Bringing Back Homes
Manual for the reuse of existing buildings

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

The centres of our towns and cities contain a large amount of underused built 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.
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, building control and 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 Rapid 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 some of the building types outlined in Chapter 2.

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).

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 is presently being 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.
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 3).

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/local-government/home-ownership/vacant-homes/vacant-homes.

Under the Government Policy on Architecture and Design – Shaping the Future – Environment and Design (2008), a number of key measures to quickly bring vacant stock back into use have already been taken. A Vacant Homes Unit has been established in the Department, with the aim of driving and co-ordinating action 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 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 quality of our natural and built environments. This system guides Ireland’s planning authorities, which in turn apply these policies when assessing individual applications.

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.

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

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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(3) 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.

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
- The Fire Services Acts

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.

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 certain works may also require compliance with Building Regulations, Building Control Regulations or other regulatory codes and standards.

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.

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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.

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.

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 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.

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) is available to download from the website of the Department of Culture, Heritage and the Gaeltacht.


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.

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 purposes 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:

(a) New buildings (residential and non-residential)
(b) Extensions and material alterations to existing buildings
(c) Certain Parts of the Regulations apply to changes of use of existing buildings, and
(d) 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.

Building Control 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.

In response to building failures that emerged over the past decade, the Department introduced the Building Control (Amendment) Regulations 2016 (RCAR), 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 compliance documentation is lodged,
that mandatory inspections are carried out during construction and validation and that certificates are registered.

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.

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), 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.


Chapter 2
The Basic Process

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 and sound.

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.
Step 1 Consider Reusing an Existing Building for Residential Purposes

Our town and city centres contain a large amount of underused built 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.

There are also important regulations to which redevelopment works must adhere. For example, Regulations relating to fire safety, sound insulation 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, a structural engineer or a building surveyor — who is competent to advise about the existing building is strongly recommended.

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 Officers 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 the manual, which explains how planning and building-standards requirements apply to existing buildings and how best to facilitate the efficient and economic reuse or redevelopment 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, and 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.

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 seek professional advice when engaging in any part of this process.
### Step 2 Identify the Regulatory Path

The regulatory system of planning, fire safety, accessibility, building control and conservation is sometimes perceived as creating competing agendas. Additional uncertainty and unnecessary delays can result if the various elements of this system 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.

#### Figure 2  Typical considerations associated with the common existing building types

<table>
<thead>
<tr>
<th>Existing Building</th>
<th>Reuse Options</th>
<th>Do the works require Planning Permission?</th>
<th>Do the works require a Fire Safety Certificate?</th>
<th>Do the works require a Disabled Access Certificate (DAC)?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type 1</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing Dwelling</td>
<td>Option a</td>
<td>Refurbishment</td>
<td>There is no change to the building use; so, planning permission is not required.</td>
<td>A Fire Safety Certificate is not required for a dwelling house.</td>
</tr>
<tr>
<td></td>
<td>Option b</td>
<td>Conversion of dwelling into two dwellings</td>
<td>Planning permission is required for change of use to two dwellings.</td>
<td>A Fire Safety Certificate is required for a building which undergoes a material change of use, i.e. the whole building.</td>
</tr>
<tr>
<td><strong>Type 2</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two-Storey Building with Over-the-Shop Accommodation</td>
<td>Option a</td>
<td>Inclusion of an ancillary shop as part of the existing dwelling</td>
<td>Planning permission generally not required.</td>
<td>Fire Safety Certificate is not required for a dwelling house.</td>
</tr>
<tr>
<td></td>
<td>Option B</td>
<td>Conversion of ancillary shop to an independent shop unit with dwelling overhead</td>
<td>Planning permission generally required due to the change from ancillary shop to permanent shop.</td>
<td>A Fire Safety Certificate is required for a building which undergoes a material change of use,* i.e. the shop only.</td>
</tr>
<tr>
<td></td>
<td>Option c</td>
<td>Conversion of an ancillary/ independent shop to an independent dwelling unit with another dwelling overhead</td>
<td>Planning permission required unless the Exempted Development Regulations, 2018 apply. (See Appendix 1).</td>
<td>A Fire Safety Certificate is required for a building which undergoes a material change of use,* i.e. the whole building.</td>
</tr>
</tbody>
</table>
### Existing Building

