



December
2019

31 Building Control Authorities Promoting a Culture of Compliance with the Building Regulations

The CCMA/NBCMP “**Framework for Building Control Authorities V1.1 2016**”

provides guidance for Building Control Authorities (BCAs) in undertaking their functions under the Building Control Acts 1990 to 2014 which include:

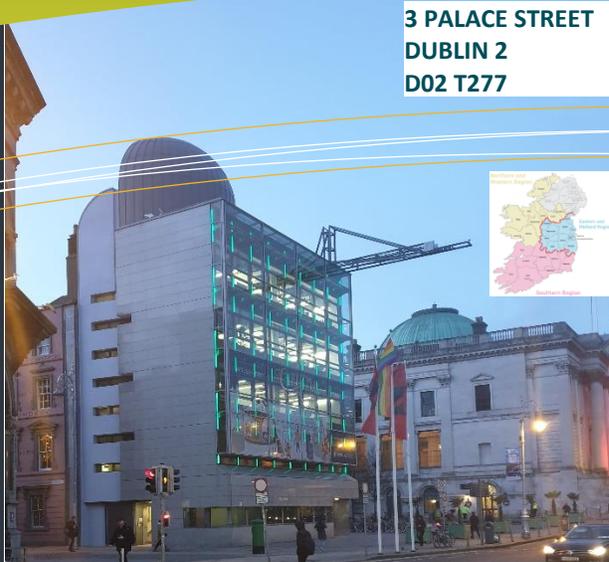
- Administration of the Building Control Regulations
- Monitor compliance with the Building Control Act and Regulations through Inspections– Section 11.
- Take Enforcement Proceedings in cases of default – Section 8.
- Bring prosecution proceedings against defaulters – Section 17.
- Maintain the Statutory Building Control Register.

BCAs are also the designated enforcement authorities for the purposes of ensuring compliance with:

- Marketing of Construction Products in line with EU (Construction Product) Regulations 2013 (SI No. 225 of 2013); Appendix I
- Building Energy Rating Certificates in line with the EU (Energy Performance of Buildings) Regulations 2012 (SI No. 243 of 2012); Appendix II
- Registration of multi-storey buildings under the LG (Multi-storey Buildings) Act 1988.

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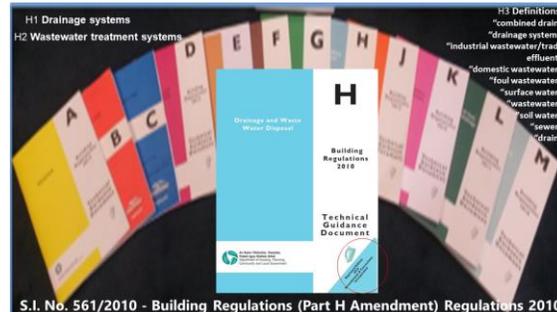
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Buildings Regulations and Building Control.



S.I. No. 561/2010 - Building Regulations (Part H Amendment) Regulations 2010

Regulations (Building Regulations) in a civilised society are made for the health and safety of the citizen and the protection of the environment.

DRAINAGE and WASTE WATER DISPOSAL, (S.I. No. 561/2010) **Part H** compliance has an increasingly important role to play in the public policy imperative of preserving public health and the quality of Ireland’s water resources in keeping with the EU Water Framework Directive.

To comply all Materials and workmanship must be fit for the purpose for which they are intended.

Compliance to ensure groundwater protection requires that pipes should have flexible joints which remain watertight and durable to withstand loads below ground for their lifetime i.e. 60-100 years. For guidance refer to **Table 7, p15, TGD Part H** i.e. the design must minimise the risk of blockage or leakage. **VIP Testing & Inspection Plan.**

Protecting public health requires proper design to prevent foul air from the drainage system from entering buildings under working conditions i.e. ventilation to prevent the build-up of gases and proper sealing of pipe/duct voids **Diagram 12 p26 TGD Part H**-will also keep out vermin!

