

IBCI Conference 2015
Building Control Officers Perspective and Concerns
Marc Devereux

Marc Devereux
Senior Engineer
Wicklow County Council

25th March 2015

Regulatory Considerations in Building Construction

Planning Acts <ul style="list-style-type: none"> • Pre-planning • Development plans • Taking in Charge 	SHWW Act <ul style="list-style-type: none"> • PSDP • PSCS • Safety File 	Multi Unit Development Act <ul style="list-style-type: none"> • Certification from Competent Person
Health Act <ul style="list-style-type: none"> • Designated Centres • HIQA Registration • Certification from Competent Person 	Fire Services Act <ul style="list-style-type: none"> • Occupation Phase • Section 18(2) – Duty of Care • Section 18(6) – Fire Safety Assessment 	Building Control Acts <ul style="list-style-type: none"> Building Regulations Building Control Regulations • FSC and DAC • CN and 7-Day Notice • BCAR 2013
Sale of Goods & Services	Contract Law	Arbitration Acts 1954-1980
Construction Law	Construction Products Regulations	Roads & Traffic Legislation TIC-Traffic Management

Building Control Act (BCA) 1990
Building Control Act (BCA)-2007
S.I. No. 225 of 2013 -EUROPEAN UNION (CONSTRUCTION PRODUCTS)
REGULATIONS (EU) No. 305/2011)

Building Regulations 1997-2012
 Technical requirements for design & construction

**Building Regulations
 Technical Compliance**



Building Control Regulations 1997- 2014

Matters of procedure, administration and control for the purposes of securing the implementation of, and compliance with, the requirements of building regulations and building control regulations

- **FORM OF COMMENCEMENT NOTICE FOR DEVELOPMENT** (Notice to a Building Control Authority pursuant to Part II of the Building Control Regulations 1997 to 2013)
- Design Certificate-FORM OF CERTIFICATE OF COMPLIANCE (DESIGN)
- NOTICE OF ASSIGNMENT OF PERSON TO INSPECT AND CERTIFY WORKS (ASSIGNED CERTIFIER)
- UNDERTAKING BY ASSIGNED CERTIFIER-FORM OF CERTIFICATE OF COMPLIANCE (UNDERTAKING BY ASSIGNED CERTIFIER)
- NOTICE OF ASSIGNMENT OF BUILDER
- UNDERTAKING BY BUILDER FORM OF CERTIFICATE OF COMPLIANCE (UNDERTAKING BY BUILDER)
- **FORM OF 7 DAY NOTICE**
- Design Certificate-FORM OF CERTIFICATE OF COMPLIANCE (DESIGN)
- NOTICE OF ASSIGNMENT OF PERSON TO INSPECT AND CERTIFY WORKS (ASSIGNED CERTIFIER)
- UNDERTAKING BY ASSIGNED CERTIFIER-FORM OF CERTIFICATE OF COMPLIANCE (UNDERTAKING BY ASSIGNED CERTIFIER)
- NOTICE OF ASSIGNMENT OF BUILDER
- UNDERTAKING BY BUILDER-FORM OF CERTIFICATE OF COMPLIANCE (UNDERTAKING BY BUILDER)
- CERTIFICATE OF COMPLIANCE ON COMPLETION (COMPLETION CERTIFICATE)
- ANNEX Table of Drawings, Calculations, Specifications, Ancillary Certificates FORM OF APPLICATION FOR A REVISED FIRE SAFETY CERTIFICATE
- FORM OF 7 DAY NOTICE STATUTORY DECLARATION
- FORM OF APPLICATION FOR A REGULARISATION CERTIFICATE
- FORM OF STATUTORY DECLARATION FOR A REGULARISATION CERTIFICATE
- FORM OF APPLICATION FOR A DISABILITY ACCESS CERTIFICATE
- FORM OF APPLICATION FOR A REVISED DISABILITY ACCESS CERTIFICATE
- FORM OF REVISED FIRE SAFETY CERTIFICATE
- FORM OF REGULARISATION CERTIFICATE
- FORM OF DISABILITY ACCESS CERTIFICATE
- FORM OF REVISED DISABILITY ACCESS CERTIFICATE
- Application for A fire Certificate
- Form of Fire Certificate
- Application for Dispensation, Relaxation
- Fees-amended 2009-Fee Calculator
- Other Forms Required for Compliance with Building Regulations
 - BER Certificates
 - Part H Certification

