



Developments in Building Control Legislation

Presentation to Irish Building Control Institute (IBCI)
Annual Conference
23-24 March 2010

Cian Ó Lionáin
Principal Officer
Private Rented Housing & Building Standards Section



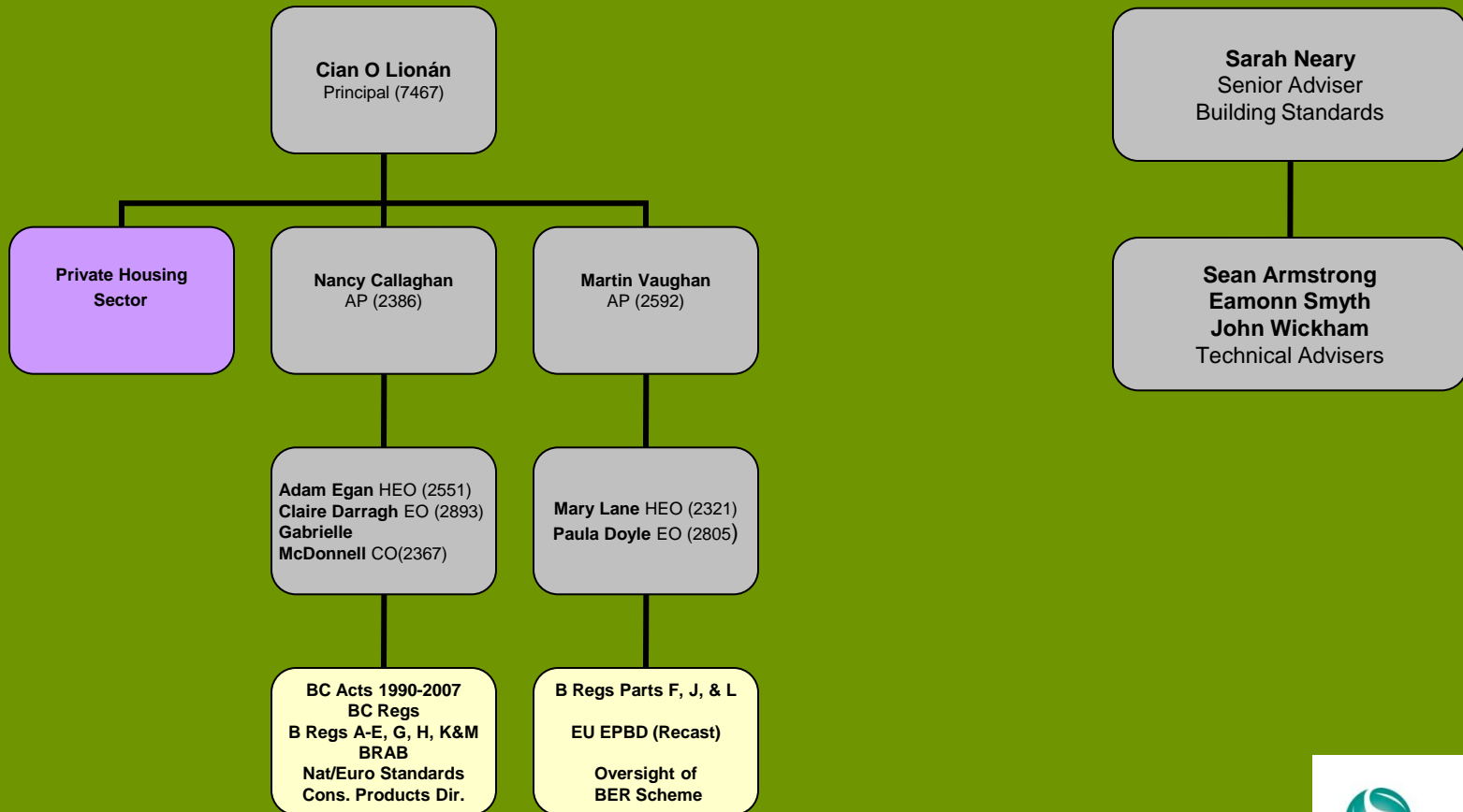
Comhshaoil, Oidhreacht agus Rialtas Áitiúil
Environment, Heritage and Local Government

Content of Presentation

- Current work programme overview
- Building Control Act 2007
- Enforcement
- Issues for the future



Building Standards team



Building Regulations Advisory Body (BRAB)

- BRAB is a statutory body appointed under the Building Control Act 1990.

