Developments in Building Control & Legislation

Presentation to Irish Building Control Institute (IBCI) Annual Conference
6-7 April 2010

Aidan O’Connor
Principal Adviser
Architecture / Building Standards Section
Housing Division, DEHLG
Content of Presentation

• Building Standards / BRAB

• 2011 Work Programme – Key Priorities

• Building Energy Rating (BER) Activity
Content of Presentation

• Inspection & Enforcement Activity

• Guiding & Supporting Building Control
Content of Presentation

- Enhancing Building Control
- Issues for the future
Building Regulations Advisory Body (BRAB)

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

• Role: To advise Minister on proposed amendments to Building Regulations and other matters on request

• IBCI nominee is Johnny McGettigan

• Chair: Jay Stuart (since Sept 2009)
<table>
<thead>
<tr>
<th>Name</th>
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<tr>
<td>Jay Stuart, Chairman</td>
<td>Delap &amp; Waller</td>
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<td>Sean Balfe</td>
<td>NSAI</td>
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<td>Michael Browne</td>
<td>NSAI, Architect</td>
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<td>Jack Callanan</td>
<td>NDA, Galway Centre for</td>
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<td>Independent Living</td>
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<td>Noel Carroll</td>
<td>DEHLG (Retired)</td>
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<td>Jacqui Donnelly</td>
<td>DEHLG</td>
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<td>Eugene Farrell</td>
<td>Home Bond</td>
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<td>Denise Germaine</td>
<td>Chartered Inst of</td>
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<td>Architectural Technologists</td>
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<td>Gerard Grogan</td>
<td>Architectural Technician</td>
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<td>Jimmy Keogan</td>
<td>CCMA, Asst. City Manager</td>
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<td>Dublin City Council</td>
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<td>Jim Keogh</td>
<td>Electro-Technical Council of</td>
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<td>Ireland</td>
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<td>Mark McAuley</td>
<td>IBEC, Building Materials</td>
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<td>Johnny McGettigan</td>
<td>IBCI, Donegal CoCo</td>
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<td>TBN</td>
<td>RIAI, Architect</td>
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<td>Brian McKeon</td>
<td>CIF, MKN Properties</td>
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<td>Maria Melia</td>
<td>CFOA, Wexford CoCo</td>
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<td>Sarah Neary</td>
<td>DEHLG</td>
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<td>Aidan O’Connor</td>
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<td>Kevin O’Rourke</td>
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<td>Emer O’Siochrú</td>
<td>An Taisce, Architect</td>
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<td>Terry Prendergast</td>
<td>NCA, Planner</td>
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<td>Kyrstyna Rawicz</td>
<td>Society of Chartered</td>
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<td>Surveyors</td>
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<td>Gary Treanor</td>
<td>ITFMA, Kingspan Ltd.</td>
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2011 Work Programme – Key Priorities

- Ongoing review of Building Regulations
- EPBD / Construction Products Regulation
- Retrofitting Code of Practice
- Enhancing Building Control
Part A (Structure)

• TGD A to reflect Structural Eurocodes and omit references to withdrawn Irish and British Standards

• Released for consultation to conclude on 6 May 2011

• Amendment Regs / TGD A to be in place by end 2011
PART B (Fire Safety)

- Full Review of TGD B to commence in 2011
- BRAB / Industry group to scope project
- Review by external consultants to commence in second half of 2011
Part E (Sound)

- BRAB subgroup to finalise draft TGD E by Q2
- Approval by Minister for consultation by Q2
- Submissions analysed and proposed Amendment Regs / TGD E for consideration by BRAB by end 2011
- Signed into law by early 2012
Part J (Heat Producing Appliances)

• BRAB / Industry group to advise on scope of review in Q2

• Issues – Consistency with TGDs L & F; CO Detectors; Industry Developments – installation arrangements, COPs, etc.

• Draft Regs / TGD J / RIA for consultation by Q4 2011
Part L (Conservation of Fuel & Energy)

- **Part L 2011 – Dwellings:** Anticipate that draft Regs / TGD L to achieve 60% improvement (over 2005 standards) will be signed by Minister in coming weeks.

- **Towards Carbon Neutral Housing:** Strategic framework prepared by Department but not yet put forward for policy decision by Department / Minister.
Buildings other than dwellings

- BRAB Working Group scoped project in 2009. RFT for consultants to issue in 2011
Retrofitting Energy Efficiency Measures for Dwellings

- Joint project with DCENR, NSAI & SEAI
- BRE UK engaged to develop ‘Code of Practice for Retrofitting Energy Efficiency Measures in Dwellings’ for consultation by end 2010
Further Priorities

• Training Module on Part M / TGD M 2010 (Access & Use) ready for delivery to Building Control in Q2 2011

• TGD G (Hygiene) amended to require ‘dual flush’ toilets in all cases and include guidance on protection of cold pipes against freezing
Further Priorities

