



Building Control & Taking in Charge

Planning Information Forum
23rd November, 2016



Is a Commencement Notice (CN) Required

- A CN is required under Article 9 of the Principal Regulations(Building Control 1997) for specified buildings or works.
- If commenced and no CN
 - Owner must submit a CN for the remainder of the building or works
 - The completion certificate will only cover the works in the CN



BCMS

- 2014 a total of 126 (From 1st March 2014)
 - 103 Commencement Notices
 - 4 Seven Day Notices
 - 19 Short form



BCMS

- 2015 a total of 346
 - 218 Commencement Notices
 - 47 Opt-out Commencement Notices (From 1st September 2015)
 - 17 Seven Day Notices
 - 64 Short Form Notices



BCMS

- 2016 a total of 324 (up to 1st November)
 - 84 Commencement Notices
 - 152 Opt-out Commencement Notices
 - 11 Seven Day Notices
 - 77 Short Form Notices



Types of Commencement Notices

- CN with Additional Documentation
- CN with Opt Out Declaration
- CN without Additional Documentation i.e. short form
- Seven Day Notice



Commencement Notices with Additional Documentation

- **S.I. No. 9/2013 - Building Control (Amendment) (No. 1) Regulations 2013**
 - New Domestic Dwellings
 - Domestic extensions of greater than 40 sq.m
 - Works which require a Fire Safety Certificate



CN with Additional Documentation

- Commencement Notice
- Certificate of Compliance (Design)
- Notice of Assignment of Person to Inspect and certify Works (Assigned Certifier)
- Notice of Assignment of Builder
- Certificate of Compliance (Undertaking by Assigned Certifier)
- Certificate of Compliance (Undertaking by Builder)



CN with Additional Documentation

- General arrangement drawings – plans, sections and elevations
- Preliminary Inspection Plan
- Inspection Plan
- Schedule of plans, calculations, specifications and particulars as currently designed, or as to be prepared at a later date, as are necessary to outline how the proposed works will comply with the requirements of the Second Schedule to the Building Regulations relevant to the works or building



Commencement Notices with Additional Documentation

- General arrangement drawings – plans, sections and elevations **NOTE: Not Planning Drawings**
 - Should be “For Construction Issue”
- Specifications
 - Construction Specification
 - Provisional BER with Part L Specification



Commencement Notices with Opt Out Declaration

- **S.I. No. 365/2015 - Building Control (Amendment) (No. 2) Regulations 2015**
- New Single Domestic Dwellings on a single development site
- Domestic extensions of greater than 40 Sq.m



Commencement Notices with Opt Out Declaration

- General arrangement drawings – plans, sections and elevations **NOTE: Not Planning Drawings**
 - Should be “For Construction Issue”
- Specifications
 - Construction Specification
 - Provisional BER with Part L Specification



Commencement Notices without Additional Documentation i.e Short form

- Any other works not already referenced, where the building or works are relevant to the Building Regulations
- E.g. domestic garages



Inspections by Building Control

- National Target is 12 – 15 % of Commencement Notices submitted
- 18-20% Annually
- What do we inspect
 - Opt outs
 - Houses
 - Estates
 - Hotels
 - Commercial Properties
 - If the building regulations apply then Building Control can inspect



Inspections by Building Control

- Enforcement
 - 5 years after the date of completion of works
 - Caveat
 - If there is a change in layout i.e. removal of a wall, new door, the installation of a heat producing appliance etc, then enforcement powers can be reinstated for these modifications.



Inspections by Building Control

- Common issues
 - Radon Barrier
 - Ventilation
 - Vertical Insulation not fitted
 - Timbers around chimney
 - Workmanship
 - Cavity Barrier

Inspections by Building Control



Inspections by Building Control



Inspections by Building Control



Inspections by Building Control



Inspections by Building Control



Inspections by Building Control





Certificate of Completion on Compliance

- Post notification
 - Assigned Certifier & Builder submit Certificate of Compliance on Completion
 - Plans, Specifications & particulars of Amendments from those submitted and inspection plan as implemented
 - BCA satisfies itself of Completion Cert compliance and either accept or reject subject to validity



Certificate of Completion on Compliance

- **Prior Notification**
 - Submit Plans Specifications and Particulars & Inspection Plan Not more than 5 weeks before the completion of the project
 - Minimum 21 days notification



FAQ's

- Is it €30 per commencement notice or per building?
- Can I lodge a paper copy of the commencement notice?
- When will the council be sending out the Certs?
- Who should submit the CN?
- Can I occupy the building while i am waiting for the Certificate of Compliance on Completion?



Thank You

Taking in Charge of Residential Estates



Planning Information Forum
23rd November, 2016



Legal Context and Policy Framework

- The planning authority is responsible for taking in charge (TIC) of residential estates including the water services infrastructure under the Planning and Development Act 2000 (as amended).
 - Planning Authority completes statutory process under Section 180 of Planning and Development Act 2000 (as amended)
 - Roads and associated services – declaration of public roads under section 11 of the Roads Act 1993
- Guidance on policy set out in DECLG Circular PL5/14
- Protocol for TIC developed between Local Authorities (LA's) and Irish Water (IW) set out in memorandum of Understanding (MoU) March 2015



Memorandum of Understanding (MoU)

- MoU – Agreement between LA and IW for the TIC process in March 2015
- Provides clear procedures for the TIC process between IW and LA's
- Under MoU IW requires details for TIC such as:
 - As constructed drawings
 - Design details
 - Testing and certification details
 - CCTV
 - Services history
 - Etc



Exclusions from MoU

- Residential estates served by developer provided infrastructure (DPI) such as boreholes and waste water treatment plants (WWTP's)
- Holiday developments, gated developments, mixed unit (mixed use) developments or other such developments excluded from the LA's TIC policies or Development Plans



Taking in Charge process

- Taking in Charge application received:
 - By Residents
 - By the Developer
- Planning Department refers TIC applications to Water Services & Roads Dept for inspections
- TIC check sheet produced to assist TIC process
- Inspections completed
 - Recommended for TIC
 - Works required
- IW consulted
 - No Objection
 - Not Accepted



Taking in Charge process condit.

