

# Framework for Building Control Authorities



Cumann Lucht Bainistochta Contae agus Cathrach  
County and City Management Association

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The Building Control Acts 1990-2014 places a statutory obligation on owners, designers and builders to design and build in accordance with the building regulations; establishes Building Control Authorities (BCA's) and empowers them to regulate and control building activity. BCAs must be notified of works covered by the Act, maintain a public register of key building control decisions and activities. S.I. No. 9 of 2014 and S.I. No. 365 of 2015 place additional statutory duties on owners, designers, certifiers, builders and BCAs to inspect, certify and ensure compliance certification. The LGMA implemented the Building Control Management System (BCMS) to enable efficiencies in Building Control. This document is prepared as part of an Agreed Operational Framework for BCAs to standardise work practices, systems, procedures and decision-making in relation to oversight of building control activity across the local authority sector, to enhance consistency of approach nationally, and to move towards a risk-based approach to inspections by building control authorities.

## 2. Contents

<b>1. Introduction</b>	<b>1</b>
1.1 Purpose of Framework	1
1.2 Legal Context	2
1.3 Construction 2020	3
1.4 Regulatory Design Principles	3
1.5 Regulatory Oversight	4
<b>2. Role of Building Control Authority</b>	<b>4</b>
2.1 Overall Role –General Statement of Functions	4
<b>3. Consistency and Standardisation</b>	<b>6</b>
3.1 National Co-ordination	6
3.2 National Building Control Management Project and the BCMS	6
3.3 Regional Inspectorates	8
3.4 Standard Approaches	8
<b>4. Risk Assessment</b>	<b>8</b>
4.1 Aims of risk assessment	8
4.2 Benefits of risk assessment	8
4.3 Risk assessment approach	9
<b>5. Technical Assessment</b>	<b>9</b>
<b>6. Statutory Building Control Register</b>	<b>10</b>
6.1 Availability of the Statutory Public Register	10
<b>7. Appeals to An Bord Pleanála</b>	<b>10</b>

<b>8. Phased Completion</b>	<b>11</b>
<b>9. Archiving of Records</b>	<b>11</b>
<b>10. Administrative Validation and Assessment</b>	<b>12</b>
10.1 Commencement Stage	12
10.2 Construction stage –Overview- assessment and inspection	12
10.3 Completion stage-Overview	13

<b>Appendix I-EU (Construction Products) Regulations 2013 (S.I. No. 225 of 2013)</b>	<b>14</b>
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<b>Appendix II-EU (Energy Performance of Buildings) Regulations 2012 S.I. No. 243 of 2012</b>	<b>16</b>
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<b>Appendix III-General Role and Guidelines</b>	<b>18</b>
1) Commencement Notices	18
I. Commencement Notices with Additional Documentation;	18
II. Commencement Notices with Opt Out Declaration	19
III. Commencement Notices without Additional Documentation	20
IV. 7 Day Notice	21
2) Fire Safety Certificate Applications	22
I. Application for a Fire Safety Certificate;	22
II. Application for a Revised Fire Safety Certificate;	23
III. Application for a Regularisation Certificate;	24
3) Disability Application Certificates	26
I. Application for a Disability Access Certificates;	26
II. Application for Revised Disability Access Certificate;	28
4) Application for Dispensation from or Relaxation of Building Regulations;	28
5) Certificate of Compliance on Completion;	29
6) Process Fees and Requests for Exemptions;	31

7)	Code of Practice for Inspecting and Certifying Buildings and Works;	31
8)	Appeals to An Bord Pleanála;	31
9)	Maintain Statutory Public Register;	31
10)	Maintain Records;	31
11)	Building Energy Rating Certificates;	32
12)	Market Surveillance of Construction Products;	32
13)	Random Risk Based Inspections;	33
14)	Compliance with Building Regulations;	33
15)	Enforcement for Non- Compliance with Building Control Regulations;	33
16)	Enforcement for Non-Compliance with Building Regulations;	33
17)	Prosecutions;	33
18)	Advice regarding Building Regulations	33
19)	Requests for Information	33
20)	Performance /Service Indicators	34
<b>Appendix IV-Milestones throughout the Building Project;</b>		<b>38</b>
1.	PRE-INSPECTION	38
2.	Formation Stage	38
3.	Foundation Stage	38
4.	Ground Floor Stage	38
<b>Table 1 Inspection template for non-complex dwelling houses</b>		<b>38</b>
<b>Table 2 Use of proper materials</b>		<b>44</b>
<b>Appendix V-Building Regulation Elements for Compliance</b>		<b>46</b>
Part A – Structure		46
Part B - Fire Safety		46
Part C - Site Preparation and Resistance to Moisture		46
Part D - Materials and Workmanship		46
Part E – Sound		46
Part F – Ventilation		46
Part G – Hygiene		46
Part H - Drainage and Waste Water Disposal		46

Part J - Heat Producing Appliances	46
Part K - Stairways, Ladders, Ramps and Guards	46
Part L - Conservation of Fuel and Energy - Dwellings	46
Part L - Conservation of Fuel and Energy- Buildings other than Dwellings	46
Part M - Access and Use	46
11. Appendix VI -Sample Inspection Form Developed for BCMS mobile phase	47
<b>Appendix VII- Legislation Relevant to Built Environment;</b>	<b>57</b>
1) Environmental Protection	57
2) Derelict Sites Act 1990	57
3) Litter Act 1997 - 2003	57
4) Local Government (Sanitary Services) Act 1964	57
5) Fire Services Act 1981 & 2003	57
6) Planning and Development Acts 2000-2014	58
7) Roads Acts 1993-1996	58
8) Multi-Units Development Act 2011 which is enforced by the Minister for Justice.	58
<b>Appendix VIII-Authorised Officers for the Built Environment-</b>	<b>59</b>
<b>Example of Delegation;</b>	<b>59</b>
<b>Appendix IX-Sample Letters and Notices for Enforcement Purposes</b>	<b>60</b>
<b>Sample Warning Letters Technical Defects-</b>	<b>60</b>
<b>Sample S11 Request</b>	<b>61</b>
Sample Letter for Works Commencement Without a Commencement Notice	65
Appendix X -Guidelines for BCAs Previous S6 Exempted Developments	67

**Appendix XI Sample Assessment for Request for Exemption from Fees68**

Application for Exemption from Building Control Fees	68
<b>11.1 BUILDING CONTROL MANAGEMENT SYSTEM TEAM</b>	<b>70</b>

## 1. Introduction

The Building Control System aims to ensure the safety of people within the built environment and is centred on the Building Control Acts 1990 to 2014 which provides for the making of Building Regulations and Building Control Regulations. The Building Regulations 1997 - 2014 (BR) are a set of legal requirements for the design and construction of new buildings, as well as extensions to, material alterations of and certain changes of use to existing buildings. The aim of the building regulations is to provide for the safety and welfare of people in and about buildings. The Building Control Regulations 1997 – 2015 (BCRs) provide for matters of procedure, administration and control for the purposes of securing the implementation of and compliance with the requirements of the Building Regulations.<sup>1</sup> Building Control Regulations apply generally to new buildings and to existing buildings which undergo an extension, a material alteration or a material change of use.

