



Rialtas na hÉireann
Government of Ireland

IBCI Conference 2023

Legislative Developments in Building Control

Sarah Neary

Principal Advisor, Department of Housing, Planning and Local Government

29th March 2023



Rialtas na hÉireann
Government of Ireland

Contents

1. Building Regulations
2. Building Control Regulations
3. Construction Products Regulation
4. Market Surveillance Regulation
5. Regulation of Providers of Building Works
6. Defects in Apartments
7. Building Standards Regulator



Rialtas na hÉireann
Government of Ireland

Building Regulations

Review of Part B



- 2023 Public Consultation
 - Closes 21 April
- Fundamental Review
- Existing Buildings
- Stakeholder Engagement
- Costs Analysis

The image shows the cover of a document titled "Building Regulations DRAFT Technical Guidance Document B 2023". The cover features the Irish Harp logo and the text "Rialtas na hÉireann Government of Ireland". The title is "Building Regulations DRAFT Technical Guidance Document B 2023". Below the title, it says "Fire Safety - Volume 1 Buildings Other Than Dwelling Houses". At the bottom, it states "Prepared by the Department of Housing, Local Government and Heritage" and provides the website "gov.ie/housing". The cover has a red and white color scheme with a red gradient at the bottom.

Rialtas na hÉireann
Government of Ireland

Building Regulations
DRAFT Technical Guidance Document
B 2023

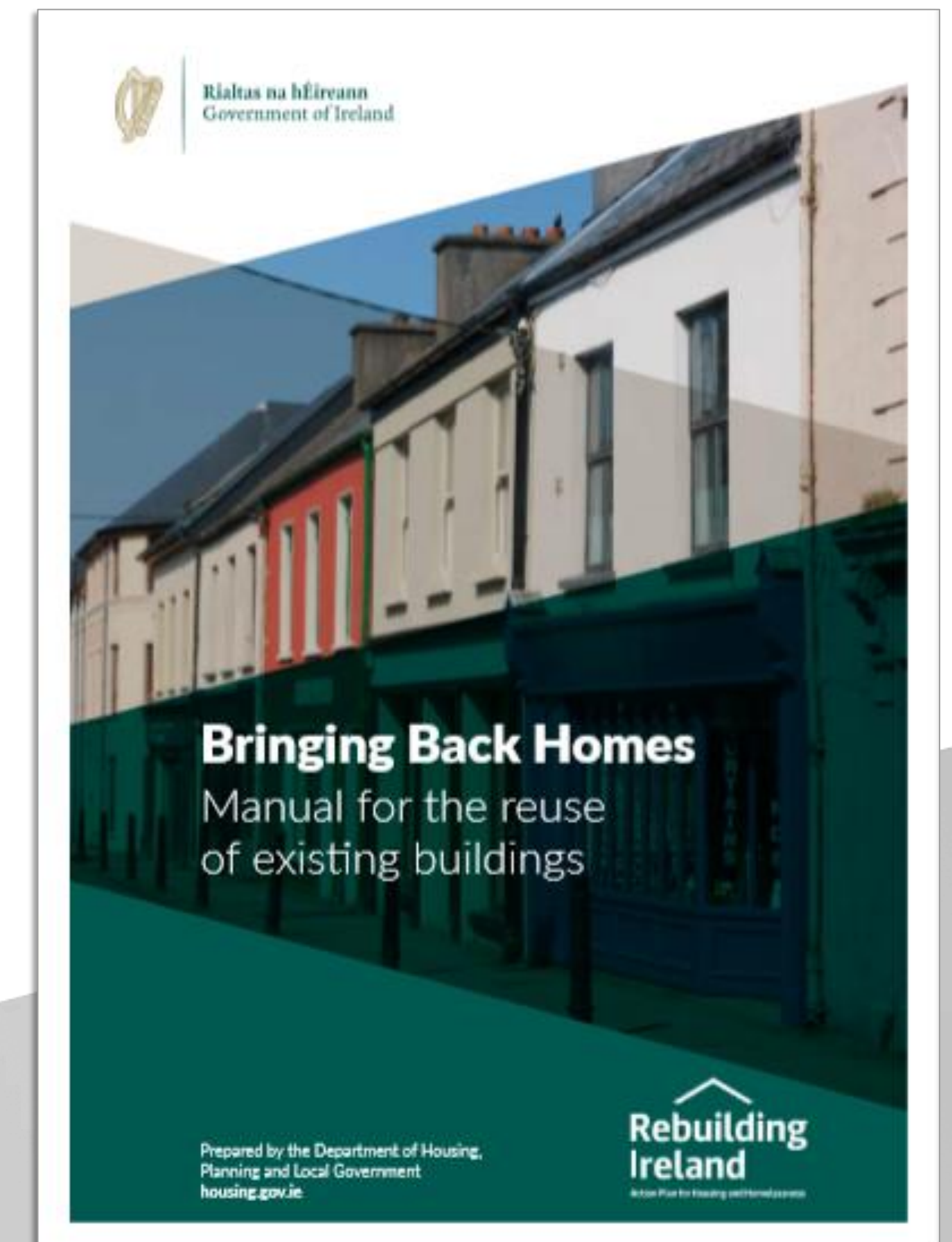
Fire Safety - Volume 1
Buildings Other Than Dwelling Houses

Prepared by the Department of Housing, Local Government and Heritage
gov.ie/housing

Use of Bringing Back Homes manual



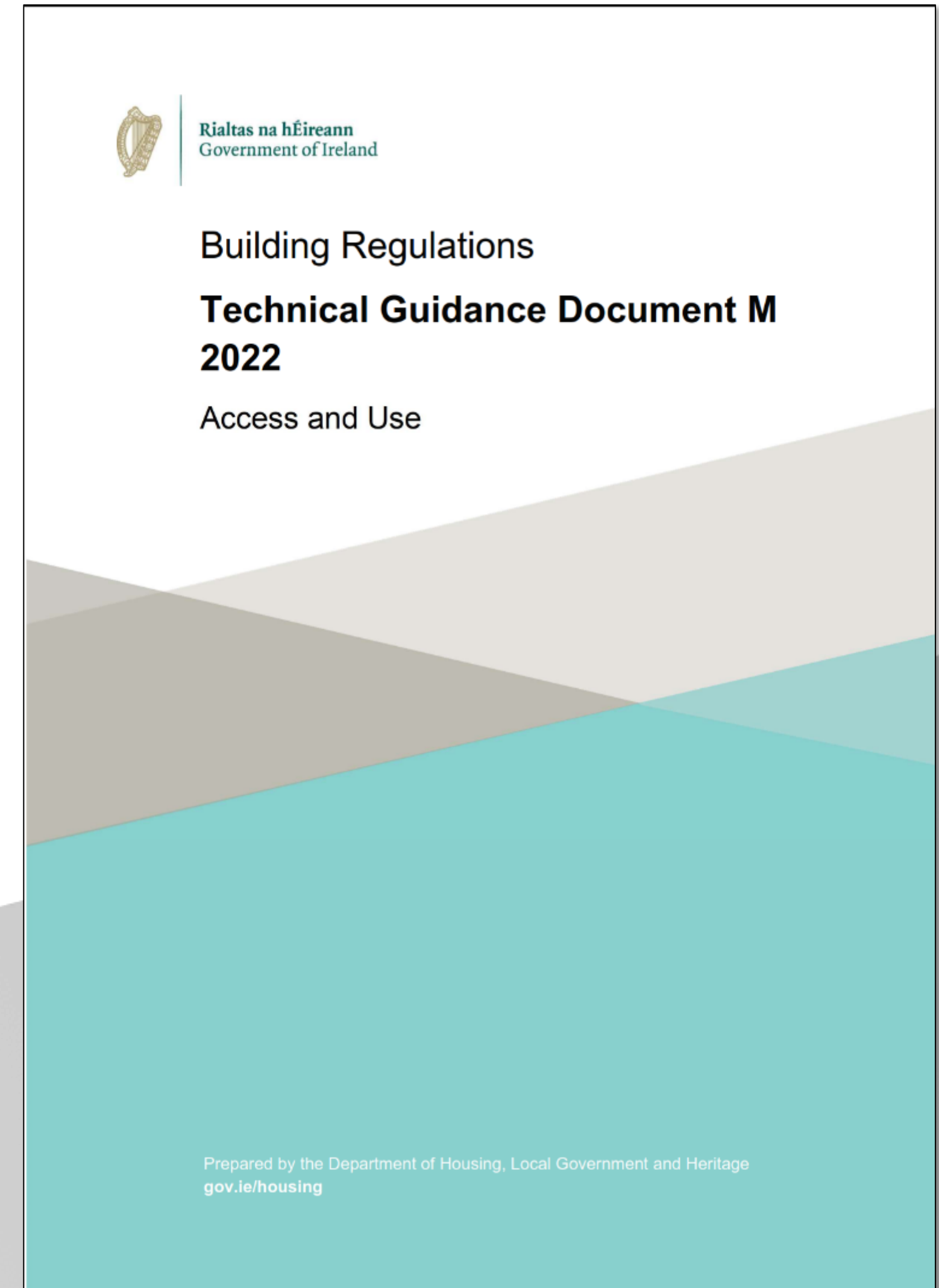
- Developed to support and facilitate the reuse of older/ vacant buildings in our towns and cities for residential use.
- The objective is to increase the number of viable residential properties.
- Aims to provide property owners, members of the public, Local Authorities and those involved in the construction industry with clear guidance on how current regulatory requirements apply to common, existing building types.



2022 Part M – Changing Places Toilet



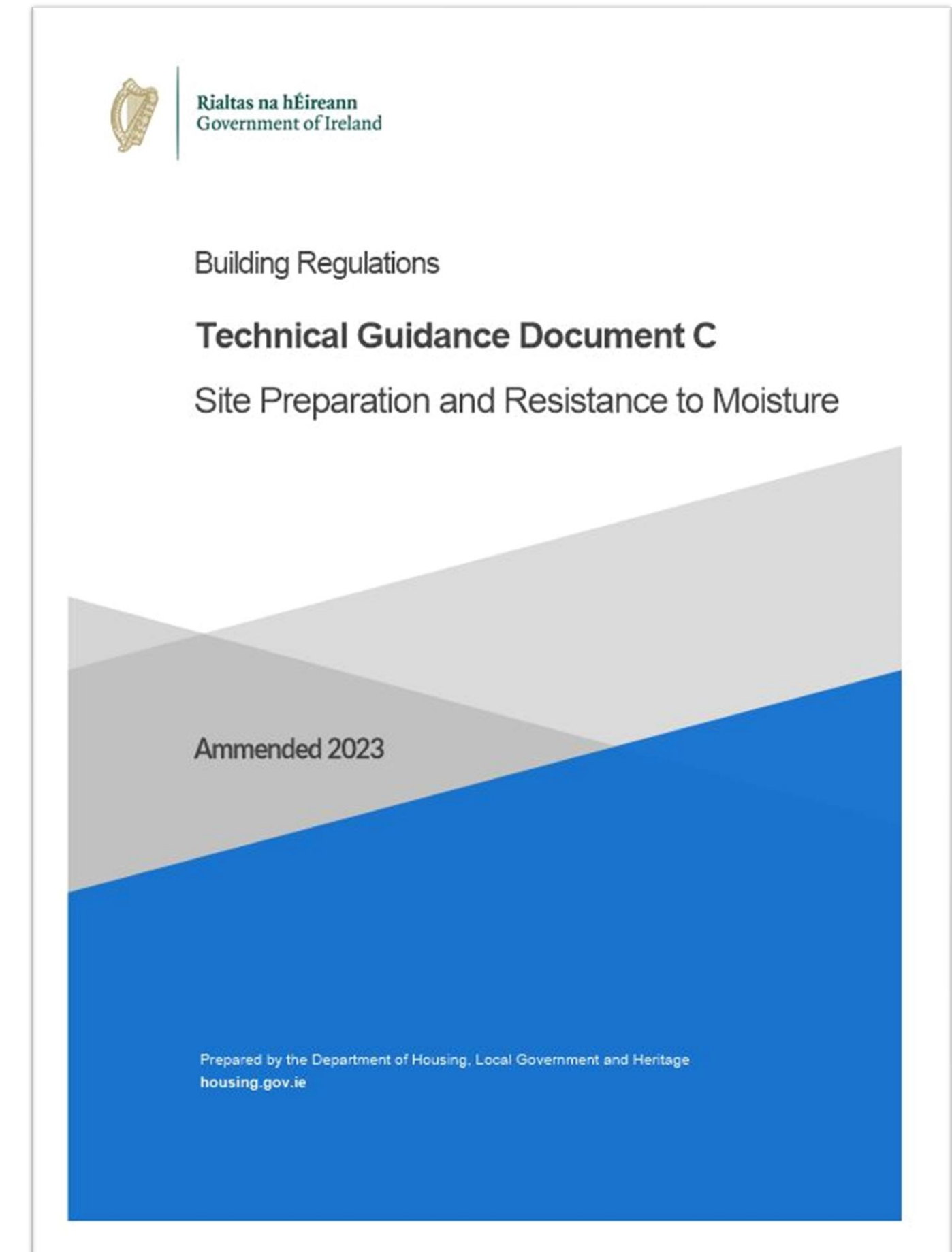
- Revised Part M / TGD M was published in December 2022
- Provides for Changing Places toilets in certain buildings
 - increasing the provision of changing places toilets in certain buildings c.80 per Annum;
 - further enhance the health and safety of people in and around buildings;
 - improve community participation and social inclusion
- The amended regulations, and TGD M 2022 apply to works, or to a building in which a material change of use takes place, where the works commence, or change of use takes place, on or after 1 January 2024, subject to transitional arrangements.