“14. — (1) The Minister may by order appoint a body which shall be known, and is in this Act referred to, as the Building Regulations Advisory Body.

(2) The Building Regulations Advisory Body —

(a) shall advise the Minister on matters relating to building regulations, and

(b) may provide such advisory services for or on behalf of the Minister,

as the Minister may, from time to time, specify.”

- Function is to advise the Minister on proposed amendments to the Building Regulations and any other matters as he may request



Building Regulations Advisory Body (BRAB)

- 23 Members
- IBCI nominee is Johnny McGettigan
- Chairman, since September 2009, is Jay Stuart



Building Regulations Advisory Body (BRAB)

Jay Stuart, Chairman	Delap & Waller	Johnny McGettigan	IBCI, Donegal CoCo
Sean Balfe	NSAI	Minka McNerney	RIAI, Architect
Michael Browne	NSAI, Architect	Brian McKeon	CIF, MKN Properties
Jack Callanan	NDA, Galway Centre for Independent Living	Maria Melia	CFOA, Wexford CoCo Engineer
Noel Carroll	DEHLG	Anne Mills	DEHLG
Jacqui Donnelly	DEHLG	Sarah Neary	DEHLG
Eugene Farrell	Home Bond	Cian Ó Lionáin	NCA, Planner
Denise Germaine	Chartered Inst of Architectural Technologists	Terry Prendergast	Society of Chartered Surveyors
Gerard Grogan	Architectural Technician	Kyrstyna Rawicz	An Taisce, Architect
Jimmy Keogan	CCMA, Asst.City Manager Dublin	Emer O'Siochrú	ITFMA, Kingspan Ltd.
Jim Keogh	Electro-Technical Council of Ireland	Gary Treanor	
Mark McAuley	IBEC, Building Materials		



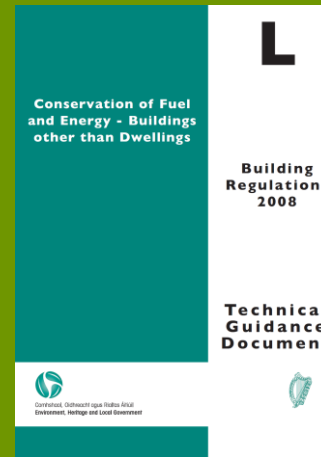
2010 Work Programme

- Part L: Conservation of Fuel & Energy
- Part M: Access for people with disabilities
- Part H: Drainage & waste water disposal
- Part E: Sound
- Part A: Structure
- Part B: Fire Safety
- Part F: Ventilation
- Carbon Neutral
- Retrofitting
- EPBD



Part L: Conservation of Fuel & Energy

- **Part L 2010 – Dwellings:** DraftRegs/ TGD to achieve 60% improvement (over 2005 standards) ready for public consultation in Q2. For signature by Minister by year end.
- **Towards Carbon Neutral 2013:** Work on strategy for achieving Carbon Neutral Standard for Dwellings began in 2009. Public consultation in 2010.
- **Buildings other than dwellings:** BRAB WG scoped the project in 2009.
- RFT for consultants will issue in Q2.



Part L : Conservation of Fuel & Energy

- Joint NSAI / SEI / DEHLG guidance document on Installation of Solar Panels now ready for public consultation. Publication in 2010.
- Working Group established to develop Code of Practice for Retrofitting Insulation
 - Scope & terms of reference agreed by Q1 2010
 - RFT for consultants in Q2 2010
 - Draft for public consultation by end 2010

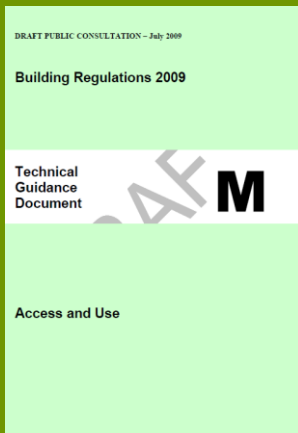


Part M : Access for All

Public consultation closed in October 2009.