### 1.1 Purpose of Framework

The purpose of the Framework is to provide guidance for Building Control Authorities (BCAs) with respect to undertaking their functions under the Building Control Acts 1990 to 2014 and the Building Control Regulations 1997 to 2015. In particular, the framework provides guidance in respect to:

- a. Standardisation and co-ordination nationally of the statutory building control processes, including those listed hereunder, i.e. Notices, Applications, Certificates of Compliances and Building Control Register
  - Processing and validation of **Commencement Notices (CNs)**;
  - Processing and validation of **7 Day Notices**;
  - **Inspections** and assessments during construction;
  - Processing and validation of **Certificates of Compliance on Completion (CCC)**;
  - Processing, validation and adjudicating on applications for **Relaxation of** and/or **Dispensation from** particular requirements of the building regulations.
  - Processing, validating, assessing and granting/refusing **Fire Safety Certificate (FSCs) applications**-including regularisation and revised fire safety certificate applications; and
  - Processing, validating, assessing and granting/refusing **Disability Access Certificate (DACs) applications**-including **revised disability access certificate** applications.
  - Maintenance of the Statutory Building Control Register.
  - Processing of Appeals under to the Board<sup>2</sup> under section 7(1)(a) or 7(1)(b) of the Act

Beyond their statutory function under the Building Control Acts, BCAs are also the designated enforcement authorities for the purposes of ensuring compliance with other legislation as follows:

- Marketing of Construction Products in line with European Union **(Construction Product) Regulations 2013** (SI No. 225 of 2013); **Appendix I**
- Building Energy Rating Certificates for buildings in line with the European Union **(Energy Performance of Buildings) Regulations 2012** (SI No. 243 of 2012); **Appendix II**
- Registration of multi-storey buildings for the purposes of the **Local Government (Multi-storey Buildings) Act 1988**.

For the sake of completeness these functions are referenced in this framework document where

<sup>1</sup> <http://www.environ.ie/housing/building-standards/building-regulations/building-control>

<sup>2</sup> An Board Pleaála



appropriate. Care should be taken at all times not to confuse or misrepresent these separate and distinct functions with the Building Control Authorities' functions under the Building Control Acts. It is important to ensure that Authorised Officers/Persons are at all times warranted to work under each statutory instrument governing their work.

## 1.2 Legal Context

The Building Control Act 1990 - 2014 places a statutory obligation on owners, designers and builders to design and build works or buildings in accordance with the requirements of the Building Regulations. The Act also establishes Building Control Authorities and empowers them to ensure compliance with the Building Regulations, by means of regulatory processes, inspection, oversight, and enforcement. Building Control Authorities must be notified in advance of the commencement of works covered by the Act and must maintain a public register of key building control decisions and activities relevant to such works and buildings.

Where the works or building involve the construction of a new dwelling, an extension to a dwelling involving a total floor area greater than 40 square metres or works or building for which a fire safety certificate is required, then further compliance documentation is required at commencement and on completion, except where the works involve the construction of a new single dwelling on a single unit development or an extension to a dwelling involving a total floor area greater than 40 square meters and the owner chooses to Opt Out of the requirement for Statutory certification.

It is important to note that where a certificate of compliance on completion or a commencement notice is submitted to a Building Control Authority, Section 6(4) of the Act (repeated below for ease of reference) clearly asserts that the authority is not under any duty to ensure that the relevant works or building complies with the building regulations, is free from defect or that the certificate of compliance is true and accurate.

- (4) Where a certificate of compliance, or a notice to which *subsection (2) (k)* relates, is submitted to a building control authority, the building control authority shall not be under a duty to any person to—
- (a) ensure that the building or works to which the certificate or notice relates will, either during the course of the work or when completed, comply with the requirements of building regulations or be free from any defect,
  - (b) ensure that the certificate complies with the requirements of this Act or of regulations or orders made under this Act, or
  - (c) verify that the facts stated in the certificate are true and accurate.

Building Control Authorities have the power, under Section 11(3) of the Building Control Acts 1990 – 2014 to request information, examine and scrutinise proposals, carry out inspections, issue enforcement notices and, where necessary, prosecute owners and/or builders who fail to comply with statutory requirements.

The Act also recognises that persons may seek civil remedy pursuant to the Act and regulations made thereunder.

### 1.3 Construction 2020

Construction 2020 gives commitments in relation to Standards, Regulation and Enforcement to ensure that the construction sector operates to the highest standard and undertakes to *“strengthen public confidence through robust regulation”*. ***In relation to enforcement and inspection, it states that “work is underway on the agreement of common protocols and consistent approaches to Building Control activity across the local government sector and preparations for the transition to service delivery models, incorporating regional and shared services structures.”***

Actions 53 and 54 relate to local authority commitments in relation to implementation of Construction 2020:

53-***“We will ensure effective implementation of Building Control (Amendment) Regulations 2013, and introduce a wider package of building control reforms to accompany the new regulations to ensure stronger consumer protection.”***-timeline ongoing.

54-***“We will develop an Agreed Operational Framework for Building Control Authorities to standardise work practices, systems, procedures and decision-making in relation to oversight of building control activity across the local authority sector and to move towards a risk-based approach to inspections by Building Control authorities by September 2014.”***-time line Q3 of 2014.

### 1.4 Regulatory Design Principles

In line with the **“Code of Practice for Inspecting and Certifying Buildings and Works, Building Control Regulations 2014”** (and any subsequent amendments) this framework adopts the objectives and principles referenced in Section 1.4 of this Code of Practice.

The overall objective of the building control system is to achieve quality and safety in and around buildings by empowering competence and professionalism in design and construction activity and by requiring owners, builders and construction professionals to account for compliance with statutory obligations.

The aim is to ensure that all involved in the construction process and the regulatory system work effectively to achieve this. A set of design principles has been used in developing the system of building control and in particular this framework.

These principles are summarised as follows:

1. Using a number of complementary measures and interventions to achieve compliance;
2. Minimising the number of interventionist measures while ensuring the necessary outcomes are achieved;
3. Escalating response as required (using both the private sector and Building Control Authorities) so as to build in regulatory responsiveness, to increase dependability of outcomes, and to provide

- early warning of non-compliance through the use of triggers;
4. Empowering third parties (both commercial and non-commercial) to contribute positively to the process of obtaining regulatory compliance, thereby achieving both better outcomes at less cost and freeing up scarce regulatory resources which can be deployed effectively elsewhere; and
  5. Encouraging all participants to achieve good outcomes and, recognising that the legal requirements set minimum standards, and that responsible owners, builders and construction professionals will generally aim to apply good practice approaches which will generally aim to meet, and in many cases exceed, these standards.

## 1.5 Regulatory Oversight

As per Section 1.5 of the Code of Practice for Inspecting and Certifying Buildings and Works, Building Control Regulations 2014, *“Oversight is central to effective building control. The Regulations require the private sector to play an active part in achieving compliance and in providing better buildings. A key aim of the Code is for regulatory oversight to ensure a culture of compliance with Building Regulations using a risk based approach to target those who are non-compliant.*

*Building Owners, Designers, Builders and Assigned Certifiers are responsible for the notices, certificates, plans and documentation that are to be lodged to Building Control Authorities. Regulatory oversight is necessary in order to ensure that any failure of regulation among the agencies involved – be they Building Owners, Designers, Builders, Assigned Certifiers or Building Control Authorities - is detected and remedied in an effective and timely manner.*

*A key element in detection is the system of risk analysis, whereby the online system of notices and documents will permit Building Control Authorities to deploy available resources to target inspection and investigation into higher risk areas. This will help Building Control Authorities to escalate findings of non-compliance and, where necessary, use their powers of inspection, enforcement and prosecution to best effect in the event of serious breaches of Building Regulations. The aim is that the powers of enforcement and prosecution will become a more credible threat to those who are non-compliant.”*

## 2. Role of Building Control Authority

### 2.1 Overall Role –General Statement of Functions

The Building Control Authority should:

- a. Receive, validate, register and process applications for Fire Safety Certificates (Revised and Regularisation) and issue decisions on those applications;
- b. Receive, validate, register and process applications for Disability Access Certificates and issue decisions on those applications;
- c. Receive, validate and register Commencement Notices of the various types; with supporting documentation, without supporting documentation, or with the Opt Out Declaration;
- d. Receive, validate and register 7-day Notices and their associated Fire Safety Certificate applications;

- e. Undertake a risk analysis of Commencement Notices, and 7 Day Notices submitted in order to inform its own inspection arrangements;
- f. Assist the Assigned Certifier, in relation to issues of compliance relating to disputes by parties to the construction project, where the Building Control Authority deems such assistance necessary;
- g. Receive, validate and register Certificates of Compliance on Completion, in accordance with Section 8.2 of the Code of Practice for Inspecting and Certifying Buildings and Works, Building Control Regulations, February 2014;
- h. Maintain the statutory public register of Building Control decisions and activity; and
- i. Maintain records, including records of inspections.
- j. Respond to Freedom of Information requests, as required
- k. Process appeals to An Bord Pleanála ([Appendix III](#) provides further details on these functions and processes).

