

2018

Department of
Housing, Planning
and Local
Government

REPORT OF THE WORKING GROUP ON THE REUSE OF EXISTING BUILDINGS

This Report outlines the key deliverables of the Working Group on the Reuse of Existing Buildings and proposes a series of recommendations for consideration to implement in the future.

1.0 Introduction

A range of actions are currently being implemented under Pillar 5 of *Rebuilding Ireland: Action Plan for Housing and Homelessness* 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.

An overarching action within Pillar 5 is a commitment to develop a [National Vacant Housing Reuse Strategy](#) (published in July 2018). This Strategy strives to provide a targeted, effective and co-ordinated approach to identifying and tackling vacancy across Ireland. The Strategy contains a range of objectives and key actions, which are being pursued in partnership with stakeholders and agencies across the housing sector to address vacancy in our housing stock.

Other initiatives include the establishment of the Vacant Homes Unit in the Department, with the aim of driving and co-ordinating actions at central and local government levels and supporting local authorities in their actions.

Action 5.9 of *Rebuilding Ireland* commits to reviewing planning legislation to allow the change of use of commercial units in urban areas – including vacant under-utilised areas above ground floor premises – so that they can be reused as residential units without having to go through the planning process¹. This review resulted in the Planning and Development (Amendment) (No.2) Regulations 2018, which provide for such changes of use, in certain circumstances and subject to conditions and limitations, to be exempt from the requirement to obtain planning permission.

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

¹ Action 6 of the *Action Plan for Rural Development* also incorporates this proposal.

To implement Action 5.21, the Department of Housing, Planning and Local Government set up a Working Group on the Reuse of Existing Buildings, in order to encourage the development of such existing properties and increase the number of viable, liveable properties coming back into the housing stock.

This Report outlines the key deliverables of the Working Group since its formation in October 2017 and proposes a series of recommendations for consideration to implement in the future.

2.0 Working Group on the Reuse of Existing Buildings

The Working Group comprised of representatives from the Department of Housing, Planning and Local Government; the Department of Culture, Heritage and the Gaeltacht; Local Authorities; the Fire Services; Building Control; Planning and design professionals. See Appendix 1 for Membership. The Working Group met on 11 occasions from October 2017 to November 2018.

2.1 Terms of Reference

The terms of reference of the Working Group are as follows:

- (i) To recommend optimal approaches by local authorities to ensure that, to the maximum extent possible, members of the public and property owners can obtain co-ordinated advice in relation to the necessary regulatory requirements when bringing existing buildings back into reuse.*
- (ii) To gather evidence as to regulatory difficulties facing those bringing existing buildings back into use for residential purposes.*
- (iii) To provide clarity to industry, local authorities, members of the public and property owners on the application of the current regulatory requirements to existing buildings and guidance on how best to facilitate their reuse.*
- (iv) Having regard to the foregoing, to advise on any changes that should be made to the existing regulatory systems to streamline and co-ordinate the process.*

- (v) To submit a guidance document and a report with recommendations to the Minister of State - Q2 2018.

3.0 Deliverables to Date and Future Recommendations

The following section outlines the key deliverables of the Working Group. The Working Group have also identified changes that could be made to the existing regulatory systems to streamline and co-ordinate the processes.

3.1 Develop Guidance on Regulatory Requirements

Responding directly to Action 5.21 of Rebuilding Ireland and Item (iii) of the Terms of Reference, a DRAFT guidance document titled '*Bringing Back Homes – A manual for the reuse of existing buildings*' was developed in H1 2018.

The DRAFT 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.

To enable focused input into the technical aspects of the DRAFT manual, it was published for public consultation² from 11 July 2018 to 10 August 2018. To further facilitate the finalisation of the DRAFT and surrounding issues, the Department hosted a workshop with key stakeholders on 2 August 2018.

30 detailed submissions were received from the public consultation. Following evaluation period, the manual was finalised for publication in November 2018.

Status: Complete - Ministerial approval sought to publish

² <https://www.housing.gov.ie/housing/building-standards/building-regulations/public-consultation-draft-bringing-back-homes-manual>

3.2 Expand the Role of the Vacant Homes Officer

Local authorities should help find ways to overcome disparate ownership and limited building access and/or infrastructure in order to make redevelopment of residential units easier.

In August 2017, the Minister wrote to all local authorities in respect of early actions to be undertaken around the issue of vacant home including the preparation of Vacant Homes Action Plans by each local authority, the establishment of the Vacant Homes Unit within the Department and the designation of Vacant Homes Officers (VHOs).

