

Vacant Refurbishment Bill 2017

SCSI Submission



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

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

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

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