Under the Building Control Acts 1990 – 2014, Building Control Authorities have strong powers of inspection, enforcement and prosecution. While Building Control Authorities use enforcement and the courts to effect compliance where reasonable and appropriate to do so, desired results can also be achieved, and often are, through correspondence, discussion and persuasion with the threat of legal action. The principle of the use of a wide range of enforcement strategies is demonstrated in [Figure 1](#).

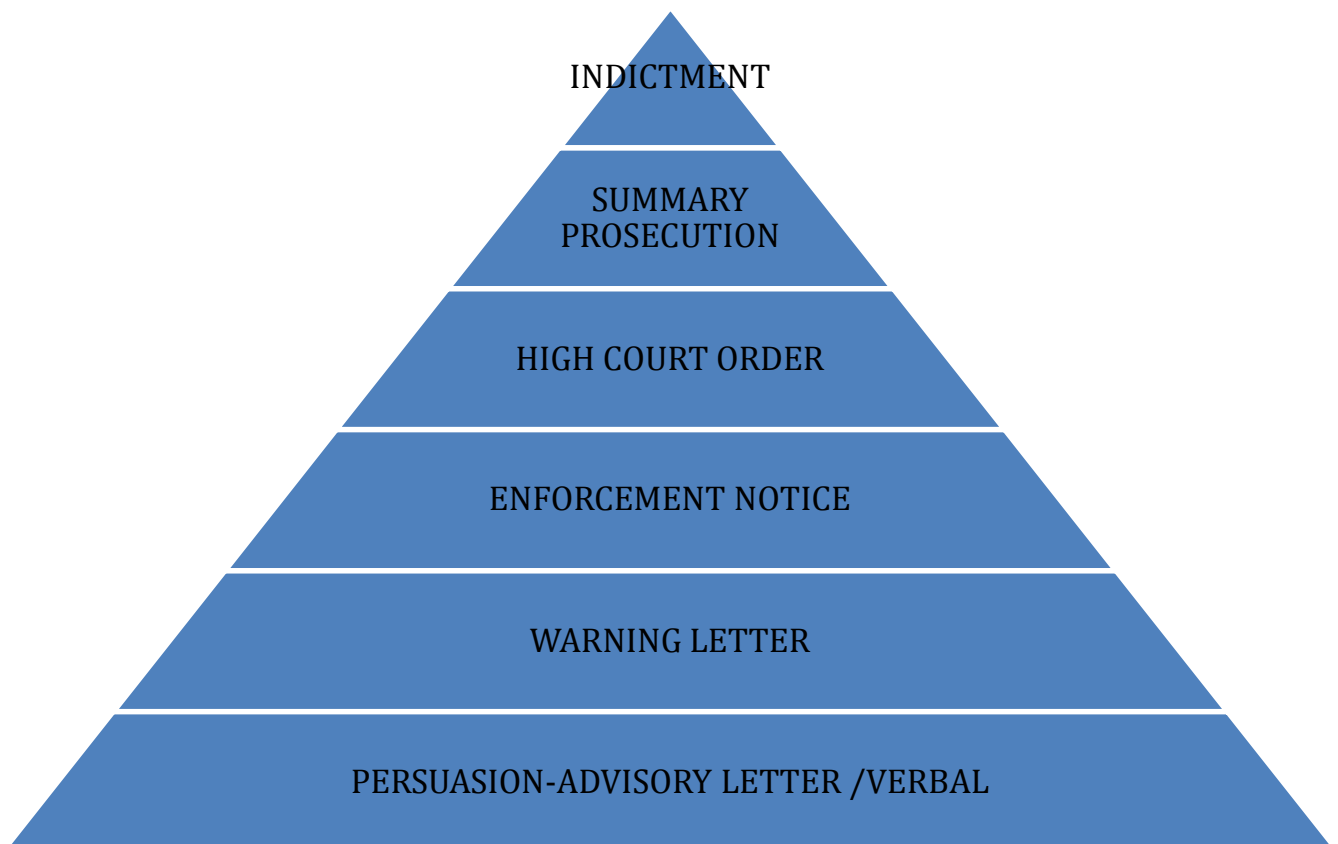


Figure 1. An Enforcement Pyramid for Regulatory compliance.

Source: Reducing the risk of policy failure. Challenges for Regulatory Compliance. OECD

It is important that Building Control Authorities support the work of the Assigned Certifiers and Builders in the exercise of their responsibilities. Building Control Authorities are responsible for overseeing compliance and are required to be notified if there is a change of owner or in the nomination of Assigned Certifier and/or builder. Such a change acts as an alert to the Building Control Authority to exercise vigilance with respect to the particular project.

While the Building Control Authority may assist an Assigned Certifier or Builder in relation to issues of compliance, it does not have a function as arbitrator in the event of disputes of interpretation. Certification of Compliance is the duty of the parties to the project as set out in the application for Commencement Notice.

It is expected that Building Control Authorities will undertake an appropriate level of assessment and inspection informed by the risk analysis of commencement notices submitted, thereby ensuring that available inspection resources are targeted towards projects carrying the greatest risks. Inspections by Building Control Authorities are undertaken in the interests of public safety and law enforcement. This does not relieve building owners, builders, designers or assigned certifiers of their statutory obligations to design and construct in compliance with the requirements of the Building Regulations and to demonstrate through inspection, certification and lodgement of documentation how compliance has been achieved in practice.

Where inspections are carried out by Building Control Authorities they should make their inspection reports available, on request, to Assigned Certifiers, Builders, or Owners. It is noted that inspections may be limited and subject to the particular compliance requirements for the inspection.

### **3. Consistency and Standardisation**

#### **3.1 National Co-ordination**

The system of administration of Building Control for Building Control Authorities is supported nationally on a shared services basis under the “Lead Authority” model, supported by the Local Government Efficiency Review Group Programme Management Office (PMO) and the Local Government Management Agency (LGMA). This is to affect:

- (a) More focused use of specialist resources;
- (b) The achievement of greater efficiency and cost-reduction through the application of risk-analysis capability by means of digital intelligent systems;
- (c) Oversight of the effective administration of Building Control function in keeping with statutory obligations and having due regard to the reasonable expectations of stakeholders that statutory processes, should where possible, complement and support economic activity;
- (d) Delivery of continuous improvement of building standards through cross-authority consistency of interpretation and development of initiatives in support of compliance.