Proposed Amendment to TGD C 2023



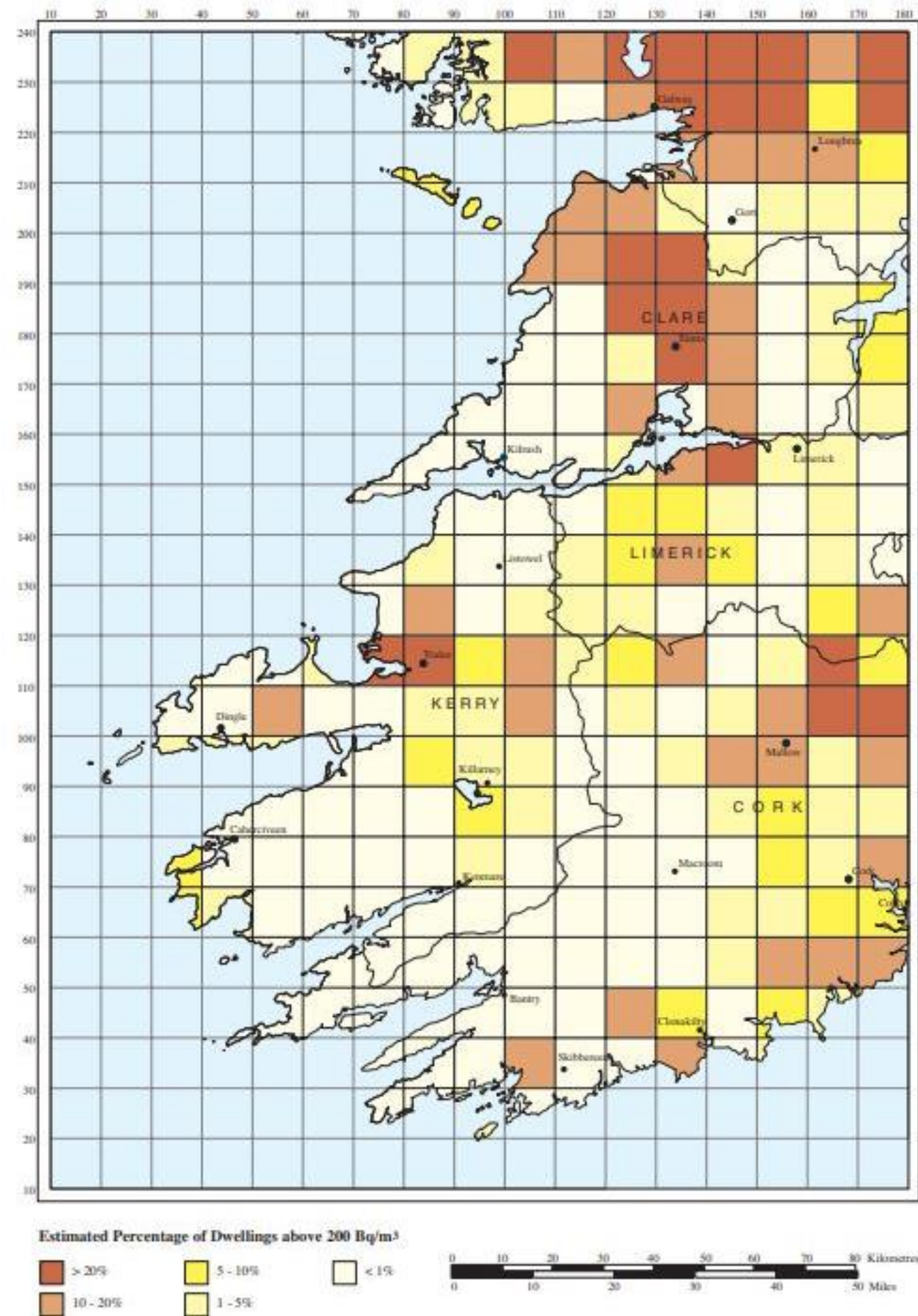
1. In 2022 the Environmental Protection Agency (EPA) published a high spatial resolution Radon Risk Map of Ireland identifying High Radon Areas, based on the results of a survey of indoor radon measurements and on relevant geological information.
2. The EPA's digital map is accessed via the interactive Radon.ie website maintained by the EPA which allows for GPS coordinates of a building or location to be entered.
3. An image of the new radon risk map is included, with a link to the website hosting it.
4. The new map will apply to works that commence on or after XX XXX 2023
5. Full review of Part C underway



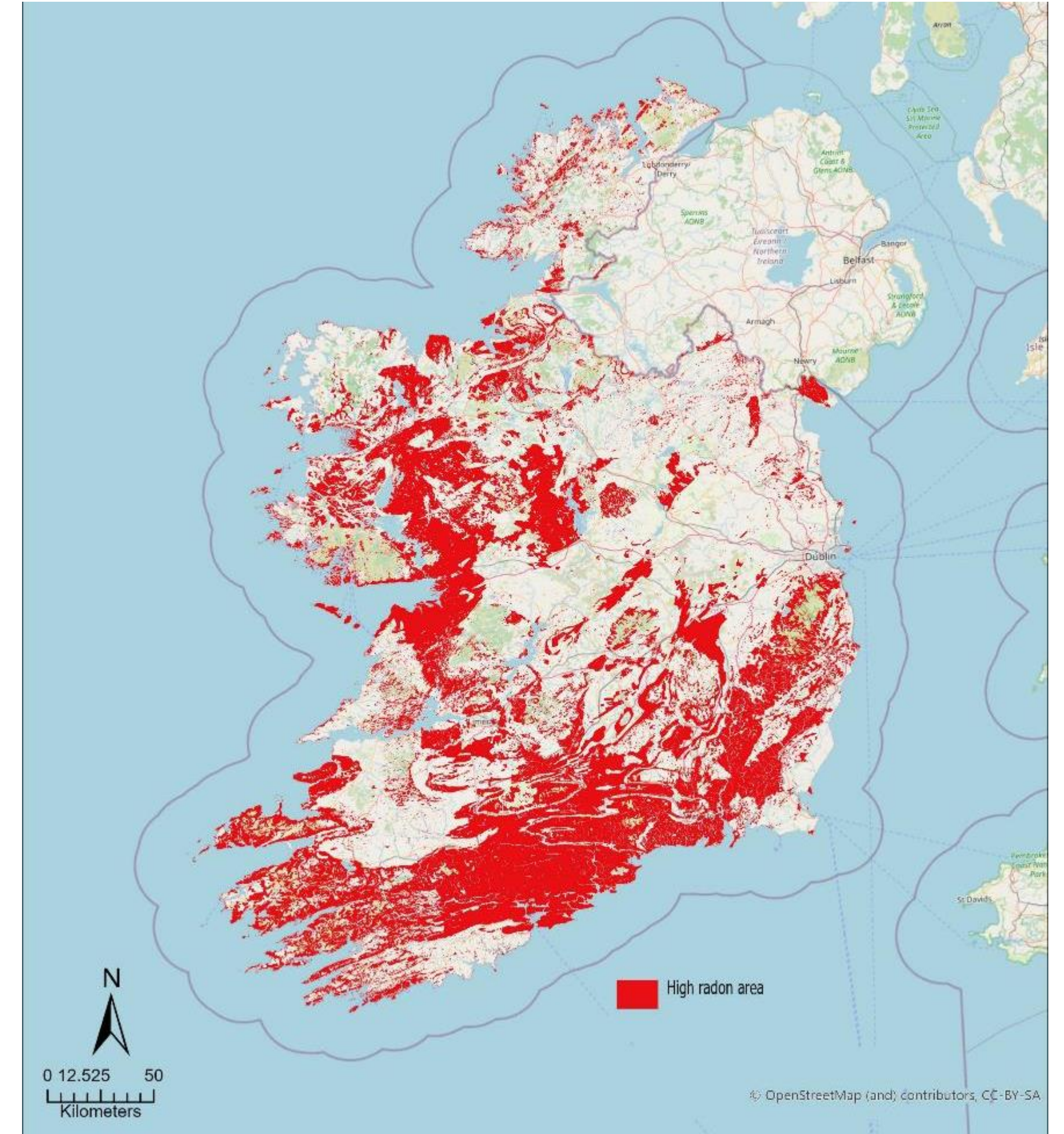
TGD C 2023 – radon map



Sample of old map



New digital map



European Union (District Heating) Regulations 2022



The European Union (District Heating) Regulations 2022 (S.I. No. 534 of 2022), provide as follows:

The minimum levels of energy from renewable sources, referred to in Article 15(4) of the Directive*, may be fulfilled through efficient district heating and cooling using a significant share of renewable energy and waste heat and cold.

