Building Control Legislative Developments

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Irish Building Control Institute Annual Conference 2017

Slieve Russell Hotel, Cavan
• Provide a strong & evolving building code in support of quality construction, sustainable development and compliance with relevant EU requirements

• Provide technical/ professional advice to the Housing Division and across Departmental structures, to Local Authorities, Voluntary Bodies & Regeneration Agencies; and

• Assess & advise on capital works projects to ensure quality, compliance with public procurement requirements, more efficient delivery of public works projects, achievement of greater cost certainty and value for money
Outline

• Rebuilding Ireland
• Quality & Compliance
  – Building Regulations
  – Building Control Reform
  – Construction Products Regulations
• Building Control Management Project
Five Pillars of Action Plan

Pillar One: Address Homelessness

Pillar Two: Accelerate Social Housing

Pillar Three: Build More Homes

Pillar Four: Improve the Rental Sector

Pillar Five: Utilise Existing Housing
Rapid Build & Building Standards

Social Housing Projects & Building Control

Local Infrastructure Housing Activation Fund & increased building activity

Re-use of existing building & Regulatory Requirements
Compliance and Quality
Culture of Quality & Compliance

- Design
- Products
- Workmanship
- Building Regulations
- Construction Products Regulations
- Durability
- Building Control Regulations
Building Regulations
On-going review

Parts B – Vol 2, C and L Non Dwelling under review
- **Part A** – Structure (2012)
- **Part B** - Fire Safety (2017)
- **Part D** – Materials & Workmanship (2013)
- **Part E** – Sound (2014)
- **Part F** - Ventilation (2009)
- **Part G** – Hygiene (2011)
- **Part K** - Stairways, Ladders, Ramps & Guards (2014)
Part B - Fire Safety

• Full Review of Part B/ TGD B

• Revised TDG B will be in 2 volumes - Volume 1 - Buildings other than Dwelling Houses & Volume 2 - Dwelling Houses

• TGD B Volume 2 – Dwelling Houses – published February 2017

• Public consultation on “Buildings other than Dwelling Houses ” – Q4 2017

• COP on Community Dwelling Houses being finalised and Published Q2 2017
Part C - Site Preparation and Resistance to Moisture

- National Radon Strategy -2014
- Full review of TGD C
The amendment was necessary due to the grade size introduced in the 2014 version.

Permeability of hardcore for radon extraction was questionable.

Grading

Change to nomenclature of unbound granular fill materials and inclusion of two further materials, T0 Struc and T2 Perm.

T0 Struc - Suitably graded structural unbound granular fill (hardcore) material (0/125 mm), for use at depths greater than 900 mm below the radon barrier/Damp Proof Membrane (DPM).

T1 Struc - Structural unbound granular fill (hardcore) material is an all in graded aggregate (0-32 mm) or gravel (0/40 mm) to facilitate placing and compactability.

T2 Perm - Suitably graded unbound granular fill (hardcore) material (4/40 mm) to facilitate the free movement of gas within the hardcore layer.

T3 Blind - Fine aggregate (0/4 mm, GF80), for blinding the top surface of the Annex E granular fill.
Radon Protection System
Sump Installation.

- Concrete floor slab
- Insulation
- Radon membrane or DPM
- T3 Blind
- T2 Perm Gas permeable layer
  200mm min.

- T1 Struc or T2 perm depending
  on loading and depth
- T1 Struc or

- T0 Struc
Part H - Drainage and Waste Disposal

• S.I. No. 561 of 2010/ TGD H 2010;
• General commencement: 1st June 2011;
• Main changes:
  ➢ outlines the different WWT systems available.
  ➢ references the relevant parts of the EPA Code of Practice dealing with the specific system.
  ➢ references the various standards that apply
  ➢ recommendations regarding the installation and use of systems.
  ➢ Rainwater harvesting etc..
Amendment applicable from 1st January 2017.

Plants must be tested to EN 12566 and comply with the requirements of SR 66

It specifies the design capacity for a dwelling based on the number of bedrooms rather than size.

