



Rialtas na hÉireann
Government of Ireland

IBCI Conference 2024

Legislative Developments in Building Control

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13th March 2024



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Contents

1. Building Regulations
2. NOAC
3. CCMA Governance Structures
4. Construction Products Regulation
5. Market Surveillance
6. Regulation of Providers of Building Works
7. Building Control Acts Amendments
8. Building Standards Regulator



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1. Building Regulations

Review of Part B



- Fundamental Review
 - Public Consultation (2023)
 - 160+ Respondents
 - 4000+ Comments
- ➔ Building Regulations – Part B
- ➔ 2no. Technical Guidance Documents B
- Volume 1- Buildings other than Dwelling Houses (2024)
 - Volume 2- Dwelling House (2017)



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Building Regulations
DRAFT Technical Guidance Document
B 2023

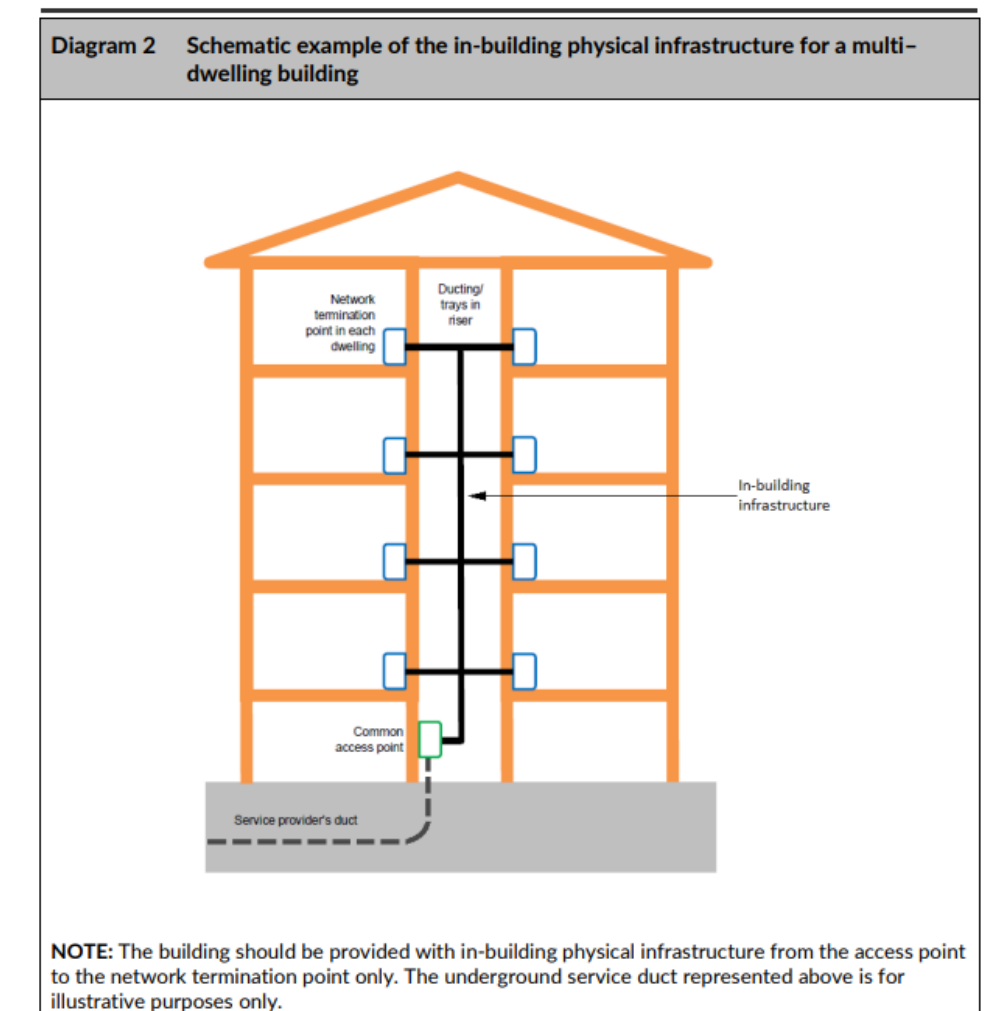
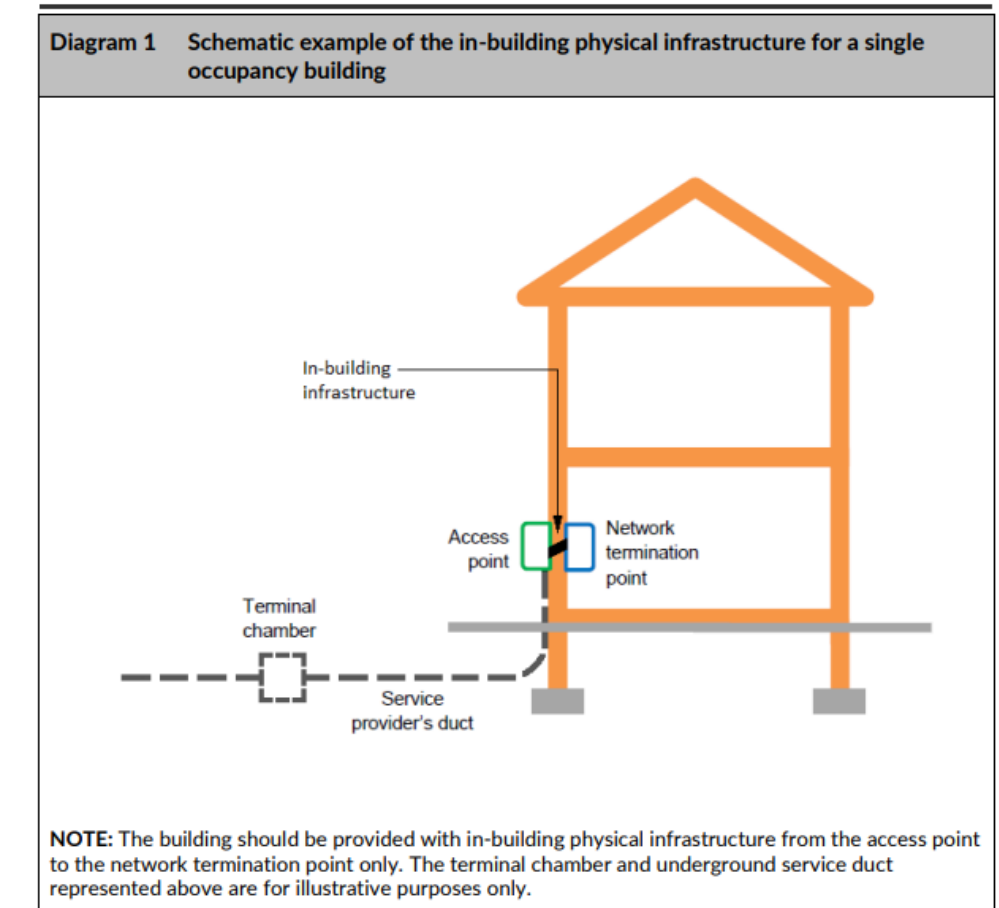
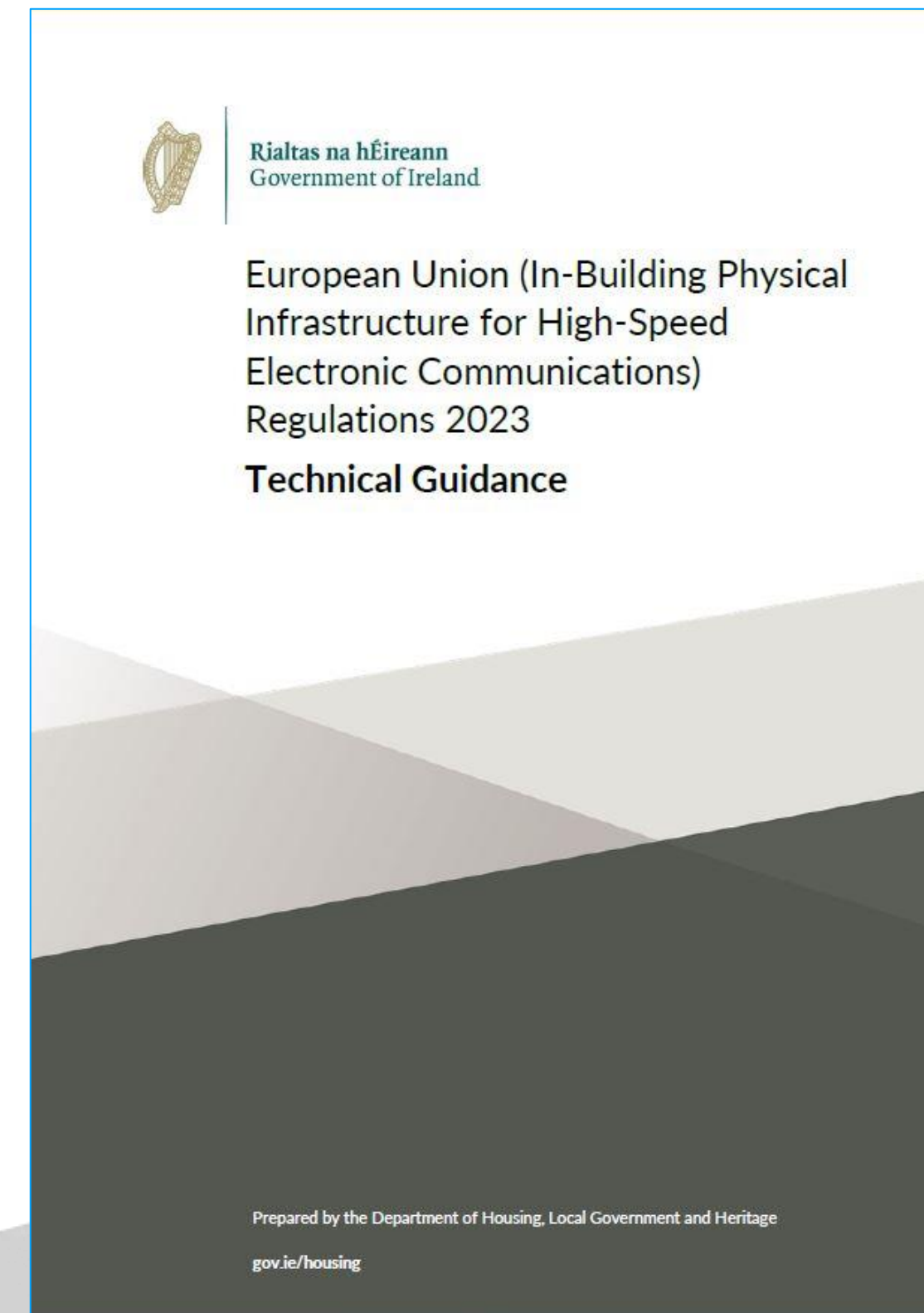
Fire Safety - Volume 1
Buildings Other Than Dwelling Houses