• TGD K (Stairways, Ladders, Ramps and Guards) to align with
  • TGD M 2010
  • Relevant British & EN Standards
  • Withdrawal of certain Irish and British Standards following Eurocodes

• Consultation in Q2 2011
Further Priorities

Implementation of **TGD H 2010**

- Revised National Annexes now on NSAI website for comment until 10 May 2011

- Further circular to Building Control Authorities on finalisation of National Annexes in June 2011
Further Priorities

Construction Products Regulation

- now signed into EU Law
- Implementation plan for consultation in 2011
- Mandatory **CE marking** of construction products from 2013
- Stronger emphasis on Market Surveillance
Energy Performance of Buildings Directive (EPBD)

BER certificates required

- prior to occupation of new buildings (incl. dwellings)
- on offer for sale or letting of all new and existing buildings (incl. dwellings) unless otherwise exempt from SI 666 of 2006

DECs (Display Energy Certificates) for buildings over 1,000 m² occupied by public body
BER Profile for Existing Dwellings

162,000 BERs issued for existing dwellings
(1 Jan 09 – 27 Feb 2011)
Profile of Display Energy Certificates

Total number of DECs: 1025
BER Profile for New Dwellings

24,879 BERs issued for new dwellings
(1 Jan 2007 – 27 Feb 2011)
EPBD

- 187,000 BERs for dwellings now in place (9.35% of Housing Stock)

- One-off housing currently predominates
  NB: DEAP calculations for all commencement notices
  Reminded applicants of their BER cert requirement

- Local Authorities subject to BER & DEC requirements.
  Anecdotal evidence suggests compliance is an issue.
  Any failure undermines enforcement activity
Recast EPBD

• Consultation on Transposition Plan in 2011

• Consolidation of BER regulations (SI 666 of 2006 as amended) in 2012.

• Existing arrangements broadly suffice but new requirements include
  • Use of BER in advertising / promotional material
  • Definition of large building reduces from 1,000m² to 500m² (from 2012) and to 250m² (from 2015)
  • Application of Building Standards to major renovations (works affecting 25% of surface area of building)
Inspection & Enforcement Activity
(This slide unfinished)

• Minimum target inspection level of 12-15% of buildings with valid Commencement Notice agreed with CCMA

• Latest statistical returns (Jan. - June 2010) show ongoing high level of building control activity

• XX out of 37 Building Control Authorities met agreed target inspection level

• Overall Inspection rate for period was %

• Imperative that all authorities meet minimum 12-15% target in 2011
Inspection & Enforcement Activity

- Other enforcement responsibilities - market surveillance under European Communities (Construction Products) Regulations 1992
  - Circular 1/2010 of 8 Feb 2010 – Quality of Imported Plywoods
  - Still an issue and requires vigilance
Guiding & Supporting Building Control

- Department wishes to facilitate and support activity where possible.
  - BCO workshops in 2009 & 2010 will continue to be an annual event
    - TGD M 2010 training ready for delivery in May / June
    - Further BCO workshop planned for latter half of 2011 - Open to suggestions on date and content

- Prepared if requested to facilitate / participate in ‘BCO Network’ meetings but initiative should come from IBCI on this

- Need for greater communication and guidance – Department ready and willing to play its part
  - FAQs on Building Control administration
  - Working with LGMSB on DAC guidance

- Upgraded FAS course on Building Regulations (developed with BCAs in mind) to be available in 2011
Enhancing Building Control

- Building Control Group (DEHLG / CCMA)
  - Reports from BRAB, IBCI & Professional Bodies “Strengthening the System” Report
  - BCO workshop – November 2010
  - Consultative Forum Dublin Castle – January 2011
  - BRAB Subgroup considering what certification is necessary and competence of certifiers
Enhancing Building Control

• Shared desire for change across stakeholders

• This is likely to involve:

  • Activating Section 6(2)(a)(i) of Building Control Act 1990: “the submission to building control authorities of certificates (in this Act referred to as ‘certificates of compliance’) being certificates relating to compliance with the building regulations”
Enhancing Building Control

• Responsibility will continue to rest with owner / developer

• Certification requirements in relation to design and construction

• Stronger emphasis on competence
Enhancing Building Control

- Creation of a public file of documents and particulars of every building

- Detailed proposals will be finalised in coming months and available for further stakeholder consultation later in 2011
• Strategic emphasis on energy efficiency

• 2\textsuperscript{nd} National Energy Efficiency Action Plan

• Relaunch of National Energy Retro-fit Programme

• National Climate Change Bill – ongoing drive towards low carbon / low energy economy

• Innovation & Jobs
• Local Government Efficiency Review Group – delivering more with less resources

• Sustainability: Green Public Procurement Action Plan;

• Broadening International Context (e.g. Energy Directives, Eurocodes, Construction Products Regulation, Market Surveillance, etc.)
Thank You!

GENERAL ENQUIRIES

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