



**28<sup>th</sup> March 2018**

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

**Vacant Housing Refurbishment Bill 2017**

Chairperson, Deputies and Senators,

Thank you for the invitation to give evidence to your committee this morning. My name is Richard Manton and I am the Policy Officer with Engineers Ireland. I would like to introduce John Bailey, a Chartered Engineer and Fellow of Engineers Ireland, who is joining me in representing our Institution at this morning's meeting.

Engineers Ireland is one of the oldest and largest representative bodies on the island of Ireland, with over 25,000 members. This membership incorporates all disciplines of the engineering profession in Ireland across industry in consulting and contracting organisations, the public service, semi-state organisations and academic institutions.

Engineers Ireland awards the professional title Chartered Engineer – the 'gold standard' for engineers working in Ireland. This professional badge of excellence is awarded following a rigorous assessment and is recognised internationally and in Irish law.

We would firstly like to acknowledge the work done by this Committee and your advisors on building standards and control which included, for example, the Safe as Houses report published last December. We would all like to see an increase in the supply of safe, high quality housing that provides value for the consumer particularly in the on-going climate of housing shortage.

Engineers Ireland therefore welcomes in principle this Bill which endeavours to increase the delivery of much-needed units of accommodation. We agree that, if done correctly, bringing vacant properties into residential use will not only help to address the housing shortage, but can also revitalise our towns and cities. For example, we welcome the move towards coordinated building permitting, which we believe should be applied to all building projects.

However, we believe that this Bill – as currently drafted – will have little effect on the availability of accommodation in the short or medium term. Furthermore, while we do not question the intent of the drafters of this Bill, we are concerned about potential unintended consequences of the Bill. We would like to raise three main points.

1. **Building standards and safety:** The Bill proposes to replace statutory requirements for a fire safety certificate, a disability access certificate and compliance with other parts of the Building Regulations with a works permit. In effect, this would introduce a third system of building regulation compliance documentation after SI 9 of 2014 ('BCAR') and SI 365 of 2015 (the 'opt-out'). If anything, BC(A)R has promoted a greater awareness of the need for proper design and inspection of fire protection measures and an unintended consequence of the proposed Bill might be to relegate this awareness to a "works permit scenario" with a consequent lesser emphasis on the importance of the fire safety certificate and disability access certificate documentation. The Bill also proposes to revise the Technical Guidance Documents. It should be noted that Building Regulations are minimum performance standards set for the safety and comfort of occupants and the

general public – we have particular concerns relating to fire safety. If buildings approved under this new system are perceived as being built to lesser standards, this could further distort the property market.

2. **Timeframes:** The Bill proposes a time limit of two weeks for local authorities to revert with the result of the pre-application assessment. However, there is no time limit proposed for the Local Authority to deliver a decision for the subsequent “one-stop-shop” application. There is no provision for the Local Authority to seek an extension of time in relation to the determination of the application. There is no provision for comment from third parties. There is no provision to allow the Local Authority to seek additional information from the applicant. There is no provision for appeals of decisions, either first or third party (which may even give rise to a constitutional challenge). The procedural process needed to accommodate the above issues needs to be faster and less cumbersome than the existing processes in order to achieve the desired effect of the Bill. All-the-while, the time required to assess a design proposal will not be affected by this Bill.
  
3. **Authorised Persons and Local Authority resourcing:** The Bill outlines the role of “Authorised Persons” in enforcing Building Regulations and proposes the creation of a new register. It is absolutely essential that these “Authorised Persons” are qualified and competent professionals, approved for specific activities – for example, a structural engineer is not competent to review an electrical engineering design. However, the numbers of competent persons needed to carry out the required design assessments and to make the site inspections are simply not available within the public sector. We would also question how the qualifications of such “Authorised Persons” would be vetted before they are placed on the register. It is probable that most if not all of the assessments and inspections would have to be contracted out to the private sector (where there is also an emerging shortage of competent professionals). Therefore, to

populate a new core of independent inspectors (and to achieve the timeframes outlined above) significant additional resourcing of Local Authorities would be required. We therefore challenge the assertion that the Bill would not entail a direct cost on Local Authorities or on the Exchequer.

In conclusion, Engineers Ireland would like to commend the work of the drafters of this Bill and this Committee. We believe that moving towards coordinated building permitting and greater inspection and enforcement capacity in Local Authorities would assist in the efficient supply of safe, high quality housing. However, we don't believe that this Bill can achieve this objective.

We look forward to continuing our engagement with this Committee and with Government to develop solutions for consumers and the wider public.

Thank you.

ENDS