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

Broadband Requirements



- European Union Regulations 2023 (S.I. No. 520 of 2023)
- Applicable for CNs on or after 25/10/2023
- High-speed-ready in-building physical infrastructure to facilitate the future installation of cables or wireless devices capable of delivering broadband speeds greater than 30 megabits per sec.
- Enforceable through Building Regulations





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2. NOAC

Local Authorities – Building Control Inspections



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

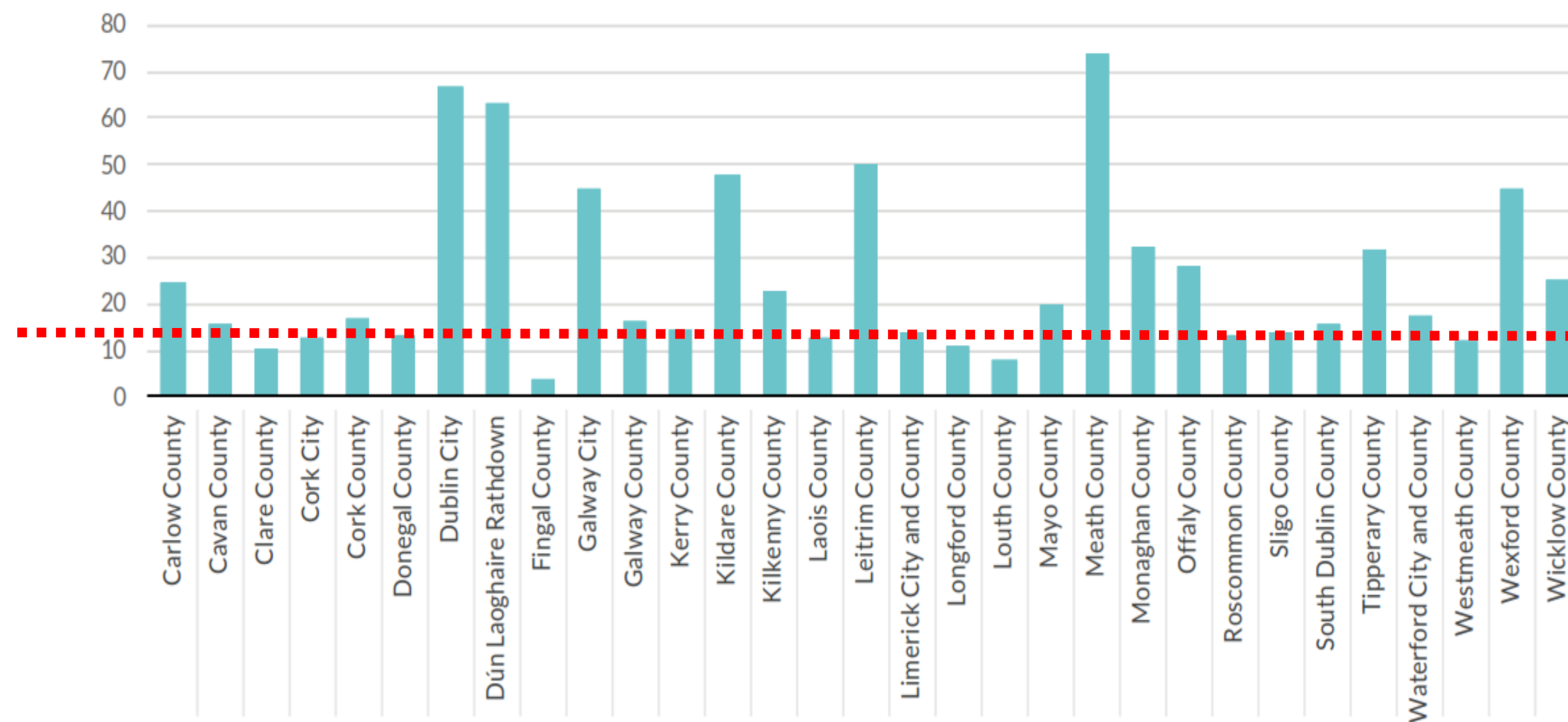
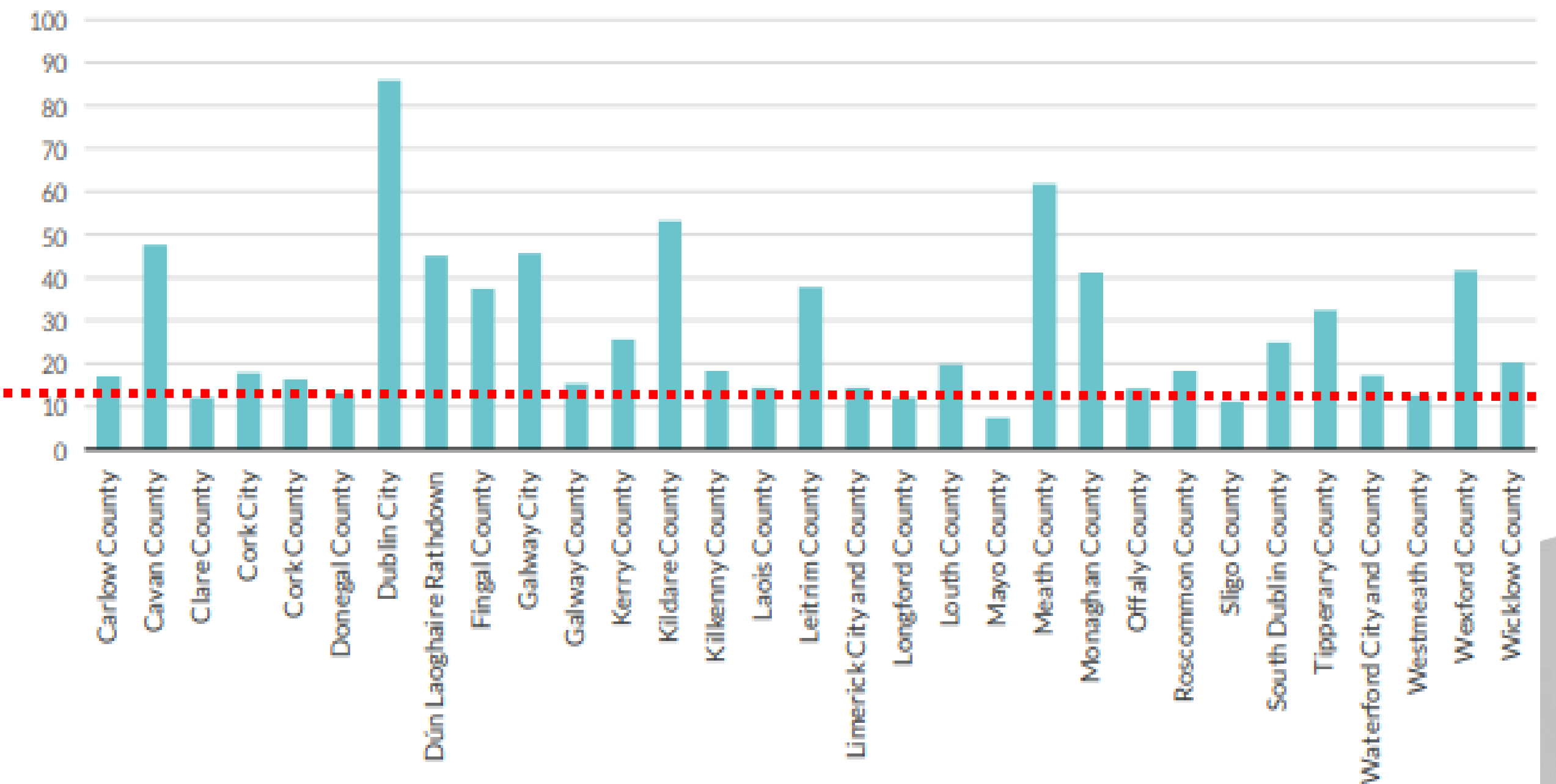


