

APPENDIX 3

**SPECIMEN RIAI
ARCHITECT'S OPINIONS
ON COMPLIANCE**

LAW SOCIETY CONVEYANCING HANDBOOK



**ARCHITECT'S OPINION
ON COMPLIANCE WITH PLANNING
PERMISSION AND/OR EXEMPTION FROM
PLANNING CONTROL AND/OR
BYE LAW APPROVAL**

FORM 5

SPECIMEN

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**ARCHITECT'S OPINION ON COMPLIANCE WITH PLANNING PERMISSION
AND/OR EXEMPTION FROM PLANNING CONTROL AND/OR BYE LAW APPROVAL**
March 1993 Issue

1. I am a Registered Member of The Royal Institute of the Architects of Ireland, this being a qualification listed in Directive 384/85/EEC of the European Community, retained by ^a

..... (hereinafter called "the Employer")

of ^b

to furnish an Opinion on the compliance of ^c

..... [hereinafter called "the Relevant Development"] with Planning Permission and/or Bye Law Approval and/or exemption from planning control within the meaning of the Planning Acts ^d.

This Opinion is issued solely for the purpose of providing evidence for title purposes of the compliance of the Relevant Development with Planning Permission and/or (if applicable) Building Bye Law Approval and/or (if applicable) exemption from planning control within the meaning of the Planning Acts. Except insofar as it relates to such compliance it is not a report on the condition or structure of the Relevant Development.

2. I have provided the following architectural services in connection with the Relevant Development ^e

.....

3. On ^f I inspected the Relevant Documents at the offices of ("the relevant Planning Authority") for the purpose of comparison of the Relevant Development with the Relevant Documents. I confirm that the Planning Orders at Schedule A hereto are those registered in respect of and relating to the Relevant Development, and that the Building Bye Law Orders at Schedule B hereto are those registered in respect of and relating to the Relevant Development.



4. On ^g ("the Inspection Date") I carried out a Visual Inspection of the Relevant Development for the purposes of comparison of the Relevant Development with the Relevant Documents.

5. I am of the opinion that ^h

.....

.....

6. I am also of the opinion that ⁱ

.....

.....



DEFINITIONS

"Planning Acts" means the Local Government (Planning and Development) Acts, 1963 to 1992 and any statutory modification or re-enactment thereof current at the Date of Issue of this Opinion and all Regulations, Statutory Instruments and Orders made under or pursuant to the said Acts and for the time being in force.

"Substantial Compliance with the Planning Orders" means that;

- (a) the **Relevant Development** is constructed in accordance with the said Planning Orders saving and excepting such minor deviations which in my opinion do not constitute a contravention of the proper planning and development of the area as expressed through the said Planning Orders and the Development Plan, and
- (b) such minor deviations do not warrant the issue of enforcement proceedings by the relevant Planning Authority as provided for in the Planning Acts.

"Building Bye Laws" means Bye Laws referred to in Section 22(i), Building Control Act, 1990 and applicable before the coming into operation of that Act.

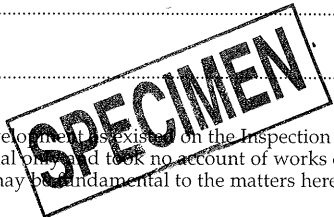
"Substantial Compliance with Building Bye Laws" means that the **Relevant Development** is constructed in accordance with the said Building Bye Law Orders saving and excepting such minor deviations that in my opinion do not warrant the issue of enforcement proceedings.

"Relevant Documents" means inter alia those drawings and documents, available at the date at 3 above for public inspection in the planning file, which were submitted to, and on foot of which, the Planning Authority issued the said Planning Orders and/or the said Building Bye Law Orders.

"Visual Inspection" means

(a) ^k
..... and

(b) an inspection of the Relevant Development ^l existed on the Inspection Date. No opening up was carried out. The inspection was therefore superficial and took no account of works covered up, inaccessible or otherwise obscured from view, and which may be fundamental to the matters hereby opined.