Working Group has evaluated the submissions.
Final text will be presented to BRAB 31 March

Amending Regs and revised TGD M to be
available mid-2010 subject to BRAB approval



Part H: Drainage and Waste Water Disposal

- Revision triggered by need to include EPA Code of Practice 2009 and to introduce guidance regarding rainwater and greywater harvesting systems.
- Public consultation closed on 8 March; 11 submissions received. Hope to have amending Regulations and revised TGD H in Q3.



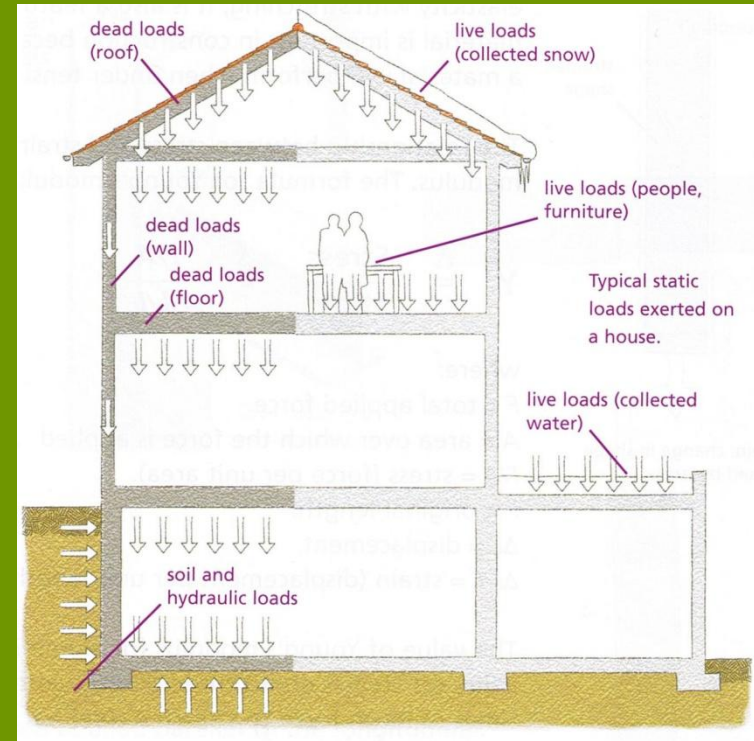
Part E: Sound

- Hope to commence the three month public consultation process in Q3.
- Final draft TGD-E to BRAB by Q4.



Part A: Structure

- Revised National Standards incorporating Eurocodes are currently being finalised for publication by NSAI.
- TGD A will require amendment to reflect this.
- Other updates to TGD A will include reference to IS440 etc
- Draft will be available for public consultation in Q3 2010.



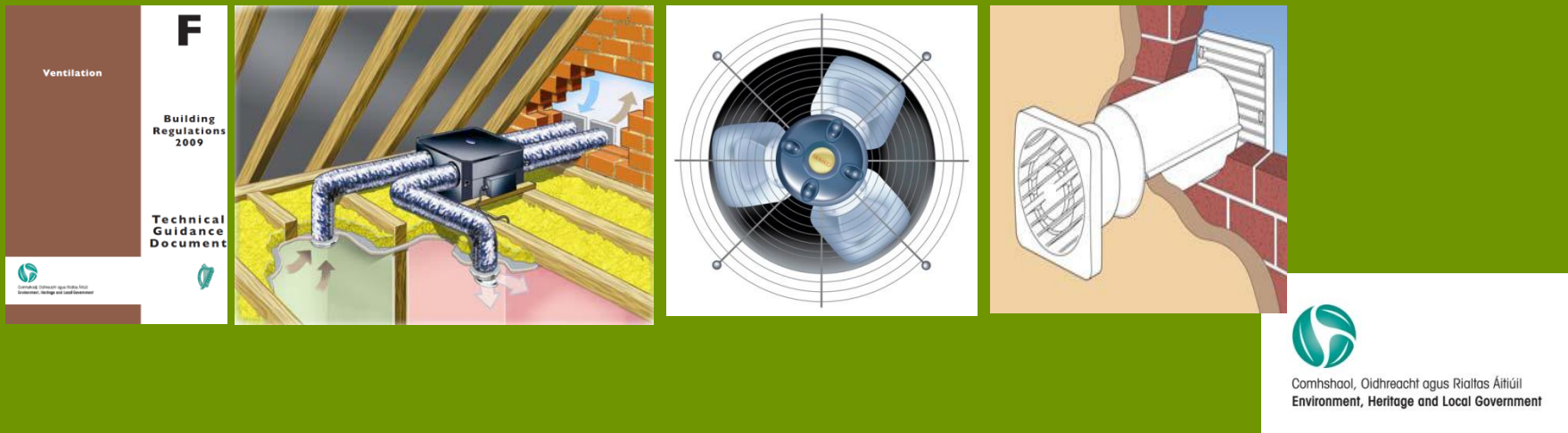
PART B (FIRE SAFETY)