Figure P1: Percentage of buildings inspected as a percentage of new buildings notified 2022



Local Authority Performance Indicator Report 2021
Source: NOAC

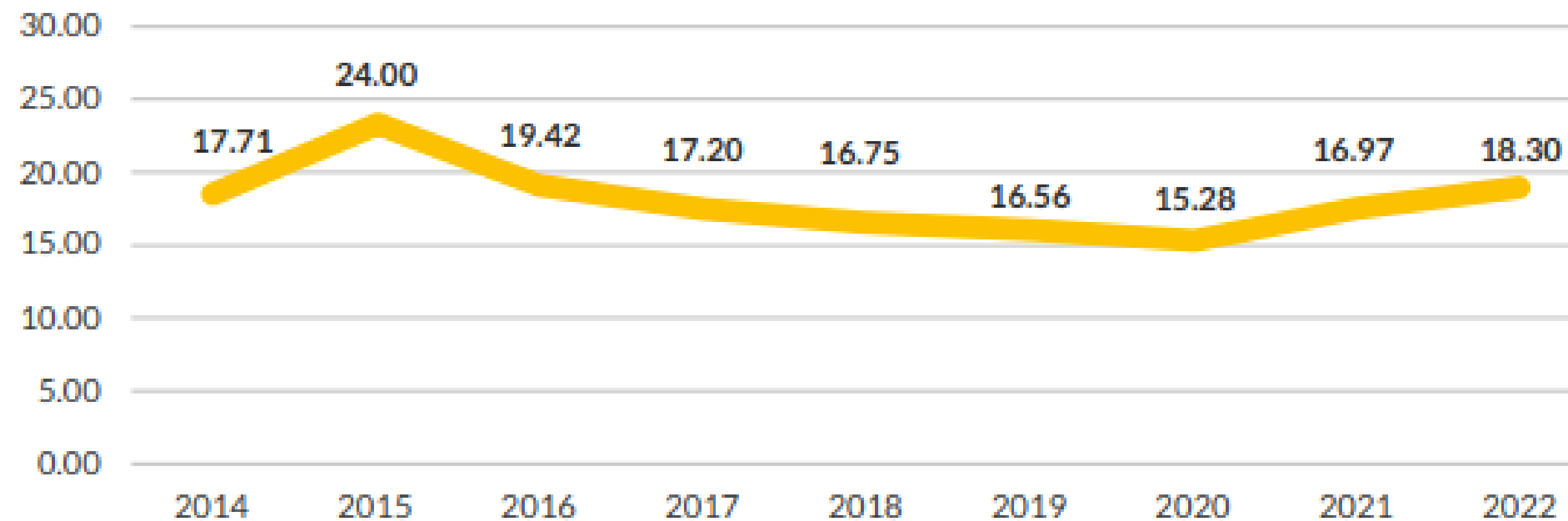
Local Authority Performance Indicator Report 2022
Source: NOAC

Building Control Inspections



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	2022
17.71	24.00	19.42	17.20	16.75	16.56	15.28	16.97	18.30



