



# Developments in Building Control & Legislation

Presentation to Irish Building Control Institute (IBCI)  
Annual Conference  
6-7 April 2010

Aidan O'Connor  
Principal Adviser  
Architecture / Building Standards Section  
Housing Division, DEHLG



Comhshaol, Oidhreachta agus Rialtas Áitiúil  
Environment, Heritage and Local Government

# Content of Presentation

- Building Standards / BRAB
- 2011 Work Programme – Key Priorities
- Building Energy Rating (BER) Activity

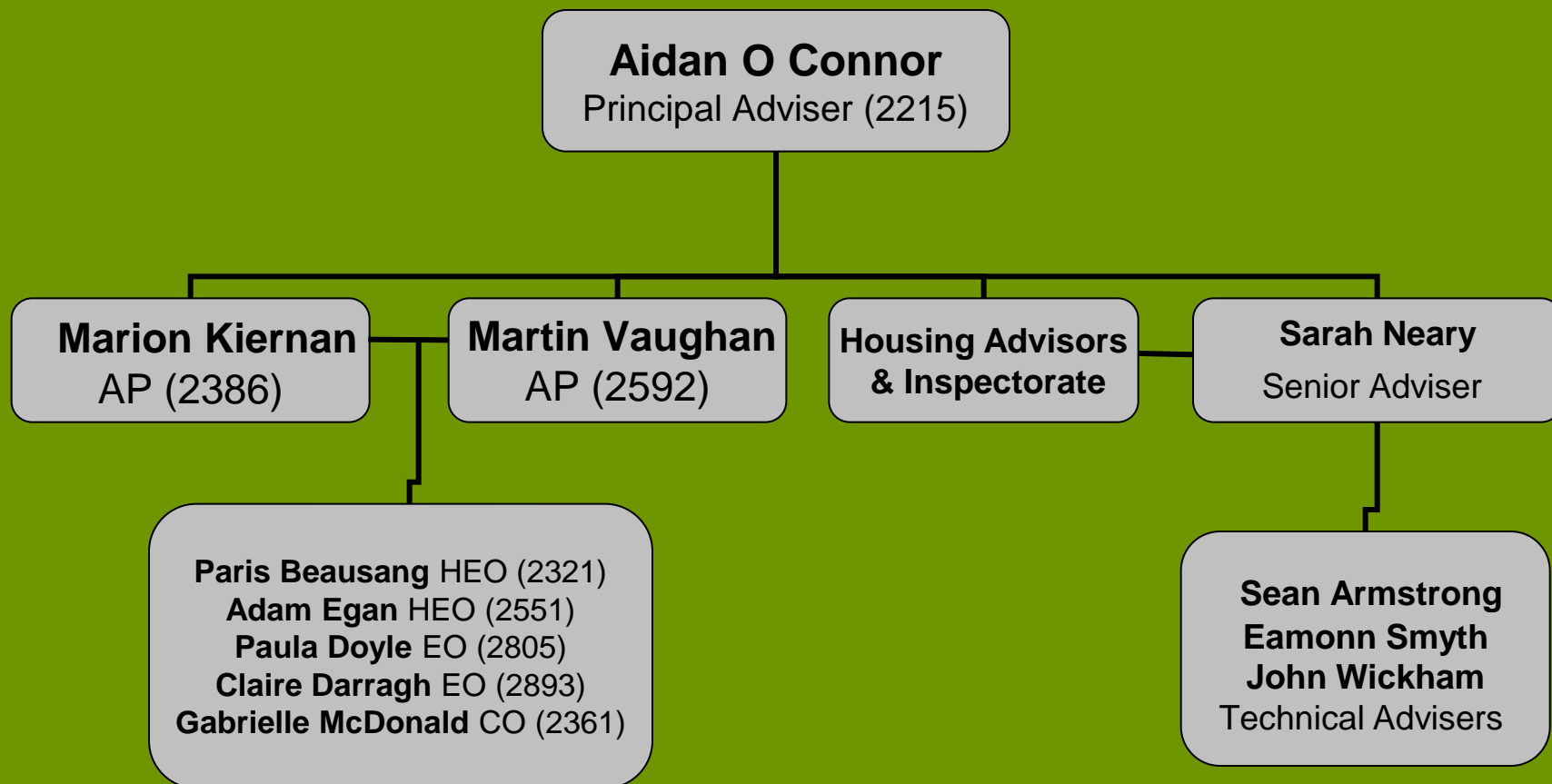
# Content of Presentation

- Inspection & Enforcement Activity
- Guiding & Supporting Building Control

# Content of Presentation

- Enhancing Building Control
- Issues for the future

# Building Standards team



# Building Regulations Advisory Body (BRAB)

- BRAB is a statutory body appointed under the Building Control Act 1990
- Role: To advise Minister on proposed amendments to Building Regulations and other matters on request
- IBCI nominee is Johnny McGettigan
- Chair: Jay Stuart (since Sept 2009)

# BRAB Membership

Jay Stuart, Chairman	Delap & Waller	Johnny McGettigan	IBCI, Donegal CoCo
Sean Balfe	NSAI	TBN	RIAI, Architect
Michael Browne	NSAI, Architect	Brian McKeon	CIF, MKN Properties