THIS OPINION DOES NOT IN ANY WAY WARRANT, REPRESENT OR TAKE INTO ACCOUNT:

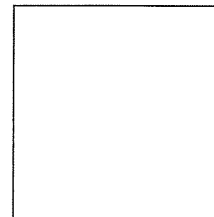
- a. The accuracy of dimensions in general save where incorporated by virtue of the conditions of the Planning Orders.
- b. Structural Calculations except where prepared and submitted by the undersigned.
- c. The following conditions, compliance with which cannot be established. ¹
- d. Matters in respect of private rights or obligations.
- e. Matters of financial contribution and bonds.
- f. Development of the property which may occur after the Inspection Date.
- g. Any other development attached to associated with or otherwise connected to the Relevant Development save insofar as such other development may affect Substantial Compliance with the Planning Orders or Substantial Compliance with the Building Bye Laws.

Date of issue ^m

Signed ⁿ

Registered Member of The Royal Institute of the Architects of Ireland

RIAI
MEMBERSHIP STAMP



The RIAI advises that matters not evident from visual inspection may be fundamental to substantial compliance.

The RIAI is aware that persons are using the affix "MRIAI" who are not members and who are not eligible to be members. Verification of membership can be obtained from the RIAI or by means of a current RIAI Membership Stamp.



SCHEDULE A Attached to the Opinion on Compliance for °

Development P

Register Reference No. Date:

Decision Order No. Date of Grant of Permission:

Development P

Register Reference No. Date:

Decision Order No. Date of Grant of Permission:

SCHEDULE B

Development 9

Register Reference No. Date:

B.B.L. Order No. Date:

Development 9

Register Reference No. Date:

B.B.L. Order No. Date:





ADVICE NOTES

On Architects Opinion on Compliance

GENERAL NOTE

This Opinion refers only to the Planning Acts and Building Bye Laws as hereinafter defined.

This opinion on Compliance may not be issued for developments which clearly contravene the Planning Laws or Building Bye Laws. Architects giving an opinion are strongly advised to refrain from qualifying the opinion beyond the limits prescribed in this Advice Note. They are particularly urged to refrain from attaching schedules of works or omissions which attach to such qualifications.

COMPLETING THE FORM (letters relate to notation letters):

- a. Insert the full name of your employer (not his agent).
- b. Insert the full address of the employer. This need not necessarily be the Relevant Development Address.
- c. Describe in full the Relevant Development. This description should define specifically the development or the part of the development on which the Opinion is issued and may differ from the development described at paragraph 2 below.
- d. Delete as appropriate either Planning Permission, Bye Law Approval or exemption from control or such combinations as are appropriate in each case.
- e. Insert a precise description of the services you provided as described in your terms of appointment, as, for example, **Schedule A Services of the 11 December 1992 RIAI Conditions of Appointment**. Make particular reference to any variation from standard services.
- f. Enter the date(s) of your inspection of the planning file (Relevant Documents).
- g. Enter the date(s) of your Visual Inspection of the Relevant Development.
- h. Insert the appropriate paragraph from the following using the wording in italics;
 - (a) *..., based on the services provided as described at 2 above, and on a comparison of the Relevant Development with the Relevant Documents, the Relevant Development is in Substantial Compliance with the Planning Orders.*
This paragraph relates to a Relevant Development which has been granted planning permission and has been carried out in Substantial Compliance with that permission.
 - (b) *based on the services provided as described at 2 above, and insofar as a Visual Inspection of the Relevant Development can reasonably disclose, the Relevant Development is in Substantial Compliance with the Building Bye Laws.*
This paragraph relates to a Relevant Development which has been granted a Building Bye Law approval and has been constructed in Substantial Compliance with the Building Bye Laws.