<table>
<thead>
<tr>
<th>Type 3</th>
<th>Three-Storey Building with Over-the-Shop Accommodation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Option a</strong></td>
<td>Inclusion of an ancillary shop as part of the existing dwelling</td>
</tr>
<tr>
<td><strong>Option b</strong></td>
<td>Conversion of an ancillary shop to an independent shop unit with two-storey dwelling overhead</td>
</tr>
<tr>
<td><strong>Option c</strong></td>
<td>Conversion of an ancillary shop to an independent shop unit with multiple dwellings overhead</td>
</tr>
<tr>
<td><strong>Option d</strong></td>
<td>Conversion of an ancillary shop to an independent shop unit with multiple dwellings overhead</td>
</tr>
</tbody>
</table>

**Reuse Options**

<table>
<thead>
<tr>
<th>Type 4</th>
<th>Multi-Storey Building (Non-Dwelling)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Option a</strong></td>
<td>Conversion of a multi-storey building (non-dwelling) into a single dwelling</td>
</tr>
<tr>
<td><strong>Option b</strong></td>
<td>Maintaining a non-dwelling unit at ground floor and providing a two-storey dwelling overhead</td>
</tr>
<tr>
<td><strong>Option c</strong></td>
<td>Conversion of a multi-storey building (non-dwelling) into multiple dwellings</td>
</tr>
<tr>
<td><strong>Option d</strong></td>
<td>Maintaining a non-dwelling unit at ground floor and providing multiple dwellings overhead</td>
</tr>
</tbody>
</table>

### Do the works require Planning Permission?

- Planning permission generally not required if the shop only.
- Planning permission generally not required for a building which undergoes a material change of use* to a single dwelling.
- Planning permission generally not required for a building which undergoes a material change of use* to a two dwellings.
- Planning permission generally not required for a building which undergoes a material change of use* to multiple dwellings.
- Planning permission generally not required for a building which undergoes a material change of use* to a dwelling house.
- Planning permission generally not required for a building which undergoes a material change of use* to a shop.
- Planning permission required for a building which undergoes a material change of use,* i.e. the whole building.
- Planning permission required due to change from ancillary shop to permanent shop.
- Planning permission required unless the Exempted Development Regulations, 2018 apply.

### Do the works require a Fire Safety Certificate?

- A Fire Safety Certificate is not required, as Part M does not apply to a material change of use resulting in a dwelling.
- A Fire Safety Certificate is required for a building which undergoes a material change of use,* i.e. the whole building.
- A Fire Safety Certificate is required for a building which undergoes a material change of use,* i.e. the shop only.
- A Fire Safety Certificate is required for a building which undergoes a material change of use,* i.e. the whole building.
- A Fire Safety Certificate is not required, as Part M does not apply to a material change of use resulting in a dwelling.
- A Fire Safety Certificate is required for a building which undergoes a material change of use,* i.e. the shop only.
- A Fire Safety Certificate is not required, as Part M does not apply to a material change of use resulting in a dwelling.
- A Fire Safety Certificate is not required, as Part M does not apply to a material change of use resulting in a dwelling.

### Do the works require a Disabled Access Certificate (DAC)?

- A Disability Access Certificate is not required, as Part M does not apply to a material change of use resulting in a dwelling.
- A Disability Access Certificate is required for a building which undergoes a material change of use,* i.e. the whole building.
- A Disability Access Certificate is required for the shop only, as Part M applies to a material change of use* to a shop.
- A Disability Access Certificate is not required, as Part M does not apply to a material change of use resulting in a dwelling.

