



Department of
**Finance and
Personnel**
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Building Regulations (Northern Ireland) 2011

Phase 1 Consultation Proposals

Consultation Document

(closing date for the receipt of responses is 4:00 pm on 29th October 2010)

July 2010

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1 BACKGROUND

- 1.1 Building Regulations apply to most building work and are made generally to ensure the health, safety, welfare and convenience of people in and around buildings, to further the conservation of fuel and power, protect and enhance the environment and to promote sustainable development. The current building regulations are The Building Regulations (Northern Ireland) 2000 (as amended) (the Building Regulations), and were made using powers provided in the Building Regulations (NI) Order 1979 (as amended).
- 1.2 Building Regulations express technical requirements mainly in functional wording (i.e. they identify a reasonable standard that should be attained). In the present deemed-to-satisfy system the regulations refer to provisions (which may be in the form of British or European Standards, Technical Booklets or other publications), which, if followed, satisfy the regulatory requirements (i.e. automatically accepted by Building Control). It is recognised that the provisions contained in Technical Booklets are generic and cover a limited range of circumstances and forms of construction. Situations may arise where it is not only appropriate but also necessary to demonstrate compliance with the building regulations with a form of construction outside those set out in the Technical Booklets.
- 1.3 The Department considered that there was benefit in moving towards a system of guidance publications for a number of reasons including:
- permitting a more rapid reaction to new guidance, standards or Directives coming from the Northern Ireland Legislative Assembly, Westminster, or Europe;
 - facilitating and encouraging more creativity and flexibility in design in the use of materials;
 - facilitating the Department in achieving its policy of closer technical harmonisation with other GB legislative authorities as appropriate; and
 - relaxing some of the more onerous legislative requirements associated with providing deemed-to-satisfy provisions.
- 1.4 In March 2009 the Building Regulations (Amendment) Act 2009 received Royal Assent. This Act, amongst other things, allows for the move from deemed-to-satisfy Regulations to a more flexible guidance-based system. Such a system already operates elsewhere in the UK and in Ireland. As a result of this move, the existing Technical Booklets that give deemed-to-satisfy solutions require to be replaced with guidance-based documents.
- 1.5 Work has now commenced on the development of a new set of Building Regulations to consolidate the 2000 Regulations, subsequent amendments and to include technical uplifts to a number of Parts. New provisions brought about by the 2009 Act will be included, including the replacement of the existing Technical Booklets with a new suite of guidance-based documents.

1.6 This consultation represents the first phase of three planned phases of consultation to introduce a complete new set of regulations in 2011.

The three phases are as follows

- Phase 1 Revised format of the Technical Booklets;
The introduction of new guidance-based Technical Booklets for: -
- Part E: Fire safety;
 - Part H: Stairs, ramps, guarding and protection from impact;
 - Part N: Drainage; and
 - Part V: Glazing;
- with little or no regulatory change.
- Regulatory/technical uplifts and new guidance-based Technical Booklets for: -
- Part C: Preparation of site and resistance to moisture; and
 - Part G: Sound insulation of dwellings.
- Phase 2 Revision of Part A: Interpretation and general;
The introduction of new guidance-based Technical Booklets for: -
- Part B: Materials and workmanship;
 - Part D: Structure;
 - Part P: Sanitary appliances and unvented hot water storage systems; and
 - Part R: Access to and use of buildings;
- with little or no regulatory change.
- Regulatory/technical uplifts and new guidance-based Technical Booklets for: -
- Part F Conservation of fuel and power; and
 - Part K Ventilation; and
 - Part L: Combustion appliances and fuel storage systems.
- Phase 3 Replacement of the (current) Building (Prescribed Fees) Regulations (NI) 1997.

1.7 Each phase will be subject to a separate public consultation exercise, with consultation on phases 2 & 3 expected to commence in November 2010.

2. INTRODUCTION TO CONSULTATION PROPOSALS

2.1 The purpose of this consultation is to obtain comments and views of the public and all interested parties on proposed changes to Parts C: Preparation of site and resistance to moisture) and G: Sound insulation of dwellings - which will be retitled "Site preparation and resistance to contaminants and moisture", and "Resistance to the passage of sound" respectively and on the provisions and guidance in the associated Technical Booklets. Comments and views are also sought on the format and style of the new Technical Booklets for Parts C, G, E (Fire safety), H (Stairs, ramps, guarding and protection from impact), N (Drainage) and V (Glazing).

2.2 This consultation has been issued by the Department of Finance and Personnel, which has responsibility for maintaining the Building Regulations for Northern Ireland. This document, together with the other consultation documents, is available online at www.buildingregulationsni.gov.uk The consultation documents are: -

Dear Consultee letter

Consultation Document

Response Form for Consultees

Regulatory Impact Assessment (Draft for Consultation)

Technical Booklet C (draft): Preparation of site and resistance to moisture

Technical Booklet G (draft): Resistance to the passage of sound

Technical Booklet E (draft): Fire safety

Technical Booklet H (draft): Stairs, ramps, guarding and protection from impact

Technical Booklet N (draft): Drainage

Technical Booklet V (draft): Glazing

Responding to this consultation

2.3 We look forward to receiving your comments and views concerning any of the proposals contained in this consultation. In order to assist our analysis of responses please use the Response Form included on the website and submit your reply electronically to karen.mckernon@dfpni.gov.uk

Alternatively your response may be posted or faxed to: -

Karen McKernon

Consultation Co-ordinator

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- 2.4 The Department will consider all the responses to this consultation received on or before the closing date, which is 4.00 pm on 29th October 2010.

