat, the extension to a flat or a material change of use as defined by Section 3(3) of the Act (See Page 55).

62. Is a Disability Access Certificate required prior to submitting a commencement notice?

No. However, it is strongly advised that you obtain a Disability Access Certificate prior to work commencing on site. This will avoid any expensive remedial works which may delay the occupation and/or opening of the building.

63. How long will it take to get a Disability Access Certificate?

It can take up to eight weeks for a decision to be made on a Disability Access Certificate. It may take longer if this is agreed with the applicant and the Building Control Authority.

64. When should I apply for my Disability Access Certificate?

It is best practice to apply for your Disability Access Certificate at the same time when you apply for your Fire Safety Certificate prior to commencement of works.

65. What are the requirements for Statutory Certification?

The Building Control (Amendment) Regulations 2014 (S.I. No.9 of 2014), came into effect on 1st March, 2014, and they require greater accountability in relation to compliance with Building Regulations in the form of statutory certification of design and construction

The additional requirements include:

- The nomination of a competent 'Assigned Certifier' to inspect and certify the works
- A design certificate
- The assignment of a competent builder to carry out the works
- The submission of certificates of compliance on completion

66. What additional documents must I submit with my Commencement Notice?

A Commencement Notice submitted for works subject to S.I 9 of 2014 must include an online assessment of the proposed approach to compliance with the Building Regulations and be accompanied by the following:

- A Certificate of Compliance (Design),
- Notice of the assignment of the person to inspect and certify the works (the Assigned Certifier)
- An undertaking by the assigned certifier
- Notice of the assignment of a builder
- Undertaking by builder
- General arrangement drawings for building-control purposes – plans, sections and elevations
- A schedule of design documents currently prepared or to be prepared at a later date
- The preliminary inspection plan
- Any other documents deemed appropriate by the Assigned Certifier

67. Who can act as the Design Certifier and/or as the Assigned Certifier?

The following may be appointed and sign as the Assigned Certifier, provided they are competent in relation to the particular works involved:

- (a) Architects that are on the register maintained by the RIAI under Part 3 of the Building Control Act 2007
- (a) Building Surveyors that are on the register maintained by the SCSI under Part 5 of the Building Control Act 2007
- (a) Chartered Engineers on the register maintained by Engineers Ireland under Section 7 of the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969

Similarly, the Design Certifier must be one of the above registered professionals and must be competent to carry out their design and to co-ordinate the design activities of others for the works concerned.

68. What is a Certificate of Compliance on Completion?

For work coming within the scope of S.I. No.9 of 2014, a Certificate of Compliance on Completion must be lodged with the Building Control Authority and placed on the public register before the building may be opened, occupied or used. The Certificate must be signed by the Assigned Certifier and the Builder. It certifies that the building or works have been carried out in accordance with the plans submitted and in compliance with the Building Regulations.

69. What happens if I change my Builder or Assigned Certifier during the construction works?

The owner of the building must notify the Building Control Authority within 14 days of such changes and must submit new Notices of Assignment and undertakings. Failure to do so is an offence.

Fire Services Acts

70. I have an existing building containing flats which has been vacant for a period and I now wish to bring them back into reuse. What fire safety legislative provisions apply in this case?

A building containing flats is subject to the requirements of the [Fire Services Acts, 1981 and 2003](#). The person having control over premises has duties in respect of fire safety, as provided for in section 18(2). The building should comply with *Fire Safety in Flats* (1994), which can be accessed at:

<http://www.housing.gov.ie/sites/default/files/migrated-files/en/Publications/Community/FireandEmergencyServices/FileDownload%2C1024%2Cen.pdf>

While the above guide may be used to assess the existing building, any works to address deficiencies constitute a material alteration and therefore must comply with the Building Regulations. Other new proposed works must also comply with the Building Regulations.

NOTE: *Fire Safety in Flats* (1994) provides persons having control over premises with guidance regarding the management of fire safety on an on-going basis.

In addition, all landlords have a legal duty to ensure that their rented properties comply with minimum standards as set out in the Housing (Standards for Rented Houses) Regulations 2017, including Fire Safety requirements (see Appendix 3).

Acknowledgements

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