- *TGD B for Schools* – consultation with fire officers commenced with a view to the publication of TGD B for Schools by end Q2.
- General review of Part B to be undertaken throughout 2010.



Part F: Ventilation

- Amended to provide for higher standards of ventilation & to support related provisions of Part L.
- S.I. 556 signed in December 2009
- TGD F now available @ www.environ.ie/buildingstandards
- Circular & hard copy imminent.



Building Control Act 2007: key objectives

- Strengthen powers of BCAs
- Disability Access Certs
- Registration of titles
- 7 Day notice
- Regularisation Certificate



Building Control Act 2007

Sections 5 & 6 of BC Act 2007 were commenced on 4 Sept 2009 – SI 352 of 2009 refers.

SI 351 of 2009 - Building Control (Amendment) Regulations:

- sets out procedural arrangements and prescribed forms
 - for 7 Day Notice
 - Regularisation Certificates
 - Revised Fire Safety Certificates; and
 - Disability Access Certificates (including Revised DACs)
- Came into effect on **1 Oct 2009**; except Article 8 (DAC) - **1 Jan 2010**.
- Application Forms, Statutory Declarations & Certificates prescribed in Third & Fourth Schedules.
- Amended Form of Commencement Notice in Second Schedule.



Building Control Act 2007

- Commencement of Sections 5 & 6 creates additional work and responsibilities for BCAs.
- Department acknowledges continuing support and cooperation shown by BCAs in effecting a swift transition to new arrangements.
- FAQs on new certification measures currently being finalised.
- Information Leaflet on Building control updated to reflect new arrangements



Disability Access Certificate (DAC)

- Certification of compliance with current Part M (Access for People with Disabilities) requirements for designs of new Non-Domestic Buildings & new Apartment Blocks must be obtained from local Building Control Authority.
- A person shall not carry out works in contravention of Part M or any conditions of the DAC
- Best practice to apply for DAC at same time as Fire Safety Certificate → All information and conditions will be available before commencement.
- Circular 11/2009 of 16 Nov 2009 refers



Regularisation Certificate

- Regularisation Cert must be applied for if works have been carried out without a prior FSC / 7 Day Notice.
- Application Form must be accompanied by
 - ‘as constructed’ drawings
 - **statutory declaration** that works comply with the Part B (Fire Safety) requirements.
- Certificate has no effect unless all conditions / additional works specified by BCA are met / carried out within 4 months



7 Day Notice

- 7 Day Notice may be submitted to Building Control Authority where commencement of work is imminent.
- Notice must be accompanied by
 - a **valid FSC application**
 - a **statutory declaration** re the completeness and validity of the FSC application; and
 - an undertaking to carry out any necessary modifications to works specified on the FSC, when granted.
- This facilitates developers in proceeding with urgent projects pending processing of FSC application.



Revised Fire Safety Certificates

Revised Fire Safety Certificates may be applied for where –

- (i) required by a planning permission granted subsequent to application for FSC, and
- (ii) significant revision is made to the design or works subsequent to the grant of FSC.



Prohibition on use of Buildings

- The opening, operation, or occupation of buildings which require an FSC, DAC or Regularisation Certificate is prohibited until certificates are granted.
- This prohibition has financial implications for developers and is a strong deterrent from flouting FSC, DAC and Regularisation Certificate requirements.