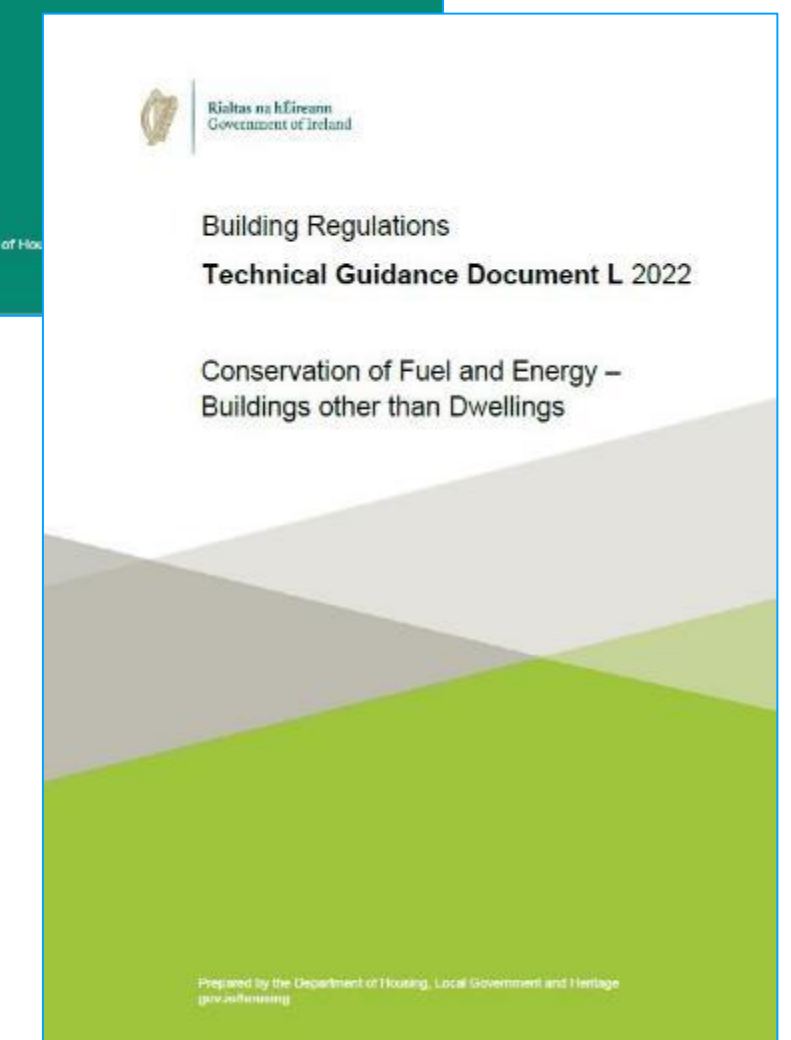
Efficient District Heating and cooling: means a district heating or cooling system using at least 50 % renewable energy, 50 % waste heat, 75 % cogenerated heat or 50 % of a combination of such energy and heat.

**Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources.*

Technical Guidance Documents (TGDs) L 2022

- Guidance for dwellings is provided under Paragraphs 1.2.11-1.2.15 of TGD L 2022 for Dwellings.
- Guidance for buildings other than dwellings is provided under Paragraphs 1.2.10-1.1.13 of TGD L 2022 for Buildings other than Dwellings.

European Union (District Heating) Regulations 2022 and TGDs L 2022 Published: October 28th 2022.
Application from October 28th 2022.



Technical Guidance Documents (TGDs) L 2022

Building Regulations (Part L Amendment) Regulations 2022



The Building Regulations (Part L Amendment) Regulations 2022 (S.I. No. 535 of 2022), provide for Electric Vehicle recharging infrastructure in Dwellings as follows:

(a) A multi-unit building containing one, or more than one, dwelling:

- (i) that is **new**, or
- (ii) subject to paragraph (b), **undergoing major renovation**,

shall have installed **ducting infrastructure** (consisting of conduits for electrical cables) for each car parking space,

to enable the subsequent installation of recharging points for electric vehicles **where the parking space is:**

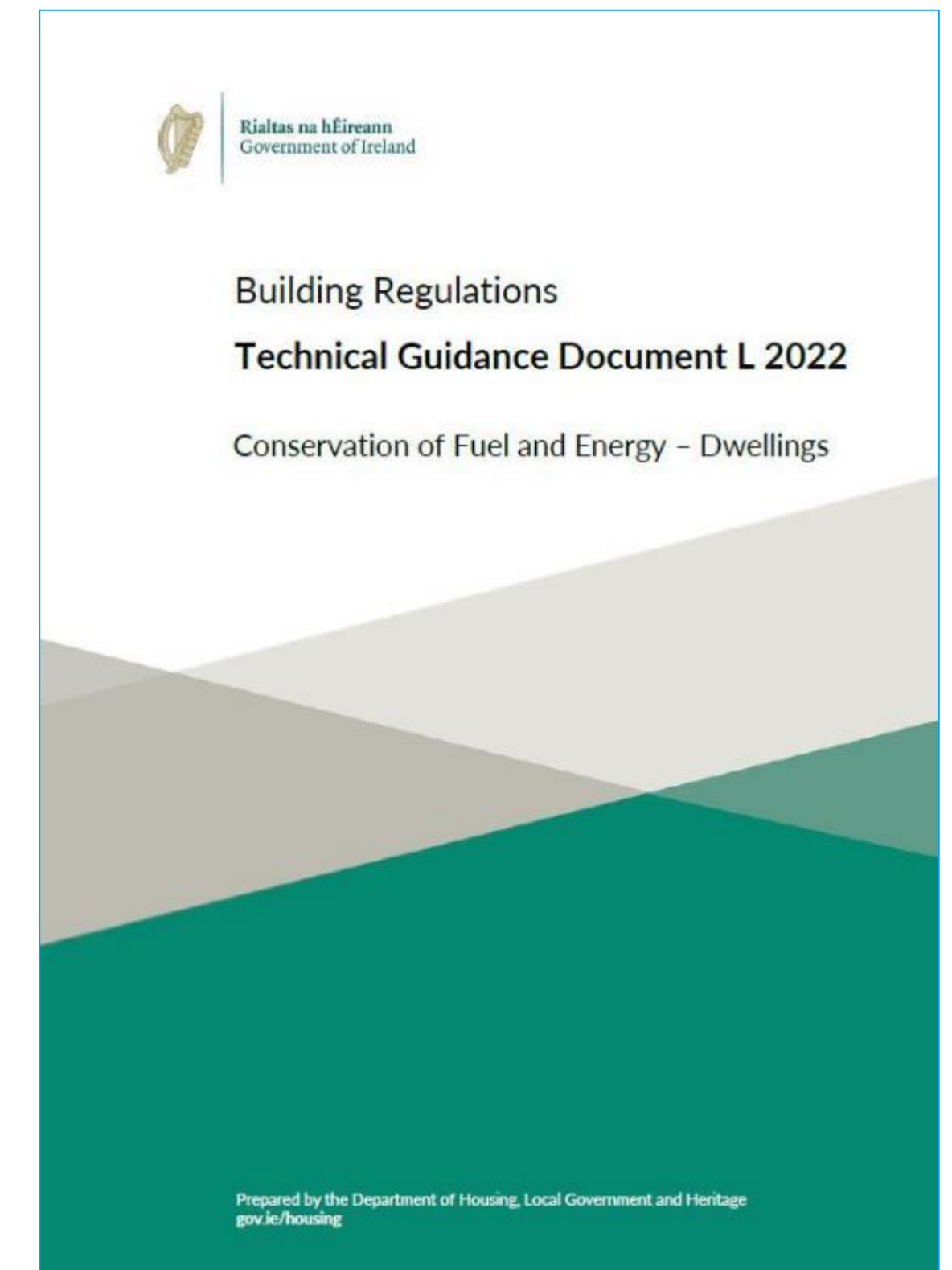
- (i) **located inside the building** concerned, or
- (ii) is **within the curtilage** of the building concerned.

(b) The requirement of paragraph (a) shall apply to a **building undergoing major renovation** where:

- (i) in a case where the car park is located inside the building, the **renovations concerned include the car park or the electrical infrastructure of the building**, or
- (ii) in a case where the car park is physically adjacent to the building, the **renovations concerned include the car park or the electrical infrastructure of the car park**.

(c) A **new building** that is a **dwelling**, other than where the dwelling forms part of a multi-unit building, where a **parking**

space is located within the curtilage of the dwelling, shall have installed **appropriate electric vehicle recharging infrastructure** to enable the subsequent installation of recharging points for electric vehicles.



**Technical Guidance Document
(TGD) L 2022**

Building Regulations (Part L Amendment) Regulations 2022

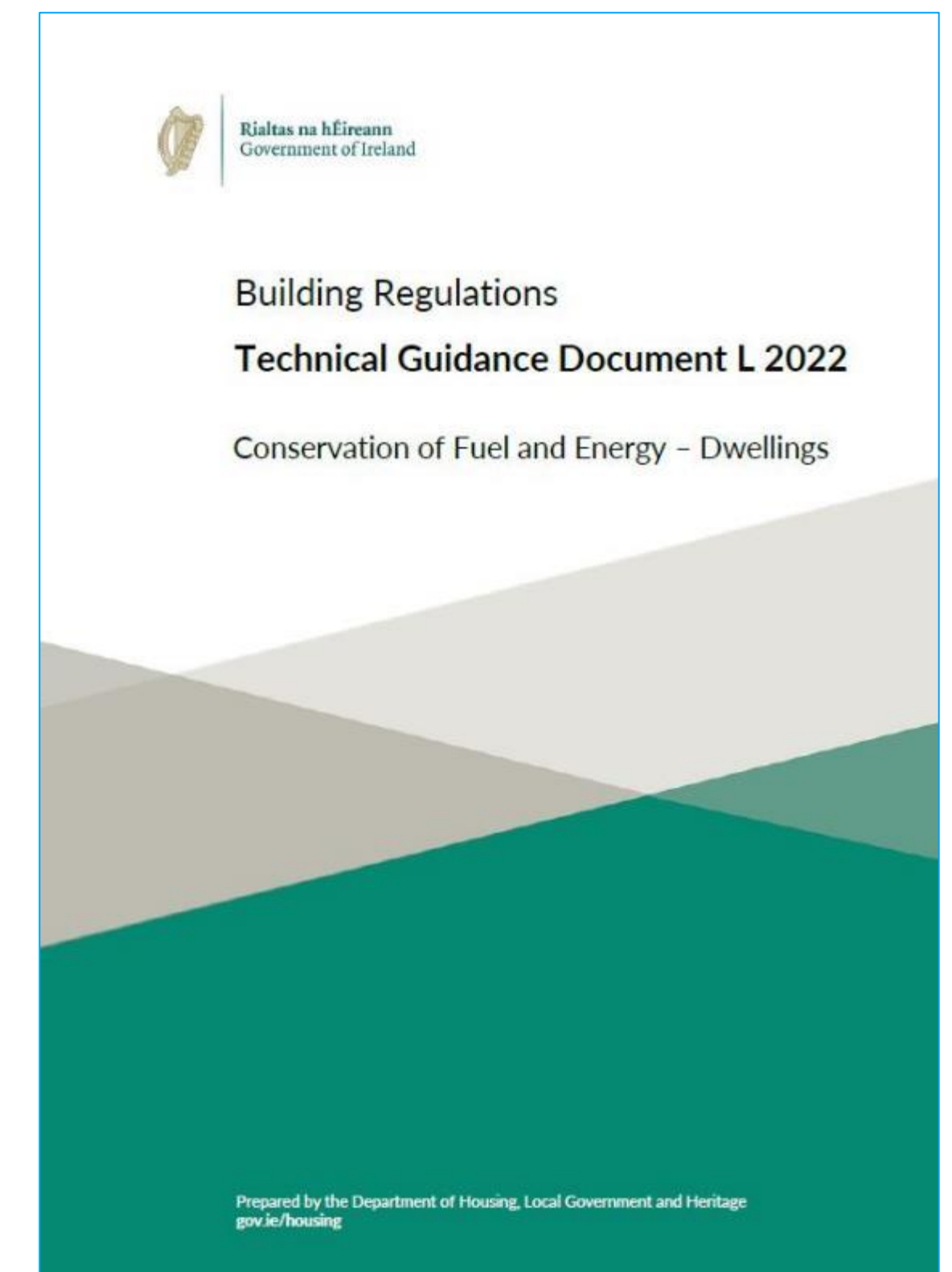


Technical Guidance Document (TGD) L 2022 - Dwellings

- Guidance is provided under Paragraph 1.4.6 for new dwellings and under Paragraph 2.3.9 for existing dwellings.

Building Regulations (Part L Amendment) Regulations 2022 and TGD L 2022 for Dwellings Published: October 28th 2022.

Application from November 1st 2022.