Building Control Acts 1990 and 2007

- § **Enabling legislation for regulations:**
 - **Building Regulations**
 - **Building Control Regulations**
- § **Sets out responsibilities for design and construction**
- § **Sets out powers of inspection and enforcement of Building Control Authorities**
- § **Other matters incl. Registration of Architects and Building Surveyors**

Burden and responsibility for compliance rests first and foremost with developers/builders, designers and building owners;

- A statutory responsibility for professionals to design in accordance with the building regulations; and
- Self-certification places the responsibility on the ***“owner of a building or works or a person who carried out or is carrying out the works to which building”*** as being the responsible people i.e. “the occupier” or “the builder”.

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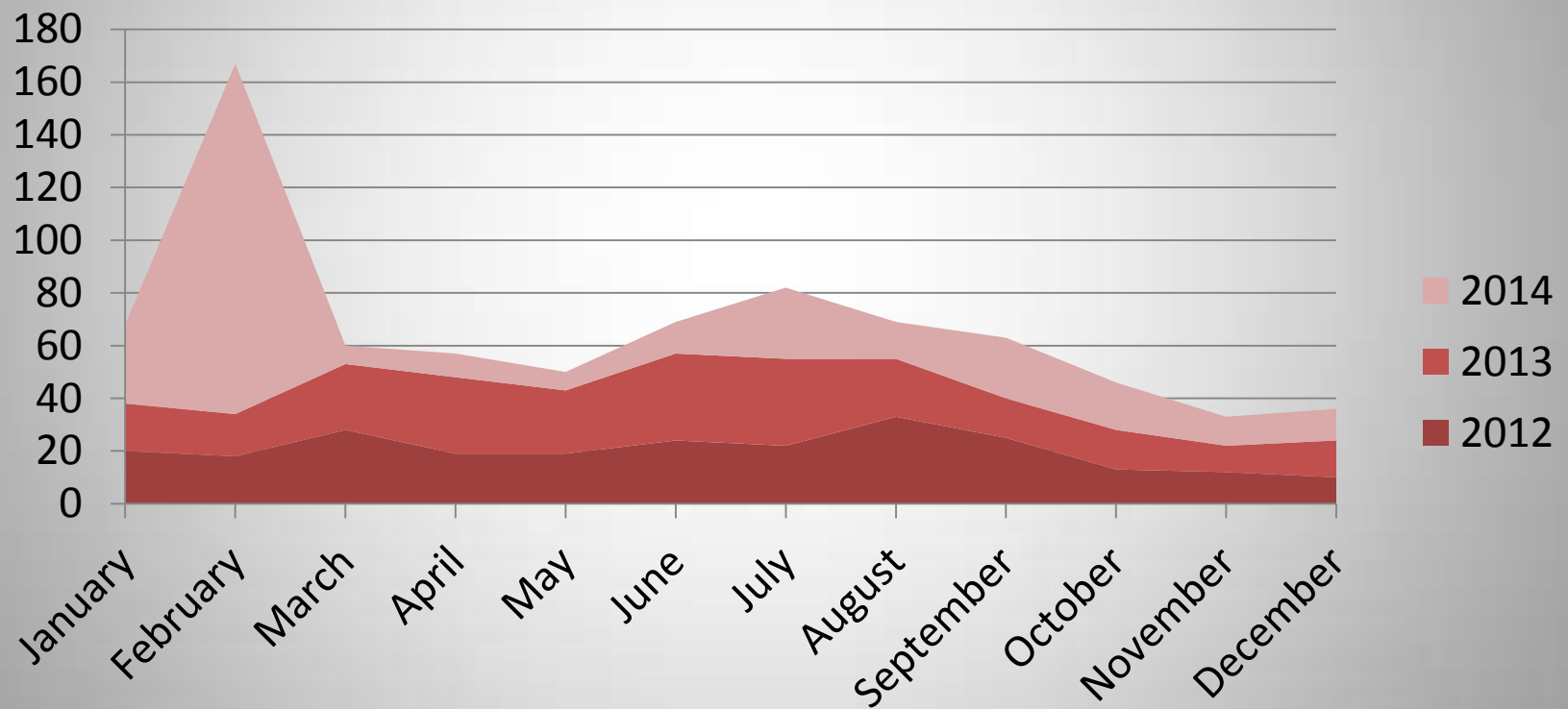
Local Building Control Authorities responsible for policing compliance with the building regulations.