---

**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 Involved

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 an ancillary shop to an independent shop unit with 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

<table>
<thead>
<tr>
<th>Option</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option a</td>
<td>Inclusion of an ancillary shop as part of the existing dwelling</td>
</tr>
<tr>
<td>Option b</td>
<td>Conversion of an ancillary shop to an independent shop unit with a two-storey dwelling overhead</td>
</tr>
<tr>
<td>Option c</td>
<td>Conversion of an ancillary shop/ independent shop to an independent dwelling unit with multiple dwellings overhead</td>
</tr>
<tr>
<td>Option d</td>
<td>Conversion of an ancillary shop to an independent shop unit with multiple dwellings overhead</td>
</tr>
</tbody>
</table>

#### Typical Scale of Intervention

- **Option a**
  - 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**
  - 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**
  - 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**
  - 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

**Option b**
Maintaining a non-dwelling unit at ground floor and providing a two-storey dwelling overhead

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

**Option d**
Maintaining a non-dwelling unit at ground floor and providing 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:
  - 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.*

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 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.*

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 non-dwelling and dwelling (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.*

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) 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.*

---

*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**

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

<table>
<thead>
<tr>
<th><strong>TYPE 3</strong> Three-storey building with over the Shop Accommodation</th>
<th>Reuse Option</th>
<th>Planning Permission</th>
<th>Fire Safety Certificate</th>
<th>Disability Access Certificate*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option a Inclusion of an ancillary shop as part of the existing dwelling</td>
<td>Generally not required</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Option b Conversion of an ancillary shop to an independent shop unit with two-storey dwelling overhead</td>
<td>Generally required</td>
<td>✓ (for shop only)</td>
<td>✓ (for shop only)</td>
<td></td>
</tr>
<tr>
<td>Option c Conversion of an ancillary/independent shop to an independent dwelling unit with another dwelling overhead</td>
<td>✓ (unless Exempted Development Regulations, 2018 apply)</td>
<td>✓</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>TYPE 4</strong> Multi-storey building (non-dwelling)</th>
<th>Reuse Option</th>
<th>Planning Permission</th>
<th>Fire Safety Certificate</th>
<th>Disability Access Certificate*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option a Conversion of a multi-storey building (non-dwelling) into a single dwelling</td>
<td>✓ (unless Exempted Development Regulations, 2018 apply)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Option b Maintaining a non-dwelling unit at ground floor and providing a two-storey dwelling overhead</td>
<td>✓ (unless Exempted Development Regulations, 2018 apply)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Option c Conversion of a multi-storey building (non-dwelling) into multiple dwellings</td>
<td>✓ (unless Exempted Development Regulations, 2018 apply)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Option d Maintaining a non-dwelling unit at ground floor and providing multiple dwellings overhead</td>
<td>✓ (unless Exempted Development Regulations, 2018 apply)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**NOTE:** For licences required to facilitate works, e.g., road closure, refuse skips, deliveries, traffic free flow - 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 Works

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).

Health and Safety


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](https://www.localgov.ie/en/bcms).

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

![Figure 8](image)

### Figure 8 Notifications Required Prior to Commencing Works On-Site

<table>
<thead>
<tr>
<th>TYPE</th>
<th>Option</th>
<th>Is notification of commencement of works required?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>a. Refurbishment</td>
<td>A Commencement Notice is not required (because neither Planning permission nor a Fire Safety Certificate is required).</td>
</tr>
<tr>
<td>2</td>
<td>a. Inclusion of an ancillary shop as part of the existing dwelling</td>
<td>Works may commence on-site, as desired.</td>
</tr>
<tr>
<td>3</td>
<td>a. Inclusion of an ancillary shop as part of the existing dwelling</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>a. Conversion of a multi-storey building (non-dwelling) into a single dwelling</td>
<td>A Commencement Notice without accompanying documentation is required.</td>
</tr>
<tr>
<td></td>
<td>b. Conversion of a dwelling into two dwellings</td>
<td>Commencement Notice + Accompanying Documentation, where a Fire Safety Certificate has been granted</td>
</tr>
<tr>
<td></td>
<td>c. Conversion of an ancillary/ independent shop to an independent dwelling unit with another dwelling overhead</td>
<td>Works must start between 14 days and 28 days from date of submission</td>
</tr>
<tr>
<td></td>
<td>b. Conversion of an ancillary shop to an independent shop unit with a two-storey dwelling overhead</td>
<td>7 Day Notice + Accompanying Documentation, where Fire Safety Certificate has not been granted</td>
</tr>
<tr>
<td></td>
<td>c. Conversion of an ancillary/ independent shop to an independent dwelling unit with multiple dwellings overhead</td>
<td>Works may start 7 days from date of application</td>
</tr>
<tr>
<td></td>
<td>d. Conversion of a multi-storey building (non-dwelling) into multiple dwellings</td>
<td>Notice Validated Commence Works</td>
</tr>
<tr>
<td></td>
<td>d. Maintaining non-dwelling unit at ground floor and providing a two-storey dwelling overhead</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c. Conversion of a multi-storey building (non-dwelling) into multiple dwellings</td>
<td></td>
</tr>
<tr>
<td></td>
<td>d. Maintaining non-dwelling unit at ground floor and providing multiple dwellings overhead</td>
<td></td>
</tr>
</tbody>
</table>
Where a building is planned to be subdivided 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 and sound.