#### **3.2 National Building Control Management Project and the BCMS<sup>3</sup>**

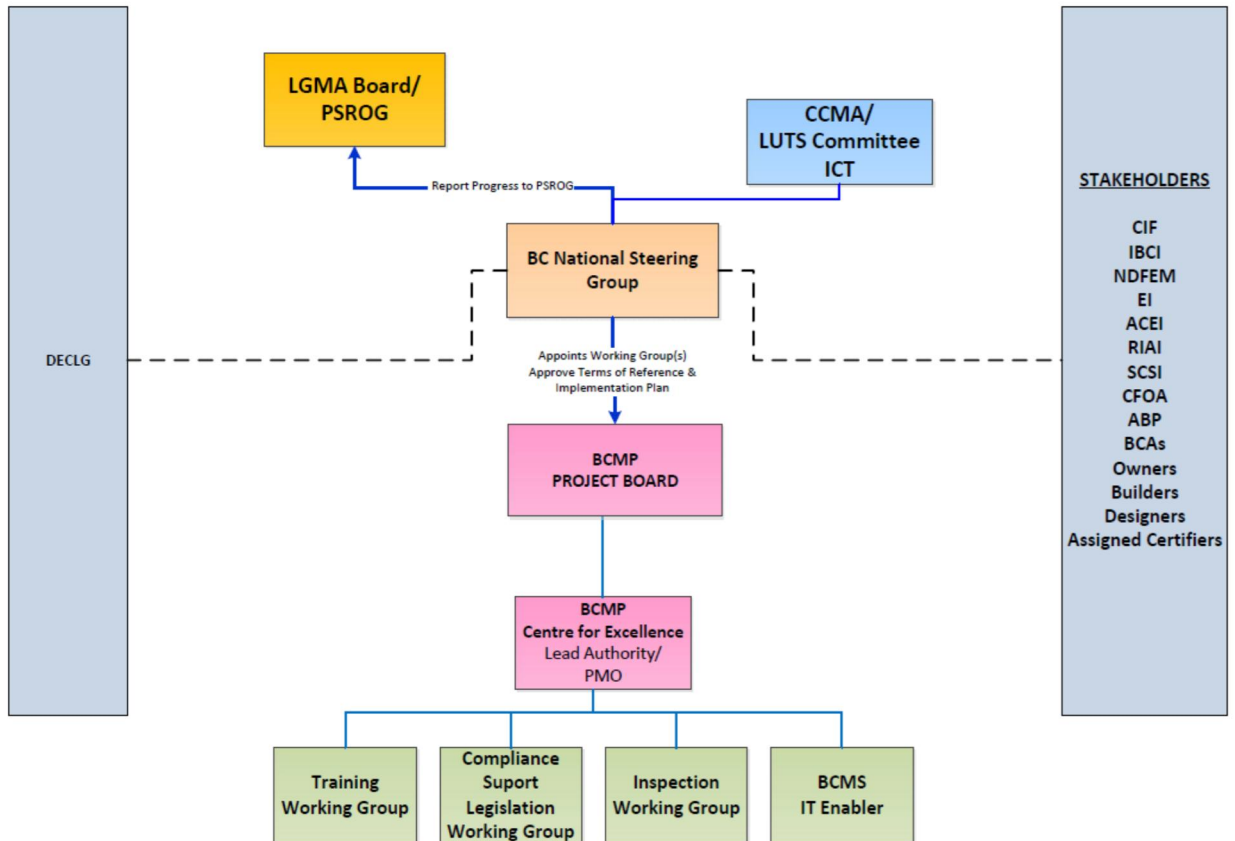
The BCMS is one of four streams the of the National Building Control Management Shared Services

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<sup>3</sup> Building Control Management System –IT Enabler Stream

Project i.e. the IT enabler stream and consists of a single standardised fully electronic building control management system operated across the Local Authority Sector. It is hosted on the government portal <https://www.localgov.ie/> . The four streams of the National Building Control Management Project include include training, inspections, compliance support and the BCMS whose aim is to provide for:

- Collective oversight reporting to improve performance and promote consistent interpretation in raising building standards
- Developing collaboration cross-authority and with industry and the professions, nurturing a Culture of Compliance



3-1 Building Control Existing Governance Structure

The Building Control Management System (BCMS) is administered nationally for use by BCAs authorised staff on a controlled basis. The BCMS is the sole originator of and generator of the individual BCA Statutory Building Control Registers. The Local Government Management Agency will oversee the protection and integrity of this national database on behalf of the 31 Building Control authorities, until such time as the the project is delivered through the shared services, lead authority model of service delivery.

The BCMS delivers the web page that is the interface between users and the Building Control Authorities. The system is monitored and upgraded on an ongoing basis, in the interest of continuing improvement. The BCMS facilitates the assembly of reports on performance indicators and on construction activity in general.

### 3.3 Regional Inspectorates

Regionalisation has the potential to create a critical mass and increased capacity for lower-resourced authorities. This will be introduced, and its effectiveness reviewed on an ongoing basis at the initiative of groups of authorities, when they consider it to be appropriate to their needs.

### 3.4 Standard Approaches

Standardisation of approaches, and identification of national best practice, is being carried out to ensure that consistent, best practice standards will apply across authorities.

Interpretations of legislation will be developed at national level through the DECLG/BC Steering Committee, on request from individual Local Authorities. These are available in the form of Frequently Asked Questions, which are available in the Policy and Procedures folder of the BCMS. This practice will ensure consistency of approach nationally, and will provide support to individual Local Authority's in their decision making processes.

Interpretations may be shared with third parties with the clear proviso that their adoption is entirely at their discretion.

## 4. Risk Assessment

In the context of the building regulations, a hazard can be considered as a failure of the functional requirements of the Building regulations, and/or the likelihood of persons in or about buildings to suffer injury as a result of such a failure. A Risk Assessment is then where the severity of the hazard and its potential outcomes are considered in conjunction with other factors including the level of exposure and the numbers of persons exposed and the risk of that hazard being realised.

### 4.1 Aims of risk assessment

The risk assessment aims to:

- (a) Identify those buildings and works that should be targeted for inspections by Building Control Authorities and identify:
  - points in the construction programme where the risk posed by non-compliance warrants inspection; and
  - Points in the construction programme where the Building Control Officer will have the opportunity to view work prior to being covered over and/or is able to pre-empt non-compliance through reviewing work in progress.
- (b) Identify the number of visits that might reasonably be anticipated for inspecting the building work given the risk posed by non-compliance.

### 4.2 Benefits of risk assessment

The application of risk assessment offers the following benefits:

- (a) Enables Building Control Authorities to focus resources on the higher risk building projects;
- (b) Enables Building Control Authorities to focus, in particular, on builders and others with a history

of non-compliance; and

- (c) Enables Building Control Authorities to achieve a proportionate, transparent and consistent approach to inspection of building work.

By completing a risk assessment in a transparent and consistent way, this will enable effective dialogue with persons carrying out the work, thereby facilitating effective working with these persons and enabling queries regarding inspection regimes to be addressed.

Risk assessment is expected to support an effective approach to inspection, help improve compliance and achieve best value in use of Building Control Authority resources.

### 4.3 Risk assessment approach

Building Control Authorities should establish procedures so that assessments of all projects are carried out in a transparent and consistent manner.

Factors that would be taken into account when carrying out a risk assessment include:

- (a) Type and use of building;
- (b) Location of the development
- (c) Form of construction and expertise of the Builder;
- (d) How complicated or relatively straightforward the method of construction is;
- (e) Whether recent experience indicates current problems in interpreting and/or achieving compliance with certain requirements;
- (f) How serious the consequences of a particular Part A-M contravention might be; and
- (g) The impracticability or impossibility of subsequent inspection of closed up work.
- (h) Proximity to Building Control Authority offices
- (i) Developments which avail of the exemptions as set out in Building Control Amendment (No 2) Regulations of 2015, S.I. 365 of 2015

In order to ensure that a risk assessment is suitable and sufficient it should:

- (a) Identify the stages within a construction programme where it would be reasonable to carry out inspections, given the risk, in order to prevent or detect non-compliance;
- (b) Indicate the approximate number of inspections that would be proportionate to the risk and would reasonably be needed to survey a project as a whole and per construction stage; and
- (c) Indicate the elements that will reasonably need to be inspected at each stage, especially any that need to be highlighted to the Assigned Certifier, in order to ensure that they are available to view at the time of inspection, and to ensure that the Inspection Notification Framework is appropriately updated. **Appendix IV** outlines a non-complex process for inspection milestones.