- Scrutinise building proposals;
- Inspect works in progress;
- Serve enforcement notices for non-compliance;
- Institute legal proceedings for breaches of regulatory requirements;
- Seek High Court injunctions for non-compliance in events of a considerable & serious danger to public.

The DECLG-target inspection rate of 12-15% of all buildings covered by valid commencement notices.

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Building Control Activity in Wicklow



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- Examples of non compliance prior to 2014



Discharge pipes
through radon barrier in high
radon area. 16/5/11



Discharge Pipes
through radon barrier
in high radon area
2/9/2011





Self build

20/9/12



Self Build

20/11/12



Poor Workmanship
Missing Insulation
mortar droppings
on wall ties.

The image shows a vertical cross-section of a wall. On the left is a light-colored, textured surface. In the center is a vertical strip of orange insulation. To the right of the insulation is a dark vertical gap, and further right is a rough, brownish surface. A metal wall tie is visible, passing through the insulation and the gap, with some mortar droppings on it. The overall appearance is one of poor construction quality.

6/9/12





External Plumbing to
[REDACTED]
Upper Ground Floor
4/02/13



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- Examples of non compliance since March 2014



Fibrous marterial
instead of compacted
hardcore

Party wall between two houses

8/1/14

Removal of general fill and replacement with material carefully sifted to remove any vegetation or deliterious materail. 06-08-14





2/10/14

Check Riser Height



29/11/14

Insulation
not restrained
against inner leaf

Mortar droppings
on wall ties

Potential
cold bridge

Large gaps
in insulation



50mm Screed

Quinn lite block

Polytherm edge

23/10/14





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- Examples of data on the BCMS

SugarCRM

https://172.30.80.6/index.php/index.php?app=crm&module=Accounts&data=leadcode=1521660&id=17114387_MacBookPro

Search

ID	Account Name	Status	Date Created	Date Modified	Action
1521660	Account Name	Sent	2001/02/15 04:35pm	2001/02/15 04:35pm	View
1521661	Account Name	Sent	2001/02/15 11:06am	2001/02/15 11:06am	View
1521662	Account Name	Sent	2001/02/15 11:06am	2001/02/15 11:06am	View
1521663	Account Name	Sent	2001/02/15 11:06am	2001/02/15 11:06am	View
1521664	Account Name	Sent	2001/02/15 11:06am	2001/02/15 11:06am	View
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1521666	Account Name	Sent	2001/02/15 11:06am	2001/02/15 11:06am	View
1521667	Account Name	Sent	2001/02/15 11:06am	2001/02/15 11:06am	View

Buildings

Name	Parent Group	Sub Group	Quantity
Building 1 - Residential - Apartments	Residential (Dwellings)		8

