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- ▶ **Northern Ireland Building Control Latest Developments.**
- ▶ IBCI Conference 2024





## THE PHONEY WAR

“Having failed to prevent the defeat of Poland in September 1939, Britain and France were faced with the prospect of a long and costly war with Germany. The rapid defeat of Poland was followed by a period of inaction and stalemate in western Europe”. IWM

# LATEST DEVELOPMENTS

It feels like a “Phoney War”

- It is going to be big
  - But we don’t know how big
- It’s going to be costly
  - But we don’t know how costly
- It feels like we are not doing a lot at the moment!
  - Just waiting

# BUILDING CONTROL IN NORTHERN IRELAND – THE PLAYERS.

- **DoF Building Standards Branch** – write the regulations /hear appeals
- **11 Local Council - Building Control Services** administer and enforce the Regulations
  - Receive, assess and reject/approve applications
  - Carry out onsite inspections for all applications(except CWI)
- **Building Control Northern Ireland** – Officer group
- **Department of Communities DofC** – Outworking's of the Building Safety Bill –more of this later!
- **Council – Environmental Health** administer the Construction Products Directive (no interaction with Building Control)

# LEGISLATION - WHAT WE HAVE

- **The Building Regulations (Northern Ireland) Order 1979**
  - **The Building Regulations (Northern Ireland) 2022 - As Amended – Appeals to DfI BSB**
  - **The Building (Prescribed Fees)(Amendment) Regulations (Northern Ireland)**
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- **Enforcement is via Contravention Notices, which have an appeals process, which may lead to court proceedings.**

# LEGISLATION – WHERE IT COMES FROM

- **The McConnell Report (1972)** – set context for Building Regulations and stated that NI regulation should follow (basically) English legislation
- **Dept of Finance BSB** – Use English regulations as a starting point, then take evidence locally, and create NI specific regulations.
- **NIBRAC (Northern Ireland Building Regulations Advisory Committee)** –Statutory body, made of industry figures, to advise on the amendment of the Building Regulations
- **Legislation created at Stormont.**

# WHAT IS HAPPENING NOW?

**Building Regulations are currently in a phased process focused on:**

- **Fire Safety**
- **Energy Efficiency**
- **Access and use**

# FIRE SAFETY

**Phase 1** – Effective ban on combustible materials on relevant buildings(April 2022)

**Phase 2** –Public consultation ended September 2023 and being analysed by Dept.

- Prescriptive reg. for provision of fire suppression in certain buildings
- Amendment to provide adequate smoke ventilation to communal stairs in buildings containing flats
- Amendment to assist fire fighters
  - Hose reel distances, dry riser limitations, vehicular access, evacuation alarms, signage, fire info boxes to medium and high rise
- Extension of fire alarm systems in dwellings
- Provision of fire safety information at handover
- Clarification of requirements in relation to alterations of existing buildings.



# FIRE SAFETY CONT'

## **Phase 3** – Public consultation planned for summer 2024

Further phases expected, and without doubt will be influenced by the outworking of the Expert Panel in Northern Ireland, looking at the report into Building Safety following on from the Hackett Report. – more on that later.

We would also be expecting the release of Phase 2 of the Grenfell Report , perhaps as early as April/May this year, which will have an influence on this projected progress

# ENERGY EFFICIENCY

Uplifts as part of the Energy Strategy “**The Path to NET Zero Energy**”

**Phase 1** – local uplift to new build standard (June 2022)

40% for new dwellings

25% for new flats

By manual adjustment of DER vs TER as computer modelling is not available as we are at a different level from other jurisdictions.

**Phase 2** – Consultation closed December 2023

Results being analysed with expected publication in Summer 2024

This will not result in a change to the regulation, as it is a Pre-Consultation of Phase 3, but will inform further public consultation.

# ENERGY EFFICIENCY CHALLENGES

- There is an appreciable lag relative to other jurisdictions
- High reliance on oil for domestic home heating
- Limited coverage by the gas network
- Electricity grid capacity limitations.