In response to Item (i) of the Terms of Reference, the Working Group recommended that the role of the Vacant Homes Officer duties be expanded to include:

- i. serving as a contact point for dissemination to interested parties (landlords, developers, building owners), 'Bringing Back Homes – A manual for the reuse of existing buildings' which explains how planning and building standards requirements apply to existing buildings and on how best to facilitate the efficient and economic re-use or development of underused existing buildings for residential purposes, and
- ii. serving as the first point of contact for the arrangement of initial consultations/engagements with parties interested in developing vacant buildings for residential purposes. This includes the coordination of Local Authority multidisciplinary advisory group meetings as necessary, including relevant internal Local Authority staff from Planning, Building Control, Conservation, Fire Services etc., to support the process of development and reuse existing buildings for residential purposes.

Status: Implemented by the Vacant Homes Unit – H1 2018

3.3 Emphasise Local Authority Commitment to Reuse of Existing Buildings in Development Plans

Underpinned by the Planning and Development Act 2000, as amended, the purpose of the development plan is to set out an overall strategy for the proper planning and sustainable development, including development objectives for the area concerned, and provides the strategic framework and policy context for all local planning decisions.

Certain mandatory development objectives must be included in the development plan as well as a range of discretionary objectives as may be determined by the individual planning authority. For example, development plans must include objectives for *the development and renewal of areas that are in need of regeneration*.

Such objectives relate to the need to bring redundant, under-utilised and derelict land and buildings back into active use. It accords with the principles of sustainable development by reducing the need for green-field development, supporting the urban fabric and re-using existing resources.

It enables the formulation of suitable regeneration policies and specific objectives for inclusion in development plans, and in particular the adoption and inclusion of policies promoting the re-utilisation of suitable redundant or obsolete structures, and in appropriate cases, the use of protected structures, for housing, retail or other purposes.

A broad range of initiatives are already in train aimed at supporting the achievement of Pillar 5's objective. These include, the establishment of the Vacant Homes Unit, the setting up of the Working Group on Reuse of Existing Buildings and its development of a guidance manual, as well as the introduction of exempted development provisions enabling the change of use of vacant commercial for residential purposes without the requirement to obtain planning permission.

In light of this broad legislative and policy context, and as a further mechanism to support and facilitate that approach:

Recommendation 1 of the Working Group recommends that the Department provide guidance by way of a Circular letter to planning authorities to ensure that, in the context of renewal and regeneration objectives in the development plans, specific reference is made to the objective of facilitating and encouraging reuse of existing buildings for residential purposes within their development plans.

Status: Action by DHPLG

3.4 Improve the Accessibility of Data on Protected Structures

The Working Group identified that limited public access to information on older buildings in the built environment, particularly on Protected Structures, can prove an impediment when considering bringing such buildings back into reuse. Although Local Authorities are obliged to hold a Record of Protected Structures, the Working Group recommend that this information should be centralised into a common national data model with unique national identifiers for each protected structure.

The database would provide publicly accessible live data and bring it in line with the requirements of the EU INSPIRE Directive³ for sharing of geospatial data.

Recommendation 2 of the Working Group recommends that a National Database of protected structures be developed and co-ordinated centrally by the Department of Culture, Heritage and the Gaeltacht.

Status: Action by DCHG, Local Authorities

³ <https://inspire.ec.europa.eu/>

3.5 Develop guidelines for the energy efficient renovation of traditionally built buildings

A Code of Practice exists, titled 'S.R. 54 Code of Practice for the retrofit of existing dwellings' which addresses the energy retrofit of the building fabric and services of detached, semi-detached and terraced dwellings of not more than three stories. However, this document does not apply to works to an existing building, which is a "protected structure" or a "proposed protected structure" within the meaning of the Planning and Development Act 2000 (No. 30 of 2000) and traditional buildings.

Some traditional buildings perform and respond to the outside/inside environment differently from more modern/mid-to-late 20th Century buildings. Further guidance on suitable energy efficient retrofit measures for traditional and historic buildings is contained in 'Energy Efficiency in Traditional Buildings', DEHLG⁴, however, there is a need to develop a technical guidance for historic buildings where energy upgrades were proposed to be carried out. This was further emphasised during the Public Consultation on 'Bringing Back Homes'.