EXEMPTED DEVELOPMENTS;

- (c₁) *... the Relevant Development is exempted development as defined by the Planning Acts being*
This paragraph relates to a Relevant Development which qualifies as exempted development within the meaning of the 1963 Planning Act.
- (c₂) *... the Relevant Development is exempted development as defined by the Planning Acts by virtue of it being a class of Development described as such at*
This paragraph relates to a Relevant Development which qualifies as exempted development within the meaning of the Planning Acts and which has been granted a Building Bye Law approval. Therefore this paragraph must be accompanied by paragraph h(b) above, and will refer to exempted development carried out on foot of the Local Government (Planning & Development) Regulations S.I. 65 of 1977.
- (c₃) *... that the Relevant Development would have qualified as exempted development as defined by the Planning Acts by virtue of it being a class of development described as such at save that a Building Bye Law Approval Order was not obtained.*
This paragraph relates to a Relevant Development which would have qualified as exempted development under the Planning Acts had Building Bye Law Approval been obtained. Therefore this paragraph must be accompanied by paragraph h(d) above, and will refer to exempted development carried out on foot of the Local Government (Planning & Development) Regulations S.I. 65 of 1977.

DEVELOPMENTS WITHOUT BYE LAWS;

- (d) *... whereas a Building Bye Law Approval was not obtained, and insofar as a Visual Inspection can reasonably disclose, the Relevant Development is in substantial compliance with the Building Bye Laws, saving and excepting those requiring the giving of notice and, submission of documents for receipt of approval, prior to the commencement of development.*
This paragraph relates to a Relevant Development constructed without having obtained a Building Bye Law Approval which in your opinion has been constructed in Substantial Compliance with the Building Bye Laws.



Depending on which of the above paragraphs are included in the Opinion, part or all of paragraph 3 may be struck out as appropriate.

Note that the cumulative effect of subsequent, or previous development may affect the substantial Compliance or exemption of the Relevant Development; for example the floor area of an original dwelling house may only be increased by an aggregate of the exempted floor area whether by conversion(s) and/or extension(s).

Note also that development which clearly contravenes the Building Bye Laws, but which would otherwise be exempted from the provisions of the Planning Acts, may not be exempted development by reason of such contravention. No Opinion on Compliance should be issued in such circumstances.

i. This clause is applicable to developments such as housing estates, apartment developments, retail and industrial developments where Opinions are issued prior to the completion of the development
... the conditions of the Planning Orders relating to the overall development(s) of which the Relevant Development forms part, have been substantially complied with insofar as is reasonably possible at this stage of the development(s).

j. If the service you are providing is solely the single inspection referred to at 4, strike out the words inter alia.

k. Insert at (a) one of the following, describing the inspections carried out during Construction.

[i] *Inspections carried out by the architect resident on site during the construction stage, being part of the services described at 2 above.*

OR

[ii] *Periodic inspections carried out by the architect during the construction stage, being part of the services described at 2 above.*

Where no service was provided in the course of construction strike out section (a) on enter "not applicable".

l. Schedule here conditions of the Planning Permission, compliance with which cannot be established from the Relevant Documents on the public record, or from your own records, hereby you and the architect for the Relevant Development.

m. Insert the Date of Issue of the Opinion. It is good practice to ensure that the Date of Issue and the dates of inspection of the files and development are as close as possible.

n. Sign your name in full, state your RIAI membership number, and use you membership stamp in the space provided.

o. Enter the wording at 1 (see Advice Note c) used to describe the Relevant Development.

p. Enter the precise description of the development, using the wording on the Planning Order, for each separate Planning Permission.

q. Enter the precise description of the development using the wording on the Building Bye Law Order for each separate approval.

APPENDIX 3

SPECIMEN RIAI ARCHITECT'S OPINIONS ON COMPLIANCE

LAW SOCIETY CONVEYANCING HANDBOOK



OPINIONS ON COMPLIANCE: CHARGE

Charges for opinion on compliance are included where a full service is made by the Architect. Where the Architect is not providing a full service an additional charge is made. General market charges for opinion on compliance are related to the size of the project and the time included.



A large, empty rectangular box with a thin black border, intended for the specimen RIAI Architect's Opinions on Compliance.

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