Building Control Legislative - Update

Irish Building Control Institute Annual Conference 2018
The Inn at Dromoland,
Co.Clare

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Principal Adviser
Housing Advisers & Building Standards Section
Outline

• Setting the current context
• Update on Building Regulations
• Update CIRI
• Update on Construction Products Regulations & Market Surveillance
• Building Control Management Project
Key issues

- poor quality housing from boom
- defects insurance /new legal remedies; and
- an Irish building authority,
- remediation scheme of legacy defects
What it said in the papers in 2017...

**Vacant Housing Refurbishment Bill 2017 [PMB].**

First Stage (DE) – September 2017

Second Stage (DE) – October 2017

Committee Stage (DE) – November 2017 – ongoing

**Key Issues**

- One stop shop in LAs – approval within 2 days
- Exemption from Fire Certs, 7 day notices, DACs, Certs of compliance on completion, the register.
- LAs to inspect and issue certificate of compliance
- LAs to contract professionals to act as authorised persons,
- Amendments to Part A, B, E, F, K, L and M
What it said in the papers in 2017...


House of the Oireachtas – Joint Committee on Housing, Planning & Local Government

JANUARY 2018

Key Issues

- Building Standards & Consumer Protection Agency
- Make BCAR truly independent
- Protecting against Latent Defects – mandatory insurance
- Redress Scheme to address legacy defects.
Grenfell Tragedy – June 2017

Review of Building Regulations
Dame Hackitt

- Building Regulations complex and not clear
- Roles and responsibilities not clear
- Means for assessing competency
- Weak processes compliance, enforcement etc.,
- Product testing, marketing and quality assurance not clear.
Culture of Quality & Compliance

Design

- Registered Professionals
- Building Regulations
- Construction Products Regulations

Products

- Building Regulations
- Durability
- Building Control Regulations
- Construction Industry Register of Ireland

Workmanship

STRONG Building Control System
Building Regulations
On-going review
- Part B - Fire Safety (2017)
- Part C - Site Preparation and Moisture Resistance (2004)
- 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 N - Broadband Infrastructure
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 – February 2017

- COP on Community Dwelling Houses - September 2017

- TGB B Volume 1 - preparation for public consultation
Part C - Site Preparation and Resistance to Moisture

- National Radon Strategy -2014
- Full review of TGD C
Part F - Ventilation

- S.I. No. 556 of 2009 / TGD F 2009
- General commencement 1 Oct 2010
- TGD Provides guidance on:
  - Limiting moisture content within buildings condensation/ mould growth
  - Limiting harmful pollutants
  - Indoor air quality
  - Achieve 0.5ach
  - Natural Ventilation
  - Mechanical Ventilation with Heat Recovery (MVHR)
  - Mixed Mode ventilation (strategies that combine natural ventilation with mechanical ventilation and/or cooling in the most effective manner) is referenced for Buildings other than Dwellings
  - Revised in line with Nearly Zero Energy Buildings
Current Review:

- All new dwellings shall be Nearly Zero Energy Dwellings by 31 December 2020
- Major renovations will trigger works to bring whole dwelling to cost optimal minimum performance requirements for existing dwellings
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 24th March 2017
Building Control Reforms
Construction Industry Register Ireland
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
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
Update

- Government Decision May 2017 approving the drafting of the Building Control (Construction Industry Register Ireland) Bill 2017
- Referred for Pre-legislative scrutiny
- Joint Oirechtas Committee reported in Dec 2017 making a number of recommendations
- Recommendations under consideration
- Proceeding to drafting Bill Q2 2018
Construction Products Regulation
Marketing ‘versus’ Using

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

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

**On the market**

Declaration of Performance (DOP) & CE Marking

**Manufacturer/Importer/Distributor**

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**Using a construction product in building works – Building Regulations**

- Compliance with Building Regulations
- Proper installation
- Parts A - M
- Workmanship
- Owner/Builder/Specifier
  - Designer/Certifier

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Guidelines for Market Surveillance Authorities – Published by NBCMP - June 2017

Obligation to use ICSMS [Refer to Guidelines above & Circular BC 06/2013] - Training to be arranged via NBCMP

Market Surveillance Campaign 2018


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

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

Gain practical experience with the use of ICSMS

Workshop to be organised by DHPCLG - H2 2018
Construction Products Regulation


European Commission’s proposed ‘Goods Package’


Two separate legislative proposals.