Possible circular on BCA 2007 Issues

- Department has met with members of the Consultative Committee of National Directorate for Fire & emergency Management (includes Fire Officers) regarding implementation issues.
- Further Circular intended to clarify further certain matters in relation to activation of sections 5 & 6 of BCA Act 2007.



Enforcement of Building Regulations

- Minimum target inspection level of 12-15% of buildings with valid Commencement Notice agreed with CCMA.
- Latest statistical returns (Jan. - June 2009) show ongoing high level of building control activity.
- 35 out of 37 Building Control Authorities met agreed target inspection level.
- Overall Inspection rate for period was 28%.
- Imperative that all authorities meet minimum 12-15% target in 2010.



Enforcement of Building Regulations

- Other enforcement responsibilities - market surveillance under European Communities (Construction Products) Regulations, 1992
 - Circular 1/2010 of 8 Feb 2010 – Quality of Imported Plywoods
- Department wishes to facilitate and support activity where possible.
 - BCO workshop introduced in 2009 will be an annual event
 - 2 further 'BCO Network' meetings being planned conjunction with IBCI in 2010.
- Upgraded FAS course on Building Regulations (developed with BCAs in mind) to be available in 2010.



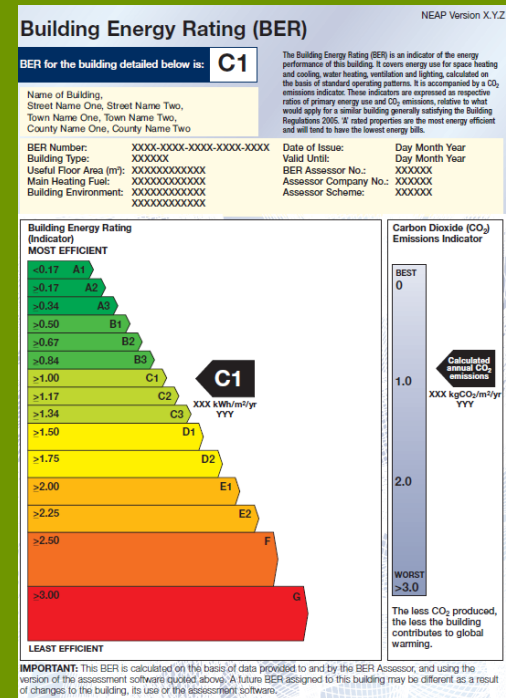
Enforcement of Building Regulations

- BRAB report
- Strengthening the enforcement chain
- 1990 Building Control Act
- Enforcement workshops