Technical Guidance Document (TGD) L 2022



Rialtas na hÉireann
Government of Ireland

NSAI Standard Recommendations:

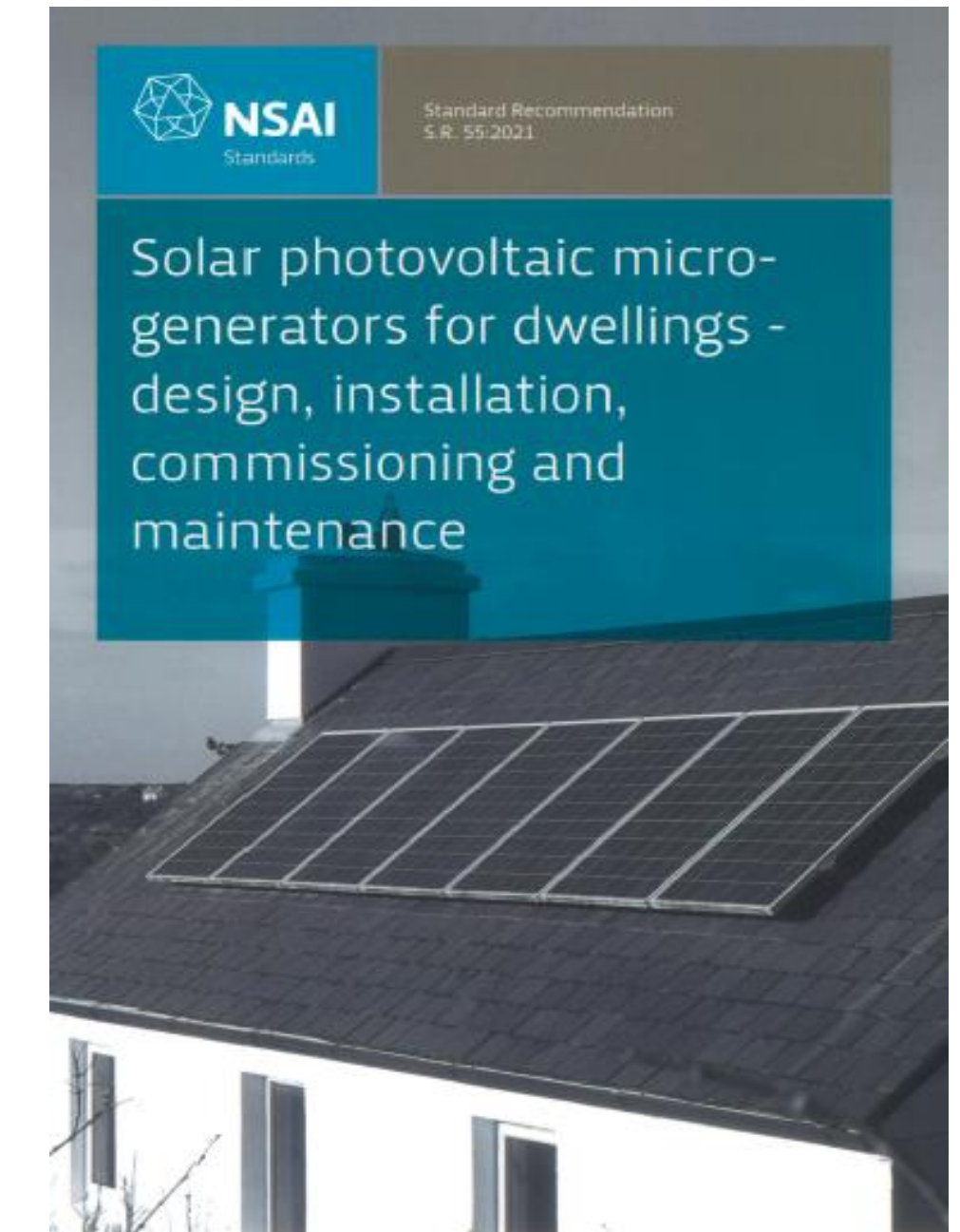
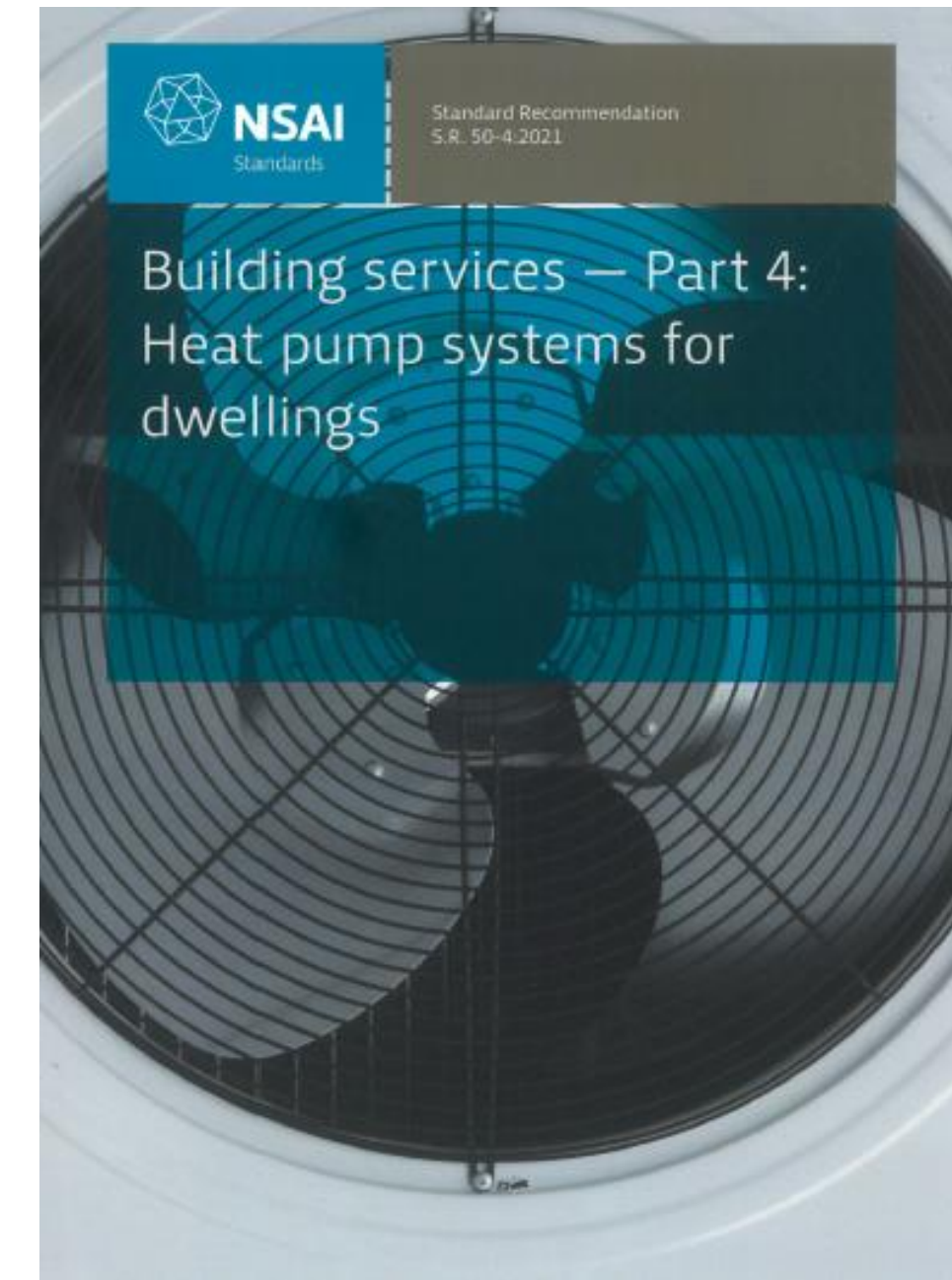
S.R. 50-4: 2021 Code of Practice: Design, installation, commissioning and maintenance of Heat Pumps in dwellings.

S.R. 55:2021 Code of Practice: Design, installation, commissioning and maintenance of Solar photovoltaic micro-generators in dwellings.

S.R. 54:2014&A2:2022 Code of Practice for the energy efficient retrofit of dwellings.

Updated case study examples of Major Renovations to B2, A3, A2 and A1 for

- 1981 semi-detached house
- 1989 detached bungalow
- 1930 mid-terraced house





Rialtas na hÉireann
Government of Ireland

Building Control Regulations

Building Control Regulations



- No new Building Control Regulations in 2022
- Covid related regulations – cease to have effect from 31st March 2022
 - (1) Dis-application of certain provisions of Building Control Regulations (S.I. No. 113 of 2020)
 - Works (Covid-19 Crisis) Notice no longer exists
 - Where works/change of use remain in place, a Regularisation Certificate must be applied for before 31st March 2023
 - (2) Temporary dispensation from the requirements of Part L ‘Conservation of Fuel and Energy’ (S.I. No. 112 of 2020)
 - Dispensation is no longer available
 - Where works/change of use remain in place, buildings must be brought into compliance by 31st March 2024,
- No general exemption for temporary accommodation, case by case relaxations/ dispensations under Building Control Acts



Rialtas na hÉireann
Government of Ireland

NOAC

Inspections



Figure P1: - Percentage of buildings inspected as a percentage of new buildings notified (%)