PART H COMPLIANCE REQUIREMENTS:

H1 Drainage systems:

- (1) A building shall be provided with such a drainage system as may be necessary for the hygienic and adequate disposal of foul wastewater from the building.
- (2) A building shall be provided with such a drainage system as may be necessary for the adequate disposal of surface water from the building.
- (3) No part of a drainage system conveying foul wastewater shall be connected to a sewer reserved for surface water and no part of a drainage system conveying surface water shall be connected to a sewer reserved for foul wastewater.

H2 Wastewater treatment systems:

- (1) A wastewater treatment system shall be so designed, sited and constructed that:
 - a) it is not prejudicial to the health of any person,
 - b) it does not cause a risk to public health or the environment,
 - c) it prevents unauthorised access but allows adequate means of access for emptying and maintenance,
 - d) it will function to a sufficient standard for the protection of health in the event of a system failure,
 - e) it has adequate capacity,
 - f) it is impermeable to liquids, and
 - g) it is adequately ventilated.
- (2) Information on the wastewater treatment system and any continuing maintenance required to avoid risk to health and the environment shall be provided to the owner.

Circular Letters: BC 02/2011 & BC 06/2012

Frequent Queries

Q1. Nominated Date - what is the latest date that supporting compliance documentation can be presented to the Building Control Authority (BCA) or uploaded to the BCMS as part of the "Nominated date on which a valid Certificate of Compliance on Completion (CCC) is intended to be entered on the Register" process?

A1. Article 20F8 of [S.I. 9 of 2014](#) provides for a Nominated Date for the inclusion of the CCC on the Register.

Where plans, calculations, specifications and particulars and the Inspection Plan as Implemented are submitted to a BCA on a date not more than 5 and not less than 3 weeks prior to a nominated date; the BCA shall at that point begin to consider the validity of the prospective CCC, so that the BCA is in a position to include the details of the CCC on the register on the nominated date provided that a valid CCC is received by the BCA on a date **not later than the date preceding the nominated date**. BCA has a full day for assessment. E.g. notified date, May 31st, BCMS facilitate upload until 23.59pm May 29th.

Ref; [Code of Practice for Inspecting and Certifying Buildings and Works](#) S8.3.

This BCA checks that there are no unresolved matters in relation to requests under **Section 11** of the Act or **Enforcement Notices** or conditions attached to **Fire Safety or Disability Access Certificates** etc; and checks the names of the Assigned Certifier and Builder as provided.

If the BCA is **not satisfied** that matters are in order it will notify the Assigned Certifier that a CCC cannot be accepted and give reasons why.

(d) If the BCA is **is satisfied** that matters are in order; and a valid CCC (consistent with the project described in the relevant Commencement Notice and the documentation submitted 3 to 5 weeks earlier) signed by the Builder and Assigned Certifier is presented no later than one working day prior to the nominated date, the CCC will be included on the register on the nominated date.

support@nbco.gov.ie



Q3 Eastern & Midlands Regional Building Control Committee hosted by Fingal

The Regional Building Control committees are key to collaboration on Building Control matters, current compliance issues and the promotion of the standardisation of the delivery of Building Control across the 31 Building Control Authorities

Q2 How do I know my builder or designer is competent?

A2. "Competent Person": [Code of Practice for Inspecting and Certifying Buildings and Works](#) "a person is deemed to be a competent person where, having regard to the task he or she is required to perform and taking account of the size and/or complexity of the building or works, the person possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken". Many "competent persons" will be members of a professional organisation relevant to their craft/profession.

Q2 Building Activity; Commencement Notices, Certificates of Compliance on Completion.

A2. For Building Activity search the [Statutory Building Control Register](#) on the [BCMS](#) [localgov.ie](#) website. Search by owner, builder, designer, assigned certifier, county, Commencement Notice Reference number, date etc. Sign in and download the register in csv/pdf for further mining. Note; if a Commencement Notice Description is not completed correctly the first search may not be accurate; recommend downloaded register.