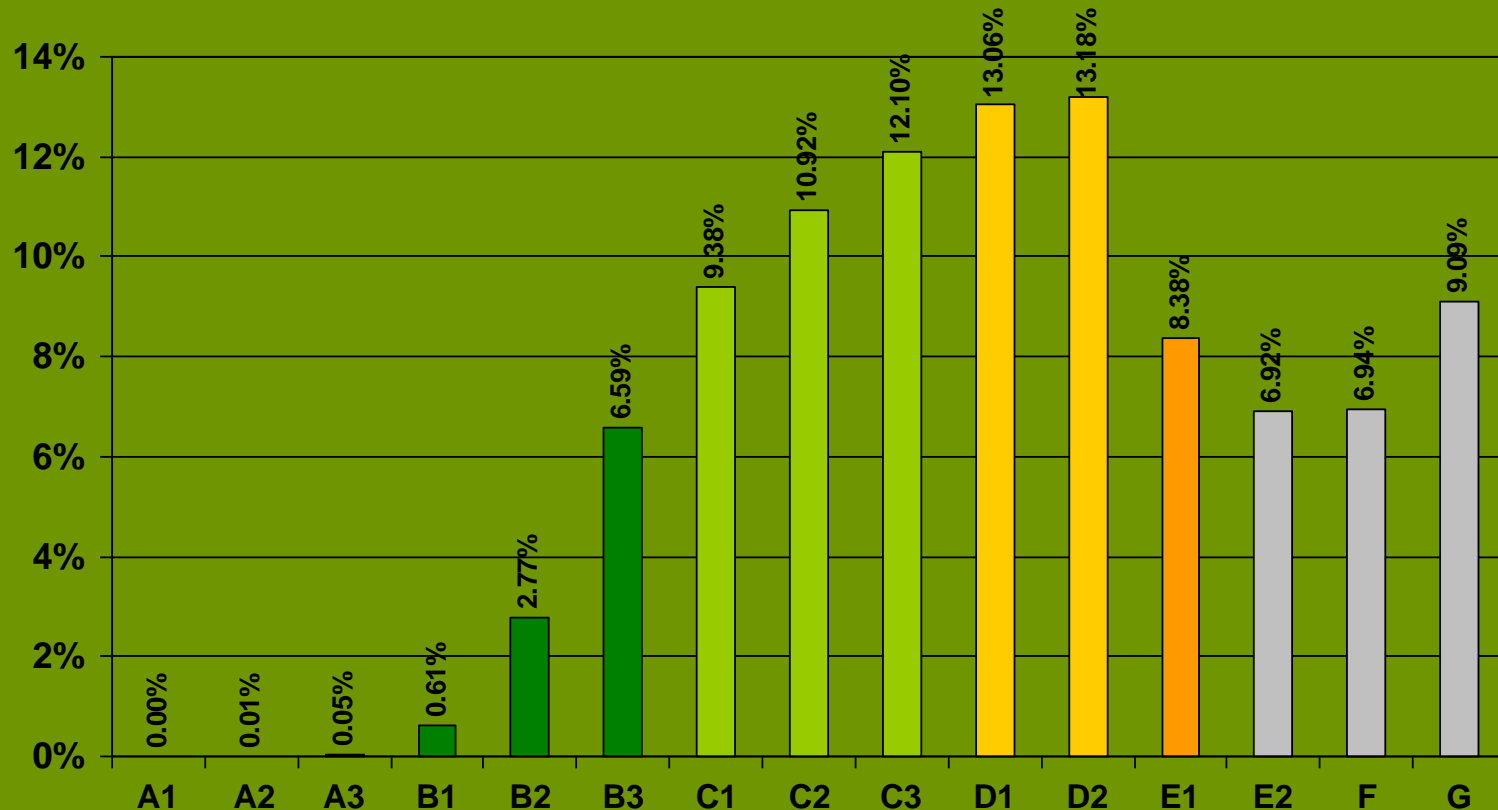


Energy Performance of Buildings Directive (EPBD)

- 2009 first full year of mainstream operation of BER scheme.
- BER now required for –
 - All dwellings commissioned or offered for sale or rent
 - Non-domestic buildings commissioned, or offered for sale or rent, except a new building which had applied for planning prior on or before 30 Jun 2008 and been substantially complete by 30 June 2010.
- Display Energy Certificates (DEC) required for buildings over 1000m² occupied by public body.
- 105,000 BERs for dwellings now in place (5.5% of Housing Stock)