Other inspections

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

NBCO/CCMA/DHLGH →

Risk based inspections

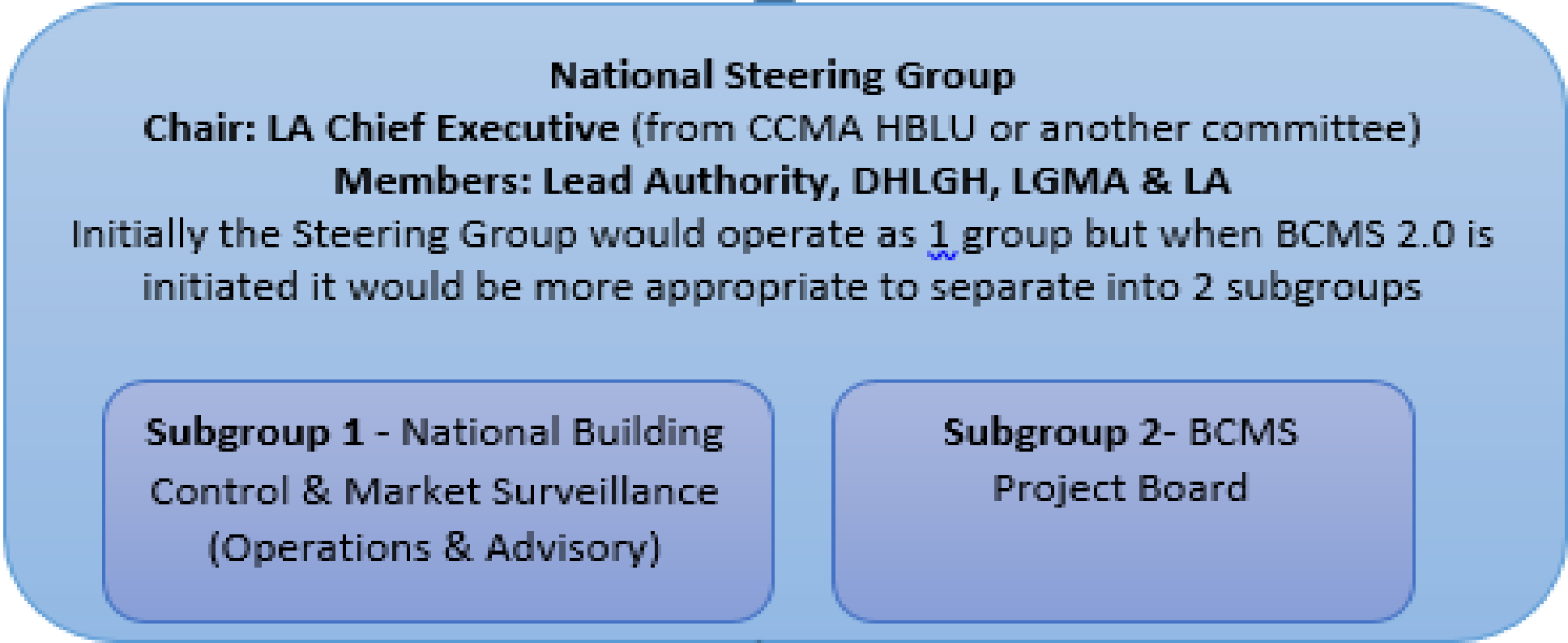
- Not simply 12-15% of new buildings
- Must include Part B - Fire Safety inspections
- Risk based planning of inspections
- Timing of inspections to ensure they are meaningful
- Complaint procedure



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3. CCMA Governance Structures

NBCMP – Governance Structure - 2024





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4. Construction Products Regulation

Construction Products Regulation



Regulation (EU) No 305/2011

To break down barriers to trade and facilitate the free movement of construction products within the European Union
Obligation and responsibilities on **manufacturers, importers and distributors**



Harmonised Technical Specifications

Harmonised Standards – **Mandatory**
European Technical Assessments – **Voluntary** route to CE Marking



3rd Party Certification

Agreed System of Assessment and Verification of Constancy of Performance (AVCP)
Agreed framework of **notified bodies**



Declaration of Performance (DoP) & CE Marking

Once the DoP has been drawn up, the manufacturer must affix a CE marking to the product. CE marking enables a construction product to be placed legally on the market in any EU country and then be traded on the EU's single market



Market Surveillance

Checks to ensure that construction products placed on the market comply with the requirements of the CPR

Construction Products Regulation



- Review of the CPR
 - 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.
- CPR Acquis – product standards

Review of the CPR



A draft text for a revision to the CPR has been provisionally agreed, which intends to deliver:

- Easier delivery of Harmonised Standards
- Mandatory Environmental Declarations
- Green Public Procurement
- Digital Product Passports for Construction Products

Environmental Aims



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

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

Environmental Declaration



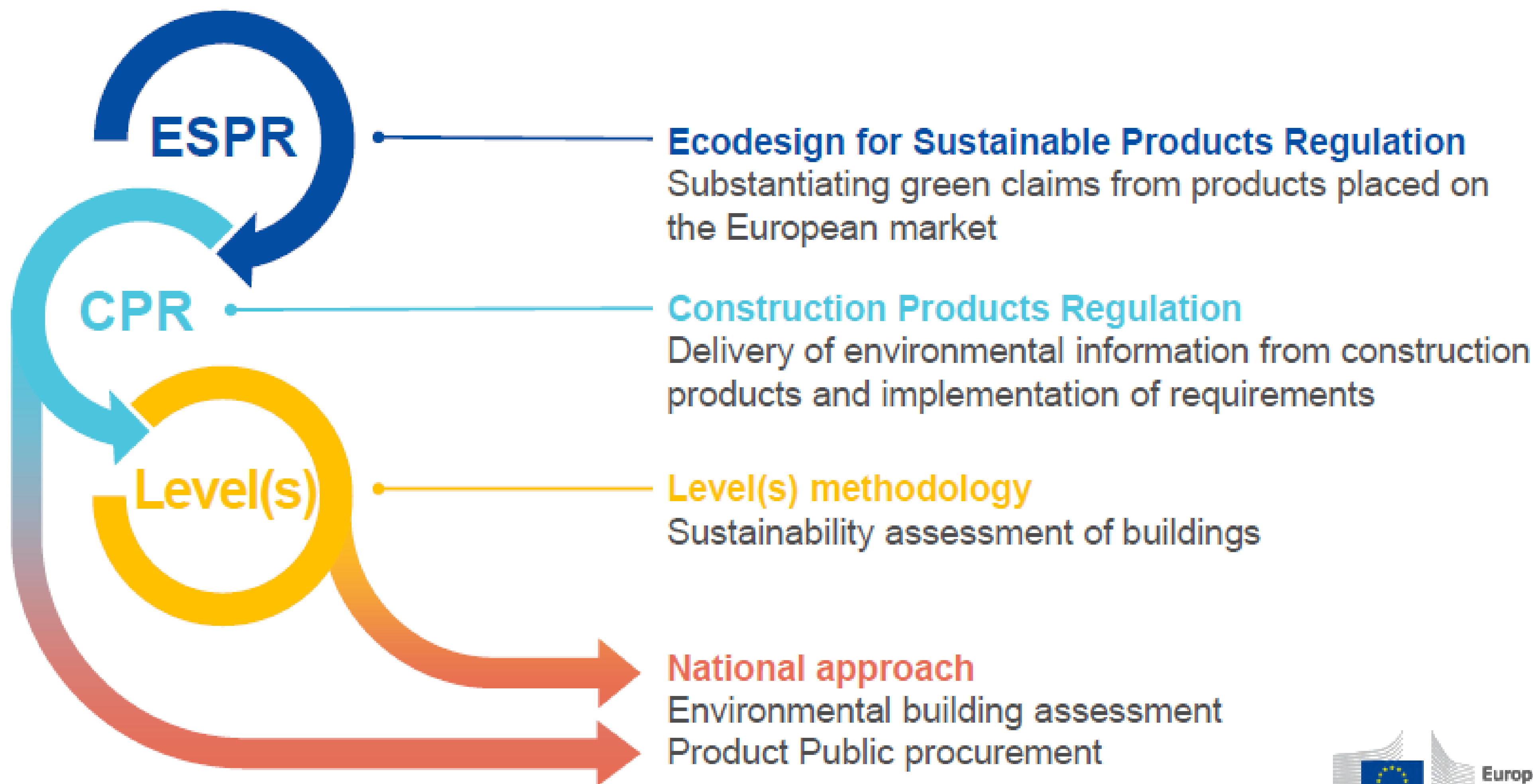
Today – Voluntary Declaration

- 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



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





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5. Market Surveillance

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

Recommendations of the Report of the Market Surveillance of Construction Products produced from County Donegal Quarries 2021/2022

1

- “Aggregates” in National CPR Market Surveillance Strategy
- NBCMSO developing national Market Surveillance website
- SLA with National Competent Authorities – GSI & TII
- NBCMSO collating national activity
- NBCMSO Working Group on Market Surveillance re-established
- Notified Body information sharing

2

- Revision of Market Surveillance Guidelines
- NBCMSO Training schedule

3

- NBCMSO training schedule for Economic Operators
- Industry led training by Construction Industry Federation, Irish Concrete Federation and Homebond

4

- Review resources in local Market Surveillance Authorities
- Working Group on Market Surveillance addressing activity
- Liaison with CCMA
- Consideration in the context of the Building Standards Regulator

5

- NBCMSO - Section 11 Compliance requests to demonstrate compliance with Building Regulations for masonry projects.