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.
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 a two-storey dwelling overhead

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

**Ref** | **Element (Shop Unit)** | **Requirements for works to shop only**<sup>1,2</sup>
--- | --- | ---
1 | External wall | • Confirmation that existing walls are structurally sound
• Confirmation of Class 1 (or Class C-s3,d2) – Internal fire spread of flame
• Confirmation that existing walls are resistant to ingress of moisture
• Confirmation that there is no rising damp
• 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 | • 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 DnT,w dB (min), if shop is adjoining a dwelling

3 | Windows | • Purge ventilation – total openable area ≥ 1/20<sup>th</sup> 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 | • 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 DnT,w dB (min)

5 | Compartment wall between shop and dwelling overhead | • 60 minute fire resisting construction with no penetrations
• Sound Insulation – Airborne 53 DnT,w dB (min)

6 | Shop/Commercial unit | • Fire alarms – Depending on size, layout and occupancy
• Independent services
• Access and Use

**NOTE:**
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 constituting a material alteration must comply with all parts of the Building Regulations (See Appendix 2).
3. Rental regulations apply where the dwelling is proposed to be rented. See Appendix 3 for Minimum standards in rented accommodation.
Figure 10  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

---

<table>
<thead>
<tr>
<th>Ref</th>
<th>Element (dwelling)</th>
<th>Requirements</th>
</tr>
</thead>
</table>
| 1   | External wall     | - 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   | - 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 (No penetrations or openings)  
- Confirmation that there is no rising damp  
- Sound Insulation - Airborne 53 DnT,w dB (min) |
| 3   | Windows           | - 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 | - 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 DnT,w dB (min)  
| 5   | Separating floor above shop | - 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 DnT,w dB (min) |
| 6   | Protected Stairwell | - 60 minute fire resisting construction  
- Confirmation of Class D (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 operable (incl. dwelling entrance door and main entrance door)  
- Sound Insulation - Airborne 53 DnT,w dB (min)  
- Reverberation control in common area  
- Fire detection and alarm system to common area  
- Emergency escape lighting |
| 7   | Dwelling No.1 and No.2 | - 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              | - Confirmation that roof is structurally sound, with no moisture ingress  
- Confirmation that existing slates/tiles meet the AA, AB or AC (National Class) 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 | > 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.
Bringing Back Homes

Figure 11 Multi-Storey Building (Non-Dwelling)

Reuse Option b
Maintaining a non-dwelling unit at ground floor and providing a two-storey dwelling overhead

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

New Two-Storey Dwelling

1. External wall
   - 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
   - Confirmation that there is no rising damp
   - U-value ≤ 0.35 W/m²K for solid walls

2. Separating wall
   - 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 (No penetrations or openings)
   - Sound Insulation - Airborne 53 DnT,w dB (min)

3. Windows
   - Purge ventilation – total openable area ≥ 1/20 floor area
   - Background ventilation may be provided via trickle vents or wall vents
   - U-value ≤ 1.6W/m²K

4. Separating floor above shop
   - 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 DnT,w dB (min)

5. Compartment wall between shop and dwelling
   - 60 minute fire-resisting construction with no penetrations
   - Sound Insulation - Airborne 53 DnT,w dB (min)

6. Roof
   - Confirmation that roof is structurally sound with no moisture ingress
   - Confirmation that existing slates/ tiles meet the AA, AB or AC (National Class) 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
   - 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

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’.
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.