- Advertised – 6 weeks
- At Municipal District meeting - estate roads declared a public road in accordance with Section 11 of Roads Act 1993
- WCC & IW is responsible for the operation and maintenance from the date of TIC of the estate by the planning authority.
- On completion of the statutory TIC process the water services assets transfer to IW under the Water Services (No 2) Act 2013, by Ministerial Order.



What TIC means

- The roads will be declared to be public roads as per Section 11 of the Roads Act, 1993
- On completion of the TIC under Section 180 of the Planning and Development Act 2000 (as amended), IW have undertaken through the MoU agreed to operate and maintain the water services infrastructure in the estate
- The Road, footpaths, public lighting , surface water system will be the responsibility of WCC



What's excluded ?

- Boundaries between private dwellings and public areas (walls, fencing, hedges etc).
- Maintenance and upkeep of any communal open spaces.
- Boundaries to any undeveloped lands

Classification of Estates

Category	Action
A Estates satisfactorily completed in accordance with planning	Commence the statutory process to TIC and subsequent transfer of water services assets to IW
B Estates not completed to the satisfaction of the Planning Authority	Assess condition and agree resolution plan if required to allow TIC process to commence
C Developer Provided Infrastructure (DPI's)	Estates not eligible for TIC On Hold



Funding Options

Option	Details
1	Where the developer / receiver / other is in place they shall complete the outstanding works
2	Where the developer / receiver / other has not completed works LA shall draw on bonds / sureties / enforcement action to complete outstanding works
3	Where there are no funds or a shortfall in funds available from Option 2 LA and IW to agree course of action and apportionment of costs for completion of outstanding works



DPI Estates

- No Process to TIC since introduction of IW
- 111 Estates
 - 34 not operating or not providing any meaningful treatment
- 2 Demonstration Projects in progress
 - Sustainable treatment options
 - Intended to influence future national policy
 - Funding stream
 - Licensing
 - TIC
 - Operation and Maintenance



Estates not completed to the satisfaction of the Planning Authority

Category B - Resolution Plans

- Agree remedial works required and ensure equitable approach in relation to funding from bonds and sureties
- Integrity of infrastructure and acceptable service levels
- Water services costs to be addressed by IW
- Other remediation costs to be addressed by relevant LA



TIC Inspection Check Sheet

- Engineers & Architects certs of compliance
- As constructed and site layout drawings
- Watermains & foul sewers
- Test Certificates Water
- Surveys - water, waste water and surface water network
- Wayleaves and Easements
- Service History
- Pumping Stations & WWTP's
- Public lighting
- Roads, footpaths and open spaces



Pilot Project 2016

- 19% sample of estates in TIC Estates
 - 24 on mains services
 - 3 DPI's proposed to be connected to public network
 - 2 demonstration Estates (DPI's)
- Funds
 - Available bonds €386,450
 - DHPCLG funds (NTICI) €699,159
 - Irish Water MOU funds €67,601.25
- Determine profile of service and non-service critical remedial works
- Establish procedures with MD's for inspection / reports



The cost of Taking in Charge

- €5.9m Planning bonds received 2011 to 2016
- Approx €1.10m awaiting settlement (Nov '16)
- €713,000 WCC own funds to date
- €1,397,926.97 (*PSI, SRF & NTICI*) department grant funding for unfinished housing developments (UHD's)
- €67,601.25 IW MoU funding for 3 pumping stations
- €6.6m expended by WCC from 2011 to 2016



Going forward

- TIC / Bond release linked
- Partial TIC / phases will be considered and encouraged
- Consideration must be give to construction / phasing and TIC at design stage
- WCC's committed to streamlining the TIC Process



New for 2017

- Public Lighting specification
 - Applies to all developments
 - Performance based design
 - Design to be approved by WCC
- New TIC policy

Note

Water and waste water subject to IW connection agreement and standard details – see <https://www.water.ie/connections/>

Design out problems



- Pumping station
- Deep sewers
- Access
- Gradients
- Drop Kerb
- Footpaths
- House Numbers
- Boundaries
- Roads
- Open space
- Public Lighting
- Parking



Conclusion (*in numbers*)

- 17 estates and been TIC in 2016 and a further 13 will be sent to the Municipal Districts in December
- 20 completed and ready to commence TIC process in 2016
- 159 Estates applied for TIC
- 180 Unfinished estates in 2011
- 22 Unfinished estates November 2016
- >250 Estates where works undertaken since 2011



Conclusion...

- Specification
- Workmanship
- Restrict construction traffic access
- Phase Works and **Finish “as you go”**



Supervision

Supervision

Supervision