Jack Callanan	NDA, Galway Centre for Independent Living	Maria Melia	CFOA, Wexford CoCo
Noel Carroll	DEHLG (Retired)	Sarah Neary	DEHLG
Jacqui Donnelly	DEHLG	Aidan O'Connor	DEHLG
Eugene Farrell	Home Bond	Kevin O'Rourke	SEAI
Denise Germaine	Chartered Inst of Architectural Technologists	Emer O'Siochrú	An Taisce, Architect
Gerard Grogan	Architectural Technician	Terry Prendergast	NCA, Planner
Jimmy Keogan	CCMA, Asst. City Manager Dublin City Council	Kyrstyna Rawicz	Society of Chartered Surveyors
Jim Keogh	Electro-Technical Council of Ireland	Gary Treanor	ITFMA, Kingspan Ltd.
Mark McAuley	IBEC, Building Materials		

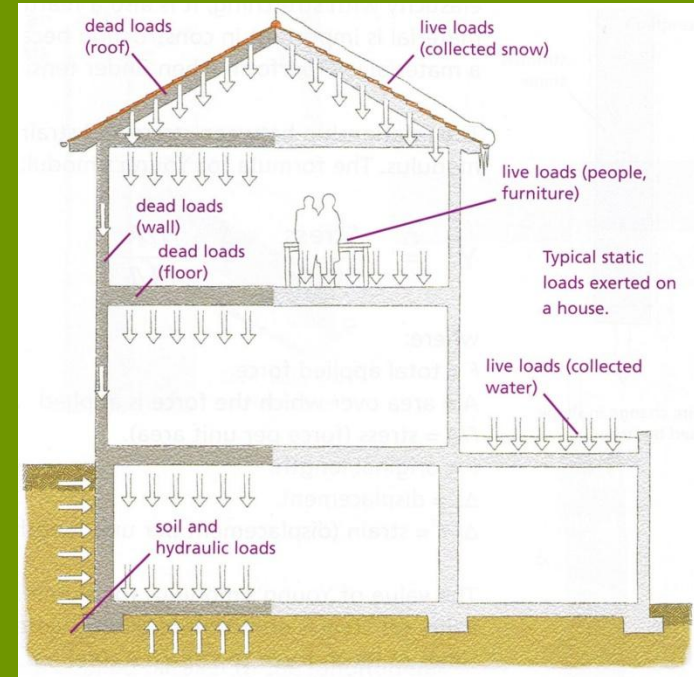
# 2011 Work Programme – Key Priorities

- Ongoing review of Building Regulations
- EPBD / Construction Products Regulation
- Retrofitting Code of Practice
- Enhancing Building Control



# Part A (Structure)

- TGD A to reflect Structural Eurocodes and omit references to withdrawn Irish and British Standards
- Released for consultation to conclude on 6 May 2011
- Amendment Regs / TGD A to be in place by end 2011



# PART B (Fire Safety)

- Full Review of TGD B to commence in 2011
- BRAB / Industry group to scope project
- Review by external consultants to commence in second half of 2011