6

- Dept & NBCMSO promotion of A Guide to the marketing & use of Aggregate Concrete Blocks to EN 771-3 in Ireland
- NSAI liaison with industry re access to standards.

7

- Geological Survey Ireland plan to develop a National Quarry Register

8

- Research Programme feeding into NSAI standards committee in relation to IS 465 and review of the masonry standard
- GSI managing and procuring research to inform NSAI review of standards.

9

- Petrographic guidance - GSI propose amendments to standards
- GSI propose additional guidance for geologists to be incorporated into standards.



Market Surveillance



Market surveillance of construction products is an important LA function
(Circular Letter BC04-2023)

Local Market Surveillance Authorities

- Adequate Resources
- Authorised & trained staff
- Carry out risk-based, proactive and reactive activity
 - Record on ICSMS
- Liaise, engage, co-operate with NBCMSO
 - Raise awareness
- Include MS in corporate plans

NBCMSO

- Lead & co-ordinate National Market Surveillance Strategy & other campaigns
- Investigate and enforce
- Liaise, engage and support local MSAs – inspections, testing, enforcement
- ICSMS
- Liaise with Revenue
- Handle Rapex notifications
- Standardise business processes & procedures
- Training
- Raising awareness
- Liaise with national authorities
- Represent Irish Market Surveillance at national, EU & international level
- Collect activity data & report



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6. Regulation of Providers of Building Works Act 2022

Establishment of statutory register for providers of
Building Works

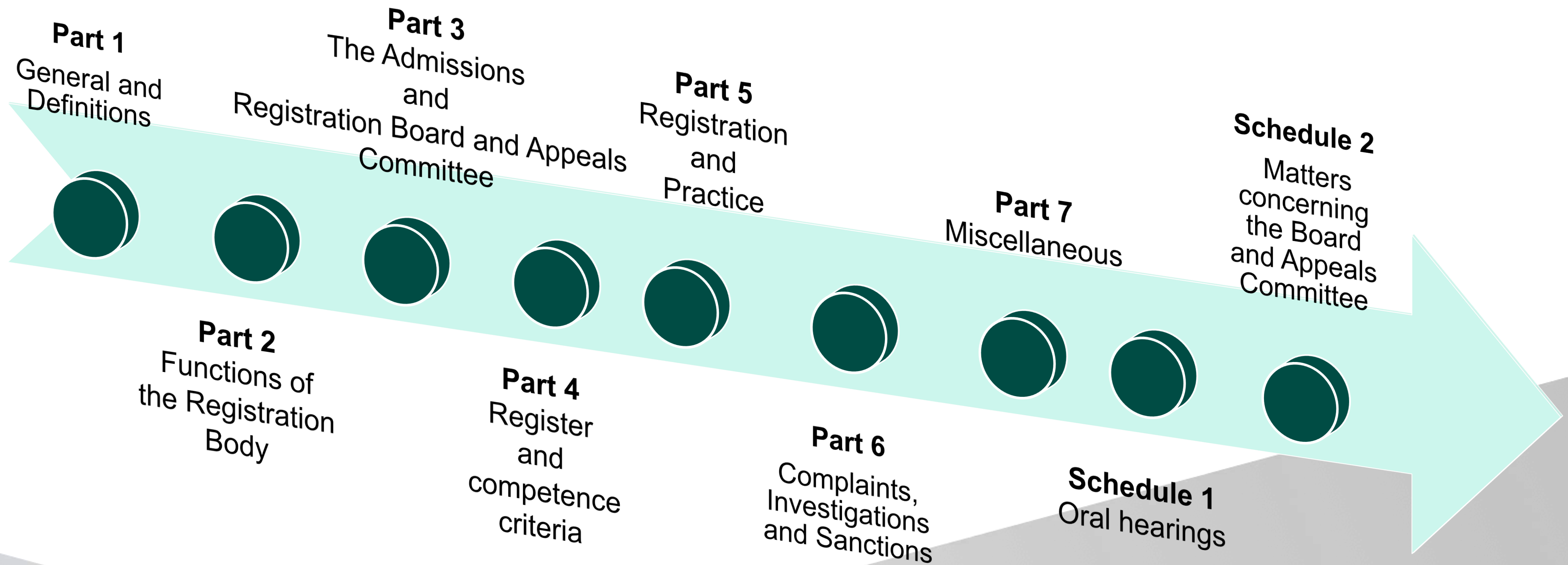
Construction Industry Register Ireland (CIRI)

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
- Board in place (Q4 -2023)
- Registrar in place

Regulation of Providers of Building Works Act 2022



Progress to date



- CIF has been appointed as the statutory registration body
- Board in place
- Registrar in place

Next Steps



- Determination of divisions of the register.
- Determination of competence criteria.
- First division(s) and subdivisions.
 - home builders and non-residential builders.
- Single House, Housing Schemes, Apartment Buildings, Schools, Hospitals, Commercial Buildings, etc.
- Subsequently other trades.



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7. Building Control Acts Amendments

Building Control Acts Amendments



- On 30 January, 2024 Government approved the General Scheme of the Housing (Miscellaneous Provisions) Bill 2024
- Bill includes amendments to the Building Control Acts 1990-2020

Building Control Acts Amendments



The main amendment in respect of Building Control provides:

- a legal remedy for the situation whereby works have commenced or been completed on a building without submitting, by either act or omission, an appropriate valid notice to the building control authorities.

Building Control Acts Amendments



Next Steps:

- Housing (Miscellaneous Provisions) Bill 2024 referred for pre-legislative scrutiny
- Bill expected to be published during the lifetime of this Government



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8. Building Standards Regulator