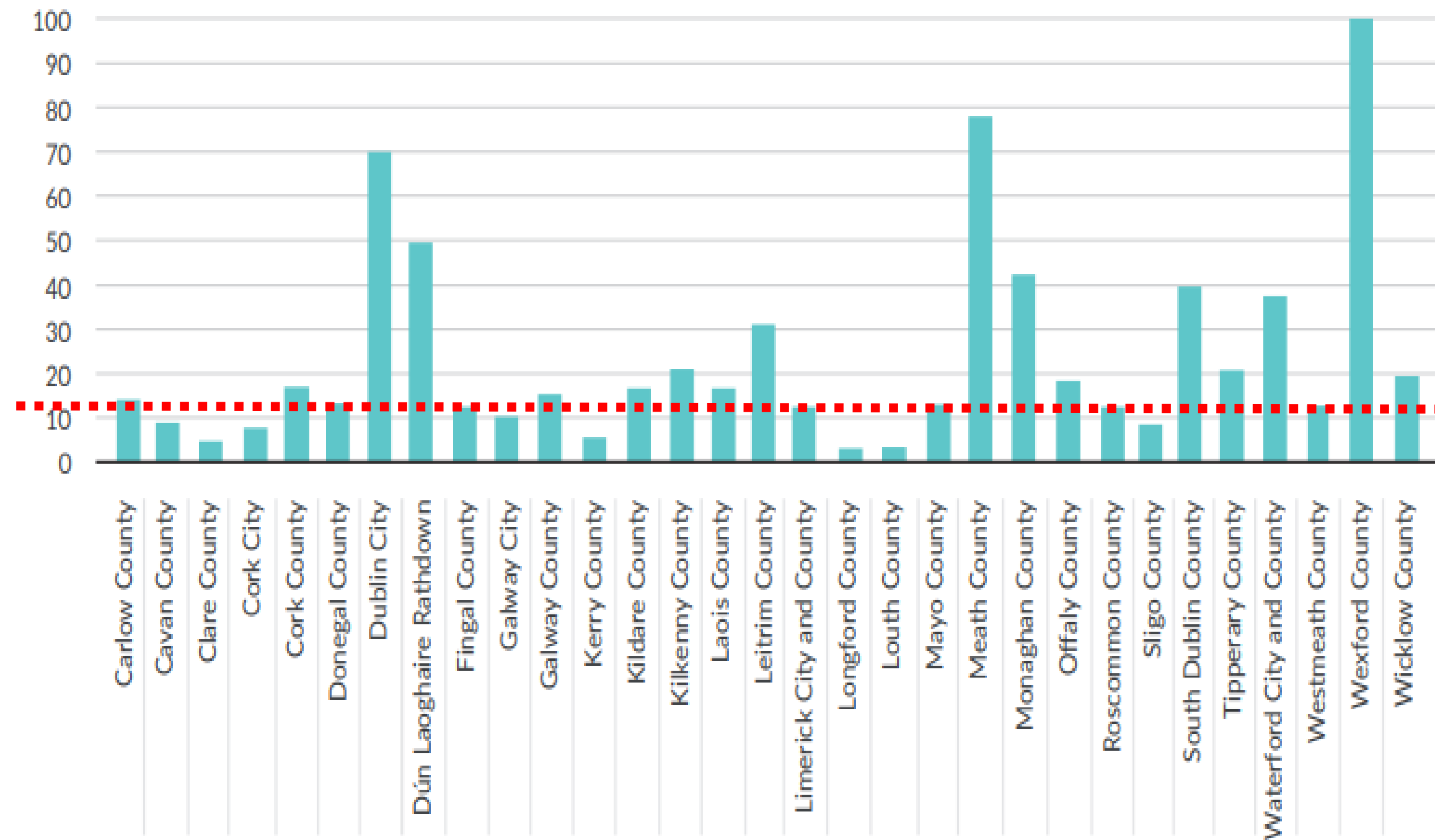
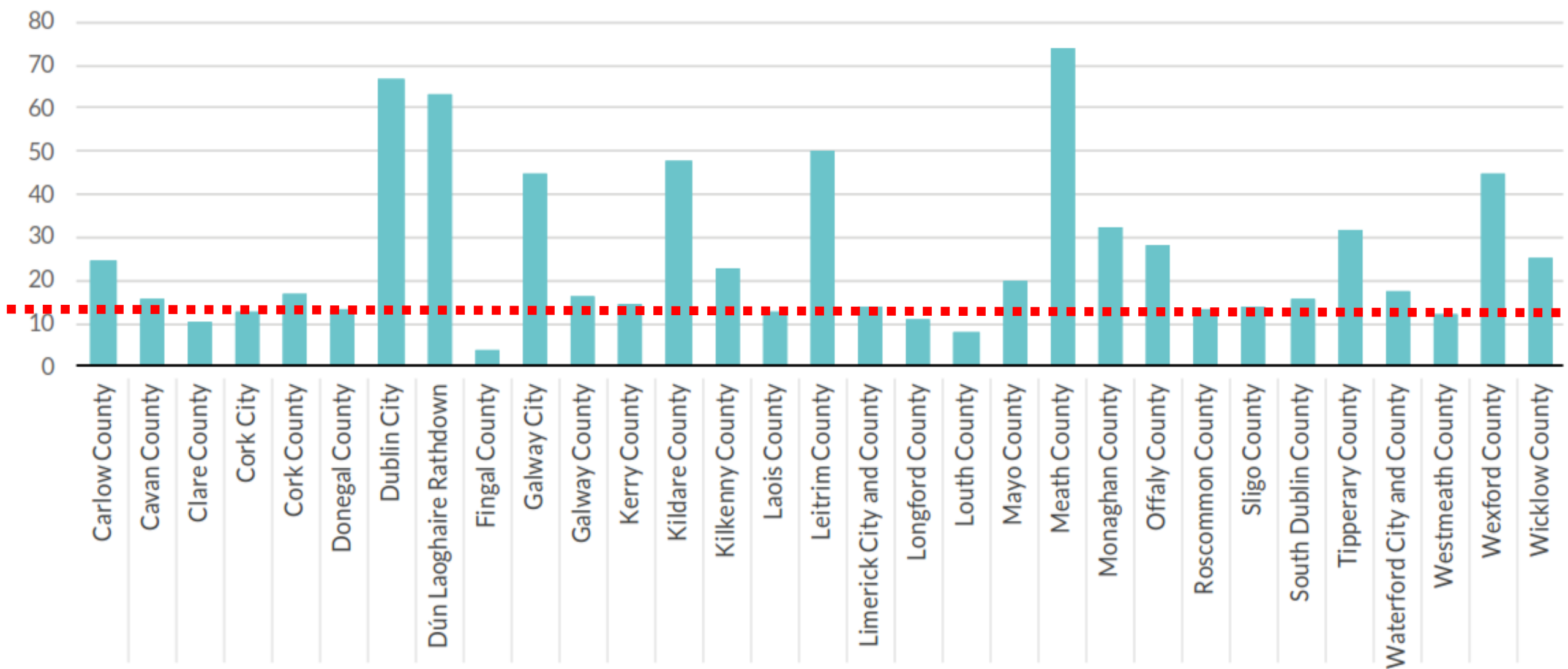


Figure P1: Percentage of buildings inspected as a percentage of new buildings notified (%)



Inspections

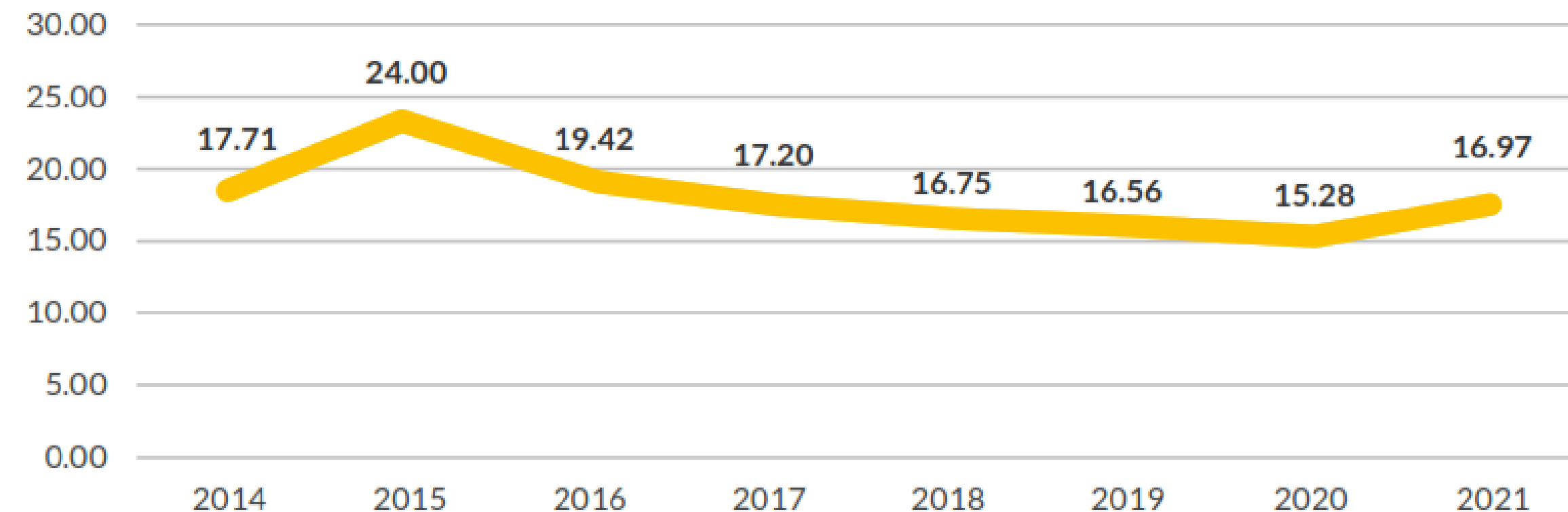


Section 5: Planning (P1 to P5)

P1: New Buildings Inspected

P1 (A): Buildings inspected as a percentage of new buildings notified to the local authority in the year

2014	2015	2016	2017	2018	2019	2020	2021
17.71	24.00	19.42	17.20	16.75	16.56	15.28	16.97



- Inspections

- on site inspections
- Desktop assessments
- Section 11 requests
- Complaints
- Legal proceedings
- Market Surveillance

- NBCO/CCMA/DHLGH →

Risk based inspections

- Not simply 12-15% of new buildings
- Must include Part B - Fire Safety inspections
- Risk based planning of inspections
- Timing of inspections to ensure they are meaningful
- Complaint procedure



Rialtas na hÉireann
Government of Ireland

Construction Products Regulation

Construction Products Regulation



CPR, since July 1st 2013, where a construction product covered by a harmonised standard is being placed on the EU market,

- the manufacturer is required to draw up a 'declaration of performance' and affix a 'CE' marking to the product.
- In order to do so, manufacturers must test and declare the performance of their construction products using a common technical language prescribed in the harmonised standard.

Construction Products Regulation



Increased activity since Brexit.

- 10 No. Notified Bodies
- 3 TABs

https://ec.europa.eu/growth/tools-databases/nando/index.cfm?fuseaction=directive.notifiedbody&dir_id=33

Notified bodies
Nando

Country

Legislation

Body

Construction products

Free search

Mutual Recognition Agreements

EU-South Korea free trade agreement (FTA)

Protocol on Ireland/Northern Ireland

CETA Protocol on Conformity Assessment

Notifying Authority - Notification procedures

Accreditation Body

Glossary

Single Market and Standards - links

News

Bodies Found : 13

Search criteria :
Country : Ireland

Legislation :

Withdrawn/Expired/Suspended Notifications/NBs are not displayed in this list, you can find them in the Body module under the hyperlink "[Withdrawn/Expired/Suspended Notifications/NBs](#)"

Technical Assessment Bodies (TABs) are members of the European Organisation for Technical Assessment (EOTA)

Body type ▲	Name ▲	Country ▲
▶ NB 2777	satra Technology Europe Ltd	Ireland
▶ NB 2874	CATG Certification Limited	Ireland
▶ NB 0050	National Standards Authority of Ireland (NSAI)	Ireland
▶ NB 2895	Shirley Technologies Europe Limited	Ireland
▶ TAB	BRE Global Assurance (Ireland) Ltd.	Ireland
▶ TAB	FM Approvals Europe Limited	Ireland
▶ NB 2809	FM Approvals Europe Limited	Ireland
▶ TAB	National Standards Authority of Ireland	Ireland
▶ NB 2833	Hartford Steam Boiler Ireland Ltd	Ireland
▶ NB 2819	OMNI Assured Certification International Ltd.	Ireland
▶ NB 2845	CTI-CFM International Ltd	Ireland
▶ NB 2851	BASEC Conformity Limited	Ireland
▶ NB 2831	BRE Global Assurance (Ireland) Ltd	Ireland

Construction Products Regulation



- Review of the CPR
- Objectives of the CPR review;
 - to repair and enhance the core of the CPR legal framework;
 - to improve the functioning of the internal market;
 - to address Member States' regulatory needs;
 - as well as enhancing the sustainability of construction products.

Environmental Aims



The revised CPR is one element of a series of European measures to achieve our emission reduction targets.