# Part E (Sound)

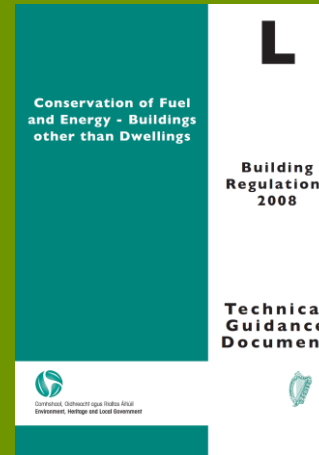
- BRAB subgroup to finalise draft TGD E by Q2
- Approval by Minister for consultation by Q2
- Submissions analysed and proposed Amendment Regs / TGD E for consideration by BRAB by end 2011
- Signed into law by early 2012

# Part J (Heat Producing Appliances)

- BRAB / Industry group to advise on scope of review in Q2
- Issues – Consistency with TGDs L & F; CO Detectors; Industry Developments – installation arrangements, COPs, etc.
- Draft Regs / TGD J / RIA for consultation by Q4 2011

# Part L (Conservation of Fuel & Energy)

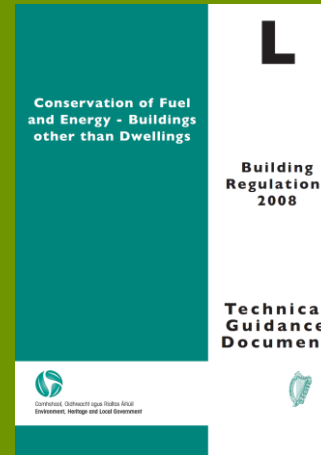
- **Part L 2011 – Dwellings:**  
Anticipate that draft Regs / TGD L to achieve 60% improvement (over 2005 standards) will be signed by Minister in coming weeks
- **Towards Carbon Neutral Housing:** Strategic framework prepared by Department but not yet put forward for policy decision by Department / Minister



# Part L (Conservation of Fuel & Energy)

## Buildings other than dwellings

- BRAB Working Group scoped project in 2009. RFT for consultants to issue in 2011



# Retrofitting Energy Efficiency Measures for Dwellings

- Joint project with DCENR, NSAI & SEAI
- BRE UK engaged to develop *'Code of Practice for Retrofitting Energy Efficiency Measures in Dwellings'* for consultation by end 2010



# Further Priorities

- Training Module on **Part M / TGD M 2010 (Access & Use)** ready for delivery to Building Control in Q2 2011



- **TGD G (Hygiene)** amended to require 'dual flush' toilets in all cases and include guidance on protection of cold pipes against freezing



# Further Priorities

- TGD K (Stairways, Ladders, Ramps and Guards) to align with
  - TGD M 2010
  - Relevant British & EN Standards
  - Withdrawal of certain Irish and British Standards following Eurocodes
- Consultation in Q2 2011

# Further Priorities

## Implementation of TGD H 2010

- Revised National Annexes now on NSAI website for comment until 10 May 2011
- Further circular to Building Control Authorities on finalisation of National Annexes in June 2011

# Further Priorities

## Construction Products Regulation

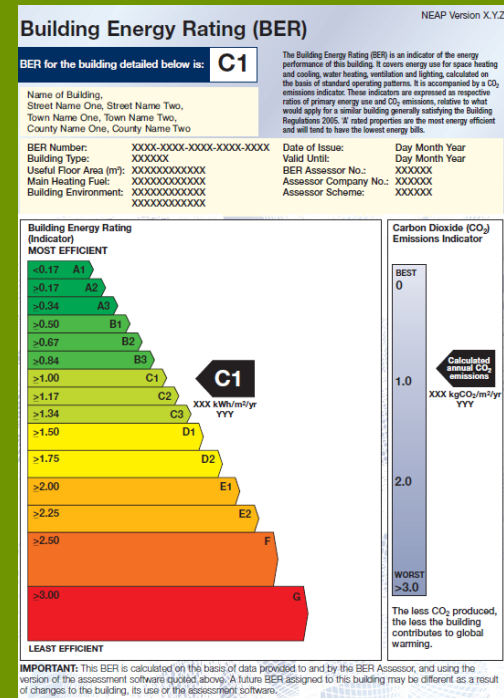
- now signed into EU Law
- Implementation plan for consultation in 2011
- Mandatory **CE marking** of construction products from 2013
- Stronger emphasis on Market Surveillance

