

- “That the State would acknowledge its responsibility to people who in attempting to buy their own homes, now find themselves with hazardous properties not constructed in compliance with the building regulations.
- That Cork County Council asks the Department of Environment, Community & Local Government to move away from the current system of self-regulation in the design and construction of buildings and to replace it with an independent Approved Inspector system similar to that operating in the UK.”

*“The presence of the wall linings with their low surface spread of flame rating played a major part in the disaster. Had the express requirements of the Draft Building Regulations in relation to both these matters been enforced and observed, the consequences of the disaster might have been significantly diminished.”* These were the words of Batt O’Keeffe, TD in the Seanad in 1990. He was speaking about the Stardust fire in 1981 and he and other members of the Seanad were debating the new building control laws that were being introduced.

Essentially, those building regulations gave us:

- Priory Hall in Donaghmede, Dublin. A 189 apartment unit in which the fire risk and shoddy workmanship is so great that the current estimate of its remediation is €30m
- The Elm Park office and apartment complex on Dublin’s Merrion Road, comprising 218 apartments and enough office space for 3,500 workers on which NAMA had to spend millions to remedy fire safety risks
- Belmayne, Balgriffin. The largest boom-time residential development on the North side of Dublin in which 300 of the 960 units were shown to need extensive repair work due to fire safety problems
- Longboat Quay in the heart of the Dublin Docklands. A 298 apartment unit in which the fire risks have recently been identified as so extensive that the residents are to be evacuated.
- Hillcrest, Pembroke Wood, Passage West where I live. My family has spent the last 10 years remedying the effects of shoddy building. The low point was discovering an empty roast chicken bag used as a draught stopper behind a skirting in the hall. The culmination was the reconstruction of the external balcony this summer at a cost of €5,000.

Under the acclaimed new regulations introduced in 1990, the system of building certification that was approved in Ireland was the “Opinion on Compliance” system, commonly known as self-certification. The designers and builders of projects, on their own responsibility, provided certificates of compliance with the building regulations. Within this system, there is a recognition that the primary responsibility for designing and construction of buildings rests with the industry itself.

Local authorities as the building control authorities were obliged by the Department of Environment, Heritage and Local Government to inspect 12 – 15% of new buildings for which valid commencement notices were received. So 85% of newly constructed homes were not required to be inspected. Even at that, most local authorities had no written procedures for inspection, no requirement to call to a building site more than once and if they visited at all, they had to take the builder’s word that construction materials were to standard and that behind completed walls and floors, wiring, plumbing and foundations were all up to scratch.

I am angry about this. Council officials were so stretched they could not keep up. They were, as ever, insufficiently resourced by government. The inadequacies of the 1990 building controls were highlighted in the Seanad before they were even passed into law. It was to take a series of evidenced catastrophes arising from those inadequacies before building controls were tightened by new laws in 2014.

The new system now requires an assigned certifier to oversee and sign off on each stage of the building in accordance with an inspection programme agreed prior to the start of development. In fact, the new system is now so tight that 38 separate steps are involved in getting the appropriate permissions and permits in place for a simple warehouse.

Paper does not produce good buildings. We are still in a situation where a developer can employ his own assigned certifier for his own projects. We are still in a situation where the local authorities as the building control authorities will be inspecting only 15% of construction projects. And the new system is so onerous that experts believe it runs the risk of simply putting builders off building.

What is missing is a guarantee of ensured third party oversight and independent audit. The UK has had a simple Approved Inspector system in operation since the 1980s with 100% inspection of new builds. 100% inspection is also required in Northern Ireland, the United States and in many other countries across the EU. There is a reason Ireland is ranked 128<sup>th</sup> out of 189 nations by the World Bank in respect of our construction process. The UK is ranked 17<sup>th</sup>.

A history of inadequate legislation and inadequate enforcement is the key reason rogue builders have been allowed to build profits on the back of the innocent public who will be unearthing their legacy for many years to come. The State is entirely responsible for both the inadequate legislation and the inadequate enforcement. I ask that this Council would support me in calling for the State to take responsibility for this. I ask that this Council would support me in calling for the State to financially safeguard consumers who through no fault of their own are prisoners of a legacy left by rogue builders. And I ask that this Council would support me in asking that Ireland would introduce an Independent Inspector system with 100% inspection of construction projects similar to that operating in the UK for the past 30 years.