Q3 Submitting a Commencement Notice with a Declaration to Opt Out of Statutory Certification?

A3. Before an owner decides to opt out of statutory certification, it is important that they familiarise themselves with their statutory obligations and read the DHPLGs' "[Information Note for Owners of new dwellings and extensions who opt out of Statutory Certification for building control purposes](#)"

The owner must declare:

"As the owner of the dwelling or extension, I hereby declare that, having regard to the provisions of Article 9(5) of the Building Control Regulations., I have decided to opt out of the requirement to subject the above building works to statutory certification.....

I understand my statutory obligation .. to ensure that the dwelling or extension is designed and constructed in accordance with the relevant requirements of the Second Schedule to the Building Regulations 1997 (as amended)."

"Homeowners should weigh up carefully the implications of a decision to opt out of the statutory certification process. The Opt Out Declaration relates to the Assigned Certifier process only. All works to which this validated Commencement Notice relates, must still comply with the Building Regulations (as amended)'. The cost associated with engaging the services of a registered construction professional for design, inspection and certification purposes is likely to be a key consideration. It is worth bearing in mind that a reasonable investment in the design, inspection and certification of works will pay dividends in terms of delivering a quality, compliant building. Prior to deciding on whether or not to avail of the opt out option, it is recommended that a homeowner should consult with their solicitor." **Click Confirmation on BCMS**

I have read the information note

Compliance Support

Construction Products Regulations

The 31 Building Control Authorities are the designated principal **market surveillance authorities** for construction products that fall within the scope of the Construction Products Regulation i.e. *European Union (Construction Products) Regulations 2013 (S.I. No. 225 of 2013)*.

[**Note;** [S.I. No. 225 of 2013](#) gives full effect in Ireland to the market surveillance provisions of the CPR Regulation (EU) No 305/2011 and designates Building Control Authorities as the Market Surveillance authorities for construction products. This is separate to their powers under the Building Control Acts 1990-2014].

The "[Guidelines for Market Surveillance Authorities V1.0 June 2017](#)" provides guidance on a consistent approach to Authorised Officers with respect to undertaking their functions under the EU (Construction Products) Regulations 2013 (S.I. No. 225 of 2013).

Note: All Construction Products placed on the market must have a "**Declaration of Performance**" and be affixed "**CE marking**" i.e. roads, housing, fencing, parks, water services, protective equipment etc.

"market surveillance" shall mean the activities carried out and measures taken by the body specified in Regulation 10 of these Regulations to ensure that construction products comply with the requirements set out in the relevant harmonised technical specifications and do not endanger health, safety or any other aspect of public interest protection; support@nbco.gov.ie

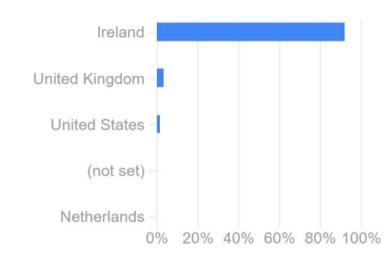
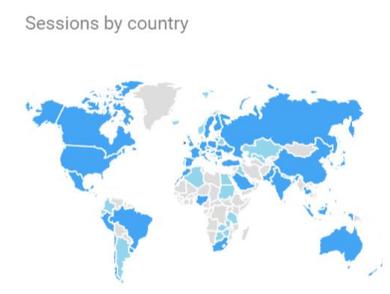
Commencement Notice by Type by Year to End November 2019



Construction Activity to end of November 2019

Commencement Notice Type- from 1 st January 2019	End November
Commencement Notice with Opt Out Declaration	6608
Commencement Notice Without Compliance Documentation	2363
7 Day Notice	1030
Commencement Notice with Compliance Documentation	3559
Total Commencement Notices All types	13560
CRM stakeholder queries closed i.e. phone, info@localgov.ie	4521- Freshdesk closed cases
From Inception (2014)	
Customers-Registered users	113,676
Compliance Documents	1,353,198

S.I. 9 of 2014 legislated for the "Building Control Management System" (BCMS), the information technology-based system developed to facilitate the electronic administration of building control matters by building control authorities as the preferred means of building control administration. Since the go-live date on the 1st March 2014, 100% of Commencement Notices from 44 countries have been submitted online through the BCMS. Website traffic has increased by 50% year on year with an average 1,000 users visit daily an increase of 300% since its go-live date and the system has operated 365/24/7 without interruption. 63,433 projects validated. 1350,000 compliance documents; 113,000 customers/users.