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

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.

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’.
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 and created a retail unit at ground floor and two one-bed apartments at the upper floors, each measuring 54m². The apartments shared the historic stairs, with independent access from the street, each having a storage space at basement level. The remainder of the basement provides retail storage that is accessed directly from the shop.

This development aligns with Reuse Option Type 3d - Conversion of an ancillary shop to an independent shop unit with multiple dwellings overhead.
Appendix 1


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.

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.
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, as applied 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 2: 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 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 m²
- 1 bedroom apartment: Minimum = 45 m²
- 2 bedroom (4 person) apartment: Minimum = 73 m²
- 3 bedroom apartment: Minimum = 90 m²

The minimum storage space requirements are:

- Studio apartment: Minimum = 3 m²
- 1 bedroom apartment: Minimum = 3 m²
- 2 bedroom (3 person) apartment: Minimum = 5 m²
- 2 bedroom (4 person) apartment: Minimum = 6 m²
- 3 or more bedroom apartment: Minimum = 9 m²

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.

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 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 A.1.

EXISTING

PROPOSED
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

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

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)(b). 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 site
- 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)(b).

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 building, the number of residential units involved, the unit sizes and the number of bedrooms in each unit.
- 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.
Appendix 2

The Application of the Building Regulations to Works to Existing Buildings

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
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
(a) 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%)
(j) Does not apply to works (including extension) 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 to a building, 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 April 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 the 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.

Application of Part M (Access and Use) when a Material Change of Use takes place

The following outlines the application of Part M to a building which was not been used as a dwelling and becomes so used. It clarifies when a Disability Access Certificate is not required for such circumstances.

Section 3(3) of the Building Control Act (No. 3 of 1990) defines a Material Change of Use as:

‘[3] In addition to the provisions of any regulations made for the purposes of subsection (3)(b), 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.’

A Material Change of Use is further elaborated on in Article 13 of S.I. No. 497 of 1997, as follows:

‘(2) A material change of use as regards a building shall be deemed to take place if—

(a) a change of use, deemed by Section 3(3) of the Act to be a material change of use, takes place, or

(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.’

And it identifies the parts of the regulations that apply to a change of use, namely:

(1) the requirements of the following parts of the Second Schedule:

- Parts A1 and A2
- Part B
- Part C4
- Part F
- Part G
- Part H
- Part J
- Part L

shall apply to the building.

It should be noted that Part M is not included.

S.I. No. 497 of 1997, was amended by S.I. No. 513 of 2010 by the addition of:

‘In addition, Part M shall apply to the building, where a material change of use as described in subparagraph (2)(a)(i), (ii), (iv), (vi), (vii) or (viii) of this article takes place. ’ [More recently S.I. No. 497 of 1997, was amended by S.I. No. 606 of 2014 to include ‘Part E’].

Thus Part M only applies to certain types of buildings referred to in 13(2) of S.I. No. 497 of 1997, as highlighted above. 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). Neither does Part M apply to a change of use deemed by Section 3(3) of the Building Control Act (No. 3 of 1990).

Therefore, a Disability Access Certificate is not required in these circumstances.
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 walls.

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 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
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.

### Appendix 4

#### Typical Licenses Required

**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 (NWCP0). Offaly County Council manages the National Waste Collection Permit Office NWCP0, 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”.

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- 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.

### 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.
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

This in 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 1965).

Cranes, Hoists and Vehicles Permits on Public Roads

A consent/ licence in accordance with, and subject to, the provisions of Section 71 of the Road 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, (Central Applications 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.

