

Joint Committee on Housing, Planning and Local Government

Vacant Housing Refurbishment Bill 2017 [PMB]

LH, Thursday, 23rd November, 2017 at 10.30am

- Thank you, Chair. I would like to thank the members of the Committee and also the Bill's sponsor, Deputy Cowen, for giving my colleagues and I the opportunity to discuss in more detail some of the key elements of the Vacant Housing Refurbishment Bill 2017, subsequent to its initial discussion at 2nd Stage in the Oireachtas last month.

- At the outset, I would just like to introduce the delegation that is accompanying me today from the Department:
 - Sarah Neary, Principal Adviser on Building Standards,
 - Niall Cussen, Chief Planner, and
 - Brendan Buggy, who works in the Department's Empty Homes Unit.

- As part of the overarching *Rebuilding Ireland* policy document, we are committed to bringing vacant properties back into use, where there is scope to maximise the use of many under-used or vacant properties. Of course it should be noted that a great number of these units remain under-utilised for a number of complex reasons and both identifying and re-activating them can be labour intensive and financially unreasonable.

- My own Department, with the assistance and advice of the Housing Agency, has undertaken substantial analysis and consideration of the issues around vacant housing and Minister Murphy announced earlier this Summer a range of actions being taken at central and local government levels to prioritise the identification and re-use of vacant homes and buildings, particularly in vacancy hot-spot areas and where there is significant demand for houses.
- It is in this context that the Department has examined the Vacant Housing Refurbishment Bill, and I would like to take this opportunity to briefly outline the Department's broad views on the overarching provisions of the Bill, in advance of more detailed discussions.

In relation to Building Standards

- **Section 2** of the Bill proposes amendments to the Building Control Act 1990, to provide for a “one-stop-shop” local authority process, exemptions from fire safety certificates, disability access certificate, certificates of compliance on completion and from being recorded on the Building Register, an alternative building control system and amendments to Regulations in relation to Structure, Fire, Sound, Ventilation, Stairs, Energy Efficiency and Accessibility.

- While we support the broad intention of the Bill, altering the performance requirements of Building Regulations in respect of fire safety, structural safety, ventilation etc. raises concerns. These are fundamental issues which protect the health and safety of people in and around buildings.
- Unfortunately, many incidences of building failures and severe non-compliance with Building Regulations have come to light over the past decade. Part of the response to this has been the introduction of new building control requirements, which have brought a new order and discipline to bear on construction projects.
- For that reason, we would have reservations around the proposal to exempt the complex works of developing existing buildings for residential use from these requirements, without appropriate alternative arrangements that maintain the integrity of the standards and process.

Working Group - Guidance on Regulatory Requirements

- In order to facilitate the development of existing buildings for residential use, a Working Group has been established by the Department and tasked with developing new guidance in order to provide clarity on what regulatory requirements apply in these circumstances and to provide advice on how best

to facilitate the re-use or development of under-used older buildings in the context of these regulatory requirements.

- The Group, including expertise in building regulations, fire safety in buildings, planning, design, and heritage from within and external to the Department has met twice already. So far, it has been gathering evidence as to what are the real regulatory difficulties facing those bringing vacant buildings back into use for residential purposes. The Working Group has also identified a number of common existing building typologies, the application of the regulations to existing works and commenced developing guidance for these.
- In addition, an on-line application system for Fire Safety Certificates, Disability Access Certificates and Dispensation and Relaxation is also being developed – this will help to further streamline and speed up the certification process.

In relation to Planning issues -

- Sections 3 and 4 of the Bill propose amendments to the Planning and Development Act 2000. Section 3 relates to exempted development provisions and proposes three new classes of exemptions, in the context of

residential development, including works requiring the change of use from commercial or industrial use to residential use.

- Section 4 provides that the new ‘one-stop-shop’ application procedure, mentioned earlier in the Bill, be used to expedite requests for section 5 declarations and that it be determined by a panel of ‘authorised persons’.
- As Government has already committed under Rebuilding Ireland to reviewing planning legislation to allow the change of use of vacant commercial units into residential units without the need for planning, we can indicate broad support for the planning related proposals.
- The Department is at an advanced stage of re-drafting proposed amendments in this regard, by way of secondary regulations as opposed to primary legislation, as proposed in the Bill. It is intended that the draft regulations will shortly be presented to both Houses of the Oireachtas for approval before these proposed regulatory amendments can come into effect.
- A key difference of the draft regulations compared to the features in the Bill, is that it is not proposed to require a mandatory section 5 declaration prior to availing of the exemptions. Rather, in keep with existing exemptions procedures, a developer will immediately be able to avail of the exemption

without the need to engage with and get confirmation from the planning authority.

- Separately, there is a concern about the proposal in the Bill in relation to making the sub-division of a dwelling into two or more dwellings exempt from planning permission. This conflicts with the Planning Act which provides that such development is a material change of use requiring consideration by a planning authority through the planning application process, with particular regard to protecting residential amenity and other considerations.
- These are just some initial thoughts on the provisions in the Bill. Hopefully, over the course of these discussions, we can provide some additional insight and value into the proposals set out by Deputy Cowen, and we will be happy to address, to the best of our ability, any questions you may have.
- Thank You.