

**Statement to Oireachtas Joint Committee on Housing, Planning, Community and
Local Government**

**Vacant Refurbishment Bill
31st January 2018**

My name is Alan Baldwin, Chartered and Registered Building Surveyor and Director of the Building Consultancy. I am also Chairperson of the SCSi Building Surveying Professional Group. I am joined by Noel Larkin, also a Chartered and Registered Building Surveyor. Noel is Principal of Noel Larkin and Associates and Vice Chair of the Building Surveying Professional Group.

The Society of Chartered Surveyors Ireland is the professional body representing over 5000 chartered surveyors in the property, land and construction sectors across a number of surveying disciplines in Ireland. Our membership incorporates disciplines from Building and Quantity Surveyors to Estate Agents, Planning Surveyors, Property and Facility Managers and Geomatics Surveyors. SCSi is partners with the Royal Institute of Chartered Surveyors (RICS), the Global body for Chartered Surveyors with over 180,000 members and trainees around the world.

SCSi welcomes, in principle, the Vacant Refurbishment Bill 2017 as a step forward to reducing the time frame required to seek necessary permits for redevelopment especially those vacant and underutilised properties in urban areas. Over half of our membership base is located outside Dublin and we are also aware of the challenges facing towns and villages to breathe new life and vibrancy into urban centres. This year, the SCSi has placed the topic of the Rejuvenation of our Rural High Street at the top of our policy and research agenda, and this will include highlighting the issues facing property owners when redeveloping their properties. Dereliction, empty and underutilised buildings are a blight not just on rural towns but also in our cities and we support practical, sensible measures that will improve vacancy rates, especially if they alleviate our housing supply crisis.

We also welcome the concept of a 'one-stop-shop' where competing regulatory requirements like accessibility and conservation (which can currently create contradictions which cannot be overcome in a practical and economic way) in a holistic way. However, we have real concerns that any reduction in standards and processes does not come at any price to people's safety or deliver any unintended consequences elsewhere.

SCSi is concerned about elements within the Bill's wording which we believe that it is very much open to interpretation, particularly in relation to aspects of the replacement of the existing Building Control procedures with the Works Permit and the interpretations in Schedule 1 of the Bill. Our building industry has come a long way to improving Building Regulations and Building Control Regulations and it would be counterproductive if derogations are made available to undermine or deflect from these standards which are properly in place to protect a building's occupants. The timeframes envisaged by the Bill

will, in our opinion, be exceptionally difficult to implement without significant resourcing and a specific requirement for sufficiently detailed plans and drawings in order to assist the panel's assessment of compliance with regulatory requirements.

This Bill proposes a 'one stop shop' to consider applications for renovation/change of use applications for existing properties, of which, the majority of this stock is likely to be of considerable age, and built during a time when Building Regulations were not in place. Any proposed structural changes to existing buildings impacting on a number of areas covered under the Building Regulations and already catered for by the existing BCAR procedures could be compromised due to the tight time frame proposed and lead ultimately to structural failures.

Consideration should be provided for building/structural surveys of these buildings to be carried out to ensure that the proposed alterations can facilitate the new loads/alterations proposed for the change of use/redevelopment. SCSi is concerned that any general arrangement drawings used to consider an application is in isolation of sufficient drawings and detail to demonstrate compliance with structure.

Resourcing of the proposed fast track process is unclear at this stage to ensure that the proposed changes are workable solutions. The speedier turnaround process will increase the workloads placed on Local Authorities and therefore will require additional recourses before a new expedited process is implemented.

It is also important to ensure that a two tier system will not develop for the standard of housing being delivered. The Bill is not clear on the definition of "relevant professionals" of the proposed "panel" and also mentions the establishment of a Register. There are already established registers for professionals in this area - the Society is the Registration Body for Buildings Surveyors and the RIAI registers Architects. We are unsure, therefore, of the need for an additional register. We are also unclear as to whether the authorised persons are Local Authority staff or private sector professionals. Following a recruitment embargo and the early retirement of many technical personnel, there must be real concern that many Local Authorities will simply not have the ability to provide this one-stop-shop service and will be challenged to scale up to respond to what could be a deluge of applications. If non-Local Authority staff are required to undertake this activity it is likely to place a higher risk of Local Authorities or indeed the State being held "vicariously liable" for future failures given the apparent "light touch" nature of the interpretation of technical guidance contained in the amendments proposed in Schedule 1.

This proposed legislation appears to impinge on established third party rights to comment or object to any proposed redevelopment. We are interested to hear how this process will work and what impact the proposed will have on the current statutory planning observation rights.

We are not convinced that the legislation will have the impact that is intended on the creation of housing supply. With such a high demand for short term accommodation in many urban areas, renovated properties may be utilised for AirBnB type accommodation not ultimately assist with the overall housing accommodation crisis, but instead fuel the short term letting supply.

The Bill does not appear to contain any restriction in terms of building/project size or a limitation on the number of permissible units to be created by subdivision/refurbishment. The implications of intensification of use which will impact on parking and local services, which are important planning considerations, may need to be considered in the overall impact study for this legislation.

While it is outside the scope of the Bill, legislators may also want to consider the potential legal and financial implications that these exemption provisions may create. Will banks provide finance for subdivided units created under these exemptions on the basis of a Certificate of Conformity? Will the legal profession view this type of certificate as sufficient for conveyance or other purpose? Will Residential Property Tax be applied to such properties?

