



Building Control Amendment Regulations 2013 and other Legislative & Policy Developments

IBCI Annual Conference

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Aidan O'Connor

Principal Adviser

Architecture / Building Standards Section

Housing Division, DEHLG

2013 Key Priorities / Work Programme

- Pyrite Resolution
- Enhancing Building Control
 - Transition to Building Control Amendment Regulations 2013
 - Further measures to strengthen Building Control arrangements
- On-going review of Building Regulations
- Energy Performance of Buildings Directive (Recast)
- Construction Products Regulations – Separate presentation at conference
- Supporting WG on Unfinished Developments – Separate presentation at conference

Building Regulations Advisory Body (BRAB)

- BRAB appointed by Minister under Building Control Act 1990 to advise on
 - Building Regulations
 - other matters as requested
- Completed its term of service in June 2012; extended to 1 October 2012;
- IBCI on former BRAB was Johnny McGettigan
- New BRAB to be appointed in coming months.

Today's Presentation

- Update on on-going reviews of Building Regulations
- Implementation of recast Energy Performance of Buildings Directive
- Enhancing Building Control System

Building Regulations – Current Status

Part A – SI 138 of 2012 / TGD A 2012;
Circular BC 5/2012 of 30 July 2012

Part B – Full Review

Part C – Circ. BC 6/2007 of 16 August
2007 re. underfloor hardcore filling

Part D – Limited Review

Part E - Full Review

Part F – SI 556 of 2009 / TGD F 2009

Part G – SI 355 of 2008; TGD G 2008
(revised ed. 2011); See Circ. BC 8/2011

Part H – SI 561 of 2010/ TGD H 2010;
Circ. BC 6/2012 of 31 July – Nat. Annexes

Part J – Full Review

Part K – Review complete. New SI /TGD
K to provide consistency with TGD M
2010 & reference standards consistent
with Eurocodes

Part L Dwellings – SI 259 of 2011/ TGD L
2011; Circular BC 7/2012 of 9 August 2012

Part L Buildings Other than Dwellings – Full Review Due

Part M - SI 513 of 2010– SI of 2010 /TGD
M 2010; Training Manual 2011.

PART B (Fire Safety)

- Full Review of TGD B underway
- Analysis of pre-review consultation (44 submissions) complete
- Revised TDG B being drafted
- Public consultation early 2014



Part E (Sound)

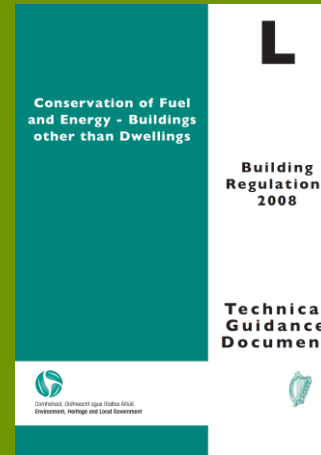
- Full Review underway
- Draft SI / TGD E / RIA being finalised for public consultation
 - Improved performance standard for separating walls and floors
 - Greater level of detailing
 - Sound testing
- Aim to have definitive regs / TGD E signed into law in 2014

Part J (Heat Producing Appliances)

- Full Review underway
- Issues – Consistency with TGDs L & F; Recommended provision for CO Detectors in certain circumstances; Industry Developments – installation arrangements, COPs, etc.
- Submissions currently being reviewed
- Definitive Regs / TGD J for approval by Minister by end 2013

Part L (Conservation of Fuel & Energy)

- Buildings other than dwellings:
- Cost optimal study in line with EU methodology under EPBD currently being finalised
- Results will inform review to commence in 2013

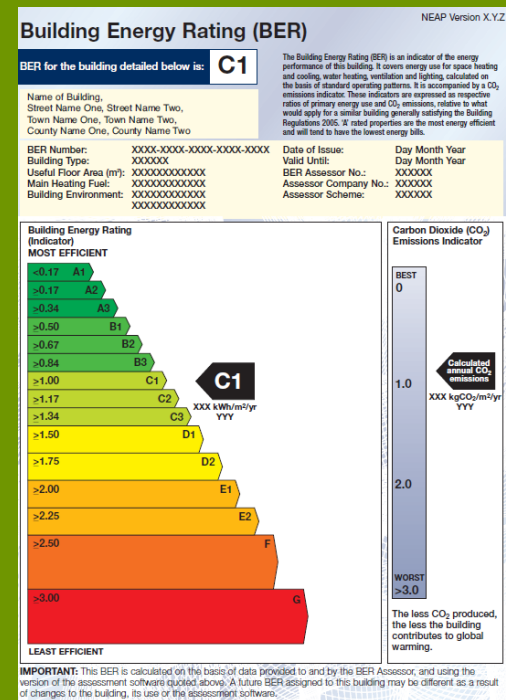


Energy Performance of Buildings Directive (EPBD)

- **Dwellings:** Over 350,000 BER Certs registered with SEAI (18% of housing stock);

NB: DEAP calcs at Commencement

- **Non-Dwellings:** 10,800 BER Certs;
- **Public Buildings:** 78 Display Energy Certs



Recast EPBD Implementation

- EU (Energy Performance of Buildings) Regulations 2012 – SI. No. 243 of 2012
 - Use of BER in advertising / promotional material mandatory from 9 January 2013 – should make enforcement easier;
 - Definition of large building reduces from 1,000m² to 500m² (from 2012) and to 250m² (from 2015)
- Part L Implications
 - Application of Building Standards to major renovations (works affecting 25% of surface area of building)
 - Part L standards to be cost optimal
 - Plan for nearly zero energy buildings by 2020