BER Profile for Existing Dwellings

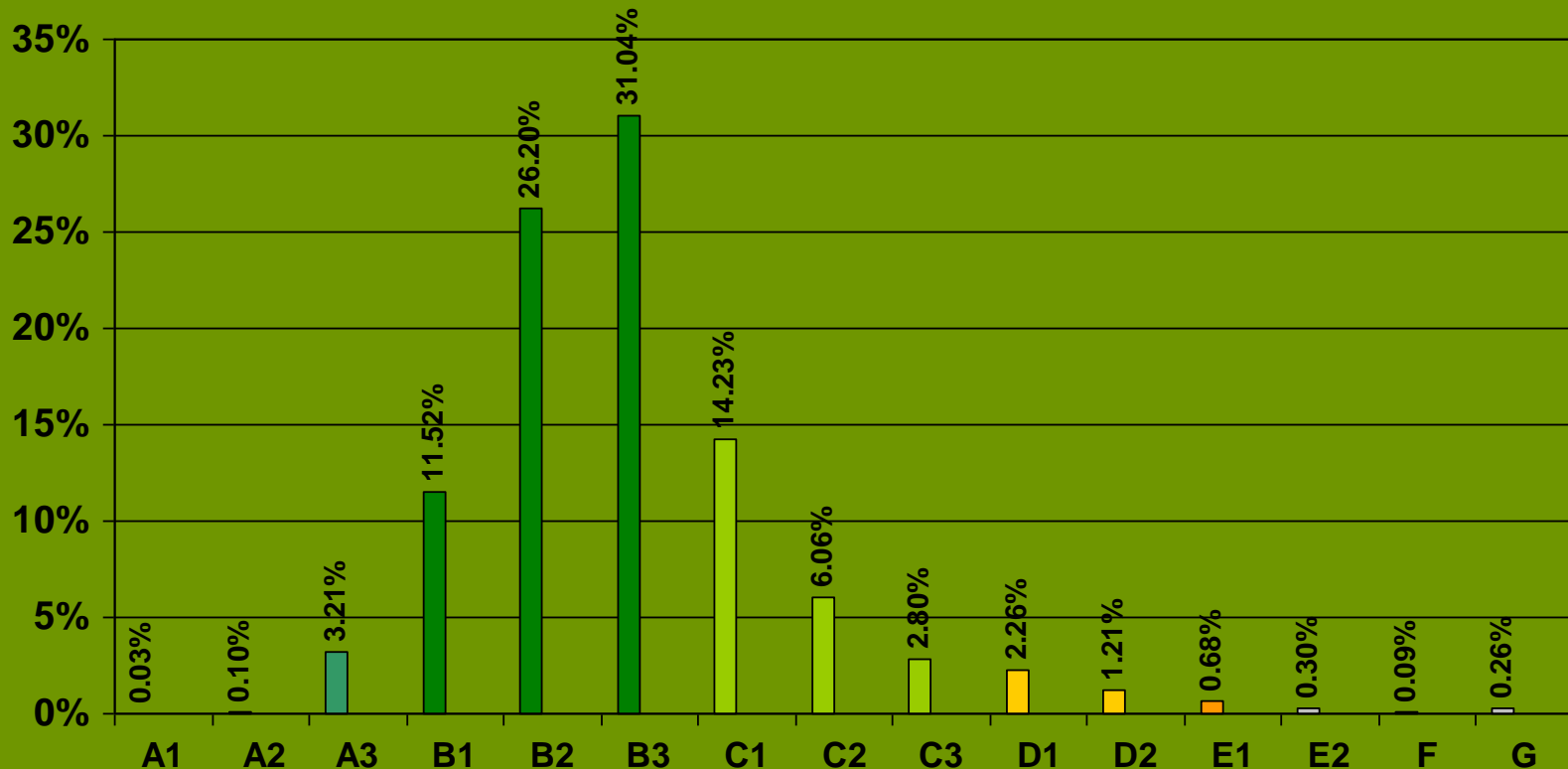


85,620 BERs issued for existing dwellings

(1 Jan 09 – 15 Mar 2010)



