



INSTITUTION OF ENGINEERS
OF IRELAND.



ASSOCIATION OF CONSULTING
ENGINEERS OF IRELAND.

**STRUCTURAL/CIVIL CHARTERED ENGINEER'S OPINION ON COMPLIANCE
WITH BUILDING REGULATIONS AND PLANNING PERMISSION**

(Form for use where a Consulting Engineer is appointed under the Conditions of Engagement, Agreement SE 9202 : "For the Appointment of Consulting Engineers for Structural Engineering and Related Work Where the Engineer is Lead Consultant", published by the Institution of Engineers of Ireland in agreement with the Association of Consulting Engineers of Ireland, with or without modifications).

To¹ : JIM & KATHLEEN O'DONOHUE
MARYVILLE, COURTTOWN HBR,
GOREY, CO. WEXFORD.
Works² : APARTMENT No 5 GROUND FLOOR BLOCK B
MARYVILLE, COURTTOWN HBR, GOREY

Date of commencement of Construction of the Works (approx.) JUNE 98
Date of completion of Construction of the Works (approx.) : MARCH 99
Main Contractor³ JIM & KATHLEEN O'DONOHUE

1. **DESCRIPTION OF THE WORKS⁴**
APARTMENT No. 5
2 BEDROOM APARTMENT GROUND FLOOR BLOCK B

2. **PROFESSIONAL SERVICES PROVIDED**

2.1 The professional services provided by us have been provided in accordance with the Agreement and the "Conditions of Engagement of Consulting Engineers, Agreement SE 9202, for the Appointment of Consulting Engineers for Structural Engineering and Related Work where the Engineer is Lead Consultant", which Conditions of Engagement form part of the said Agreement, subject to Clause 2.2. below.

2.2 We provided the following services:

The "Normal Services" as defined in clause 6 of Agreement SE 9202⁵

THE FOLLOWING ADDITIONAL SERVICES WERE PROVIDED
PROJECT MANAGEMENT
ATTENDANCE AT FORTNIGHTLY MEETINGS

3. DISPENSATIONS/RELAXATIONS

3.1 The following dispensations/relaxations in respect of the Building Regulations have been granted.⁶

.....

.....

4. FIRE SAFETY CERTIFICATE (if applicable)

Building Control Authority: WEXFORD Co. COUNCIL

Ref No: F 89/98

Date of Issue: 23-10-98

Decision Order No:

Date:

5. PLANNING PERMISSION

(a) A Notification to Grant Permission⁷ in respect of the Works as detailed below was issued by the relevant Planning Authority on foot of drawings and documents submitted by ~~us~~ ^{OTHERS} to the Planning Authority on 04/9/98 & 7/5/98 (date), copies of which drawings and documents are available for public inspection in the offices of the Planning Authority.

Registration Reference No: 971578 980929

Decision Order No:

Date of Decision: 20/3/98 16/6/98

Date of Grant of Permission: 27/4/98 20/7/98

(b) ~~In our opinion the Works comprise an exempted development as defined by the Planning Acts.~~
(Delete (a) or (b))

6. OTHER CONSULTANTS:

Professional advice was provided to our Client by other consultants in regard to certain aspects of the Works as follows:

- (a) Consultant: MALACHY KINSALLA
Address: MOUNT HOWARD MONAGLIN, GOREY Co. WEXFORD
Advised in regard to: ARCHITECTURAL SERVICES
- (b) Consultant: COLIN M. KEHOE B.E.
Address: No. 4 HILLCREST DRIVE, NEW ROSS, Co. WEXFORD
Advised in regard to: FIRE SAFETY CERTIFICATE
- (c) Consultant:
- Address:
- Advised in regard to:

7. OPINION ON COMPLIANCE WITH THE BUILDING REGULATIONS**DESIGN/SPECIFICATION**

We⁸ J.P. BYRNE & PARTNERS LTD. as the Consulting Engineers appointed to the Works pursuant to the Agreement dated 16-6-98 made between our Client⁹ JIM & KATHLEEN O'DONOHUE of the one part and us Consulting Engineers of the other part, are of the opinion that, subject to normal engineering theory and practice and to the terms and limitations of our appointment and subject to any relaxations/dispensations, the design/specification of the Works, all as outlined above, are in Substantial Compliance with the relevant requirements of the Building Regulations 1991.

CONSTRUCTION

It is the responsibility of the Main Contractor to ensure that the construction of the Works complies with the drawings and specifications and the standards of construction required by the Building Regulations.

We confirm that we monitored construction as follows¹⁰ FORTNIGHTLY SITE VISITS
WITH ADDITIONAL VISITS AS REQUIRED

and we confirm that work inspected was in our opinion being constructed generally in compliance with our drawings and specifications.