# ACCESS AND USE

## Other things in the pipeline:-

- **Stairs** – possibly a look at stair regulations
- **Ventilation** – important especially when looking at a number of cumulative changes to Energy efficiency in recent years
- **Changing Places Toilets** – Possible application to certain types of existing building when altered/extended
- **Access and use** – possible look at moving from a VISIBLE standard to Adaptable standard (also a planning matter – desire to avoid clashes between Local Development Plans and Building Regulations)



# WHAT ABOUT THE BUILDING SAFETY BILL?

- “The Department for Communities established a **Residential Building Safety Team** to implement the recommendations of the, ‘[Improving Safety in High Rise Residential Buildings in Northern Ireland](#)’ expert panel report. As **the report primarily addressed the issue of fire safety in high- rise residential buildings**, this will be the initial focus of the Team. It is **anticipated however, that further aspects of residential building safety** will come under its remit in due course.”
- The [Expert Panel’s report](#), was published in December 2023. It **identifies issues with the current system** and makes recommendations many of which are **consistent with the Hackitt Review**

# WHAT IS HIGH RISE RESIDENTIAL?

In general terms, **the high-rise residential buildings that will be included in the initial work will normally have 4 or more floors and be over 11 metres high.**

Different to England.

- Residential buildings with 4 or more floors and over 11 metres high to the uppermost floor\* (measured from the lowest floor, which can be underground).
- Buildings which are not fully residential but contain 2 or more residential units and have 4 or more floors and are over 11 metres high to the uppermost floor\* (measured from the lowest floor, which can be underground).

## WILL WE GET A BUILDING SAFETY ACT?

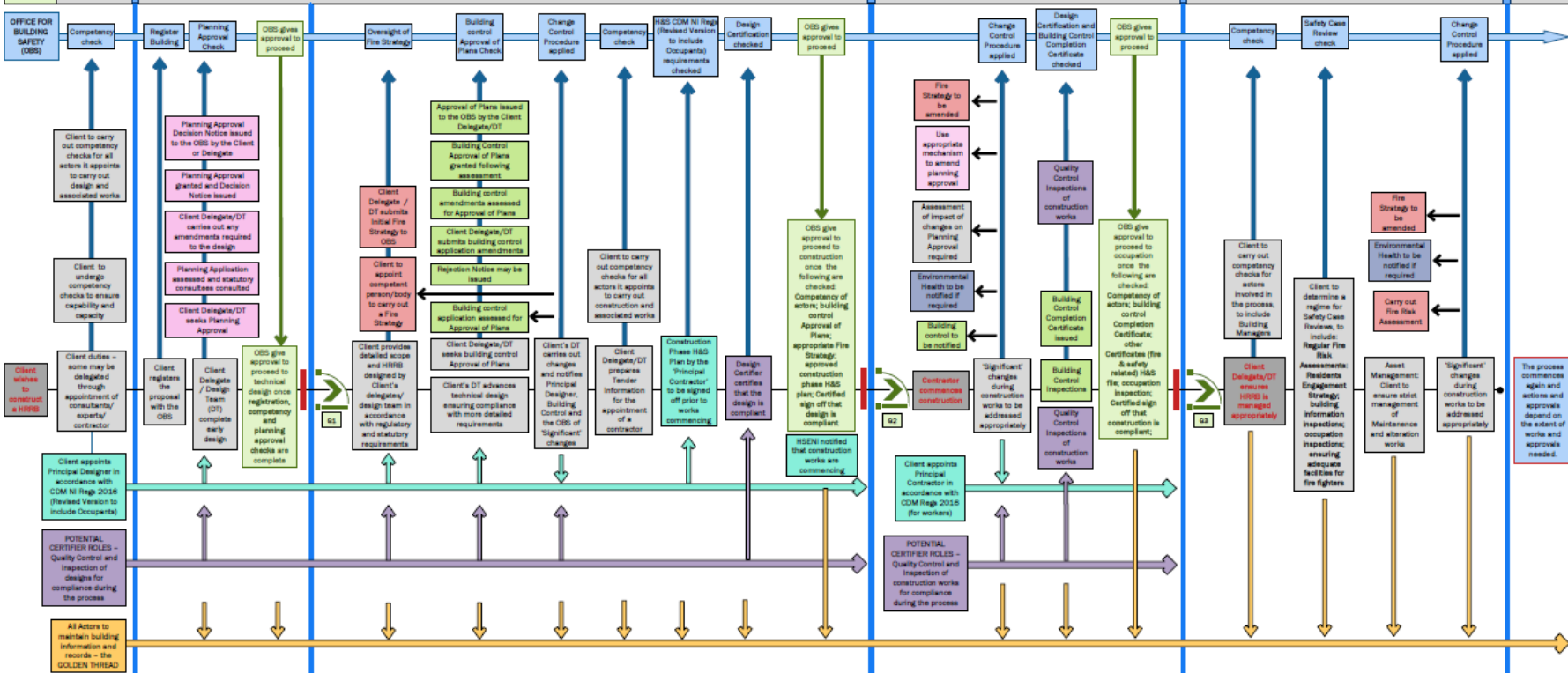
“Whilst it is not yet certain, it is anticipated a new Building Safety Act is likely to be required for Northern Ireland.”