Retrofitting Energy Efficiency Measures for Dwellings

- Joint project with DCENR, NSAI & SEAI
- BRE UK engaged to develop *'COP for Retrofitting Energy Efficiency Measures in Dwellings'*
- Now open for submissions through NSAI



Inspection & Enforcement Activity

- Minimum target inspection level of 12-15% of buildings with valid Commencement Notice agreed with CCMA
- Significant non-compliance issues in most BCAs

Building Control Reforms - Organisational

- LG Efficiency Review Group – delivering more with less resources
- CCMA focus on inspection activity in general
 - Regionalisation of inspection resources
 - Pooling /standardising of inspection arrangements
 - Investing in new technology
 - Common templates and approaches
- CCMA Working Group on Building Control

Building Control (Amendment) Regs 2013

- 504 submissions received – Shared desire for change
- Further engagement with professional bodies and CIF to ensure final proposals are understood by all concerned and will work effectively in practice.
- S.I. No. 80 of 2013 now signed into law and comes into effect from 1 March 2014.

Statutory Context

Building Control Acts 1990 to 2007

- Building Regulations 1997-2012
- Building Control Regulations 1997 to 2013

To secure the health, safety, and welfare
of people in or about buildings

The Issue

- **The current system of control is not consistently delivering the required standards.**
- **We have some buildings that are sub-standard and poorly constructed.**
- **We must ensure the safety of people who live, work or use buildings.**

The Solution

Three broad objectives:

1. To strengthen the systems of control that we have.
2. To ensure that the systems of control are properly applied.
3. To improve the system of inspection and oversight (by industry and BCAs).

Minister's Approved Measures (July 2011)

- Activate section 6(2)(a)(i) of the Act of 1990 requiring submission of Certificates of Compliance with building regulations
- Lodgement of drawings/particulars demonstrating compliance with Building Regulations (also in Act of 1990)
- Regionalised/shared services model for the administration of Building control functions
- Standardised approaches & common protocols to ensure nationwide consistency in building control administration
- Support & further development of building control function

Regulatory Reforms – Key Features

- a) Responsibility will continue to rest with the owners and builders
- b) Certification required in relation to design and construction
- c) Inspection Plan for each building
- d) Stronger emphasis on competence
- e) Chain of responsibility following commencement notice
- f) Increased status of public register

S.I. No. 80 of 2013 – Major Elements

Activating Certificates of Compliance under Building Control Act 1990

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graph TD; A[Activating Certificates of Compliance under Building Control Act 1990] --> B[1. Mandatory Certification]; A --> C[2. Lodgement of Plans];
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1. Mandatory Certification

2. Lodgement of Plans

1. Mandatory Certification

Mandatory Certificates of Compliance:

- a) **Design Certificate** at Commencement
- b) **Assigned Certifier** - Undertaking to **inspect and certify** the work
- c) **Builder** - Undertaking to **Build and Certify**
- d) **Completion Certificate** of Compliance by Builder and Assigned Certifier



About the proposed Certificates

- Certificates proposed are **significantly different** from the current 'opinions of compliance' – the statements are precisely worded and the context is clearly set;
- Certificates **do what they claim to do**: they certify compliance

2. Lodgement of Plans

Commencement:

“such plans, calculations, specifications and particulars as are necessary to demonstrate how the proposed works or building will comply with the requirements of the Second Schedule of the Building Regulations insofar as they are relevant to the building or works concerned”

2. Lodgement of Plans

Completion:

- “such plans, calculations, specifications and particulars as are necessary to outline how the works or building as completed
- i. differs from plans, calculations, specifications and particulars submitted” at commencement and
 - ii. “complies with the requirements of the Second Schedule of the Building Regulations”.

Different Stages:

1. Commencement
2. Completion

Commencement Stage

- **Submit Commencement Notice with:**
 - a) Plans, calculations, specifications and particulars necessary to show how the building work will comply with the building regulations
 - b) Certificate of Compliance (Design)**
 - c) Notice of Assignment of person to inspect and certify works** - signed by building owner
 - d) Certificate of Undertaking** from the person assigned to inspect and certify works
 - e) Fee**

Completion Stage

- A Certificate of Compliance on Completion must be submitted
- Plans, calculations, specifications and particulars for any amendments from those submitted at commencement
- Inspection Plan as implemented by assigned certifier

Completion Stage

- Building Control Authority may reject and return the certificate and documentation
- The certificate must be submitted and referenced on register before a building may be opened, used or occupied.

Code of Practice

- *Code of Practice for Persons Inspecting and Certifying Buildings*
- Guidance on roles and responsibilities, approach to inspection and certification, levels of information to be submitted with plans etc.
- Building control authorities will have regard to COP in planning inspections

Future Focus

- Register of approved inspectors/certifiers
 - Working to statutory Code of Practice
 - Independence of Assigned Certifier?
- Registration of Builders and Contractors
- Building Control Administration - Electronic administration, consistency of administration, regionalisation & shared services
- Insurance Cover
- Accessibility of registers – practically trained practitioners

Immediate Priorities

- Smooth transition to 1 March 2014
 - Department /BCAs / Public bodies / Industry
 - Finalising COP with LA stakeholders
- BCO workshop 2013
 - Focus on administration of SI 80 of 2013
- Familiarisation with new regulations
- Systems and Procedures – Common, consistent approach
- Electronic Administration
- Pilot / Road-test process

Thank You!

GENERAL ENQUIRIES

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