Recent History

Create

Select

No Data

Designers

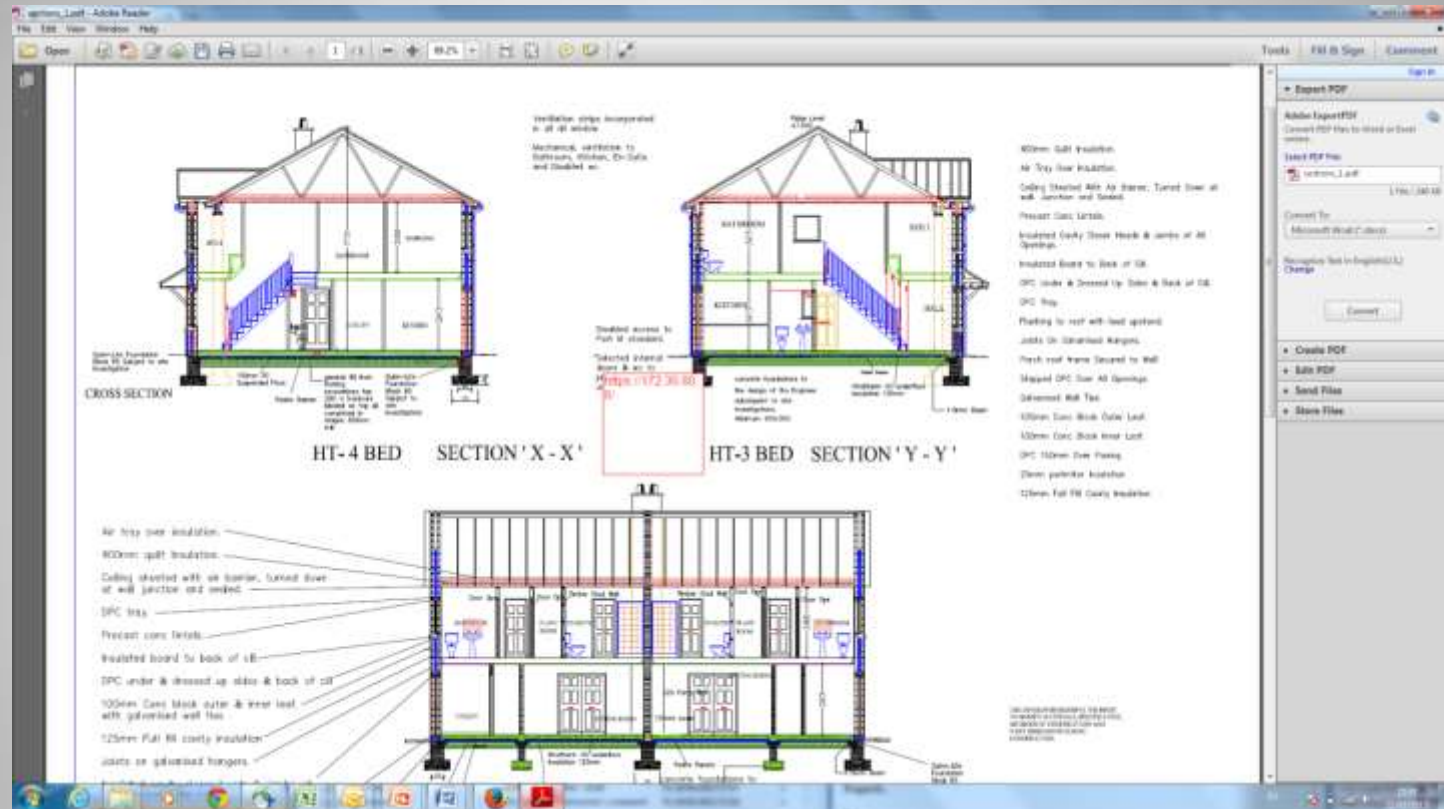
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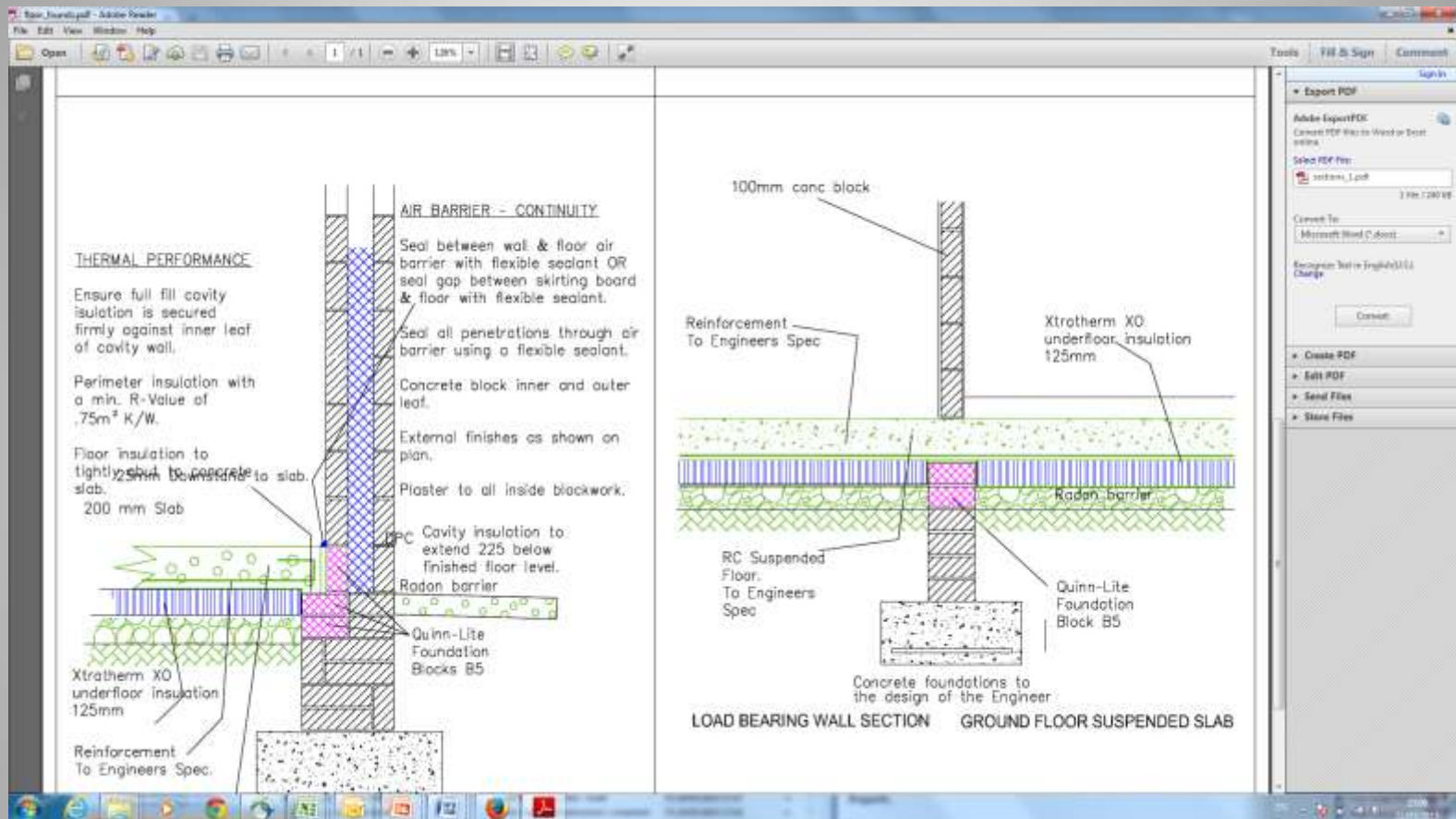
Documents