Where the Building Control Authority has access to data on non-compliance this may inform the risk assessment. Such data is provided by, for example, assessing the frequency with which non-compliance has occurred for specific elements and stages of work. Risk assessments should give proportionate weight to all forms of non-compliance.

## 5. Technical Assessment

This applies to oversight carried out by designated Building Control “*Authorised Persons*” post-



commencement and during the construction process.

The frequency of inspections to be carried out on a particular development should be determined by the Risk Assessment process. **Appendix VI** details a standard inspection form.

Technical Assessment may include such requests, as considered appropriate to each circumstance, to furnish drawings and documentation, in addition to the General Arrangement Drawings that were required to be submitted as part of the application for Commencement, and referred to as part of the Schedule of Documentation upon which reliance is placed in support of compliance of designs. In this regard it may be appropriate to request the updating of this documentation to include such changes as may have occurred subsequent to Commencement.

## 6. Statutory Building Control Register

Article 21 of the Building Control Regulations 1997 - 2015 sets out the requirements for the public register. BCAs should amend the Register as appropriate reflecting key decisions by the Building Control Authority and An Bord Pleanála;

### 6.1 Availability of the Statutory Public Register

- The register, for Commencement Notices, 7 day notices and Certificates of Compliance on Completion will be made available on the BCMS portal localgov.ie. Local Authority's will be required to maintain their own registers to ensure compliance with Article 21 (1), subsections a, c, d, e, f, & g or make additions to the BCMS Register until such time as the full suite of Building Control Regulations are developed for electronic submission.
- In the interest of clarity, records relating to particulars included on the register may be accessed in accordance with the **Freedom of Information Acts 1997 and 2003. Also refer to Circular Letter: BC1/2005.**
- For the avoidance of doubt, the **register may be maintained electronically subject to the Data Protection Acts 1998 and 2003**"

## 7. Appeals to An Bord Pleanála

Section 7 of the Building Control Act 1990-2014 provides for an applicant who is dissatisfied with the decision of a building control authority on an application pursuant to—

- (a) section 4, for a dispensation from, or relaxation of, any requirement of building regulations, or
- (b) section 6 (2) (a) (ii), for a fire safety certificate, or
- (c) section 6 (2) (a) (iii), for a certificate of approval, or
- (d) section 6(2)(a)(vii), for a regularisation certificate, or
- (e) section 6(2)(a)(ix), for a disability access certificate,

(2) An Bord Pleanála, after consideration of an appeal under this section, shall either (as it thinks proper) refuse the appeal or allow the appeal subject, where it thinks fit, to the attachment, amendment or deletion of conditions.

Where a BCA grant a Dispensation from, or Relaxation of, any requirement of Building Regulations, a Fire Safety Certificate, a Disability Access Certificate with conditions, or refuse to grant Dispensation from, or Relaxation of, any requirement of Building Regulations, a Fire Safety Certificate, a Disability Access Certificate, they shall notify the applicant that an appeal may be made against the decision of the BCA within the prescribed period to An Bord Pleanála.

Where An Bord Pleanála circulate a copy of an appeal to the BCA and request that the BCA make submissions or observations, then the BCA should provide a response on the specific matters raised in the grounds of the appeal, such as would assist the assessment of the appeal. This submission should include a copy of the written technical report prepared by the BCA referred to above.

Procedures should be put in place by the BCAs to ensure that such a written response is provided within the timelines originally requested by the Board in its initial notification of an appeal.

## 8. Phased Completion

For buildings that are completed on a phased basis for occupation, for example houses or apartment blocks, it is appropriate to submit "Certificates of Compliance on Completion" for each phase. Where it is valid, the Building Control Authority should accept the "Certificate of Compliance on Completion" for the particular phase and place it on the register. On completion of the entire project a final complete Certificate of Compliance on Completion may be required.

As a general rule it is recommended that any phasing of developments for the purpose of "Certificate of Compliance on Completion" should be carefully considered in the context of interdependency of the Parts A-M; with each other and the other phases in the development. For the purpose of best practice housing development and construction compliance each phase should be designed to stand alone and as such compliance with Part A-M should be addressed both individually and collectively. Agreement on the programme of phased completion of developments should be agreed between the relevant parties at commencement or early in the development works to prevent delays in the validation process.

## 9. Archiving of Records

Arrangements should be put in place to ensure that records relating to the building control service provided to individual projects are retained in accordance with the relevant provisions of the 'National Retentions Policy for Local Authority Records, 2002', summarised in Table 1.1. An archiving policy will be developed by the BCMS Steering Committee for documents uploaded to the BCMS.

	Retention Recommendations		
Series Title	Current	Non-Current	Long Term
Register	2 Years	5 Years	Archive
Commencement Notices	2 Years	5 Years	Archive

<b>Fire Safety Certificates</b>	5 Years	Until Works completed and approved by Fire Officer	Dispose
<b>Fire Officers Diaries/ Inspection Sheets</b>	2 Years	20 years	Archive

## 10. Administrative Validation and Assessment

*Chester Bowles concluded from his experience with the U.S. Office of Price Administration during World War II that 20 per cent of all firms would comply unconditionally with any government rule, five per cent would attempt to evade it and the remaining 75 per cent are also likely to comply, but only if the enforcement threat to the dishonest five per cent is credible.*

*Source: improving regulatory compliance: strategies and practical applications in OECD countries, John Braithwaite, 1993.*

### 10.1 Commencement Stage

On receipt of the Commencement Notice, together with the notices of assignment of Builder and Assigned Certifier, their respective undertakings, the Design Certificate and accompanying inspection plans and documentation; the Building Control Authority will undertake a validation process on the documentation submitted. (**Appendix III** provides further details on this process).

Validation relates solely to the completeness of the application in terms of material submitted and not to the detail within the material itself. A Building Control Authority is not under any duty to ensure that a building or works to which a Certificate of Compliance or Notice relates complies with the requirements of the Building Regulations, is free from defects, complies with the requirements of the Building Control Acts or Regulations, or verify that the facts stated in the certificate are true and accurate.<sup>4</sup>

Plans and documentation lodged will be readily available should the particular project be selected for an inspection by the Building Control Authority.

### 10.2 Construction stage –Overview- assessment and inspection

Building Control Authorities should put a procedure in place for the assessment and inspection of building work as notified on the Building Control Management System. **Appendix IV** provides indicative milestones for a project and indicates where inspections would take place along with the relevant Building Regulations compliance requirements.

Authorities should adopt a risk management based approach in undertaking this work. This will include consideration of matters such as: -

- (a) The use of the building;
- (b) The type of construction;

<sup>4</sup> Section 6(6) of the Building Control Act 1990 - 2014

- (c) The potential consequences of a non-compliance with Part A-M of the Building Regulations
- (d) The level of experience of the design team and the Builder; and
- (e) Past-experience regarding compliance by the parties involved in the project.
- (f) Relative independence of the persons designated in their respective roles at Commencement.
- (g) On foot of legitimate third party enquiry, as may arise, in the normal way

In addition, a level of random assessment and inspection should be carried out.

In line with the agreed Performance Indicators for Local Government, Building Control Authorities are required to carry out a level of inspection equivalent to 12% to 15% of new buildings for which valid commencement notices have been received.

Building Control Authorities should keep full records of all assessments and inspections carried out. Inspection reports should be made available, on request, to the Assigned Certifier, the Builder and the Owner.

### 10.3 Completion stage-Overview

The role of the Building Control Authority at completion stage is to validate the submission of the Certificate of Compliance on Completion and, where appropriate, to include details of same in the Register. The validation process will include checking that the certificate was correctly completed and signed. The authority will check 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 Certificates, Disability Access Certificates, etc. In the normal course of events, it is not appropriate for the Building Control Authority to commence a technical assessment at this stage.