# Energy Performance of Buildings Directive (EPBD)

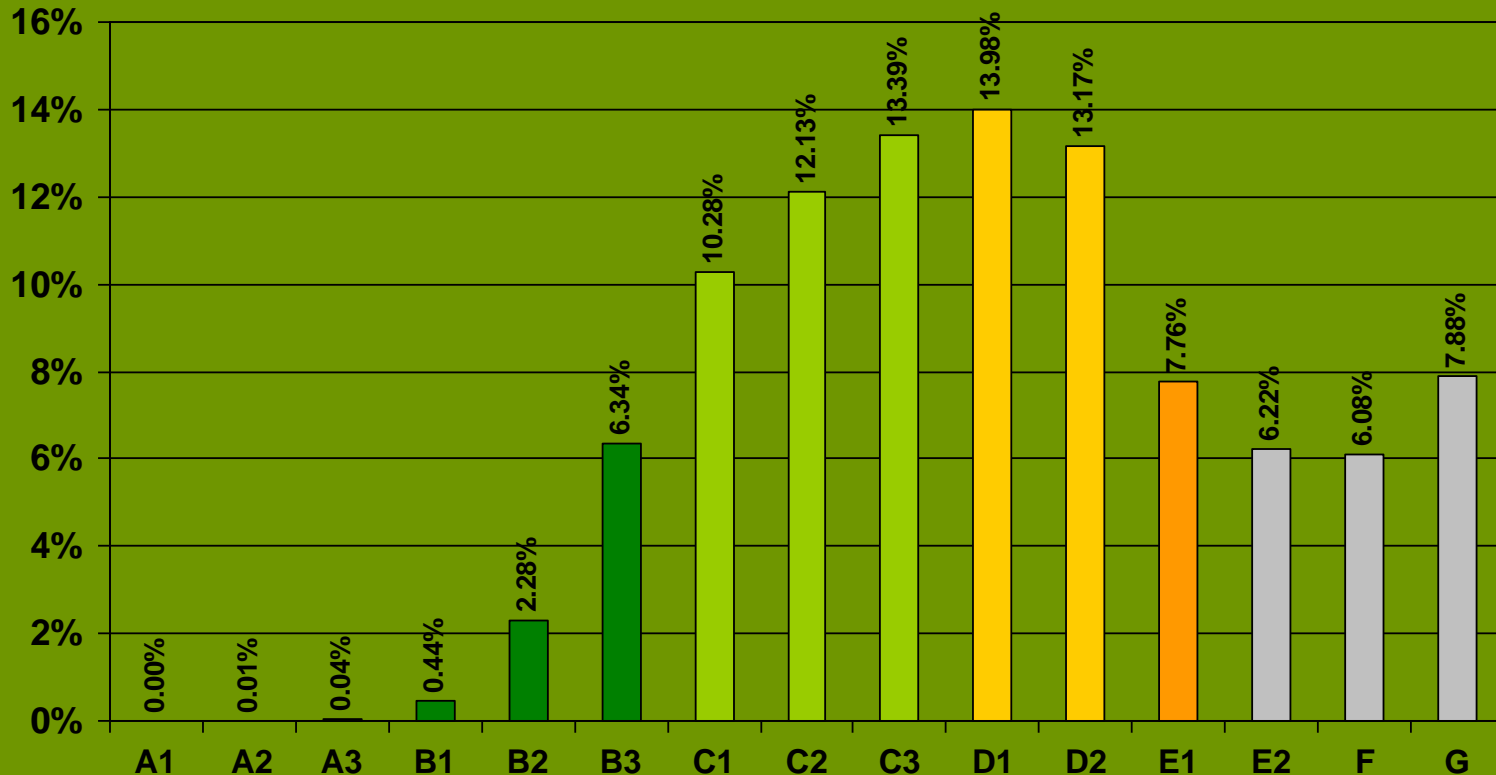
## BER certificates required

- prior to occupation of new buildings (incl. dwellings)
- on offer for sale or letting of all new and existing buildings (incl. dwellings) unless otherwise exempt from SI 666 of 2006

