Building Control Legislative Developments
Update 2019

IBCI Conference 2019 – Kilkenny – 27 March 2019

Sarah Neary BE MBA CEng MIEI – Principal Adviser, Department of Housing, Planning & Local Government
Outline

• 2018
• Building Regulations
• Building Control Reform Agenda
• Building Control Management Project
• Construction Industry Register of Ireland
• Construction Products Regulations & Market Surveillance
2018
Deliverables from Working Group on Reuse of Existing Buildings

**Action 5.21 (Review) Rebuilding Ireland: Action Plan for Housing and Homelessness**

“support and facilitate the reuse and/or development of older / vacant buildings for residential use, such as unused commercial properties, under-utilised upper-floor accommodation over shops, as well as conversion/upgrading of vacant properties”.

- Report of the Working Group on the Reuse of Existing Buildings
- Bringing Back Homes – Manual for the reuse of existing buildings


https://www.housing.gov.ie/housing/home-ownership/vacant-homes/vacant-homes
Bringing Back Homes
Manual for the reuse of existing buildings
Recommendation 5 of Working Group

“Recommends that a review of the Building Control Regulations 1997-2015 be undertaken to give further clarification with respect to the building control approvals required for material changes of use to dwellings.”

Action: DHPLG Building Standards

Summary of S.I. No. 526 of 2018

• **No change** to Part M (Access and Use) Building Regulations.

• Requirement for a Disability Access Certificate (DAC) **separated** from the requirement for a Fire Safety Certificate in Building Control Regulations.

• Clarification provided in relation to the classes of buildings, related to types of works which require a DAC and are directly related to the requirements of Part M (Access and Use) of the Second Schedule to the Building Regulations.

• Clarification that a DAC is not required for a building solely used for inspection, repair or maintenance of plant, building services or machinery e.g. electricity substations.

• Bringing Back Homes manual incorporates the provisions of S.I. No. 526 of 2018.

Consolidated Building Control Regulations:1997-2018 -
2018 Fire Guidance

• 2018 Fire Tests
• Commissioned by Timber Frame Industry
• Improve Compliance
• 2 Circulars Issued in 2018
  • BC 03-2018 – Timber Frame Walls
  • BC 07-2018 – Timber Floors
  • Proven build ups, which achieve the required fire resistance (B, 2017)
• Tests to EN 1365
Building Regulations
Technical Guidance Documents (TGDs)

Parts B, C, F and L (Dwellings) under review
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

TGB B Volume 1 - preparation for public consultation
TGD C 1997 with amendments
Site Preparation and Resistance to Moisture

- TGD C Amendment planned in 2019 to update the reference referring to hardcore to include:

- Major Review of TGD C 2004 planned for 2019/2020 to include:
  - Review of the Radon guidance
  - A significant update of the Radon risk maps
  - Resistance to moisture of different wall types
  - Additional guidance on external rendering
  - Rain exposure maps update
TGD F - Ventilation 2019

- Part F Regulations to be signed April 2019

- It is intended Part F 2019 will come into operation in Nov 2019 (Same as NZEB Dwellings)

- Mechanical Ventilation guidance for AT ≤ 3 m$^3$/hr/m$^2$

- Guidance provided for Continuous Mechanical Extract Ventilation

- Introduction of certification of ventilation systems installation
Part L – Buildings other than Dwellings & NZEB

- TGD L 2017 applies to works, or buildings in which a material alteration or change of use or major renovation takes place, where the work, material alteration or the change of use commences or takes place, as the case may be, on or after 1st January 2019 with a 1 year transition.

- Introduces NZEB - Buildings other than Dwellings - In the order of **60% improvement in energy performance** on the 2008 Building Regulations.

- Improved Fabric Specification

- Advanced Services and Lighting Specification

- 20% requirement for renewable energy sources i.e. **Renewable Energy Ratio (RER)** of 20% with flexibility to 10% where the building is more energy efficient than the Building Regulation requirement.

- Major Renovation performance requirements

- Building Control Training 18th April, City Hall, Dublin
NZEB and Major Renovation– Dwellings

• EPBD NZEB & Major Renovation Regulations to be signed in April 2019

• EPBD Regulations & TGD L 2019 Dwellings intended to apply to new Dwellings commencing construction from 1st November 2019

• NZEB - Dwellings -70% improvement in energy performance on the 2005 Building Regulations

• 20% requirement for renewable energy sources i.e. Renewable Energy Ratio (RER) of 20%.

• Major Renovation performance requirements to a Cost Optimal level-BER=B2 or equivalent.