Finally, from reading the Bill, SCSl is concerned that there is not sufficient distinction made between the planning process and Building Regulations / Building Control Regulations. We feel that further consideration is needed to separate these two distinct processes and we look forward to working with the Department to ensure that the legislation, when adopted, is fair, fit for purpose and merges properly the with current processes and procedures for the delivery of our built environment.

Vacant Refurbishment Bill 2017

SCSI Submission



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Vacant Refurbishment Bill 2017 – SCSI Submission

We provide the following suggestions in summary format based on the current wording of the Bill;

<p>Planning Regulations and Building Control Regulations</p>	<p>Planning Regulations and Building Control Regulations are quite separate statutory processes occurring at different stages of a building’s development. The type and level of detail required for construction work is quite different to the information required for Planning approval. SCSI is concerned that the two Statutory processes are not provided with an appropriate level of distinction. It would be extremely concerning if, for example, that ‘planning drawings’ may be the extent of the detail accompanying any application for proposed ‘works permit’.</p>
<p>Planning Consents</p>	<p>SCSI is concerned that the granting of planning consents by way of a ‘one stop shop’ may contravene the fundamental rights of citizens to be consulted on changes to the environment affecting them. We suggest that further consideration is given to this concern.</p>
	<p>This Bill appears to be seeking an alternative to the current mandatory certification of the design and construction of buildings which has led to a real and measurable improvement in the quality of construction work. SCSI is concerned that this proposal will remove an important aspect of Building Control which is contrary to the original purpose and objective of the improved oversight process implemented in March 2014.</p>
<p>Recourses</p>	<p>Local authorities may be significantly challenged to deliver what is proposed within this Bill by way of an expedited consent process. Although under the Building Control system in place, this system is largely self-financing and existing provisions can be utilised to ensure that building control does not provide an impediment to expedient delivery of safe buildings.</p>
<p>Fire Safety</p>	<p>SCSI is particularly concerned with regard to the proposal to replace the Fire Safety Certificate process, which has been in place since July 1992, with a fast track approval by way of a ‘works permit’ carries real risk. Matters such as adequate escape routes, external spread of fire, control of smoke spread, propagation or spread of flames and the correct use of proper materials are all complex issues which cannot be adjudicated upon without due consideration and careful assessment. This proposal carries real risks to the safety of</p>

	people who may live in these buildings.
Section 4 (C) (iv)	Under 4 c iv - the words 'or located within an architectural conservation area (ACA) should be inserted after 'or a proposed protected structure'
Fire Safety	Fire safety regulations are continually under review and are regulated by way of a Fire Safety Certificate process for buildings which are considered higher risk, such as flats or apartments. Residential use is a higher risk as a consequence of people sleeping on the premises. The provision of adequate fire protection to the structure of the building, the design and installation of fire detection and alarm systems, the planning of adequate escape routes are not technically simple matters. They are life critical issues which must be designed and executed correctly and it is our recommendation that further consideration is provided in this context.
Schedule 1 (Part A Structure)	Due to the varied nature of the proposed building works that could be part of this Bill, the impact that proposed alterations could be quite significant. Many of the buildings that may be subject to alterations under the 'one stop shop' approval process are likely to be of considerable age and therefore in the interest of safety, SCSi suggests that it should be mandatory that Structural/Building Condition Surveys are carried out before works commence on site.
Schedule 1 (Part B Fire Safety)	<p>There Building Control Regulations allows an accelerated process called a 7-day Notice which also functions as a Commencement Notice and the proposed alternative of a "Works Permit" appears to be based on a lesser level of undertaking and "declarations" against a much tighter time frame. It is unclear what if any, statutory notification system will apply and how will the system ensure an appropriate inspection and certification system and who will be responsible for ensuring compliance. As we do not have a Local Authority approval system in place it is unclear if the Building Control Department, or its agents will have the capacity or opportunities to ensure compliance.</p> <p>The current Building Control Authority response time for granting Fire Certificates under both the conventional or 7-day notice is quite varied and would benefit from quicker response times and this can be the major impediment to accelerating completion of projects.</p> <p>In view of the potential "life critical" nature risk of Fire Safety it would be better to "tighten-up" the Building Control response time and leave this aspect outside the proposed "Fast track Works" permit alternative, as proposed.</p>

Sub section 9(a) (i)	<p>Clarity is required as to whether ‘Authorised persons’ are the existing local authority staff as envisaged in this paragraph or whether they would be relevant professionals as envisaged in paragraph 6(iv).</p> <p>Subparagraph (ii) calls up a ‘standard checklist for public safety compliance’. This is concerning and is contrary to risk assessments process developed to date.</p>
Technical Guidance Documents (TGD)	<p>It is imperative that new TGD’s are prepared and published for any new proposed permit system to guide professionals making applications through the one stop shop process.</p> <p>It is important to deter the possibility that a two tier system will develop in terms of the standard of housing being produced.</p>
General	<p>In view of the relatively higher risks associated with material alterations and material changes of use to existing buildings greater clarity is required in relation to guidance for each of the Technical Guidance Documents and simplistic statements currently in Schedule 1 may give rise to dismissing otherwise viable and cost-effective attempts to upgrade the standards in a meaningful manner.</p> <p>A Regulatory Impact Assessment should be carried out in conjunction with the Construction Industry Council and other appropriate stakeholders to include risk assessment and life cycle cost appraisal.</p> <p>Clearer guidance is required about the procedural aspects applying to Planning and Building Control oversight.</p>