DECs (Display Energy Certificates) for buildings over 1,000 m<sup>2</sup> occupied by public body



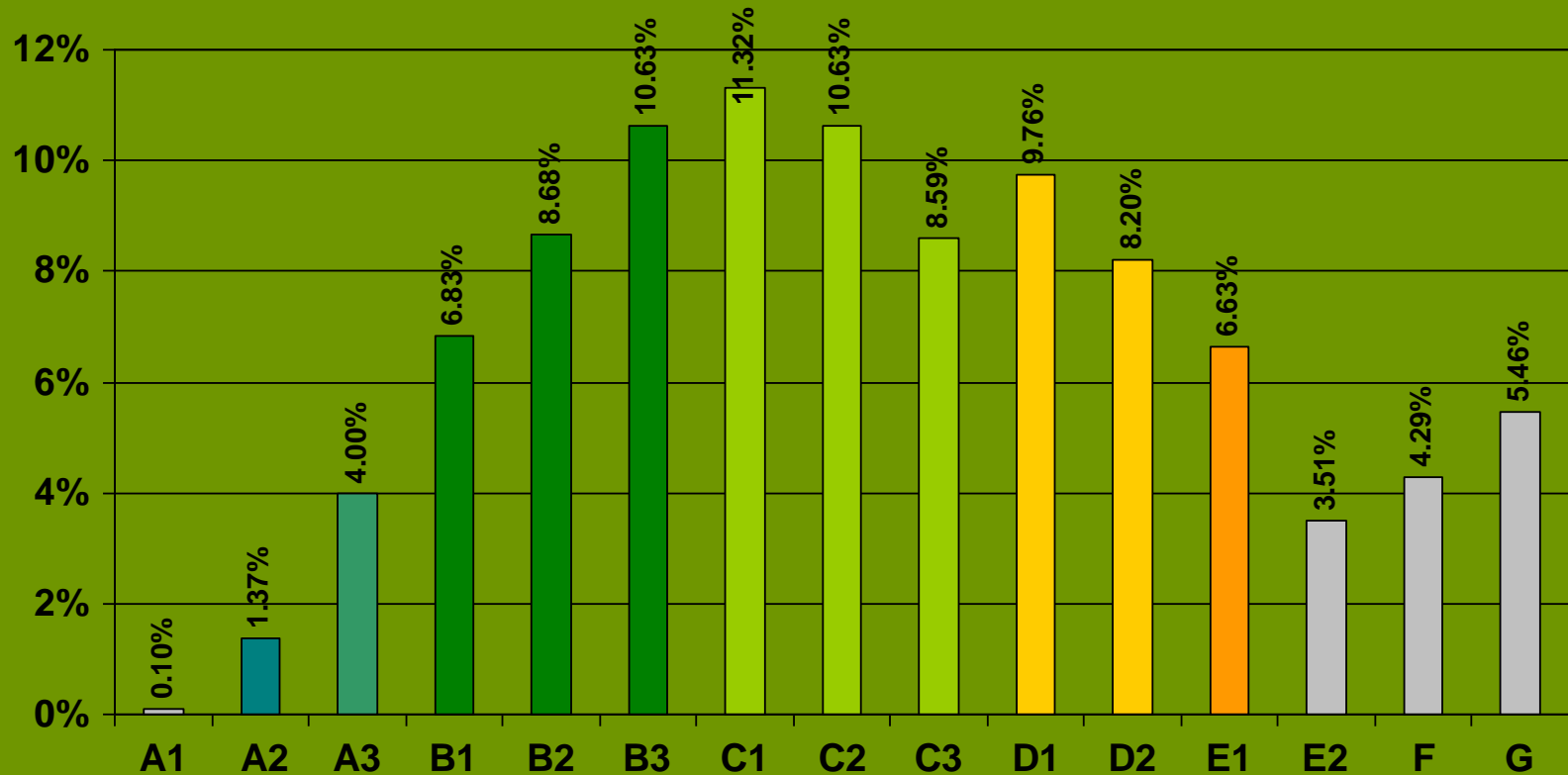