Submissions made after this date cannot be considered.

Code of practice on consultations

- 2.5 In light of the requirements of the Code of Practice on Access to Government and the Freedom of Information Act, responses may be made available to the public on request. We may also wish to make responses to this consultation available to the Northern Ireland Assembly and for public inspection either at the Building Standards Branch office or website.

You have the option of indicating that you wish your response to remain confidential and the Department will generally respect that request. Should it be decided that the public interest must override that request, the Department will contact you before disclosure and if appropriate, provide you with an opportunity for your response to be withdrawn.

3. Format of new Technical Booklets

- 3.1 The format proposed for the new documents will be generic to all guidance based Technical Booklets, whether included as part of this public consultation or as part of the future Phase 2 consultation.
- 3.2 The make-up of a new guidance based document will generally be as follows:
- (a) Contents
 - (b) Introduction, which will: -
 - explain the purpose of the guidance booklet;
 - explain the regulations supported;
 - give information in relation to product standards; and
 - give information in relation to materials and workmanship.
 - (c) The Regulations specific to the Part
 - (d) Performance and introduction to guidance
 - (e) Technical sections
 - (f) Appendix
- 3.3 In relation to the format of the new guidance based documents, the Department welcomes views and opinions on questions contained in the Response Form for Consultees.

Title

- 3.4 A number of options for the title of the new guidance based documents were explored, including use of the word 'approved' and 'guidance' in the titles. In each case it was felt that such a change might cause confusion with publications in the other jurisdictions already using some of this terminology. As 'Technical Booklet' has been the accepted term for the Northern Ireland Building Regulations supporting documentation for many years the Department has concluded that it should retain the title of 'Technical Booklet' for the new guidance based documents.

Repeating the Regulations for the specific Part

- 3.5 The Department proposes to include the relevant Part of the regulations within the Technical Booklet as this will assist in making the connection between the Technical Booklet and that Part of the regulations which it is supporting. The Department also proposes to draw the user's attention to the application of the particular Part by Part A: Interpretation and general, of the principal Regulations.

Inclusion of performance criteria

- 3.6 Part of the Department's philosophy that supported the move to a guidance based system was to facilitate and encourage more creativity and flexibility in design and in the use of materials. To that end, there may be occasions when a practitioner decides not to follow the solution provided in the guidance

or where the proposed work is atypical and generic solutions are not appropriate. To assist in this scenario, the Department is proposing to include a “performance’ section in the Technical Booklets explaining the regulations and their objectives and providing the criteria for both demonstrating and verifying compliance.

New guidance booklets supporting Part E, Part H, Part N and Part V

- 3.7 The substantive requirements for Part E, Part H, Part N and Part V will remain unchanged.
- 3.8 The Department is proposing that the technical contents of the new guidance booklets supporting Part E, Part H, Part N and Part V will move to guidance on a broadly level basis without any technical uplift from those methods and standards set in the current deemed-to-satisfy publications.
- 3.9 However, the Department is taking the opportunity, to ensure that all referenced standards e.g. British Standards, where appropriate and where they continue to address the relevant requirements, reflect the latest version issued by that standards body. This includes recognition of European Standards where failure to do so would be seen as a potential barrier to trade within the European Union.
- 3.10 All deemed-to-satisfy provisions and publications supporting the above Parts will, when the Building Regulations (Northern Ireland) 2011 come into operation, along with the guidance based system, no longer be referred to in Schedules and Tables within regulation. However, the methods and standards that currently are deemed-to-satisfy particular requirements will be referenced in the new Technical Booklets. Where it is appropriate, for example, as a solution to possibly satisfying a requirement or to indicate an alternative approach to the guidance given, references will also be made to standards or to other publications in the new guidance documents.

4. Proposals for Part C (Site preparation and resistance to contaminants and moisture) and new Technical Booklet C

4.1 The deemed-to-satisfy publication Technical Booklet C was published in 1994 and has not been amended since. It is proposed to amend Part C to bring it broadly into line with the standards currently applicable in England and Wales. The main changes are –

- to re-name Part C as “Site preparation and resistance to contaminants and moisture” to more accurately reflect its content;
- to refer to the revised radon Affected Areas designated by the Northern Ireland Environment Agency in their publication “Radon in Dwellings in Northern Ireland: 2009 Review and Atlas”;
- to extend the requirement which limit the ingress of radon to all alterations and extensions to dwellings (including conservatories and porches) irrespective of size and to dwellings created as a result of a material change of use; and
- to apply the requirement to avoid any harmful effect caused by contaminants to all material change of use cases.

The Department also proposes to publish a new Technical Booklet C, that supports Part C, in guidance format.

5. Proposals for Part G (Resistance to the passage of sound) and new Technical Booklet G

5.1 The deemed-to-satisfy publication Technical Booklet G was published in 1990. A further deemed-to-satisfy publication dealing with the sound insulation of conversions to dwellings followed in 1994. It is proposed to amend Part G to bring it broadly into line with the standards currently applicable in England and Wales. The main changes are –

- to re-name Part G as “Resistance to the passage of sound” to reflect its wider application;
- to set more onerous sound insulation standards, including a component to deal specifically with low frequency noise;
- to apply the requirements to dwellings and rooms for residential purposes in hostel type accommodation;
- to control reverberation around the common parts of buildings containing flats or rooms for residential purposes;
- to set a requirement for the acoustic design of schools and colleges;
- to require sound insulation testing prior to completion; and
- to recognise proven “robust detail” solutions as an alternative to pre-completion testing.

The Department also proposes to publish a new Technical Booklet G, that supports Part G, in guidance format.