The Annex to the Statutory Certificate of Compliance on Completion detailing the Table of Plans, Calculations, Specifications, Ancillary Certificates and Particulars, and other Documents accompanying the Certificate of Compliance on Completion, must be completed and be retained on the Building Control Management System by the Building Control Authority.

## Appendix I-EU (Construction Products) Regulations 2013 (S.I. No. 225 of 2013)

Market Surveillance under Construction Products Regulation No. 305/2011

EU regulation No. 305/2011, known as the Construction Products Regulations or CPR, lays down harmonised conditions for the marketing of construction products and sets out specific market surveillance and safeguard procedures in respect of construction products in accordance with the framework provisions of Regulation No 765/2008 of 9 July 2008 which sets out the requirements for accreditation and market surveillance relating to the marketing of products.

In the context of construction products, market surveillance refers to the activities carried out and the measures taken by market surveillance authorities (i.e. enforcement authorities) to ensure that construction products comply with the requirements set out in the Construction Products Regulation and therefore do not endanger the health, safety or any other aspect of public interest protection. In real terms, market surveillance under the Construction Products Regulation will include any necessary actions to:

- Stop the circulation of construction products that do not comply with all the requirements set out in the Construction Products Regulation (e.g. bans, withdrawals, recalls);
- Require economic operators to bring their construction products into compliance; and/or
- Apply sanctions to non-compliant economic operators.

These provisions are supported in Ireland by the European Union (Construction Products) Regulations 2013 (S.I. No. 225 of 2013) and, inter alia, provide for the appointment by Building Control Authorities of Authorised Officers for the purpose of carrying out market surveillance activity in respect of construction products.

Regulations 12 to 14 provide building control authorities with wide-ranging powers to assist in the execution of their market surveillance activities.

These include power to:

- Enter buildings, land and vessels to undertake such evaluations, examinations, tests or inspections of a construction product;
- Request technical information to ascertain if a construction product is compliant with the requirements of the Construction Products Regulation;
- Take copies of records, or extracts from files, to facilitate the evaluation, examination or inspection of a construction product;
- Require an employee or a person in charge to provide information in a legible form on a construction product;
- Require explanations in relation to a construction product from an employee or a person in charge;
- Take photographs of a construction product, the place of manufacture and/or the place of storage of the construction product;

- Bring persons and/or equipment to the place of manufacture or storage of a construction product to assist in such evaluations, examinations, tests or inspections as are considered necessary;
- Take samples of a construction product for testing;
- Issue a notice to require corrective actions to be taken by an economic operator within a specified period of time, and, in the event of a serious risk being identified, to
- Request the Minister to prohibit or restrict a construction product from being made available on the market, to withdraw it from the market or to recall it, or to make its use subject to special conditions as deemed appropriate.

For further information refer to draft "*Guidelines Market Surveillance Authorities*" (published separately).

## Appendix II-EU (Energy Performance of Buildings) Regulations 2012 S.I. No. 243 of 2012

These regulations substantially transpose the *Directive 2010/31/EU<sup>5</sup> on the Energy Performance of Buildings* which requires member states to implement arrangements for the energy performance rating and certification of buildings (in Ireland known as Building Energy Rating (BER) certificates) when advertised for sale or letting or when commissioned and, informs the setting of energy performance standards in building codes (i.e. Part L/TGD L of our Building Regulations).

S.I. No. 243 of 2012 requires that:

- Building Energy Rating certificates are required (unless otherwise exempt) whenever a building (including dwellings) is offered for sale or letting; newly commissioned buildings require a provisional BER certificate if it is offered for sale or letting sold off plans and must have a valid BER Certificate prior to occupation or use;
- Building Energy Ratings are included in all advertisements for the sale or lease of buildings;
- Display Energy Certificates (DECs) are required in public and privately owned buildings, which are frequently visited by the public and which are above 500 m<sup>2</sup> in size (reducing to 250 m<sup>2</sup> from 9<sup>th</sup> January 2015 for public sector buildings frequently visited by the public);
- Owners and agents are required to present BER certificates on demand to Authorised Officers or furnish a reason for failure to obtain same within 28 days.

Enforcement of the above aspects of the regulations is the responsibility of local Building Control Authorities, each of whom may take such steps as are reasonably necessary for the purpose of verifying compliance with the regulations by obligated persons operating within their functional areas. Such steps may typically include, *inter alia*, requesting copies of BER certificates and advisory reports from Building Owners (or from any agents they may have engaged to act on their behalf) as well as seeking any evidence deemed necessary to demonstrate compliance with the new advertising requirements.

SEAI are responsible for the day to day administration of the BER system and have separate enforcement powers as authorized officers under the regulations in respect of their functions. The enhanced visibility of energy ratings that will arise from the advertising requirements and display requirements may assist Building Control Authorities in adopting more streamlined enforcement procedures. The establishment of administrative arrangements to scan property supplements in newspapers and magazines coupled with a random examination of various property websites periodically should readily identify instances of non-compliance thereby facilitating more targeted enforcement going forward.

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<sup>5</sup>*Directive 2010/31/EU of the European Parliament and of the Council on the energy performance of buildings*

It is important that Building Owners (and their agents) take all reasonable steps to comply with their statutory obligations and Building Control Authorities are expected to monitor the situation on the ground and ensure that adequate compliance checking is undertaken in their functional area.

Upholding the accuracy and integrity of individual BER certificates rests primarily within the operational remit of the Sustainable Energy Authority of Ireland. Should concerns arise in relation to the quality or veracity of any individual BER certificate, Building Control Authorities should bring their concerns to the attention of Sustainable Energy Authority of Ireland who has powers to take action in such matters.

SEAI will also forward information directly to Building Control Authorities where their database indicates compliance issues with energy performance /Part L requirements in new buildings and dwellings in particular. Building Control Authorities are expected to review such information and to consider what further action by way of inspection and/or enforcement may be appropriate.

As a final point, Regulation 29 of the *European Union (Energy Performance of Buildings) Regulations 2012* provides the basis for the appointment of Authorised Officers while Regulation 30 sets out broad powers of enforcement. In this context, Building Control Authorities are strongly encouraged to ensure that warrants of appointment in respect of their Authorised Officers are in order and are advised that such warrants of appointment may need to be re-issued under Regulation 29 of the new *European Union (Energy Performance of Buildings) Regulations 2012*.



## Appendix III-General Role and Guidelines

### 1) Commencement Notices

Section 6( k ) of the Building Control Acts 1990-2014 require the giving of notice to building control authorities of the erection of such buildings, or classes of buildings, or the carrying out of such works, or classes of works, as may be specified in the regulations. The Regulations provide for four Commencement Notices (CN) types:

- i. Commencement Notice With Additional Compliance Documentation
- ii. Commencement Notice with Opt Out Declaration
- iii. Commencement Notice Without Additional Documentation
- iv. 7 Day Notice
  - (a)FSC<sup>6</sup>
  - (b)Declaration

#### I. Commencement Notices with Additional Documentation;

Applicable works:

New Domestic Dwellings,  
Domestic extensions of greater than 40 sq.m,  
Works which require a Fire Safety Certificate

Required Documents:

1. Commencement Notice
2. Certificate of Compliance (Design)
3. Notice of Assignment of Person to Inspect and certify Works (Assigned Certifier)
4. Notice of Assignment of Builder
5. Certificate of Compliance (Undertaking by Assigned Certifier)
6. Certificate of Compliance (Undertaking by Builder)
7. General arrangement drawings – plans, sections and elevations
8. Preliminary Inspection Plan
9. Schedule of plans, calculations, specifications and particulars as currently designed, or as to be prepared at a later date, as are necessary to outline how the proposed works will comply with the requirements of the Second Schedule to the Building Regulations relevant to the works or building

#### Process:

A person who intends to carry out works, alterations or change the use, to/of a building to which the Regulations apply, shall give to the Building Control Authority in whose functional area the works or building are, is, or will be situated, notice of such intention in the form of a statutory “Commencement Notice” not less than fourteen days and not more than twenty-eight days before

<sup>6</sup> Fire Safety Certificate Application

commencement.