- EV Charging by 10th March 2020
- Building Automation and Control Systems by 10th March 2020

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<tr>
<th>Scope</th>
<th>MS Obligation</th>
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<tr>
<td>New Buildings</td>
<td>• Ensure the installation of at least 1 no. recharging point</td>
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<tr>
<td>and</td>
<td>• Ensure the installation of ducting infrastructure for at least 1 in 5 no. parking spaces</td>
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<td>Buildings undergoing Major Renovation</td>
<td>Residential buildings with more than 10 no. parking spaces</td>
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<td>Ensure the installation of ducting infrastructure for every parking space</td>
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<td>Existing Buildings *</td>
<td>Non-residential – all buildings with more than 20 no. parking spaces</td>
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<td>Lay down requirement for the installation of a minimum number of recharging points – applicable from 2025</td>
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Building Control Reform Agenda
Culture of Quality & Compliance

Registered Professionals

Building Regulations

Construction Products Regulations

Design

Product

Workmanship

Building Regulations

Durability

Building Control Regulations

Construction Industry Register of Ireland

STRONG Building Control System
Building Control Management Project
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
Building Control Management Project – Working Groups

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
Performance indicators 2016

• Nationally, however, just over a quarter of notified new buildings were inspected in 2017.
• 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%) – (83%)
    – Meath (48%) - (64%)
    – Kilkenny (42%) -

Summary Statistics 2013-2017

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<th>Buildings Inspected as % of New Buildings Notified to the LA</th>
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All LAs met the 12-15% target inspections of new buildings - Except for 2 LAs
Performance indicators 2016

• Nationally, however, just over a quarter of notified new buildings were inspected in 2017.
• LA achieved inspected over 40 % of new buildings

  - Dublin City (83%) & Meath (64%)

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Building Control Activity Survey

• Data collection study - inspection activity and market surveillance activity from Q2, Q3 and Q4 2017
• 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 site
• Facilitate a better understanding of the broad range of inspection activity conducted by Building Control Authorities
• Returns were fully submitted at the end of 2018 – thank you
Building Control Activity Survey

Findings

• 8,000 on-site inspections
  • covering 11,500 buildings
    • 6000 (New Build, 2017) inspections
    • 3000 (New Build, 2016) inspections
    • 900 Opt Out (New Build) Inspections
    • 1600 (Other) Inspections
• 7,500 desktop assessments for compliance
Building Control Activity Survey

- Section 11 (3) Requests
  - 783 Requests for information
- Complaints
  - 158 Complaints
  - 129 Responses to Complaint
- Legal Proceedings
  - 3 Enforcement Notices
  - 1 High Court Injunction
- Market Surveillance
  - 207 Product Inspections
Inspections NBCMP Working Group

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
Construction Industry Register Ireland
• 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

• Part of Building Control Reform Agenda to put CIRI on a statutory footing
• Government Decision May 2017 approving the drafting of the Building Control (Construction Industry Register Ireland) Bill 2017
• Referred for Pre-legislative scrutiny to the Joint Oireachtas Committee on housing, planning and local government
• Joint Oireachtas Committee reported in Dec 2017 making a number of recommendations
• Department working through the Committee’s recommendations in parallel with drafting of Bill
• Department is working with the Attorney General's Office with a view to achieving publication in 2019.
Construction Products Regulations & Market Surveillance
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

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

Manufacturer/ Importer/Distributor
Market Surveillance Campaigns

• Administrative Cooperative Group (AdCo-CPR)

• Previous Market Surveillance Campaigns
  • 2013 - EPS Insulation
  • 2014 - Smoke Alarms
  • 2015/2016 - Windows & Doors
  • 2019 – Wastewater Treatment Systems
Market Surveillance Campaign 2019

Operational issues

**Workshop** – Jan 2019

➢ **Phase 1** – Raising Awareness - *End of February 2019*  
➢ **Phase 2** – Planning visits to premises/ICSMS input *(March – April 2019)*  
➢ **Phase 3** – Conclusions *(May 2019)*

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**Powers of inspection**

**What’s required**

**Time for compliance**

**Corrective Action**

**Penalties**

**Further information**
Impacts of Brexit

• In January 2018, the EU issued a notice entitled “Withdrawal of the United Kingdom and EU Rules in the field of industrial products”

• From the withdrawal date UK Notified Bodies will lose this status.

• Post Brexit, Economic Operators need to take the necessary steps to ensure that they hold certificates under the responsibility of an EU27 NB.
  – arrange for a transfer of their files and the corresponding certificates from the UK Notified Body to an EU-27 Notified Body, or
  – apply for a new certificate with an EU-27 Notified Body.

• Authorised representatives and importers are both required to be established in the EU-27 from the withdrawal date.
Impacts of Brexit

• Builders, specifiers, designers, certifiers and others should be aware of the changes and impacts.

• Should ensure that the CE Marking/ Declaration of Performance and relevant product-related documentation is appropriate to demonstrate and ensure compliance with the Building Regulations.
Impacts of no-deal Brexit

• On 01 February 2019, the European Commission published QUESTIONS AND ANSWERS RELATED TO THE UK’s WITHDRAWAL FROM THE EUROPEAN UNION WITH REGARD TO INDUSTRIAL PRODUCTS.

– CONCEPT OF GOODS PLACED ON THE UNION (EU-27) MARKET BEFORE THE WITHDRAWAL DATE

– RESPONSIBLE PERSONS

– IMPORTERS

– TRANSFER OF NOTIFIED BODY CERTIFICATES

– ACCREDITATION
Conclusions

• 2018 – Busy year!
• Building Regulations – Parts B, C, F & L under review
• Building Control Reform Agenda – Progressing
• Building Control Management Project – Inspections
• Construction Industry Register of Ireland - Progressing
• Construction Products Regulations & Market Surveillance - Brexit
Thank You!