- European Green Deal - EU fit for 55
- Sustainable Product Initiative - Ecodesign
- Circular Economy Action Plan
- Levels – Sustainability Performance of Buildings

Environmental Declaration



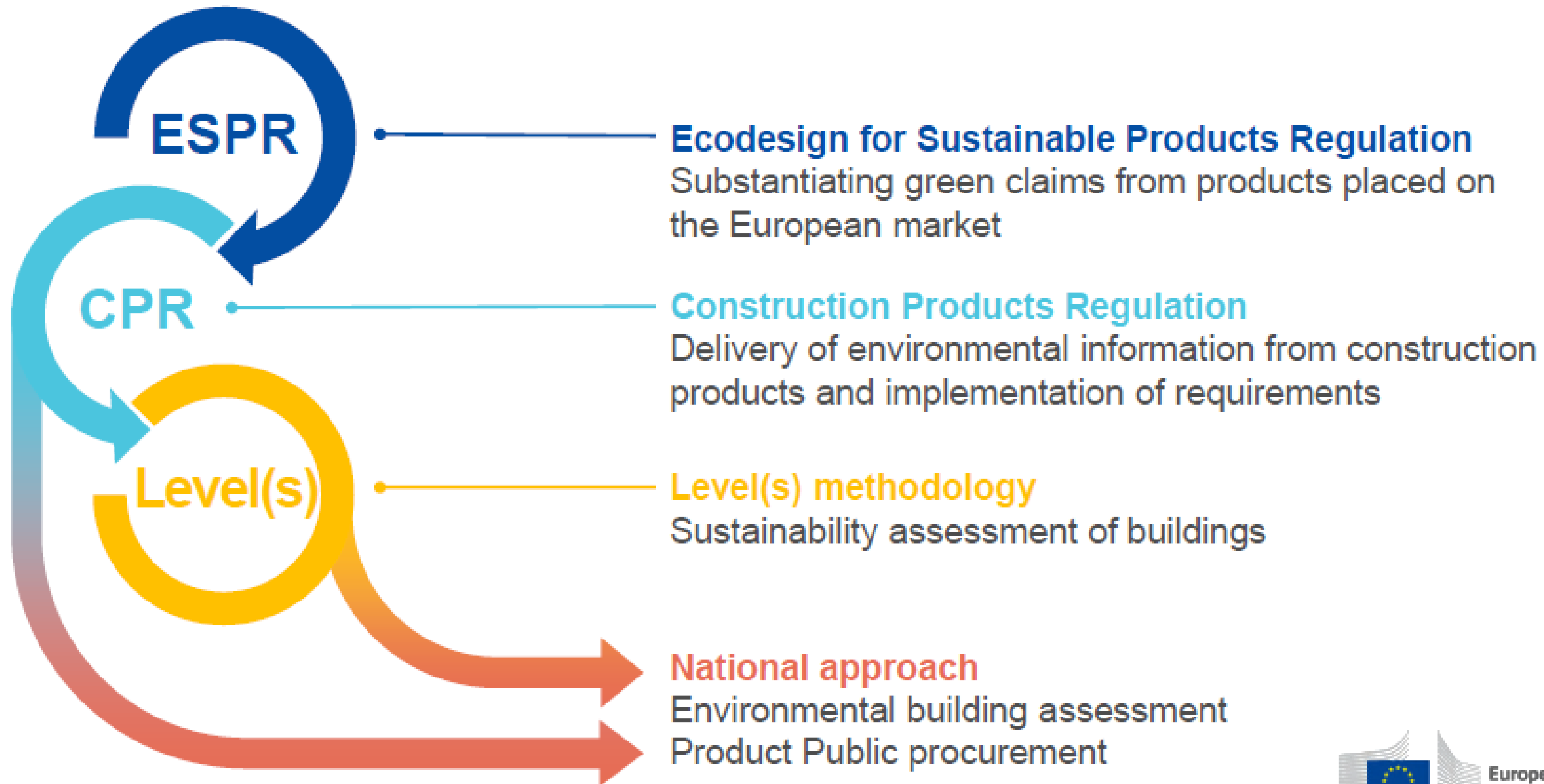
Today – Voluntary Declaration

- Already available as Environmental Product Declarations (EPD)
- Remains valid as a reference during design phase

New CPR – Mandatory Declaration

- Implemented progressively by construction product family
- Integrated in the regulatory framework of the CPR
- Linked to the product placing on the market
- Third party validation by notified bodies

National Regulatory framework



Construction Products Regulation



- ‘CPR Acquis’ review
 - to correct, complete and renew technical specifications adopted under the CPR.
 - original process for delivering harmonised technical specifications lacks coherence.
 - Current development process is underperforming

Construction Products Regulation



Circular economy

- Draft EPA National End-of Waste Criteria for Recycled Aggregates
 - Not for structural use/ in buildings
- Vigilance and monitoring of products on the market





Rialtas na hÉireann
Government of Ireland

Market Surveillance

Market surveillance



- Member State is responsible for regulating for its own market surveillance activities
- Purpose: Market surveillance activity should enable non-compliant products to be identified and kept or taken off the market with unscrupulous and/or criminal economic operators prosecuted and penalised for their actions.

Market Surveillance Authorities



[European Union \(Construction Products\) Regulations 2013 \(S.I. No. 225 of 2013\)](#)

- building control authorities are market surveillance authorities within their administrative areas.

[S.I. No. 682 of 2020.](#)

- National Building Control & Market Surveillance Office (NBC&MSO) is a market surveillance authority across the State

- ➔ NBC&MSO is complementary
- ➔ provides for a co-ordinated approach.
- ➔ Building control authorities liaise with the NBC&MSO

Market Surveillance Regulation 2019/1020



- EU harmonization legislation on non-food products: 70 pieces of legislation – including CPR
- Full effect across EU member states in July 2021.
- Regulations currently being finalised to give further effect to EU Regulation 2019/1020 as it pertains to construction products (amending SI 225 of 2013).

Market Surveillance Regulation 2019/1020



Improve compliance upfront

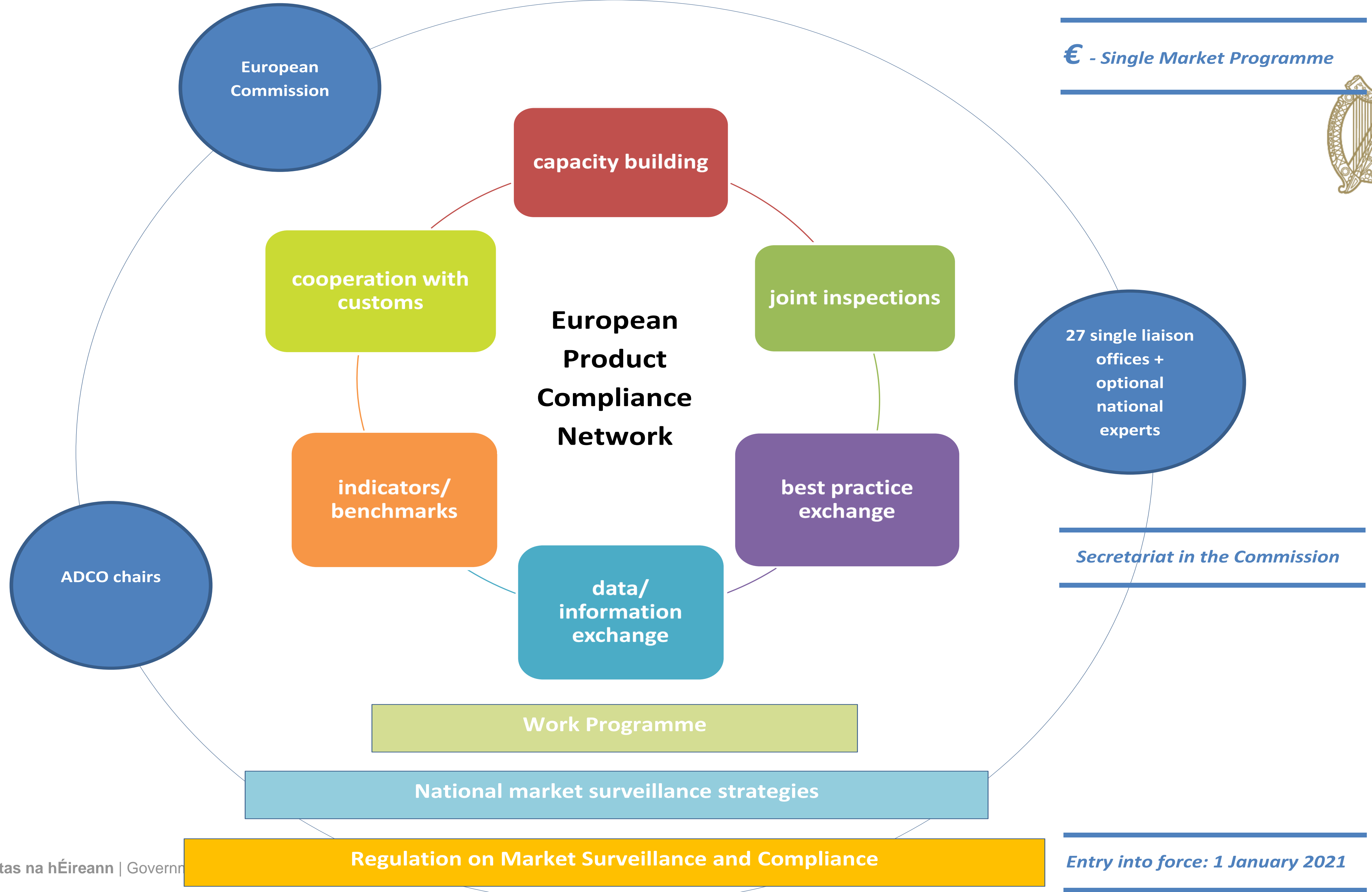
- free of charge information to businesses on-line through national Product Contact Points
- Joint activities MSAs & business or consumer organisations
 - Raising awareness, providing guidance etc

Modernise to cover new supply chains and address on-line sales

- Offers targeted at EU end-users (e.g. online/distance sales) are “placing on the EU market”
- Market surveillance extends to online/distance sales
- New obligations on economic operators e.g. fulfilment service providers and new powers covering cooperation by information society service providers
- For construction products there must be an Economic Operator established in the EU

Enhance effectiveness & cooperation

- At national level
 - Creation of a Single Liaison Office
 - National market surveillance strategies: at least every 4 years; considering all sectors; setting priorities
 - Minimum set of powers: investigation, enforcement and penalties
- Between Member States
 - Cross-border mutual assistance: information and enforcement measures
 - Voluntary peer reviews, - AdCo
- EU-wide
 - Better data sharing in ICSMS; EU Product Compliance Network,



Market surveillance



- Ireland's National market surveillance programme NBC&MSO leads this campaign to perform risk assessments of selected quarrying and pit operations, follow-up inspections, sampling and testing as appropriate to ensure compliance with the CPR.
- October 2021 - NBC&MSO in partnership with Donegal County Council and with the support of Geological Survey Ireland, to carry out a market surveillance audit of all quarries in Co Donegal.