Following the submission of a Commencement Notice with additional documentation, the Building Control Authority should:

- a) assess the notice and any accompanying documentation for compliance with the requirements of Article 9 of the Building Control Regulations;
- b) check that the online assessment has been completed via the Building Control Management System;
- c) acknowledge:
  1. give notice of any requirement for revised notice, for additional information or for additional fees (within 7 days of receipt of a notice filed electronically or within 12 days of receipt of a notice received in writing, by electronic means or in writing as appropriate), via the BCMS, or;
  2. invalidate, via the BCMS or;
  3. Validate, via the BCMS.

## II. Commencement Notices with Opt Out Declaration

Applicable works:

New Single Domestic Dwellings on a single development site, Domestic extensions of greater than 40 sq.m,

The Department of Environment, Community and Local Government has published an *“Information Note for Owners of new dwellings and extensions who opt out of Statutory Certification for building control purposes”* which is available [here](#) **Required Documents:**

1. Commencement Notice
2. Declaration of intent to opt out of statutory declaration
3. Notice of Assignment of Builder
4. General arrangement drawings – plans, sections and elevations
5. Schedule of plans, calculations, specifications and particulars as currently designed, or as to be prepared at a later date, as are necessary to outline how the proposed works will comply with the requirements of the Second Schedule to the Building Regulations relevant to the works or building

### Process:

A person who intends to carry out works, alterations or change the use, to/of a building to which the Regulations apply, shall give to the Building Control Authority in whose functional area the works or building are, is, or will be situated, notice of such intention in the form of a statutory “Commencement Notice” not less than fourteen days and not more than twenty-eight days before commencement.

Following the submission of a Commencement Notice with an Opt Out Declaration, the Building

Control Authority should:

- a) assess the notice and any accompanying documentation for compliance with Article 9 of the requirements of the Building Control Regulations;
- b) check that the online assessment has been completed via the Building Control Management System;
- c) acknowledge:
  1. give notice of any requirement for revised notice, for additional information or for additional fees (within 7 days of receipt of a notice filed electronically or within 12 days of receipt of a notice received in writing, by electronic means or in writing as appropriate), via the BCMS, or;
  2. invalidate, via the BCMS or;
  3. Validate, via the BCMS.

### III. Commencement Notices without Additional Documentation

Applicable works:

Any other works not already referenced, where the building or works are relevant to the Building Regulations,

#### Required Documents:

1. Commencement Notice

#### Process:

A person who intends to carry out works, alterations or change the use, to/of a building to which the Regulations apply, shall give to the Building Control Authority in whose functional area the works or building are, is, or will be situated, notice of such intention in the form of a statutory "Commencement Notice" not less than fourteen days and not more than twenty-eight days before commencement.

Following the submission of a Commencement Notice without additional documentation, the Building Control Authority should:

- a) assess the notice for compliance with the requirements of Article 9 of the Building Control Regulations;
- b) check that the online assessment has been completed via the Building Control Management System;
- c) acknowledge:
  1. give notice of any requirement for revised notice, or for additional fees (within 7 days of receipt of a notice filed electronically or within 12 days of receipt of a notice received in writing, by electronic means or in writing as appropriate), via the BCMS, or;
  2. invalidate, via the BCMS or;
  3. Validate, via the BCMS.

#### IV. 7 Day Notice

Applicable works: All works which require a Fire Safety Certificate (works pursuant to Article 11(1) of the Building Control Regulations 1997 – 2015), where it is proposed to commence the works before the grant of the relevant Fire Safety Certificate

##### Required Documents:

1. 7 Day Notice
2. 7 Day Notice Statutory Declaration
3. Certificate of Compliance (Design)
4. Notice of Assignment of Person to Inspect and certify Works (Assigned Certifier)
5. Notice of Assignment of Builder
6. Certificate of Compliance (Undertaking by Assigned Certifier)
7. Certificate of Compliance (Undertaking by Builder)
8. General arrangement drawings – plans, sections and elevations
9. Preliminary Inspection Plan
10. Schedule of plans, calculations, specifications and particulars as currently designed, or as to be prepared at a later date, as are necessary to outline how the proposed works will comply with the requirements of the Second Schedule to the Building Regulations relevant to the works or building
11. Valid Application for a Fire Safety Certificate (see Section 5 of Appendix III)

##### Process:

Following the submission of a 7 Day Notice, the Building Control Authority should:

- a) assess the notice and any accompanying additional documentation for compliance with the requirements of Article 20A(2) of the Building Control Regulations;
- b) check that the online assessment has been completed via the Building Control Management System;
- c) acknowledge:
  1. give notice of any requirement for revised notice, for additional information, or for additional fees within 7 days of receipt of the notice, via the BCMS, or;
  2. invalidate, via the BCMS or;
  3. Validate, via the BCMS, and
  4. Assess the particulars of the Fire Safety Certificate and make a decision in relation to same in accordance with the relevant provisions of Part III of the Building Control Regulations

## 2) Fire Safety Certificate Applications

### Overview of Fire Safety Application Process

Building Control Authorities (BCAs) are responsible for assessing fire safety certificate (FSC) applications, from a technical perspective, in order to consider whether or not the design presented with the application is in compliance with Part B (Fire Safety) of the Second Schedule to the Building Regulations. The BCA may grant a certificate, with or without conditions or refuse to grant a certificate, as the case may be.

There is a statutory requirement where a BCA decides to grant a fire safety certificate subject to conditions, that they shall inform the applicant in writing of the reasons therefor.

Similarly, where a BCA decide to refuse to grant a fire safety certificate, there is a statutory requirement to notify the applicant in writing of their decision and the reasons therefor.

Building Control Authorities should establish a standardised approach to assessing Fire Safety Certificate Applications.

The assessment should include the preparation of a written technical report which would detail how the proposal is considered to comply (or not) with Part B (Fire Safety) of the Second Schedule to the Building Regulations. References to the Technical Guidance Document (TGD) Part B and other standards relied on by an applicant (e.g. British Standards) should be made as appropriate.

Where further information or clarification is required from the applicant by the BCA such a request should be clear and be made in writing.

Reasons for conditions, which should be necessary and relevant, should be clearly stated and should be specific to the development.

Refusal reasons should also be clear and specific to the development and should summarise how the development fails to comply with the requirements of Part B.

The assessment report prepared by the BCA should be part of the public file and be readily available to the first party post the decision being made. It is considered that this would be helpful to inform a first party in deciding whether or not to lodge an appeal. This would improve the efficiencies of the FSC assessment process by eliminating unnecessary appeals.

#### I. Application for a Fire Safety Certificate;

Building Control Authorities should establish a standardised approach to validating & assessing Fire Safety Applications.

Applicable works: All works which require a Fire Safety Certificate (works pursuant to Article 11(1) of the Building Control Regulations 1997 – 2015),

#### Required Documents:

1. Application for a Fire Safety Certificate
2. Site plans, floor plans, sections, and elevations, at an appropriate scale, (in duplicate), calculations, specifications and particulars as are necessary to describe the buildings or works, and which allow the Building Control Authority to assess whether the said works, or building would, if constructed in accordance with the documents lodged, comply with the

requirements of Part B of the Second Schedule to the Building Regulations

3. Particulars of the nature and extent of the proposed use, and where necessary the existing use of the building concerned

**Process:**

- a) Following the submission of an application for a Fire Safety Certificate, the Building Control Authority should: record the date of receipt;
- b) assess the application for compliance with the requirements of Article 13 of the Building Control Regulations;
- c) acknowledge;
  1. give notice of any requirement for plans, calculations, specifications or particulars, or fee as may be necessary to comply with Article 13; or
  2. invalidate; *or*
  3. Record valid application details on the Register.
- d) Process time extensions; or
- e) Within a period of two months of receipt of the application:
  1. Consider valid applications for requirements of Part B of the Building Regulations having regard to any Dispensations or Relaxations;
  2. consider any revised plans/calculations/specifications requested; all requests for further information should be clear and in writing;
  3. grant the certificate, without conditions; or
  4. refuse to grant the certificate and include in the written notification the reasons for refusal (stating which Part B requirement is not met and giving a reasoned explanation) and advice on the right to appeal the decision to the Board; or
  5. grant the certificate with conditions and issue notice in writing of the decision and include in the notification the reason for each condition (stating the relevance to the Part B requirement and explaining clearly why the condition is necessary) and advice on the right to appeal the decision to the Board, except in the case of a Fire Safety Certificate which accompanies a 7 Day notice; and
  6. Record the decision on the Register.
  7. Ensure the summary of the technical assessment of the decision is on file and available to the applicant and to the Board as required.

