

FLOWCHART TO ESTABLISH IF A COMMENCEMENT NOTICE IS REQUIRED

DOES THE PROJECT INVOLVE:

S.I No. 496 of 1997 Art 7 (1)

- (A) an erection of a building,
 - (B) the material alteration of a building,
 - (C) the extension of a building, or
 - (D) the material change of use of a building
- to which the Building Regulations apply.

NO

No Commencement Notice

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(3) of the Act to be a material change of use, takes place, or a building which was not being used as a i) a day care 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, 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 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 3rd schedule to the Building Regulations. See 3rd schedule for detail - abbreviated version in table below

SEE THIRD SCHEDULE TO REGULATION FOR FULL DESCRIPTION, CONDITIONS AND LIMITATIONS OF CLASSES.	Class 3: A single storey extension to an existing dwelling which is ancillary to the dwelling and consists of a conservatory, porch, car port or covered area.	Class 6: A building erected in connection with any mine or quarry other than a house or a building used as offices, labs or showrooms.	Class 9: used to be ESB buildings but entire class deleted since Sept 2006 (SI 115 of 2006)	Class 12: A temporary building which is used only in connection, alteration, extension or repair of any work.
Class 1: A single storey building used as a garage (detached, <25m ² , height <3 or 4m for pitched roof)	Class 4: A single storey agricultural glasshouse (not being a building in Class 2)	Class 7: A building the construction of which is subject to the Explosives Act 1875.	Class 10: A temporary dwelling as in the Local Government (sanitary services) Act, 1948 (No.3 of 1948)	Class 13: A building of a temporary nature erected on a site < or = 28 consecutive days or 60 days in a year.
Class 2: A single storey building ancillary to a dwelling (such as a summer house, poultry house, conservatory, shed)	Class 5: A single storey building which is used exclusively for storage of materials, accommodation of plant or in connection with livestock.	Class 8: A building subject to the National Monuments Act 1930-1994	Class 11: A temporary building used only in connection with the sale or letting of buildings or building plots in course of development.	Class 14: A lighthouse or similar structure which is an aid to navigation on water

YES

DO ANY OF THE FOLLOWING EXEMPTIONS APPLY?

S.I No. 496 of 1997 Art 6

- (A) works by a building control authority in its functional area,
- (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, Seanad 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 paragraphs (a) or (b)

YES

No Commencement Notice

NO

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

S.I No. 496 of 1997 Art 7 & 11

- (A) a new building
- (B) a material alteration of
 - i. a daycare centre, a building containing a flat,
 - ii. a hotel, hostel or guest building, or
 - iii. an institutional building, or
 - iv. a place of assembly, or
 - v. a shopping centre
- (C) material alteration of a shop, office or industrial building where
 - i. additional floor area is being provided within the existing building,
 - ii. the building is being subdivided into a number of units of separate occupancy
- (D) extension of a building by more than 25m²
- (E) a material change of use

YES

Commencement (or 7-Day) Notice + Accompanying Documents (S.I 9 - 2014)

Exemptions from a fire cert

- (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 agricultural purpose, and
 - 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 or 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 story 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.

NO

Commencement Notice Only (S.I 9 - 2014)

Is it a material alteration (excl. minor works) of a shop, office or industrial building exempt from a fire cert?

S.I No. 496 of 1997 Art 6

YES

NO

Is it a new dwelling or an extension to a dwelling with a total floor area of > 40m²?

S.I No. 9 of 2014

YES

NO

Commencement (or 7-Day) Notice + Accompanying Documents (S.I 9 - 2014)

Is it considered "exempted development" under Planning Act?

S.I No. 496 of 1997 Art 7 2(a)

NO

YES

Commencement Notice Only (S.I 9 - 2014)

No Commencement Notice