Market Surveillance

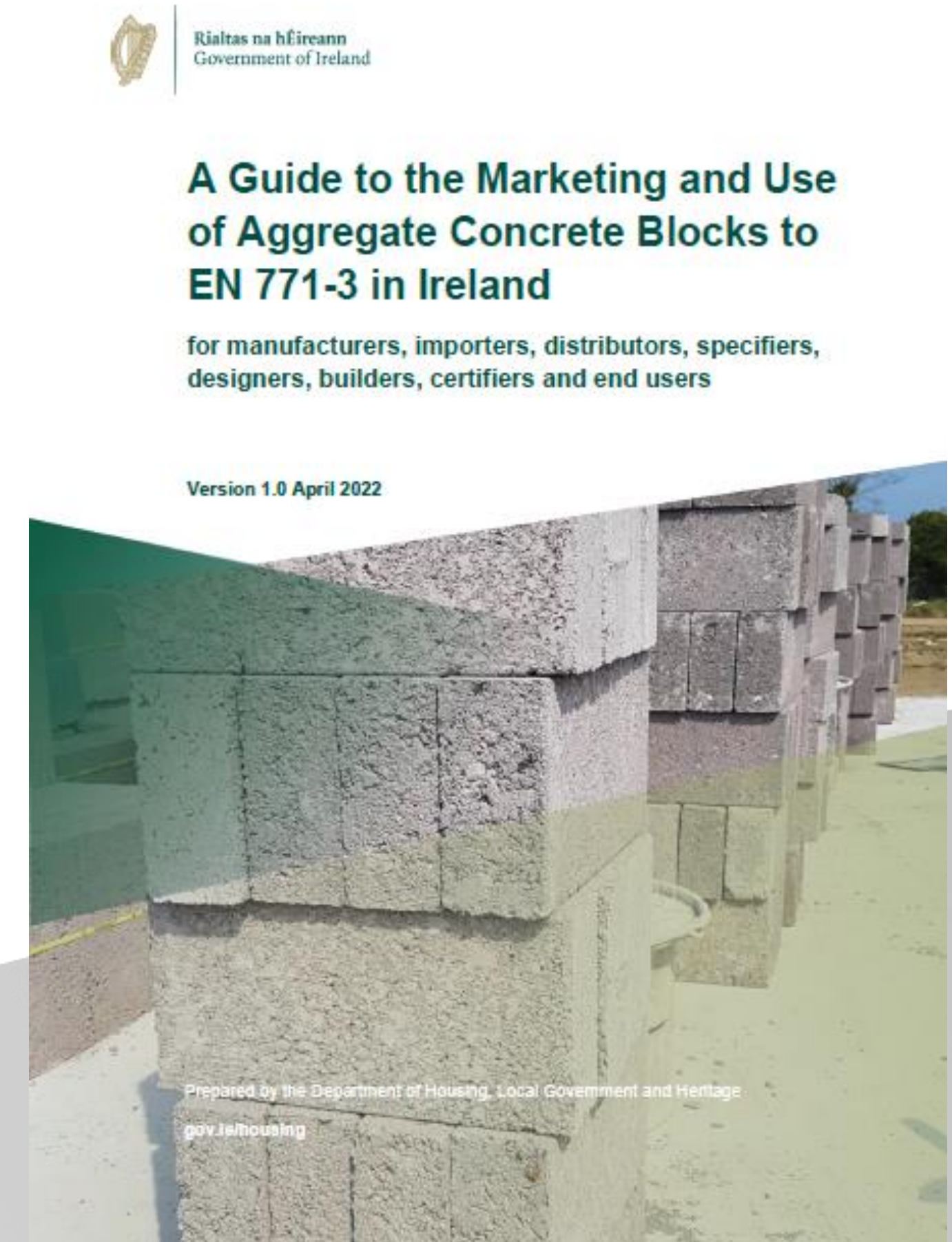


- Report of the Market Surveillance of Construction Products produced from County Donegal Quarries 2021/2022
(published in December 2022)
- Recommendations broadly aimed at:
 - Improving CPR compliance among concrete block manufacturers and the producers of aggregates for use in concrete
 - Identifying and reducing non-compliances
 - Raising awareness of the relevant construction product legislation and associated standards
 - Providing guidance in relation to the EU Harmonisation Legislation
- Implementation group formed in February 2023

A Guide to the Marketing and Use of Aggregate Concrete Blocks to EN 771-3 in Ireland



- Guidance on marketing
- Outlines legal responsibilities
- Facilitate clearer communication



Market Surveillance - Key Messages



- Market surveillance of construction products is an important LA function
- Adequate resources must be made available.
- Staff must be authorised and trained.
- NBCO play a leadership, supportive, co-ordinating role
- Local market surveillance authorities should engage and liaise with NBCO
- Circular - coming soon on Market Surveillance Regulation



Rialtas na hÉireann
Government of Ireland

Regulation of Providers of Building Works Act 2022

Establishment of statutory register for providers of
Building Works

Construction Industry Register Ireland (CIRI)

Regulation of Providers of Building Works ACT 2022



- Objective
 - To establish a robust, mandatory, statutory register
 - To develop and promote a culture of competence, good practice and compliance with the Building Regulations in the construction sector which will benefit consumers and the general public
- CIF has been appointed as the statutory registration body
- Mandatory– from 2025 for house builders followed by other trades

Regulation of Providers of Building Works Act 2022



Entry on the register is open to all builders, whether sole traders, partnerships or registered companies, (mandatory for providers of building works subject to the building regulations) who:

- Demonstrate competence in construction at the appropriate level of registration.
- Commit to continuous development of knowledge of building practice, building regulations and regulatory obligations.
- Confirm tax compliance.
- Declare any convictions under health & safety and/or building control legislation in any jurisdiction
- Have the appropriate public liability insurance and employer's liability insurance if it applies.
- Undertake to adhere to a Code of Conduct
- Complete the CIRI induction module online.



Rialtas na hÉireann
Government of Ireland

Defects in Apartments

Defects in Apartments



The report of the Working Group to Examine Defects in Housing was presented to the Minister on Thursday 28th July 2022.

Terms of Reference - fire safety, structural safety and water ingress defects in purpose built apartment buildings, including duplexes, constructed between 1991 and 2013

- Recommendations of Ch 4 of Safe as Houses Report
- Nature and scale of defects
- Categorisation/ Prioritisation of problem
- Mechanisms of resolving defects
- Cost of resolving
- Loan cost loans

Defects in Apartments

Report of the Working Group
to Examine Defects in Housing

July 2022

Key findings



- Apartments and duplexes constructed between 1991 and 2013 affected by one or more defects (i.e. fire safety-, structural safety- and water ingress defects) is likely to range between 50% and 80% (62,500 and 100,000 apartments/duplexes).
 - *Fire safety defects were found to be the most prevalent defects. 40% to 70% may be affected.*
 - *Water ingress defects may affect an estimated 20% to 50% of properties.*
 - *Structural safety defects may affect an estimated 5% to 25% of properties.*
- Average cost of undertaking the remediation of defects is likely to be approximately €25,000 per apartment/duplex. Potential overall total remediation cost €1.56 billion to €2.5 billion approx.
- Remedial works may already have been completed in respect of up to 12%, and up to 34% of the affected properties may now be in the process of carrying out remedial works.
- No single cause of defects; they tend to arise due to a variety of design, product, inspection, supervision and workmanship issues, occurring either in isolation or in various combinations.



Next steps

- On 18 January Government approval was received to draft legislation to establish supports for the remediation
- The scheme will be administered by The Housing Agency on a nationwide basis and an effective advice and information service within the Housing Agency is being established to support Owners' Management Companies and homeowners
- Work is underway to draft the required legislation which will include the scope, eligibility and conditions of the remediation scheme which will become operational following implementation of the required legislation.
- An advisory group has been established to develop a Code of Practice to provide guidance to building professionals and local authority building control / fire services, including guidance on interim safety measures in the context of the Fire Services Acts.
- Liaison with homeowners representatives is ongoing



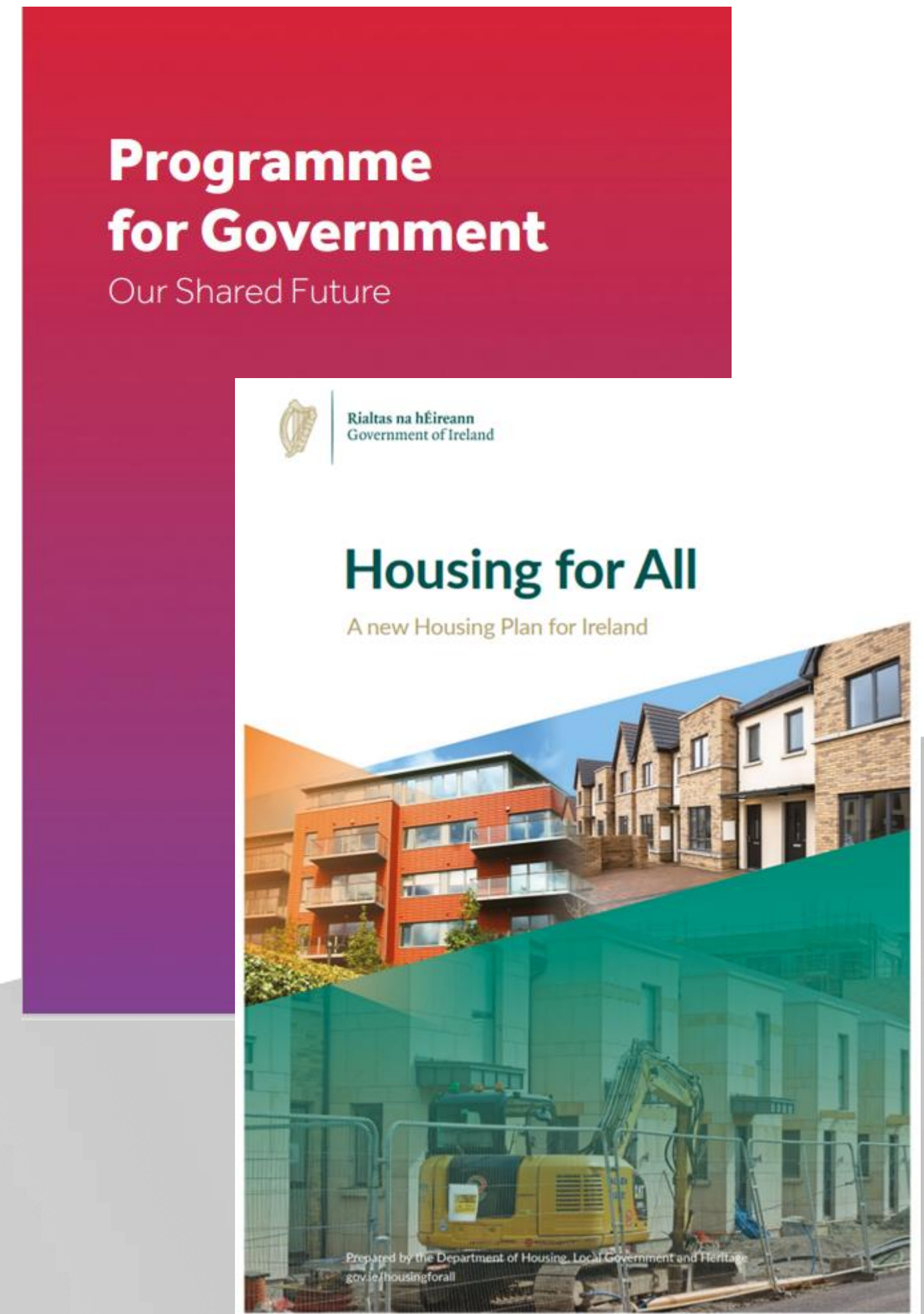
Rialtas na hÉireann
Government of Ireland