- It calls up requirements under S.R. 66:2015 - Standard Recommendation providing guidance to wastewater treatment products in compliance with the EN 12566 series of standards

- SR 66 was published in May 2015 by the National Standards Authority of Ireland (NSAI).
New changes include:

- Definition of Nearly Zero Energy Buildings
- Numeric indicators for NZEB (TGD 2017)

Next review:

- All new dwellings shall be Nearly Zero Energy Dwellings by 31 December 2020
- Establish cost optimal minimum performance requirements for existing dwellings as a whole undergoing major renovations
Buildings other than Dwellings

• All new buildings shall be Nearly Zero Energy Dwellings by 31 December 2020

• After 31 December 2018, new buildings occupied and owned by public authorities are nearly zero-energy buildings.

• The cost optimal major renovation of existing non-domestic buildings.

• Public Consultation started Friday 24\textsuperscript{th} March 2017
Building Control Reforms
Regulatory Framework

Building Control Acts 1990 to 2014

– Building Regulations 1997 to 2017
– Building Control Regulations 1997 to 2015

Consolidated!

To secure the implementation of, and compliance with the requirements of Building Regulations
Code of Practice for Inspecting & Certifying Buildings & Works

- Prima facie evidence of compliance
- Practical guidance for the Assigned Certifier in order to be in a position to sign the Certificate of Compliance on Completion as Assigned Certifier.
- Sets out the roles, responsibilities & administrative requirements
  - Building owners, Designers, Builders, Certifiers, Building Control Authorities, Building materials and component manufacturers.
- Latest update – **October 2016**
  - Sample Preliminary Inspection Plan was seen as a positive development
  - Responding to affordability/economic cost.
  - Promotion of good practice in the construction sector
Building Control Activity - study

- DHPCLG to commence data collection study
- Gather data on inspection activity and market surveillance activity from Q2 2017 for a 12-month period
- Purpose to inform future policy matters and the development of BCMS Inspection Module
- Form reflects the breadth of building control activity – in the office and out on sight
- No right answer – it’s a data gathering exercise
- Returns to be submitted at the end of each quarter to the Department
Construction Industry Register Ireland
Why now?

• Consumer assurance

• Tackling Shadow Economy

• Level playing field for compliant operators

• Increasingly looked to by owners, tendering bodies, financiers, professional bodies, certifiers, building control authorities, main contractors
CIRI Register

• Register of Builders, Contractors & Specialist Sub-contractors

• In place as voluntary register since 2014
  – referenced in Building Control Regulations
  – Owner obligation to appoint competent builder – CIRI provides one way of meeting obligation
  – 800 entities on register

• Statutory Register
  – Construction 2020 measure
  – Commitment renewed in Action Plan for Jobs 2016
  – Will be considered by Government shortly
CIRI Requirements

• Competence & experience
• Technical Capability
• Tax Compliant
• VAT Registered
• Health & Safety Statement
• Adequate Insurance
• Environmental Assurance
• Knowledge of Building Regulations
• Regulatory & Statutory Compliance
• Continuous Professional Development
• Industry Code of Conduct
Construction Products Regulation
Marketing ‘versus’ Using

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Marketing</td>
<td>Using</td>
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<tr>
<td>Market Surveillance Co-ordinator: DECLG</td>
<td>Enforcement:</td>
</tr>
<tr>
<td>Enforcement: Market Surveillance Authority</td>
<td>Building Control Authority</td>
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<tr>
<td>Declared Performance <strong>NOT</strong> Quality</td>
<td>Performance suitable for end use</td>
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Placing a construction product on the Market – Construction Products Regulation

- Harmonised European Product Standard (hEN)
- (i) Assessment of performance & (ii) Verification of factory production control
- European Assessment Document (EAD) (Voluntary)

On the market

Declaration of Performance (DOP) & CE Marking

Manufacturer/Importer/Distributor

Using a construction product in building works – Building Regulations

Compliance with Building Regulations

Construction products – fit for purpose & conditions of use – Part D

Proper installation

Parts A-M

Workmanship

Owner/Builder/Specifier
Designer/Certifier
Benefits of Technical Tools of the CPR