Building Standards Regulator

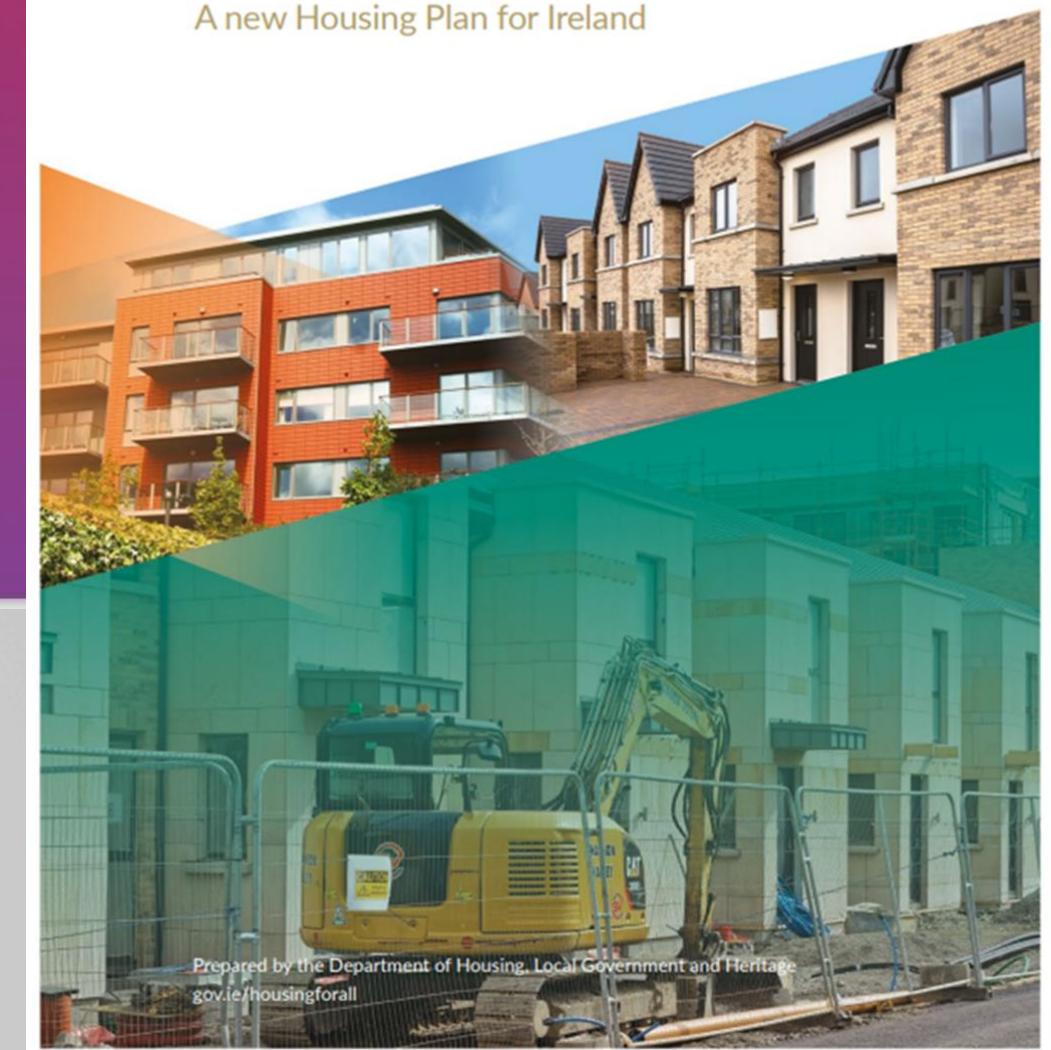


- Programme for Government (2020) & Housing for All (2021/2022) (Action 25.2) & Government Decision (18/01/2023)
- The purpose of the Building Standards Regulator is to strengthen the oversight role of the State with the aim of further reducing the risk of building failures and enhancing public confidence in construction-related activity.
- The Regulator should have sufficient breadth of scope, effective powers of inspection and enforcement, and an appropriate suite of sanctions.
- It is intended that the Building Standards Regulator will be established on a statutory basis (through primary legislation)

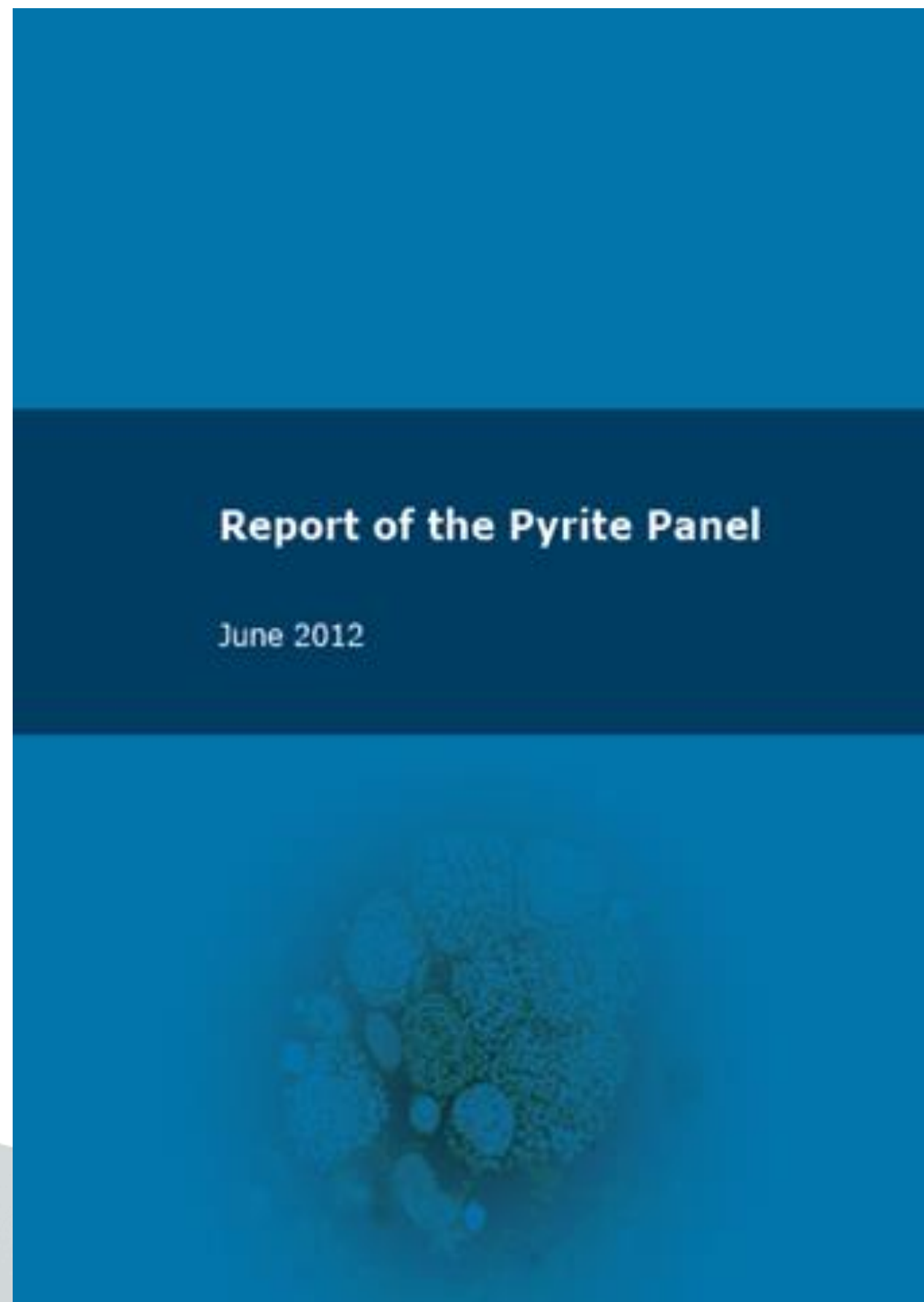
**Programme
for Government**
Our Shared Future

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Housing for All
A new Housing Plan for Ireland