- Regulation to strengthen controls by national authorities and customs officers to prevent unsafe products from being sold to European consumers.

- Regulation on Mutual Recognition of Goods, seeks to help producers to sell their products across Europe without any additional requirements if they are lawfully sold in one Member State.

Building Control Management Project
Building Control Management Project
Shared Service – Lead Authority
Governance Model for National Building Control Management Shared Services Project-including Membership

LGMA Board/PSROG

NATIONAL BUILDING CONTROL MANAGEMENT Project “BOARD”
Chair by CE, CE (Lead Building Control Authority),
Senior Building Control Officer, CFO, CIC (Industry), CIC (Professions), IBCI,
Chair National Building Control Management Project Operational Board,
DHPLG-Assistant Secretary, DHPCLG-Building Standards, DHCPIL-GNDEFM,
ICT Committee Rep, Head of Finance Rep,
Head National Building Control Lead Authority Office-in attendance.

CCMA/LUTS/HOUSING/ICT Committees

NATIONAL BUILDING CONTROL MANAGEMENT PROJECT (INTERIM) “OPERATIONAL BOARD”
Chair CE (not CE Lead Authority), Head of the Lead Authority Building Control Office, Housing Agency,
CFO, 4 Regional BCOs (3 Chairs plus 1 BC Administration), 4 Heads of Working Groups, IT Rep, Finance Rep,
Housing Practitioners Rep-Nominee from Housing Committee, DHPCLG (Building Standards),
DHPCLG Planning-Nominee from LUTS, OPW

“NATIONAL BUILDING CONTROL MANAGEMENT PROJECT
LEAD AUTHORITY BUILDING CONTROL OFFICE”
Head of Lead Authority GIX, 1 BCO G VIII, 1 IT/Systems Analyst G VIII, 1 Admin G VII

Training Working Group
Compliance Support Legislation Working Group
Inspection Working Group
BCMS IT Enabler

STAKEHOLDERS
REGIONAL BC COMMITTEES, BCAS, CFOS, CIF, IBCI, NDFEM, EI, ACEI, RIAI, SCSI, CFOA, ABP, 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, CFOS, Local Authority Building Officials, Planners, the ACEI, 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
1. Training
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Inspections: Building Control Activity Study

- Data collection study - inspection activity and market surveillance activity from Q2 2017 for a 12month 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

Currently analysing data – we may be in contact.

Initial findings

1. Majority of inspections/assessments appear to be carried out on new building
2. In consistency around complaints – procedures?
3. Section 11 requests used regularly
4. Low numbers of enforcement
National Oversight & Audit Committee

Performance indicators 2016

• All LAs met the 12-15% target inspections of new buildings
  – Except for 3 LAs

• 3 LA achieved inspected over 40% of new buildings
  – Dublin City (75%)
  – Meath (48%)
  – Kilkenny (42%)

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<tr>
<th>Buildings Inspected as % of New Buildings Notified to the LA</th>
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<tbody>
<tr>
<td>Valid</td>
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<tr>
<td>Missing</td>
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<td>Median</td>
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Terms of Reference:

1. Standardisation of the inspection regime

2. Maximising the use of the Online Assessment Module to inform inspections.

3. Development and Implementation of methodologies, programmes, practices and procedures, in relation to inspections

4. IT Supports for inspection

5. Liaising with the NBCMP Training Working Group to provide training on inspections

6. Promoting the delivery and implementation of a standardised inspection regime – **RISK BASED MEANINGFUL TARGETED INSPECTIONS**
New Target for inspections

• Not simply 12-15% of new buildings

New target must be:

• Must include Part B - Fire Safety inspections

• Risk based planning of inspections

• Timing of inspections to ensure they are meaningful

• Complaint procedure
Conclusions
If not you, then who?

If not now, then when?
Thank you for your attention