# BER Profile for Existing Dwellings



162,000 BERs issued for existing dwellings

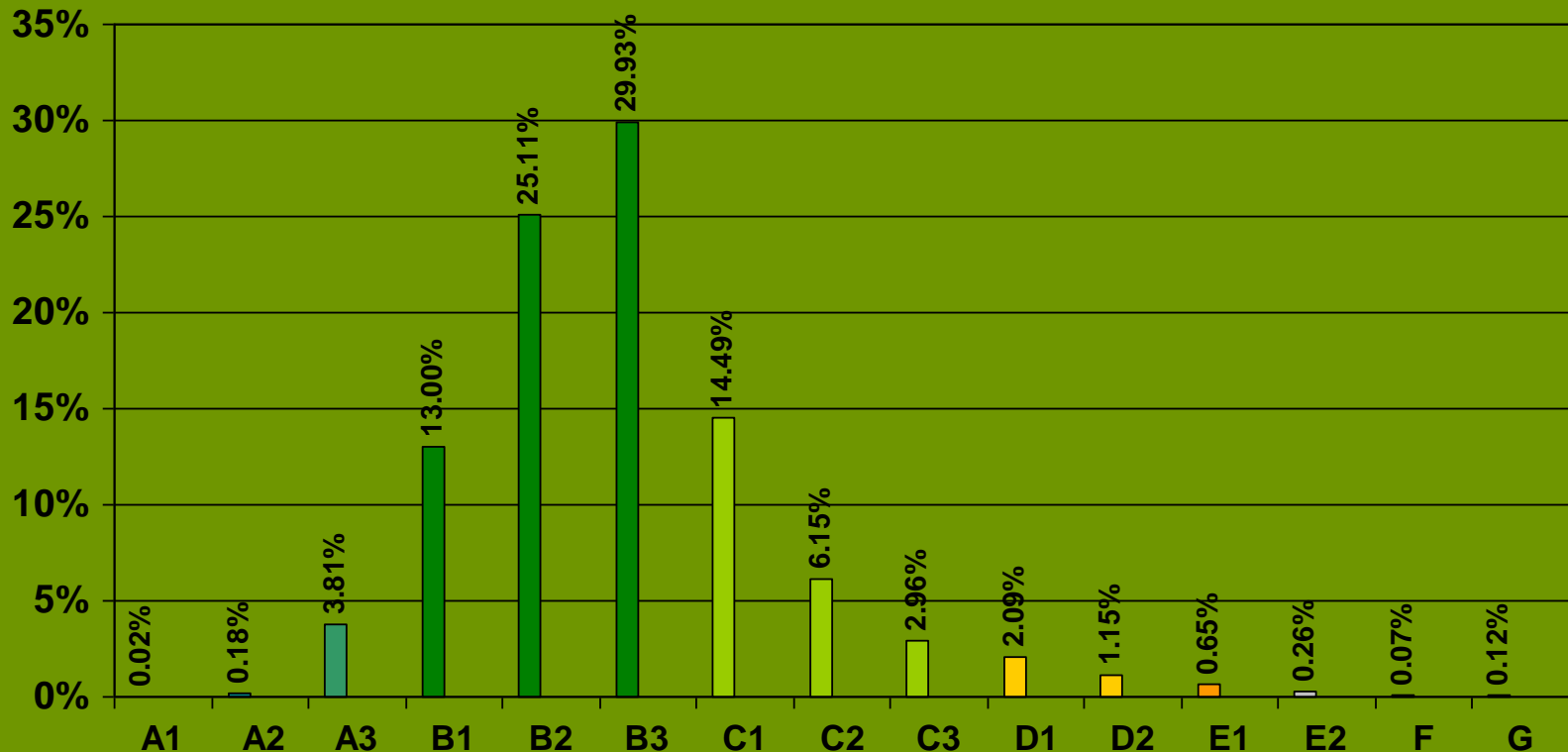
(1 Jan 09 – 27 Feb 2011)