## WILL WE GET COMPETENCIES?

“DfC's Residential Building Safety team will carry out work to determine if competency frameworks or specific mandatory requirements are needed in NI. As work progresses, the team will engage with relevant stakeholders to inform the right solution for NI.”



LIFE STAGES	SCOPE DEVELOPMENT	DESIGN				DESIGN Cont'd	CONSTRUCTION	MAINTENANCE WORKS		ALTERATION & REFORMULATION					
	OCCUPATION & MANAGEMENT														
LEGISLATION	THE LOCAL GOVERNMENT (EMPLOYMENT OF GROUP BUILDING CONTROL STAFF) ORDER NI 1994 HEALTH & SAFETY AT WORK ACT (NI) ORDER 1978 CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS NI 2016				THE BUILDING REGULATIONS ORDER (NI) 2019 (AS AMENDED)		THE HOUSING (NI) ORDER 1992 - Part 46 Provisions for Human Habitation DEFECTIVE PREMISES ORDER (NI) 1975, FIRE & RESCUE SERVICES (NI) ORDER 2006, FIRE SAFETY REGULATIONS (NI) 2010 - Private Tenancies Act (NI) 2022		INTERNATIONALLY THE SAME ORIGINALLY CONSTRUCTION STANDARDS APPLIED IN OTHER JURISDICTIONS						
	THE PLANNING NI ACT 2011														
GOVERNMENT BODIES / STATUTORY MANDATES	Department for Economy (DE) Health & Safety Executive NI (HSENI) CDM Regs for workers only	Department for Infrastructure (DI) planning legislation	Department for Communities (DC) housing legislation	Department for Economy (DE) Health & Safety Executive NI (HSENI) CDM Regs for workers only	Department for Infrastructure (DI) Health, water and drainage legislation	Department for Finance (DF) building regulations	Department for Health (DH) fire safety legislation	Local councils - planning, building control and environmental health	Non-departmental Public Bodies (NDPBs) - NIRS (DH), NIW (DE), NEA (DF)	Department for Communities (DC) housing legislation	Department for Infrastructure (DI) Health, water and drainage legislation	Department for Health (DH) fire safety legislation	Local councils - environmental health	Non-departmental Public Bodies (NDPBs) - NIRS (DH), NIW (DE)	Department for Economy (DE) Health & Safety Executive NI (HSENI) CDM Regs for workers only



**KEY TO COLOURS OF BOXES**

Office of Building Safety (OBS)	Action/requirement associated with the OBS	HSENI	Action/requirement associated with the Health and Safety Executive NI (HSENI)
Client and appointed actors	Client responsibilities - delegated actions	Environmental Health	Action/requirement associated with environmental health in local councils
Planning	Action/requirement associated with planning approval	Fire	Action/requirement associated with fire safety
Building Control	Action/requirement associated with building control in local councils		

Regardless of procurement strategy or contractual route, the imposed mandatory gateways prevent works from continuing to the next stage without OBS approval

Robust Sanctions also need to be considered to deter inappropriate behaviours

# THE PRACTITIONER'S PERSPECTIVE

## A Mountain to Climb



## Challenges

- NI is not the same
- Training the industry
- Big steps but still behind other jurisdictions
- Gas grid /Electricity grid
- Office of Building Safety
  - What will be required
  - Who will do it / Competition for skilled staff
  - How do we cover the additional costs ?
  - Two strand system

# THE PRACTITIONER'S PERSPECTIVE

## Build Better



## Benefits

- More up to date Regulations
- Safer, more efficient buildings
- Better Building Control professionals
- Gateways for HRRB's
- Better control of construction products?

# THE PRACTITIONER'S PERSPECTIVE

## Political Satire c.1773

“No Taxation without Representation”



## My Wish List

- Use the benefits of Building Safety Bill, for all Building Control applications
  - No Commencement without Approval
  - No Occupation without Completion
  - Improvement Notices-more timely enforcement.
  - Stop Notices –cleaner enforcement

THANK YOU