- 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. T5 to T3

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
- 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. 199 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.
Bringing Back Homes

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 addendums 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 materials, 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, sitting 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

For water and waste-water connections, use Irish Water the Step-by-Step Path to guide you through your water and/or waste-water connection application, which will be made in two phases.

Surface Water Connections

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.

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.

Home Renovation Incentive (HRI)

The Home Renovation Incentive (HRI) scheme enables homeowners or landlords to claim tax relief on repairs, renovations or improvement work that is carried out on their main home or rental property. The HRI allows you to claim a tax credit of 13.5% of the total cost of repairs, renovations and improvements. To qualify for the credit, you must spend at least €4,405 on each qualifying property. 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 2010)
- 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.

Examples of qualifying works include:

- Painting, decorating and tiling
- Plastering, plumbing and rewiring
- Bathroom upgrades
- Installation of fitted kitchens
- Window replacements
- Extensions and attic conversions
- Work to garages, driveways and landscaping
- Septic-tank repair or replacement
- Insulation

Full details of how the scheme works, which works qualify and how to claim tax relief are available on the Revenue Commissioners website at: https://www.revenue.ie/en/property/home-renovation-incentive/index.aspx

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 2010)
- 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

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

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.

Built Heritage Investment Scheme

The Built Heritage Investment Scheme (BHIS) is a fund of €2 million in 2018. Eligible structures under the scheme include:

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

The BHIS seeks to leverage private capital for investment in a significant number of labour-intensive, small-scale conservation projects across the country and to support the employment of skilled and
experienced conservation professionals, craftspersons and tradespersons. The BHIS has a focus on job creation, and Local Authorities are required to report to DCHG on the number of jobs created under the scheme.

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

Structures at Risk Fund
The aim of the Structures at Risk Fund (SRF) is to safeguard certain historic structures where an urgent need to do so has been demonstrated. The SRF aims to reduce the risk of deterioration of Ireland's architectural heritage while also supporting employment of conservation professionals, contractors and specialists. The SRF is a support for owners and occupiers as they commit themselves to helping secure the future of our architectural heritage.

Only structures or parts of structures in immediate danger of significant deterioration qualify for funding under the SRF. The SRF has a funding of €1,324,000 for 2018, of which €74,000 is allocated for funding Irish Historic Houses.

Applications are made to the Local Authorities who may forward four applications to the Department of Culture, Heritage and the Gaeltacht for consideration. A fifth application may be made relating to an Irish Historic House in private ownership.

The minimum funding awarded is €15,000, up to a maximum grant of €30,000. Funding shall not exceed 80% of the total project cost.

A Local Authority may forward a further application to the Department of Culture, Heritage and the Gaeltacht relating to an Irish Historic House in private ownership. The minimum funding awarded in this case is €5,000 up to a maximum grant of €10,000.

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.

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.

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, 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.

<table>
<thead>
<tr>
<th>Timescale</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start</td>
<td>Notice published in newspaper and site notice erected</td>
</tr>
<tr>
<td>2 weeks later</td>
<td>Latest date for lodging application</td>
</tr>
<tr>
<td>Between 2 weeks and 5 weeks</td>
<td>Application is validated by the planning authority. Submissions or objections are considered.</td>
</tr>
<tr>
<td>Between 5 and 8 weeks later</td>
<td>Planning authority issue notice of their decision on the application. (Alternatively, they may request further information.)</td>
</tr>
<tr>
<td>4 weeks after issue of notice</td>
<td>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.</td>
</tr>
</tbody>
</table>

**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;
- Any European site (e.g., Special Areas of Conservation, Special Protection Areas);
- Any appeal from a planning application.

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 single 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 other 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. Development other than residential ones 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/6131 or by contacting your Local Authority. 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 Exemption 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.

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 works; 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 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 timelines 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 interior 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.

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 the protected structure 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.

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.

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 the area should be submitted with the application. Before making a decision on the planning 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 further information?
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, viz-ô-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 the hyperlink: http://www.housing.gov.ie/housing/building-standards/tgd-part-d-materials-and-workmanship/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 the Statutory Register of Building Control Activity 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 within the 28-day period. 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.