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/en/bcms/new-notice	11,849	
/en/user/register?destination=bcms/dashboard	10,175	
/en/user/login?destination=bcms/dashboard	9,383	
/en	8,668	
/en/bcms/certificate?destination=bcms/dashboard	7,480	
/en/bcms/user?destination=bcms/dashboard	7,382	

BCMS CN Descriptions for Buildings and Works to Improve data quality.

3. a Description; require sufficient detail to enable validation assessment without ambiguity -should include Works and Buildings type to be commenced, the class/use; an outline of the description/composition; type of construction.

- **Address:** Denotes the building address of the building or works.
 - **Townland:** Denotes the townland of the building or works.
 - **3.a PROJECT PARTICULARS - DESCRIPTION OF PROPOSED DEVELOPMENT TO INCLUDE:**
 - **Works to be carried out:**
 - o Erection of a building (type)
 - o Extension to a building (detail type and an outline of the building that is being extended)
 - o Material Change of Use to a building (Detail clearly existing use to propo use)
 - o Material Alteration (clearly detail works to be carried out under A & B)
 - **Class/Use:**
 - o Dwelling; Flat; Shop; Offices; Retail Premises; Industrial Units; Hospital; Stadia
 - o School - educational institution (residential or non-residential) & teacher classroom numbers
 - o Storage, Assembly, Recreational Etc.
 - **Composition:** Gives a brief description of the building or works
 - o Detached, semi-detached, terraced middle, terraced end, multi-unit
 - o Stories- number; Basement; Balconies; Treatment systems
 - o Ancillary buildings
 - o Note any other unique features which impact on Part A-M compliance
 - o Number buildings; Number of Units; Number of Phases
 - o Glazing
 - o Etc
 - **Type of Construction**
 - o Masonry
 - o Timber Frame
 - o Composite
 - o Modular- Factory Production
 - o Frame-Steel/concrete etc
- Example-**
 1. Erection of a two-storey detached dwelling of masonry construction with waste treatment system (despacher) and detached garage. - 2 buildings.
 2. Erection of a 6 terraced single storey, timber-frame, three bedroom dwellings with porches; and the erection of one, 4 storey structural frame, multi unit block with balconies, comprising of 24 apartment units over a basement carpark and associated site works including new site entrance to be constructed in two phases. - 7 buildings.

BCMS Alert 3 2019- Impact of a "no deal" Brexit

For a No Deal Brexit construction products currently reliant on a UK 'notified body', the manufacturers, importers, distributors or authorised representatives need to either:

1. arrange for a transfer of their files and the corresponding certificates from the UK 'notified body' (a 'notified body' registered in the UK) to an EU-27 'notified body', or
2. apply for a new certificate with an EU-27 'notified body'

Builders, designers, specifiers, certifiers and construction professionals should be aware of the impacts of a 'no deal' Brexit; ensure that the CE Marking/Declaration of Performance and relevant product-related documentation is appropriate to demonstrate and ensure compliance with the Building Regulations. To establish if a construction product is certified by a UK 'notified body' refer to the following link: https://ec.europa.eu/growth/tools-databases/nando/index.cfm?fuseaction=directive_notifiedbody&dir_id=33

Part C - PUBLIC CONSULTATION- TGD PART C-SITE PREPARATION & RESISTANCE TO MOISTURE

Closing date November 4th.