- Specifiers can better define their performance demands for the specific end use by means of reference to NSAI Standard Recommendations, National Annexes, TGDs.
- Enables end users e.g. builders to purchase the product with the prescribed performance.
- DoP may be harnessed to readily determine whether the products incorporated into the works are carried out using “proper materials...which are fit for the use for which they are intended and for the conditions in which they are to be used” to ensure compliance with the Building Regulations.
Benefits of Technical Tools of the CPR

• “To ensure a proper standard of workmanship, it is essential that persons are competent, possessing sufficient training, experience and knowledge appropriate to the nature of the work he or she is required to perform and having particular regard to the size and complexity of such works.”

• Under CPR, Notified bodies assess the competence of a manufacturer e.g. structural steel fabricator to ensure that he is conducting the assessment of the performance of the construction product correctly, adequately and credibly.
• Building control authorities are designated as the principal market surveillance authorities

• Provides for necessary actions to –
  ➢ stop the circulation of construction products that do not comply with all the requirements set out in the CPR (e.g. bans, withdrawals, recalls),
  ➢ require economic operators to bring their construction products into compliance, and/or
  ➢ apply sanctions to non-compliant economic operators.

**NOTE:** responsibility for demonstrating a construction product’s compliance with the requirements of the CPR rests with the manufacturer of the product. It is not the responsibility of a market surveillance authority to certify products.

EN 12566-3:2005+A2:2013 - Small wastewater treatment systems for up to 50 PT - Part 3: Packaged and/site assembled domestic wastewater treatment plants

**Target Group:** Manufacturers/ Importers/ Distributors

**Documentation Control:**

- Correct CE-marking.
- Correct Assessment and Verification of Constancy of Performance (AVCP) procedure.
- Characteristics documented in accordance with EN 12566 (Parts 1 & 3) Annex ZA.
- Declared Performances in accordance with SR 66: 2015 Standard recommendation providing guidance to wastewater treatment products in compliance with the EN 12566 series of standards

**Workshop to be organised by DHPCLG - H2 2017**
Useful Information

BRAB Information Note on the CPR

CE Marking Step by Step
Building Control Management Project
Building Control Management Project
Shared Service – Lead Authority
Proposed Governance Model for National Building Control Shared Services Project-including Membership

LGMA Board/PSROG

BC National Steering Group
- CFOA Rep, DHPCLG, CE(Lead Authority), CCMA/LUTS
- Nominee, Head of Lead Authority, Senior BCQ Rep, Chair of BCMP Board

BCMP PROJECT BOARD
- CFOA Rep, 4 Regional BCQ Reps (3 chairs of plus 1 BC Administration), LA IBCI Rep, Planner, IT Rep, Finance Rep, Housing Rep, DHPCLG, Head of LA, Head of 4 Workstreams

BCMP Centre for Excellence
- Lead Authority/PMO Staff
  - Head of Lead Authority GIX, 1 BCO GVIII, 1 IT/Systems Analyst GVIII, 1 Admin GVII

- Oversight & Support to Lead Authority, Agree Annual Implementation Plans, Budgets etc.
- Provide Support and leadership for Working Groups

STAKEHOLDERS
- CFOs, CIF, IBCI, NDFEM, EI, ACEI, RIAI, SCSI, CFOA, ABP, BCAs, LA Planners, NSAI, Owners Builders, Designers, Assigned Certifiers

Note: The four work-streams will be managed by the Lead Authority with working groups assembled from time to time as required from experts within the stakeholder groups. The working group shall solicit technical expertise as appropriate from, but not limited to, representatives from the Department of Housing Planning Community and Local Government, the RIAI, EI, the SCSI, the IBCI, ACEI, CFOA, BCQs, Local Authority officials, planners, building owners, managers, designers, assigned certifiers the building industry, the NSAI, steel, timber and concrete industries, and any other interested parties.
1. Training
   - Qualifications
   - Competency training
   - Continuous Professional Development

2. Compliance and support
   - FAQs

3. Inspection
   - Risk based
   - Maximising impact

4. BCMS
   - Register, online assessment, fire certs, DACs, Mapping etc
Conclusions
“Action without vision is only passing time, vision without action is merely day dreaming, but vision with action can change the world.”