Building Standards Regulator

Independent Building Standards Regulator



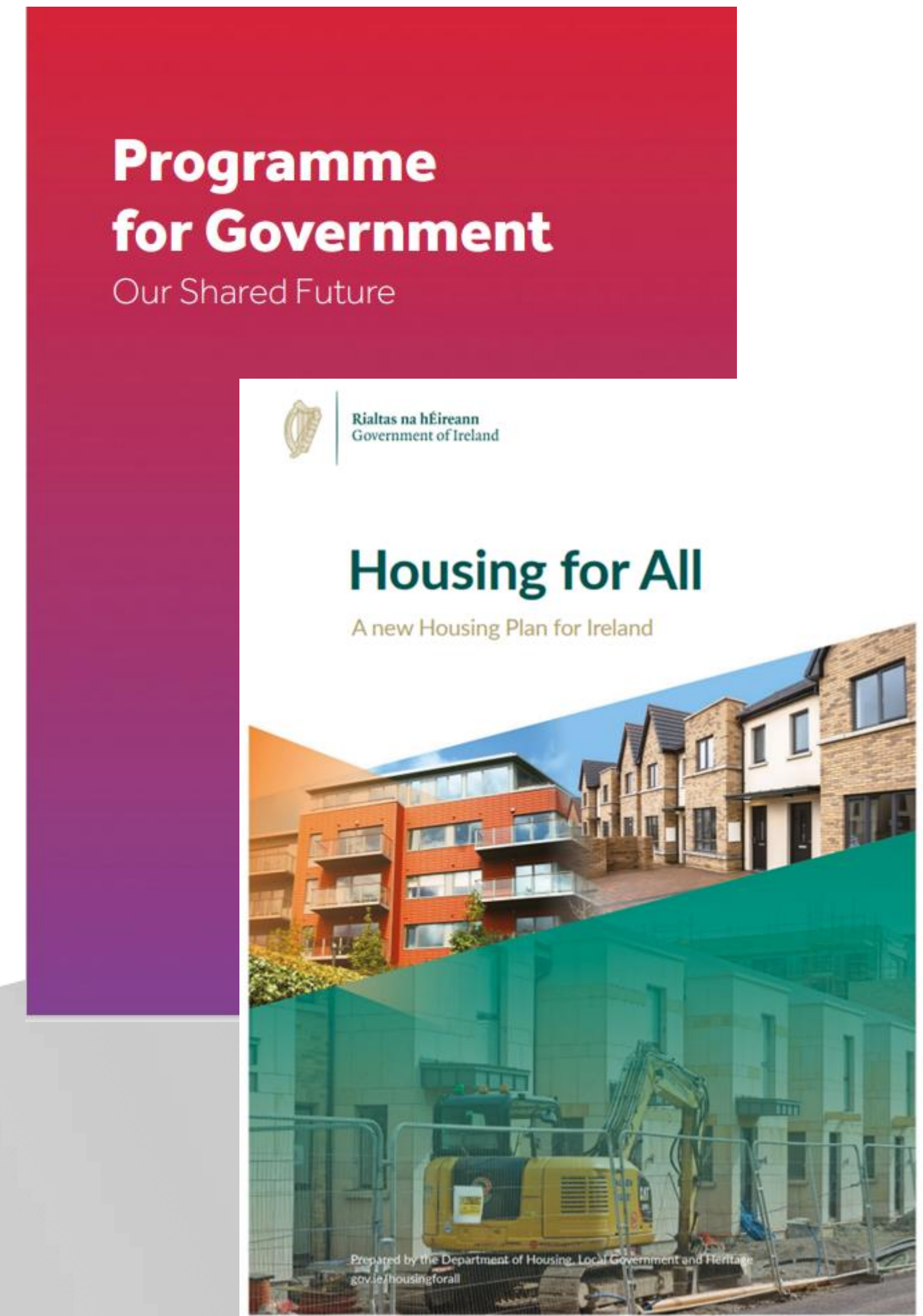
- Programme for Government (2020) & Housing for All (2021/2022) & Government Decision (18/01/2023)
- To strengthen the oversight role of the State, further reduce the risk of building failures and enhance public confidence in construction-related activity.
- The Regulator must have sufficient breadth of scope, effective powers of inspection and enforcement, and an appropriate suite of sanctions.



Independent Building Standards Regulator



- Desktop study – Housing Agency & DHLGH
 - Summary of building control systems and construction product enforcement systems in Ireland and other countries.
 - overview of other relevant regulators and inspectorates in Ireland.
- Dialogue with Local Government Sector on
 - Scope
 - Role
 - Function
 - Structure



Building Regulations Advisory Body



“.... re-establishment of the Building Regulatory Advisory Body.”

Programme for Government (2020) & Housing for All (2021)

Section 14 of the Building Control Act 1990

- to advise the Minister on matters relating to building regulations
- first established on 13 May 1992
- term of office of the last BRAB expired on 1 October 2012

Optimal role in context of Independent Building Standards Regulator

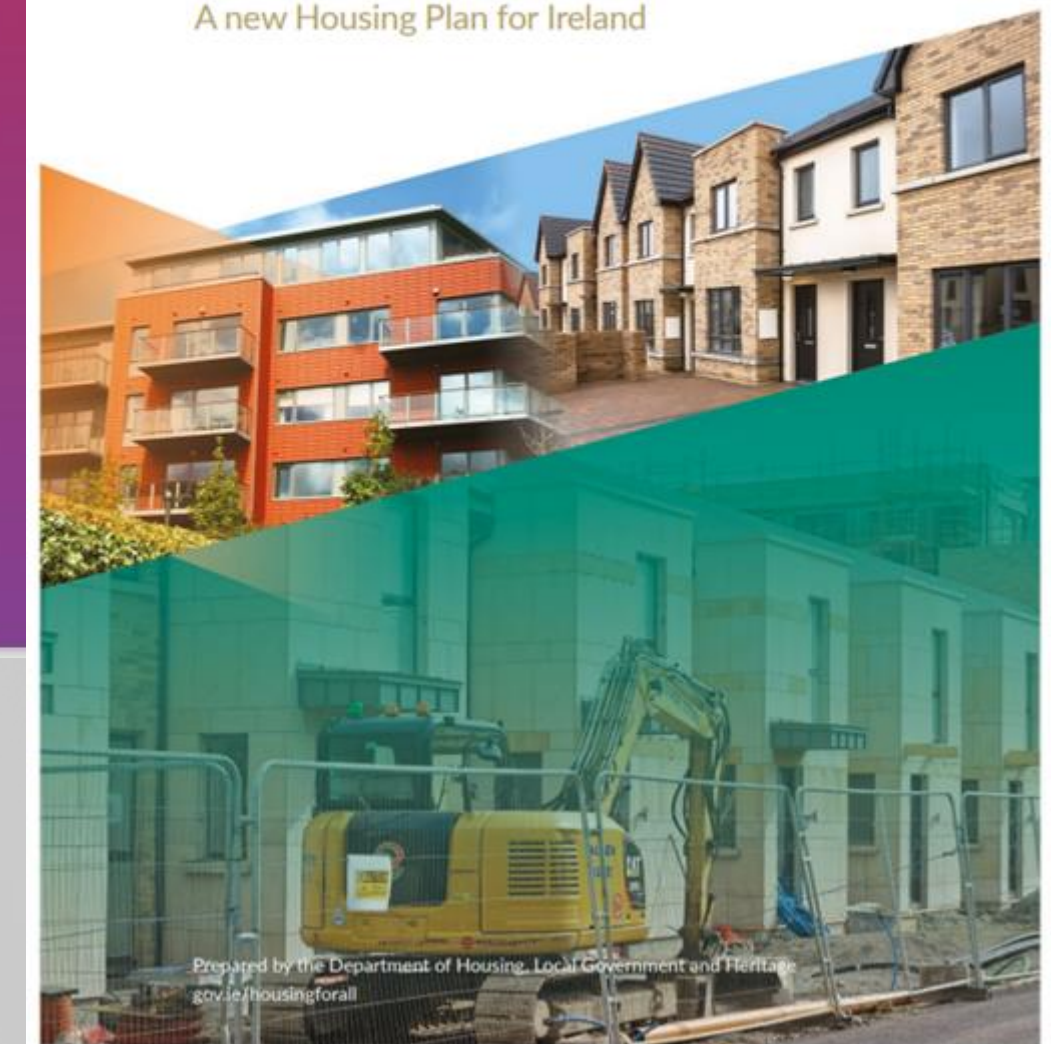
Programme for Government

Our Shared Future

 Rialtas na hÉireann
Government of Ireland

Housing for All

A new Housing Plan for Ireland





Rialtas na hÉireann
Government of Ireland

Conclusions

Culture of Quality & Compliance



Registered Professionals

**Building Regulations/Energy
Performance of Buildings
Directive**

Durability

**Construction Products
Regulations**

Market Surveillance Regulations

**Ecodesign for Sustainable
Products Regulation**

Modern Methods of Construction

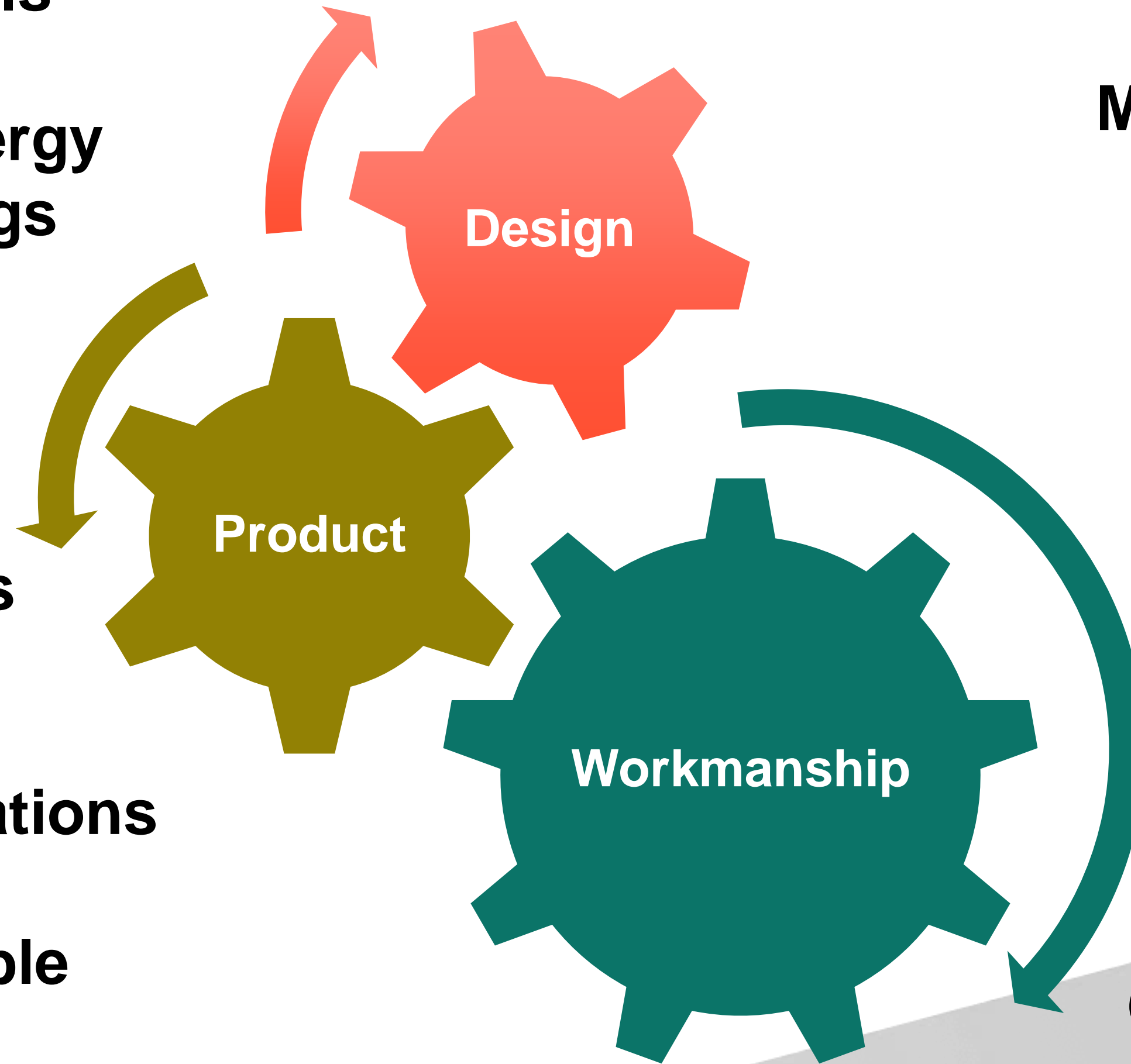
Circular Economy

**Building Regulations / Energy
Performance of Buildings
Directive**

Durability

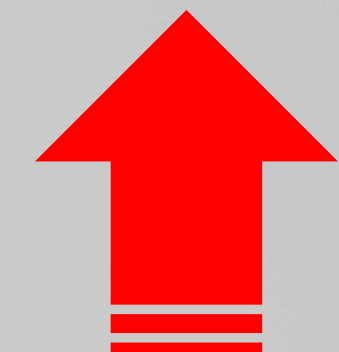
Building Control Regulations

**Construction Industry Register
of Ireland**



Building Control & Market Surveillance

Building Standards Regulator





Rialtas na hÉireann
Government of Ireland

Thank you