The Pyrite Panel Report (June 2012) recommended that the standard related to the use of hardcore material in dwellings and buildings be updated; to include specific testing, certification and traceability for hardcore material used in dwellings and buildings other than dwellings.

The report also recommended that following the publication of such a standard, a review of TGD C.

The revision of the standard was completed following a public consultation process and the revised standard, S.R.21:2014 + A1:2016, was published in 2016.

The proposed 2019 amendment to TGD C, is to take account of the latest version of the standard.

PART F – VENTILATION

[SI 263 of 2019 - Building Regulations \(Part F Amendment\) Regulations 2019](#)

Part F (Ventilation) of the Second Schedule to the Building Regulations 1997 – 2018 was amended to set effective standards of ventilation and support the measures introduced in Part L Regulations 2017 European Union (Energy Performance of Buildings) Regulations 2019– S.I. No. 538 of 2017 and S.I. No. 183 of 2019. See below - effective from the 1st November 2019 except as below for Part L.

F1 Means of Ventilation; Adequate and effective means of ventilation shall be provided for people in buildings.

This shall be achieved by

- limiting the moisture content of the air within the building so that it does not contribute to condensation and mould growth, and
- limiting the concentration of harmful pollutants in the air within the building.

F2 Condensation in roofs; Adequate provision shall be made to prevent excessive condensation in a roof or in a roof void above an insulated ceiling.”

BUILDING CONTROL OFFICER -Part A-Wall ties - advice from Bernadette McArdle CEng, BCO Louth

Wall Ties-Watch for Proper spacing, fixing, number and quality of wall ties a continuous issue for Building Control Officers.

A1 Loading.: A building shall be designed and constructed, with due regard to the theory and practice of structural engineering, so as to ensure that the combined actions that are liable to act on it are sustained and transmitted to the ground -

- safely, and
- without causing such deflection or deformation of any part of the building, or such movement of the ground, as will impair the stability of any part of another building.

to comply guidance in TGD Part A 1.1.3.27 requires that; Wall ties should be provided in cavity walls and should comply with I.S. EN 845-1 and should be material references 1 or 3 in I.S. EN 845 Table A1 austenitic stainless steel. The minimum quantity of ties provided should be:

- 2.5 wall ties per square metre for cavity widths between 50mm and 75 mm
- 3 wall ties per square metre for cavity widths between 75 mm and 100 mm, and
- 4.9 wall ties per square metre for cavity widths between of 100mm and 150 mm.

Extra wall ties are required at the jambs of openings and movement joints as shown in Diagram 9 (for use of ties in other cavity widths, see pS.R.

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Education & Training

IT Carlow- LEVEL 7 CERTIFICATE IN BUILDING CONTROL MANAGEMENT.

Coordinated and delivered by the Institute's Extended Campus, the “Certificate in Building Control Management” commenced mid-October and has delivered Module 1 and Module 2 in each of the 5 Regional training centres to over of 100 participants; Module 3-6 inclusive delivered January -May 2020.



122 Participants from BCAs, LA Housing Planning, Contractors, Consultants, Assigned Certifiers - 80% LAs	Module 1 Legislative Framework	Module 2 BCAs, CMAS Documentation	Module 3 Part A-F Regulations- Compliance	Module 4 Inspections & Reporting	Module 5 Enforcement, Case-studies	Module 6 Culture of Compliance
Ballinacorney Regional Training Centre (26)	31/10/2019	19/11/2019	07/01/2020	11/02/2020	10/03/2020	14/04/2020
Carlow Regional Training Centre (21)	29/10/2019	18/11/2019	14/01/2020	14/02/2020	12/03/2020	23/04/2020
Roscrea Regional Training Centre (27)	01/11/2019	29/11/2019	17/01/2020	17/02/2020	20/03/2020	24/04/2020
Ballyoolin Regional Training Centre (29)	06/11/2019	04/12/2019	20/01/2020	26/02/2020	23/03/2020	27/04/2020
Stranorlar Regional Training Centre (19)	11/11/2019	09/12/2019	29/01/2020	02/03/2020	01/04/2020	30/04/2020