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 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?**

- (a) an erection of a building
- (b) the material alteration of a building, or the extension 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(2) of the Act to be a material change of use, takes place, or a building which was not being used as a(a) a day care centre, becomes so used, or (ii) a hospital, 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) any 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.**

| Class 1 | A single storey building used as a garden house, green house, conservatory, a single storey building used as a shed, garage, shed, summer house. |
| Class 2 | A single storey building ancillary to a house, e.g. a summer house, conservatory, a single storey building used as a shed, garage, shed, summer house. |
| Class 3 | A single storey building ancillary to a house, e.g. a summer house, conservatory, a single storey building used as a shed, garage, shed, summer house. |

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

- (a) a new building
- (b) a material alteration of -
  - i. a daycare centre, or
  - ii. a building containing a flat, or
  - iii. a hospital, hostel or guest building, or
  - iv. an institutional building, or, or a place of assembly, or
  - vi. a shopping centre

- (c) a 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) a material alteration of use

**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,
  - 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 of 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 storey 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.

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**DO ANY OF THE FOLLOWING EXEMPTIONS APPLY?**

- (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, Srannal 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)

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**IS IT A NEW DWELLING OR AN EXTENSION TO A DWELLING WITH A TOTAL FLOOR AREA OF > 40m2?**

**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**

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

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**Commencement Notice only?**

**Commencement Notice + Accompanying Documents?**

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

**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

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.

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 denied 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. (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 the design of certain works — e.g. new buildings (except dwelling houses) — complies with the requirements of Part M of the Building Regulations. A Disability Access Certificate is required for non-domestic works which require a Fire Safety Certificate.

61. When is a Disability Access Certificate required?
A Disability Access Certificate is required in respect of works to buildings other than dwellings (but including apartment buildings) in so far as the Requirements of Part M apply.

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
(b) Building Surveyors that are on the register maintained by the SCSI under Part 5 of the Building Control Act 2007
(c) 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 coordinate 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:


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).
References

Legislation

Building Control (Amendment) Regulations 2014
http://www.housing.gov.ie/housing/building-standards/building-regulations/building-control

Building Regulations 1997 (as amended)
http://www.housing.gov.ie/housing/building-standards/building-regulations/building-regulations


Housing (Standards for Renting Houses) Regulations 2017

National Monuments Acts
https://www.archaeology.ie/publications-forms-legislation/legislation

Planning and Development Act
http://www.housing.gov.ie/planning/bord-pleanala/planning-legislation

Planning and Development Regulations 2001

Planning and development (amendment) (no.2) regulations 2018

Road Traffic Act 1961

Road Act 1993 (No. 14 of 1993)

Safety, Health and Welfare at Work legislation
http://www.hsa.ie/eng/

The Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969

Publications

Advice Series (DCHG)
https://www.chg.gov.ie/heritage/built-heritage/architectural-heritage-advisory-service/advice-for-owners/

Architectural Heritage Protection Guidelines for Planning Authorities (2011) is available to download from the website of the Department of Culture, Heritage and the Gaeltacht:

Code of Practice for Access and Working Scaffolds (Health and Safety Authority)

Design out Waste - A design team guide to waste reduction in construction and demolition projects - fact sheet 4, 'Reuse and Recycling Opportunities'

Fire Safety in Flats (Department of Environment 1994)

Guidelines for Managing Openings in Public Roads (Department of Transport Tourism and Sport 2017)

Guide to Minimum Standards in Rented Accommodation

Guide to the Safety, Health and Welfare at Work, (General Application) Regulations
http://www.hsa.ie/eng/Publications_and_Forms/Publications/General_Application_Regulations/Work%20Equipment%20Updated%20Version.pdf

Irish Water the step-by-step path
https://www.water.ie/connections/

Rebuilding Ireland - Action Plan for Housing and Homelessness (Government of Ireland 2016)
http://rebuildingireland.ie/

Retail Design Manual - a Companion Document to the Retail Planning Guidelines for Planning Authorities (DAHG/DECLG 2012)

Technical Guidance Documents

Traffic Signs Manual (National Roads Authority 2010)