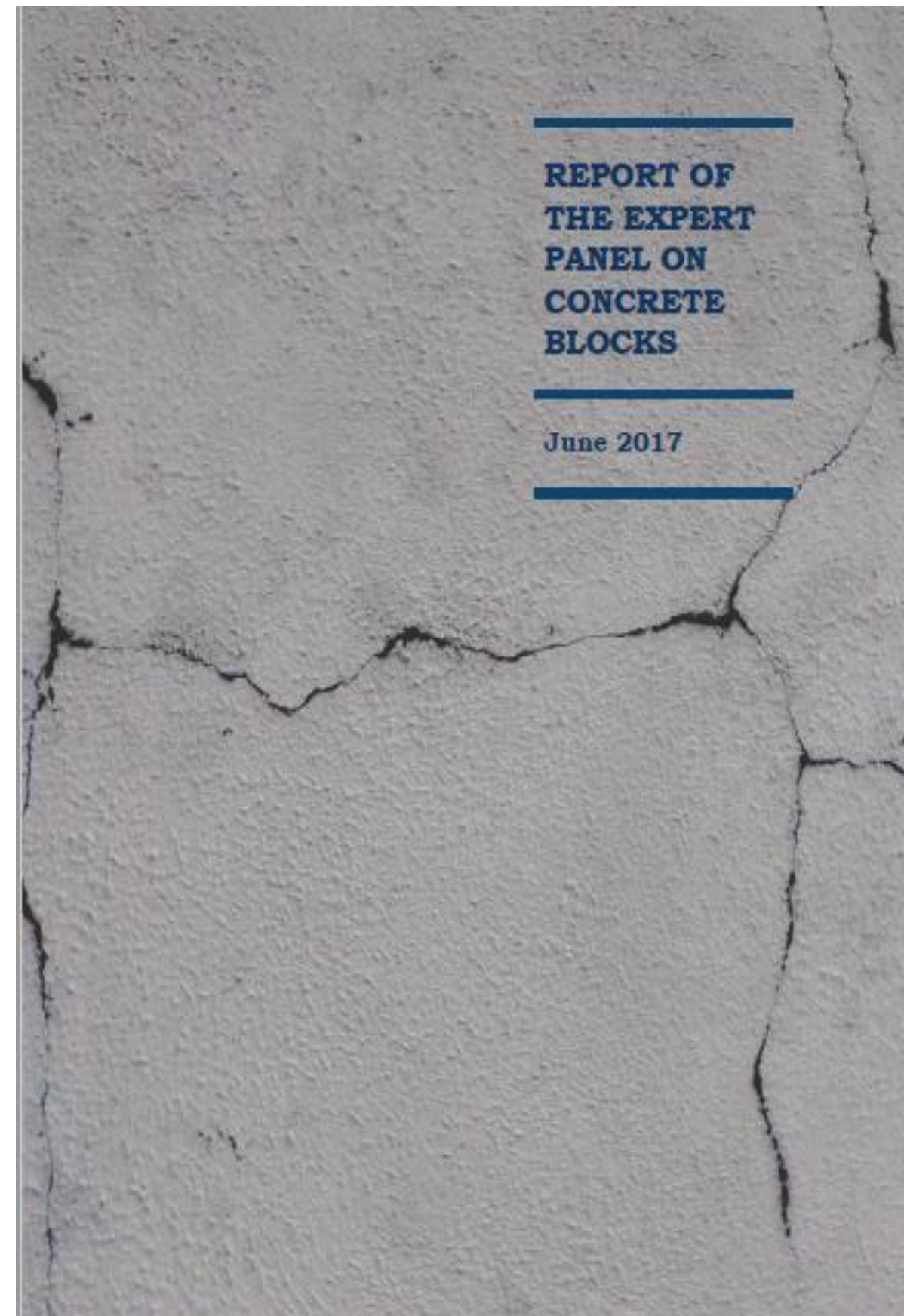


Reports on Legacy Issues



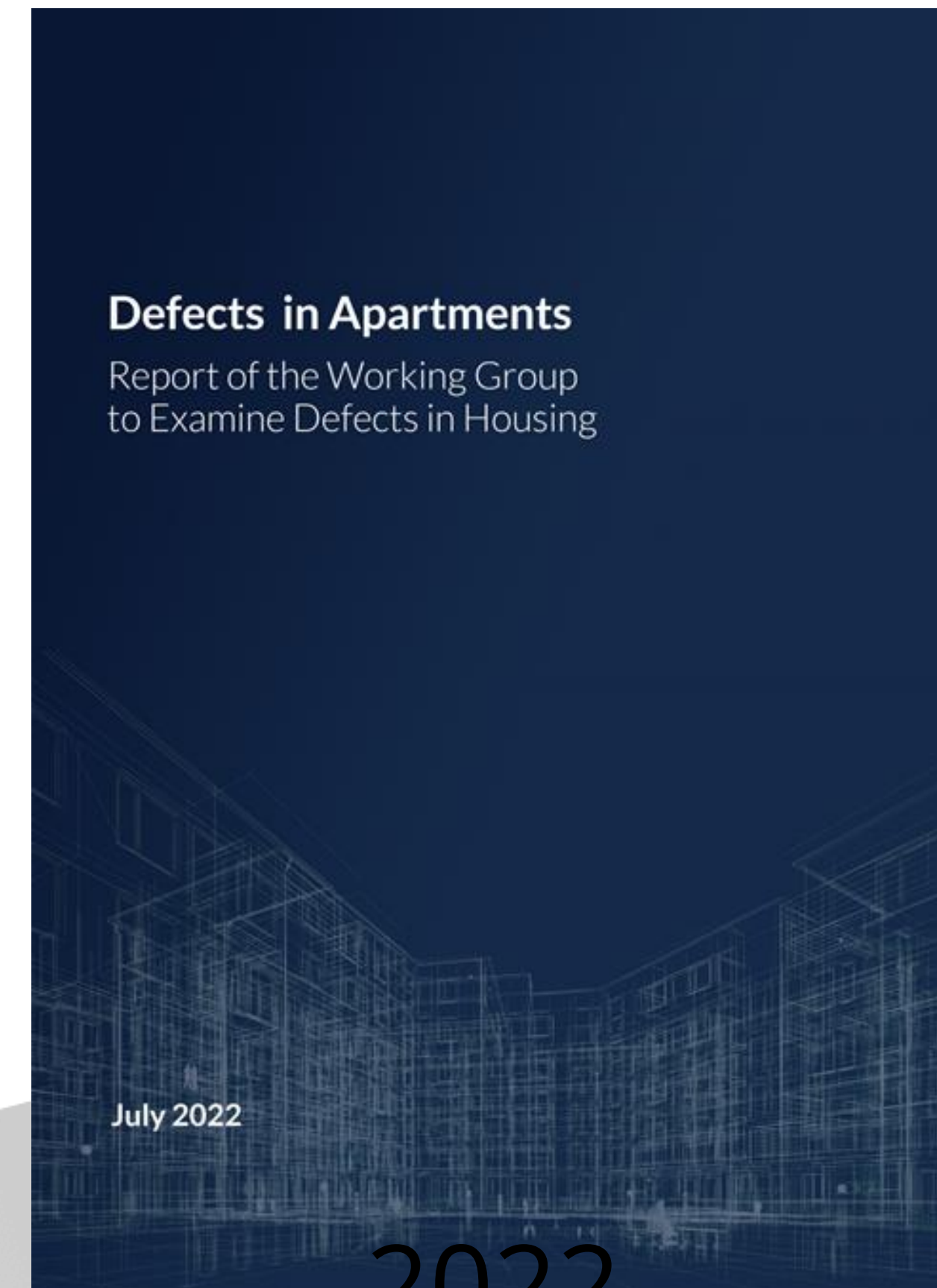
2012

(~ €250million)



2017

(~ € 2.2billion)



2022

(~ €1.5-
2.5billion)

Desktop Study



Desktop study – An Overview of Building Control Systems - April 2023

- 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.

Steering Group



- To provide high-level strategic guidance to the Department in relation to the establishment of the Building Standards Regulator and fulfilment of Housing for All Action 25.2.
- To consider a range of thematic areas, including the proposed scope, role, function and structure of the Building Standards Regulator.
- To consider the interaction of the Building Standards Regulator with existing key stakeholders e.g. local authorities, fire services, planning authorities, European institutions, Building Regulations Advisory Body, National Competent Authorities (GSI, TII) etc.
- To consider the key stages and supports required to establish the Building Standards Regulator.
- To consider any additional matters affecting the strategic direction of the establishment of the Building Standards Regulator.