8. OPINION ON COMPLIANCE WITH PLANNING PERMISSION

Based on the services provided under the Agreement, and on a visual inspection of the Works for the purpose carried out on 25-3-99 (date), we are of the opinion that the Works as constructed are in substantial compliance with the Planning Permission Order as set out in 5 (a) above,

This Opinion does not in any way warrant, represent or take into account any of the following matters:

1. The accuracy of dimensions in general save where incorporated by virtue of the conditions of the Planning Orders.
 2. Matters in respect of private rights or obligations.
 3. Matters of financial contribution or bond.
 4. The following conditions, compliance with which cannot be established.
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TAKE NOTE as follows:

- (i) The above opinions are confined to the Works and to the Services undertaken on foot of the Agreement and do not extend to any other building or construction of which the Works forms part or which may be contiguous thereto.
- (ii) As Consulting Engineers we were responsible for coordinating and integrating within the overall design of the Works the design of such parts of The Works as were designed by other consultants or by specialist suppliers and/or sub-contractors (see Agreement SE 9202) and the opinions in section 7 above are subject to the design of such parts having been properly executed and subject to all proprietary products meeting the requirements of the performance specifications.
- (iii) The above opinions are issued solely for the purposes of providing evidence for title purposes of the compliance of the Works with the Building Regulations and the Planning Acts at the date of signature. Except insofar as it relates to compliance with the Building Regulations and the Planning Acts, it is not a report or survey on the physical condition of the Works.
- (iv) When a Chartered Engineer has signed this statement of Opinion on his own behalf rather than on behalf of a firm of consulting engineers, relevant words importing the plural shall be construed as importing the singular.

For and on behalf of :

J. P. BYRNE & PARTNERS LTD.CONSULTING ENGINEERSBRUNEL HOUSE, NORTH QUAY,ARKLOW, CO. WICKLOW.

Signed:

James P. Byrne

Name:

JAMES P. BYRNE

Qualifications:

B.E., M.ENG. SC., M.I.E., C.ENG., F.I.E.I.

Professional Body/Membership No. :

INSTITUTION OF ENGINEERS OF IRELAND

Date :

29-3-99

To be signed by a Chartered Engineer with design experience appropriate to the Works.

DEFINITIONS**"Planning Acts"**

"Planning Acts" means the Local Government Planning and Development Acts and Regulations 1963 to 1993 and any statutory modification or re-enactment thereof current at the date of issue of this Opinion.

"Building Regulations"

means those regulations made under the Building Control Act 1990 and any statutory modification thereof current at the date of the Commencement Notice.

"Building Control Act"

means the Building Control Act 1990 and any statutory or re-enactment thereof current at the date of the Commencement Notice.

"Design" and "Construction"

have the meanings respectively assigned to them by the Building Control Act.

"Substantial Compliance"

means in accordance with the relevant requirements of The Building Regulations or Planning Acts as appropriate saving and excepting such deviations as would not in our opinion warrant the issue of enforcement proceedings as provided for in the Relevant Act.

"The Works"

means the works in connection with which the Client has engaged the Consulting Engineer to provide professional services (Note that this definition is different to that contained in the Building Control Act).

"The Agreement"

comprises the Conditions of Engagement (Agreement SE 9202) and either a formal Memorandum of Agreement duly signed or a letter of acceptance of appointment confirming the use of the said Conditions of Engagement.

NOTES

1. Insert name and address of the Client - not his agent.
2. Insert Title and address of the Works.
3. Insert name and address of Main Contractor.
4. Insert a description which defines the scope of the Works.
5. For those projects where more than "Normal Services" were provided, insert the following: "The following "Additional Services" were provided pursuant to Clause 7 thereof: (list of services)

....."

or

For those projects where less than "Normal Services" are provided, delete entirely the reference to "Normal Services" and insert a comprehensive list of the Services included in the brief, or otherwise describe the Services provided.

Clarify site monitoring Services where they varied from the Normal Services. See Note 10 below also.

6. Insert general details of the relevant dispensations/relaxations and the dates granted, with appropriate references.
7. Where multiple permissions have been granted, attach a schedule of the relevant details.
8. Insert name of the Consultancy practice.
9. Insert name of the Client.
10. As appropriate, either:
 - (a) insert the following: "Monitoring was carried out by us during the construction stage in accordance with the "Normal Services" of the Conditions of Engagement SE 9202"; if appropriate, add: "Monitoring was also carried out by a Resident Engineer employed by us",
 - or,
 - (b) insert a clear description of the specific monitoring carried out by your Firm,
 - or,
 - (c) in the event that monitoring of the Works was excluded from your brief, clearly strike out this paragraph.

If monitoring was carried out by a Resident Engineer or Clerk of Works employed by the Client, a further sentence to this effect can be added at the end of this paragraph.