# Profile of Display Energy Certificates



Total number of DECs: 1025

# BER Profile for New Dwellings



24,879 BERs issued for new dwellings

(1 Jan 2007 – 27 Feb 2011)

# EPBD

- 187,000 BERs for dwellings now in place (9.35% of Housing Stock)
- One-off housing currently predominates  
NB: DEAP calculations for all commencement notices  
Reminded applicants of their BER cert requirement
- Local Authorities subject to BER & DEC requirements.  
Anecdotal evidence suggests compliance is an issue.  
Any failure undermines enforcement activity



# Recast EPBD

- Consultation on Transposition Plan in 2011
- Consolidation of BER regulations (SI 666 of 2006 as amended) in 2012.
- Existing arrangements broadly suffice but new requirements include
  - Use of BER in advertising / promotional material
  - Definition of large building reduces from 1,000m<sup>2</sup> to 500m<sup>2</sup> (from 2012) and to 250m<sup>2</sup> (from 2015)
  - Application of Building Standards to major renovations (works affecting 25% of surface area of building)

# Inspection & Enforcement Activity

## (This slide unfinished)

- Minimum target inspection level of 12-15% of buildings with valid Commencement Notice agreed with CCMA
- Latest statistical returns (Jan. - June 2010) show ongoing high level of building control activity
- XX out of 37 Building Control Authorities met agreed target inspection level
- Overall Inspection rate for period was %
- Imperative that all authorities meet minimum 12-15% target in 2011

# Inspection & Enforcement Activity

- Other enforcement responsibilities - market surveillance under European Communities (Construction Products) Regulations 1992
  - Circular 1/2010 of 8 Feb 2010 – Quality of Imported Plywoods
  - Still an issue and requires vigilance

# Guiding & Supporting Building Control

- Department wishes to facilitate and support activity where possible.
  - BCO workshops in 2009 & 2010 will continue to be an annual event
    - TGD M 2010 training ready for delivery in May / June
    - Further BCO workshop planned for latter half of 2011 - Open to suggestions on date and content
  - Prepared if requested to facilitate / participate in 'BCO Network' meetings but initiative should come from IBCI on this
  - Need for greater communication and guidance – Department ready and willing to play its part
    - FAQs on Building Control administration
    - Working with LGMSB on DAC guidance
- Upgraded FAS course on Building Regulations (developed with BCAs in mind) to be available in 2011

# Enhancing Building Control

- Building Control Group (DEHLG / CCMA)
  - Reports from BRAB, IBCI & Professional Bodies  
“Strengthening the System” Report
  - BCO workshop – November 2010
  - Consultative Forum Dublin Castle – January 2011
  - BRAB Subgroup considering what certification is necessary and competence of certifiers

# Enhancing Building Control

- Shared desire for change across stakeholders
- This is likely to involve:
  - Activating Section 6(2)(a)(i) of Building Control Act 1990 : “the submission to building control authorities of certificates (in this Act referred to as ‘certificates of compliance’) being certificates relating to compliance with the building regulations”

# Enhancing Building Control

- Responsibility will continue to rest with owner / developer
- Certification requirements in relation to design and construction
- Stronger emphasis on competence

# Enhancing Building Control

- Creation of a public file of documents and particulars of every building
- Detailed proposals will be finalised in coming months and available for further stakeholder consultation later in 2011



# Issues for the Future

- Strategic emphasis on energy efficiency
  - 2<sup>nd</sup> National Energy Efficiency Action Plan
  - Relaunch of National Energy Retro-fit Programme
  - National Climate Change Bill – ongoing drive towards low carbon / low energy economy
  - Innovation & Jobs

- Local Government Efficiency Review Group – delivering more with less resources
- Sustainability: Green Public Procurement Action Plan;
- Broadening International Context (e.g. Energy Directives, Eurocodes, Construction Products Regulation, Market Surveillance, etc.)

# Thank You!

## GENERAL ENQUIRIES

- [www.environ.ie/buildingstandards](http://www.environ.ie/buildingstandards)
- [buildingstandards@environ.ie](mailto:buildingstandards@environ.ie)