Such guidance should aim to ensure that the architectural and historic interest of the building is preserved and avoidance of damage to the building fabric from inappropriate interventions.

Recommendation 3 of the Working Group recommends that guidelines be developed for improving the energy efficiency of traditional and historic buildings.

Status: Action by DCHG, DHPLG and DCCAE

3.6 Improve the ease of doing business

Beyond the obligations to obtain Planning and Building Control notifications and approvals, there are numerous additional permits, which may be required during the construction phase. These may include waste collection permits, water connections, road opening, hoarding and scaffold licences etc.

With the exceptions of road opening licences and waste collection permits which are dealt with through the LGMA/ CCMA's Road Management Office and the National Waste Collection Permit Office (NWCPO) respectively, the process, ease and cost of acquiring other typical licences are many and varied within the 31 Local Authorities.

⁴ <https://www.chg.gov.ie/heritage/built-heritage/architectural-heritage-advisory-service/advice-for-owners/>

Centralised systems such as the Building Control Management System, LGMA/ CCMA's Road Management Office, NWCPO etc. make a valuable contribution to the competitiveness and ease of doing business in Ireland. The Working Group identify that there is a need to also streamline the process, costs and ease of doing business with the 31 Local Authorities when applying for the permits/ licences discussed above.

Recommendation 4 of the Working Group recommends that a common portal for Local Authority applications for permits, licences be developed.

Status: Action by CCMA/ Local Authorities

3.7 Proposed Changes to Regulatory System

In March 2018, the Planning and Development (Amendment) (No.2) Regulations 2018 were introduced and allow in certain circumstances and subject to conditions, the change of use of commercial units in urban areas – including vacant under-utilised areas above ground floor premises to be reused as residential units without having to go through the planning process. This represents a major reduction in the perceived barriers to bringing existing buildings back into reuse.

The Working Group also reviewed in detail, the requirements of the Building Control Regulations for such properties and their proportionate application to typical buildings. The requirement for Fire Safety Certificates, Disability Access Certificates, Commencement Notices, involvement of registered professionals etc., are documented in the DRAFT 'Bringing Back Homes' manual. Submissions received during the public consultation of the manual, recommended that further clarity should be provided with respect to the application of the Regulations.

Recommendation 5 of the Working Group recommends that a review of the Building Control Regulations 1997-2015 be undertaken to give further clarification with respect to the building control approvals required for material changes of use to dwellings.

Status: Action by DHPLG (Housing Advisers/ Building Standards)

4.0 Conclusions

The recommendations of the Working Group implemented to date and the proposals for consideration presented in this report complement the objectives of the National Vacant Housing Reuse Strategy.

The Working Group agree that the sum of the parts, if fully implemented, will further support an increase in the supply of much needed homes from underused building stock, in a sustainable and safe manner.

Appendix 1

Working Group for the Reuse of Existing Buildings

John Wickham (Chair) Department of Housing, Planning and Local Government (DHPLG)

Colm Cahalan (Secretariat) Housing Advisers/Building Standards, DHPLG

Eamonn Smyth Housing Advisers/Building Standards, DHPLG

Mary Conway Planning and Property Development Department, Dublin City Council

Jacqui Donnelly Department of Culture, Heritage and the Gaeltacht

John Barry National Directorate in fire and Emergency Management

Paul Johnston Waterford City and County Council

Larry Loughnane Dublin Fire Brigade

Mairead Phelan Local Government Management Association

Paul Altman Housing Advisers/Building Standards, DHPLG

Sarah Neary Housing Advisers/Building Standards, DHPLG

John Morris Housing Advisers/Building Standards, DHPLG

Sean Armstrong Housing Advisers/Building Standards, DHPLG

Richard McLoughlin Lotts Architecture and Urbanism, Chair of RIAI Historic Buildings Committee

Joe McGuinness County and City Managers Association

Terry Sheridan Planning Policy, DHPLG

Fiona Richardson Active Land Management, Planning and Property Development Department, Dublin City Council

Niall Cussen Forward Planning, DHPLG

Niamh Drew Planning Policy, DHPLG

Denis Byrne Denis Byrne Architects

Pat Nestor Building Control, Dublin City Council

Nason Fallon Housing Advisers/Building Standards, DHPLG

Dan Fitzgerald Dublin Fire Brigade

Eoin O' Dowd Housing Advisers/Building Standards, DHPLG

Simon Dolphin Housing Advisers/Building Standards, DHPLG