- Nelson Mandela
Thank you
Revised Building Control Regulations
The Building Control Regulations 1997 to 2015 require owners, builders, and registered construction professionals to demonstrate through the Statutory Register of Building Control Activity that the works or building concerned have been designed and constructed in compliance with Building Regulations.
Principal Regulations under the Building Control Act, 1990

- S.I. 496 of 1997
- 20 Years Ago
- Since then
- 8 Affecting or previously affecting Statutory Instruments
- Over 90 Affecting Provisions

- Building Control (Amendment) Regulations 2000 (S.I. No. 10 of 2000)
- Building Control (Amendment) Regulations 2004 (S.I. No. 85 of 2004)
- Building Control (Amendment) Regulations 2009 (S.I. No. 351 of 2009)
- Building Control (Amendment) Regulations 2013 (S.I. No. 80 of 2013)
- Building Control (Amendment) Regulations 2014 (S.I. No. 9 of 2014)
- Building Control (Amendment) (No. 2) Regulations 2014 (S.I. No. 105 of 2014)
- Building Control (Amendment) (No. 2) Regulations 2015 (S.I. No. 365 of 2015)
Why Revise the Building Control Regulations?

- Single text
- Increased industry awareness since S.I. No. 9 of 2014
- Make the regulations more accessible
- Promote understanding and compliance
- Unofficial versions in circulation
- Less time consuming
What is Revised Legislation?

A Revised Act is an administrative consolidation of that Act. It brings together in a single text all amendments and changes to an Act, making the law more accessible for all users.
The Law Reform Commission is an independent statutory body established by the Law Reform Commission Act 1975.

The Commission’s work on Access to Legislation makes legislation in its current state (as amended rather than as enacted) more easily accessible to the public.
Department of Housing, Planning, Community and Local Government

Housing Advisers & Building Standards
Responsibility to:

To assist in the development of policies, legislation and measures in support of achieving a strong and evolving building code which supports quality construction, sustainable development and compliance with relevant EU requirements.
Revised Building Control Regulations 1997-2015

- Revised Statutory Instrument is an administrative consolidation of Building Control Regulations 1997.

- Carried out by the Law Reform Commission in conjunction with the Department

- Updated to 1 January 2017

- Single 80 page Text
How Does It Work?

1. Annotations
Revised Acts contain two types of amendment, textual and non-textual

2. Annotations
Textual amendments are incorporated into Revised Acts through the use of footnotes (“F-notes”).

Non-textual amendments are dealt with by way of editorial notes (“E-notes”).
3. Example 1 (“F-notes”)

8A A commencement notice under article 8 shall not be required in respect of works or a building in respect of which a 7 day notice is required under article 20A(1).]

Annotations

Amendments:

F13 Inserted (1.10.2009) by Building Control (Amendment) Regulations 2009 (S.I. No. 351 of 2009), art. 5, in effect as per art. 2.

Editorial Notes:

E4 The article heading is taken from the inserted provision in the absence of one included in the amendment.
How Does It Work?

4. Example 2 ("E-notes").

Editorial Notes:

E1 Para. (4) amended (1.03.2014) by Building Control (Amendment) Regulations 2013 (S.I. No. 80 of 2013), art. 3(3), in effect as per art. 2; revoked on that date (1.03.2014) by Building Control (Amendment) Regulations 2014 (S.I. No. 9 of 2014), art. 18, in effect as per art. 2.
Where Can You Access It?

1. Lawreform.ie
2. Irish Statute Book
3. www.housing.gov.ie
Where Can You Access It?

1. lawreform.ie
2. Revised Acts – (1st Time to revise regulations)
3. Alphabetical List
Where Can You Access It?

2

- Irish Statute Book Statutory Instruments 1997
- S.I. 496 – Building Control Regulations -Revised SI Tab
Where Can You Access It?

3

- Building Control Page - Revised Building Control Regulations
Disclaimer

While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions.

Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.
Thank you for your attention