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**

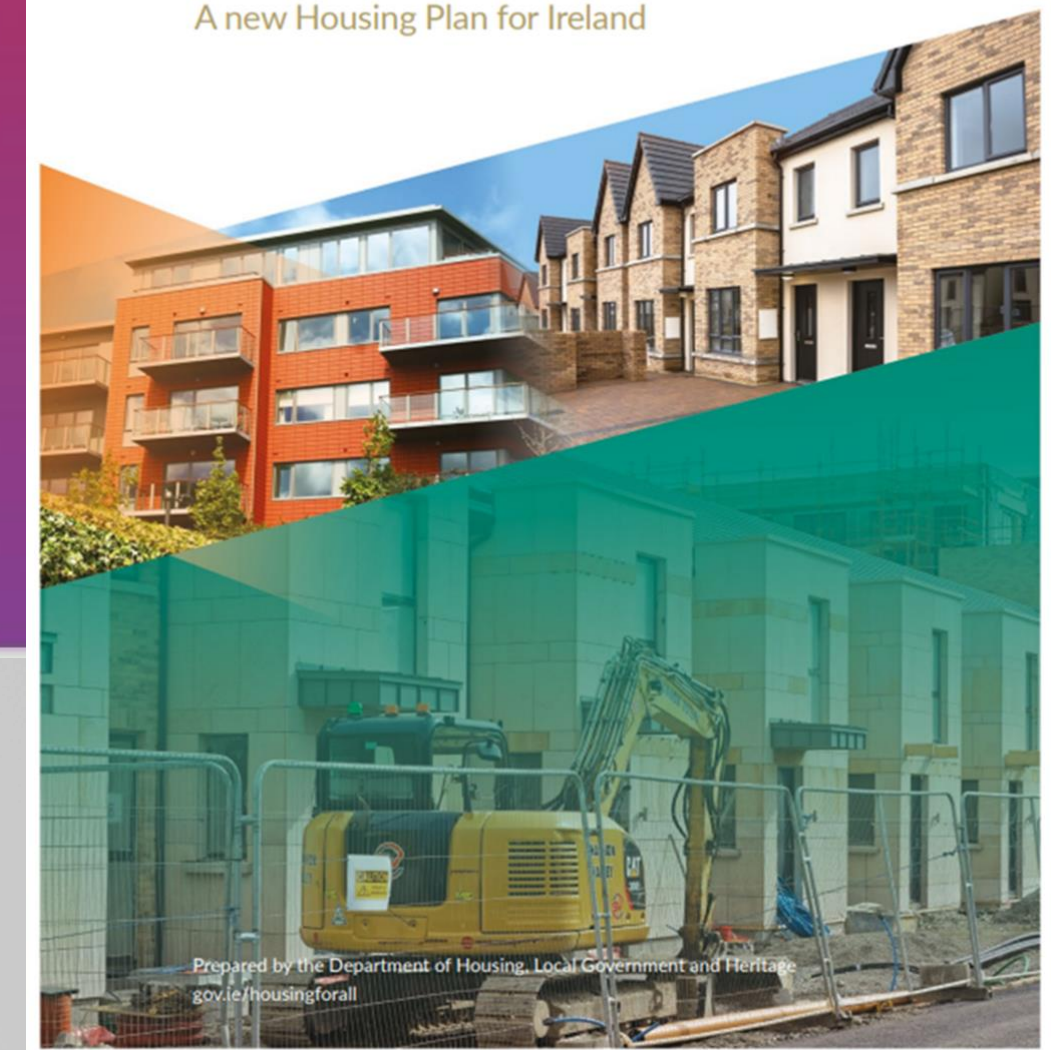
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Housing for All

A new Housing Plan for Ireland





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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

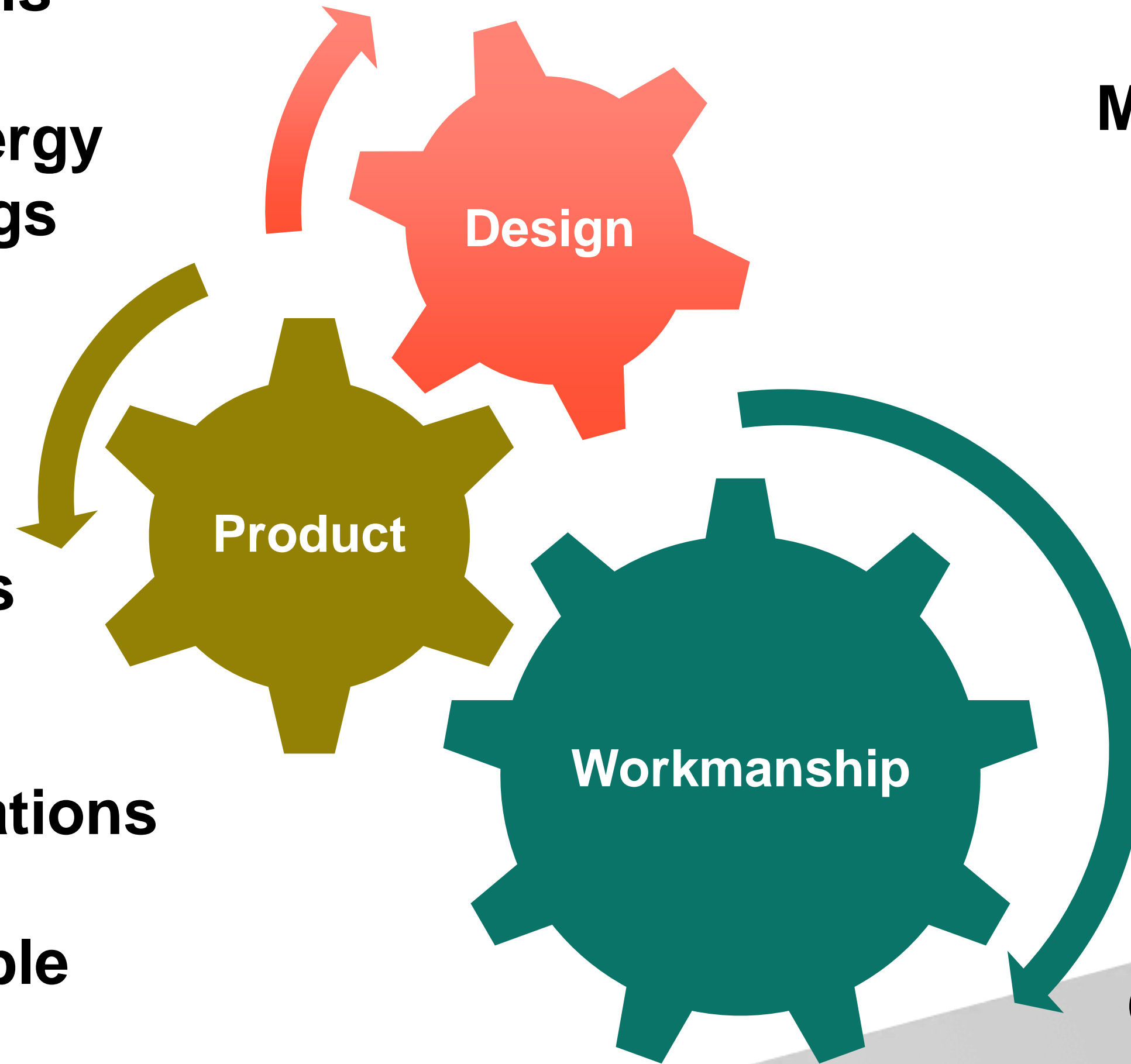
Circular Economy

Building Regulations / Energy
Performance of Buildings
Directive

Durability

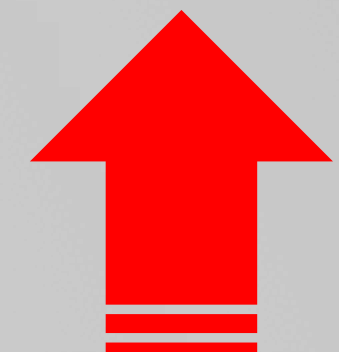
Building Control Regulations

Construction Industry Register
of Ireland



Building Control & Market Surveillance

Building Standards Regulator





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Thank you