Name	File	Status	Document Type	Date Created
1521660-11 - details 01.pdf	1521660-11 - details 01.pdf		Sections	03/02/09 06:20pm
1521660-11 - details 02.pdf	1521660-11 - details 02.pdf		Sections	03/02/09 06:18pm
1 - design certificate 01.pdf	1 - design certificate 01.pdf		Design Certificate	03/02/09 06:08pm
1 - notice of assignment of building 01.pdf	1 - notice of assignment of building 01.pdf		Notice of Assignment (Building)	03/02/09 06:07pm
1521660 - foundation plan.pdf	1521660 - foundation plan.pdf		Inspection Plan	03/02/09 06:12pm
1521660-11 - foundation details.pdf	1521660-11 - foundation details.pdf		Sections	03/02/09 06:14pm
1521660-11 - floor plan 01.pdf	1521660-11 - floor plan 01.pdf		General Arrangement Drawings	03/02/09 06:17pm
1521660-11 - floor plan 02.pdf	1521660-11 - floor plan 02.pdf		Elevations	03/02/09 06:17pm
1 - notice of assignment of assigned building 01.pdf	1 - notice of assignment of assigned building 01.pdf		Notice of Assignment (Building)	03/02/09 06:07pm
1521660-11 - floor plan 03.pdf	1521660-11 - floor plan 03.pdf		Plans	03/02/09 06:14pm

Completion Certificate

Create







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- Is BCAR 2014 a good thing?
- On balance, YES

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- 2012 and 2013: WCC issued Section 11 requests to most one-off houses seeking pBER
- 2014: the information is now on the BCMS
- Regulations require the following
 - General arrangement drawings including plans, sections, elevations
 - Schedule of plans
 - Calculations
 - Specifications
 - Preliminary Inspection Plan

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- Work in progress:
- Parallel system for State (exempted) developments
- Framework for BCO's could be built on to create standardised inspection platform/forms/databaseWIP for LGMA

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- Minister has flagged a review March 2015
- Review should allow for complexity of the development to dictate which type of CN

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- Three tiered?
- One page CN: $25\text{m}^2 < 40\text{m}^2$? YES
- Simplified full CN (Assigned Certifier at Arch Tech or similar level?) for one off houses and extensions over 40m^2 ? MAYBE
- Full CN: Assigned Certifier and Design Certifiers at CEng/MRI/CS for multi unit or $>25\text{m}^2$ Non Res and those that required FSC and DAC ? DEFINITELY!!!

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- Should the threshold be de-coupled from Planning regs 40m²?
- Base on complexity not Planning Permission

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- Should there be a way of retrospective or late submission of CN?
- NO?

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Thank You