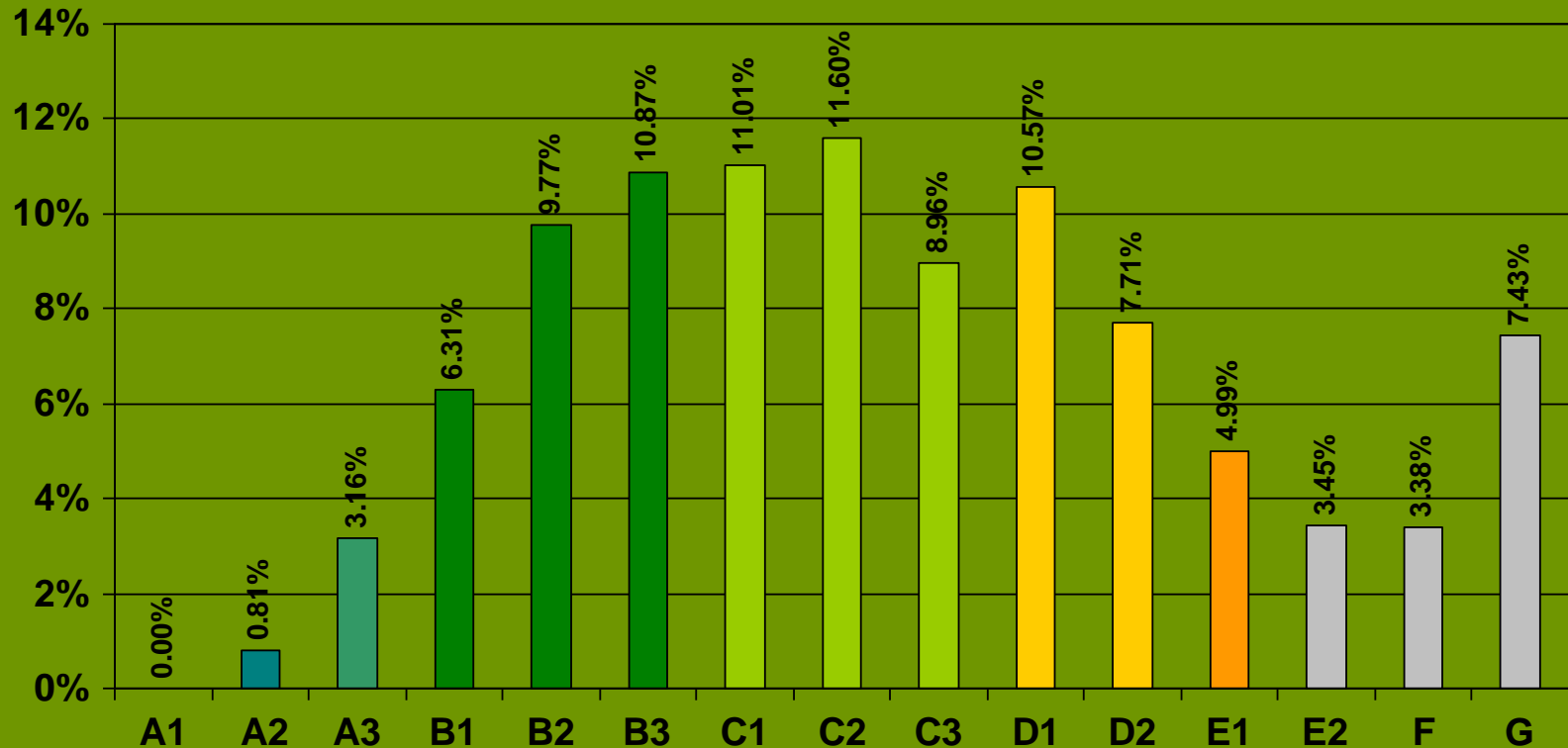
BER Profile for New Dwellings



19,275 BERs issued for new dwellings
(1 Jan 2007 – 15 Mar 2010)



Profile of Display Energy Certificates



Total number of DECs : 1362



EPBD

- Visible enforcement presence in all market sectors (particularly private rental market) is essential to ensure BER gains proper foothold in property market.
- Local Authorities are also subject to BER & DEC requirements.
- Anecdotal evidence suggests Local Authorities are not fully compliant in respect of their own buildings.
- Any failure undermines enforcement activity.



Recast EPBD

Recently agreed by EU; Will enter into force c. June 2010.

Most requirements already in place under existing BER / Part L arrangements.

Additional requirements include

- Energy Efficiency Standards in building code for new and renovated buildings to be set at cost optimal levels
- BER certificate ratings to be quoted in property adverts
- DEC requirement will broaden to include public buildings over 500m² and some frequently visited commercial buildings (Retail, Banks, etc.)
- Member states to develop plans for increasing stock of low carbon / low energy buildings
- Public authorities to act as exemplars by promoting energy performance of buildings

Action Plan for transposition of Recast EPBD currently being drafted for public consultation in Q2 of 2010

Use of BER in adverts and promotional material (parallel commitment in Renewed Programme for Government) to be signed into law later this year.



Issues for the Future

- National retrofit project
- National Climate Change Bill – will further strengthen drive towards low carbon/ low energy economy.
- Sustainability: Green Building Council Networks
- Fallout of financial/property crisis – implications for societal expectations on regulation / enforcement
- Broadening International Context (e.g. Energy Directives, Eurocodes, Construction Products Regulation, Market Surveillance, etc.)



Go raibh maith agaibh!



GENERAL ENQUIRIES

- www.environ.ie/buildingstandards
- buildingstandards@environ.ie

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