Due to demand IT Carlow taking bookings for 2020-2021 online, using the link [here](#) for **Extended Campus Application Form.**

Further CPD Training

[RIAI CPD Workshop Pilot: NZEB & TGD Part L](#)

[Dwellings 2019 – New Dwellings & Major](#)

[Renovations](#) ----- 5th December 2019

[Training on the use of DEAP 4.2 to demonstrate](#)

[compliance with Part L of the Building Regulations](#)

----- 23rd January 2020

NBCO to issue 2020 Annual recommended CPD

National Building Control Office, 3 Palace Street, 31 Building Control Authorities working together to “Promote a Culture of Compliance with the Building Regulations”

The 31 Building Control Authorities Promoting Compliance with Part L as part of the Building Control Authorities contribution to “adaptation measures taken to reduce Ireland’s vulnerability to the negative impacts of Climate Change

Part L Conservation of Fuel and Energy: things to know

Part L - Conservation of Fuel and Energy – Dwellings -Part L for Dwellings sets the energy and carbon dioxide emissions requirements for new and existing buildings subject to the Building Regulations.

[SI 292 of 2019 - European Union \(Energy Performance of Buildings\) \(No.2\) Regulations 2019](#)

[SI 183 of 2019 - European Union \(Energy Performance Of Buildings\) Regulations 2019](#) -Apply to works in connection with the design and construction of a new dwelling and to works to an existing dwelling which undergoes a major renovation-1st November 2019; except where planning granted before 31st October 2019 and substantial works completed before 31st October 2020. The Building Regulations and the Building Control Regulations and the provisions of the Building Control Acts 1990 to 2014 apply to these Regulations.

“**building element**” means a technical building system or an element of the building envelope; “**building envelope**” means the integrated elements of the building which separate its interior from the outdoors environment; “**cost-optimal level**” means the energy performance level which leads to the lowest cost during the estimated economic lifecycle, where.....: “**dwelling**” means a house or flat forming a separate unit of residential accommodation; “**energy from renewable sources**” means energy from renewable non-fossil sources, namely wind, solar, aerothermal, geothermal, hydrothermal and ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases; “**energy performance of a building**” means the calculated or measured amount of energy needed to meet the energy demand associated with a typical use of the building, which includes, inter alia, energy used for heating, cooling, ventilation, hot water and lighting; “**flat**” means separate and self-contained premises constructed or adapted for residential use and forming part of a building from some other part of which it is divided horizontally;

“**major renovation**” means the renovation of a building where more than 25% of the surface of the building envelope undergoes renovation;

“**nearly zero-energy building**” means a building that has a very high energy performance and the nearly zero or very low amount of energy required should be covered to a very significant extent by energy from renewable sources, including energy from renewable sources produced on-site or nearby;

“**substantial work has been completed**” means that the structure of the external walls of the dwelling has been erected; “**surface of the building envelope**” means the entire surface of a building through which it can lose heat to the external environment or to the ground, including all heat loss areas of walls, windows, floors and roof; “**technical building system**” means technical equipment for the heating, cooling, ventilation, hot water, lighting or for a combination thereof, of a building or building unit; “**works**” includes any act or operation in connection with the construction, extension, alteration, repair or renewal of a building. **Exempted Dwellings:** (a)

a national monument; (b) a protected structure or proposed protected structure.

Part L - Conservation of Fuel and Energy- Buildings other than Dwellings

[SI 538 of 2017 - Building Regulations \(Part L Amendment\) Regulations 2017](#)

“**major renovation**” means the renovation of a building where more than 25% of the surface of the building envelope undergoes renovation;

“**NEAP**” means the relevant version of the Non-domestic Energy Assessment Procedure published by the Sustainable Energy Authority of Ireland;

Building Control Authorities are requesting compliance with Part L for all Notices to Commence for which Part L applies.