## **II. Application for a Revised Fire Safety Certificate;**

Applicable works: All works which require a Fire Safety Certificate (works pursuant to Article 11(1) of the Building Control Regulations 1997 – 2015) where either the original application for a Fire Safety Certificate was submitted prior to the grant of planning permission, and such a grant of planning permission requires a revision of the design to ensure compliance with the requirements of the second schedule to the Building Regulations, or where significant revision is made to a building in respect of which a Fire Safety Certificate has already been granted by a Building Control Authority

**Required Documents:**

1. Application for a Revised Fire Safety Certificate
2. Site plans, floor plans, sections, and elevations, at an appropriate scale, (in duplicate), calculations, specifications and particulars as are necessary to describe the buildings or works, and which allow the Building Control Authority to assess whether the said works, or building would, if constructed in accordance with the documents lodged, comply with the requirements of Part B of the Second Schedule to the Building Regulations
3. Particulars of the nature and extent of the proposed use, and where necessary the existing use of the building concerned

**Process:**

Following the submission of an application for a Revised Fire Safety Certificate, the Building Control Authority should:

- a) record the date of receipt;
- b) assess the application for compliance with the requirements of Article 20B (3) of the Building Control Regulations;
- c) acknowledge;
  1. give notice of any requirement for plans, calculations, specifications or particulars, or fee as may be necessary to comply with Article 20B (3); or
  2. invalidate; or
  3. Record valid application details on the Register.
- d) Process time extensions; or
- e) Within a period of two months of receipt of the application:
  1. Consider valid applications for requirements of Part B of the Building Regulations having regard to any Dispensations or Relaxations;
  2. consider any revised plans/calculations/specifications requested; all requests for further information should be clear and in writing;
  3. grant the certificate, without conditions; or
  4. refuse to grant the certificate and include in the written notification that the the reasons for refusal (stating which Part B requirement is not met and giving a reasoned explanation) and advice on the right to appeal the decision to the Board; or
  5. grant the certificate with conditions and issue notice in writing of the decision and include in the notification the reason for each condition (stating the relevance to the Part B requirement and explaining clearly why the condition is necessary) and advice on the right to appeal to the Board; and
  6. Record the decision on the Register.
  7. Ensure the summary of the technical assessment of the desicison is on file and available to the applicant and to the Board as required.

**III. Application for a Regularisation Certificate;**

**Applicable works:** Where works have been commenced or completed in respect of the construction of a building or an extension of or a material alteration to a building without a fire safety certificate

or the submission of a 7 day notice.

**Required Documents:**

1. Application for a Regularisation Certificate
2. Regularisation Certificate Statutory Declaration
3. Site plans, floor plans, sections, and elevations, at an appropriate scale, (in duplicate), calculations, specifications and particulars as are necessary to describe the buildings or works, and which allow the Building Control Authority to assess whether the said works, or building would, if constructed in accordance with the documents lodged, comply with the requirements of Part B of the Second Schedule to the Building Regulations
4. Particulars of the nature and extent of the proposed use, and where necessary the existing use of the building concerned

**Process:**

Following the submission of an application for a Regularisation Certificate, the Building Control Authority should:

- a) record the date of receipt;
- b) assess the application for compliance with the requirements of Article 20C (2) of the Building Control Regulations;
- c) acknowledge;
  1. give notice of any requirement for plans, calculations, specifications or particulars, or fee as may be necessary to comply with Article 20C (2); or
  2. invalidate; or
  3. Record valid application details on the Register.
- d) Process time extensions; or
- e) Within a period of two months of receipt of the application:
  1. Consider valid applications for requirements of Part B of the Building Regulations having regard to any Dispensations or Relaxations; and
  2. consider any revised plans/calculations/specifications requested; all requests for further information should be clear and in writing; and
  3. Inspect the premises in accordance with Article 20C (6), and
  4. grant the certificate, without conditions; or
  5. refuse to grant the certificate and include in the written notification the reasons for refusal (stating which Part B requirement is not met and giving a reasoned explanation) and advice on the right to appeal the decision to the Board; or
  6. grant the certificate with conditions and issue notice in writing of the decision and include in the notification the reason for each condition (stating the relevance to the Part B requirement and explaining clearly why the condition is necessary) and advice on the right to appeal to the Board; and
  7. Record the decision on the Register.
  8. Ensure the summary of the technical assessment of the decision is on file and available to the applicant and to the Board as required.



### 3) Disability Application Certificates

#### Overview of Disability Application Certificate Process

Building Control Authorities (BCA) are responsible for assessing Disability Access Certificates (DAC) applications, from a technical perspective, in order to consider whether or not the design presented with the application is in compliance with Part M (Access and Use) of the Second Schedule to the Building Regulations. The BCA may grant a certificate, with or without conditions or refuse to grant the certificate, as the case may be.

Building Control Authorities should have regard to the guidelines set out in the CCMA Guidance Document on Assessing Disability Access Certificate Applications<sup>7</sup> and the DECLG guidance and training manuals.

There is a statutory requirement where a BCA decide to grant a Disability Access Certificate subject to conditions, that they shall inform the applicant in writing of the reasons therefor.

Similarly, where a BCA decide to refuse to grant a Disability Access Certificate, there is a statutory requirement to notify the applicant in writing of their decision and the reasons therefor.

Building Control Authorities should establish a standardised approach to assessing DAC Applications.

The assessment should include the preparation of a written technical report which would detail how the proposal is considered to comply (or not) with Part M (Access and Use) of the Second Schedule to the Building Regulations. References to the Technical Guidance Document (TGD) Part M and other standards relied on by an applicant (e.g. British Standards) should be made as appropriate.

Where further information or clarification is required from the applicant by the BCA such a request should be clear and be made in writing.

Reasons for conditions, which should be necessary and relevant, should be clearly stated and should be specific to the development.

Refusal reasons should also be clear and specific to the development and should summarise how the development fails to comply with the requirements of Part M.

The assessment report prepared by the BCA should be part of the public file and be readily available to the first party post the decision being made. It is considered that this would be helpful to inform a first party in deciding whether or not to lodge an appeal. This would improve the efficiencies of the DAC assessment process by eliminating unnecessary appeals.

#### I. Application for a Disability Access Certificates;

Building Control Authorities should establish a standardised approach to validating & assessing Disability Access Certificate Applications, and should implement the guidelines set out in the CCMA Guidance Document on Assessing Disability Access Certificate Applications and have regard to the DECLG guidance and training documents

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<sup>7</sup> "A sample-based approach to applying for a Disability Access Certificate" see BCMS "Policy & Procedures Folder"

Applicable works: All works on a building, subject to the Part M requirements, to which Part III applies, pursuant to Article 11(1), paragraphs (a) – (e) of the Building Control Regulations 1997 – 2015),

**Required Documents:**

1. Application for a Disability Access Certificate
2. Site plans, floor plans, sections, and elevations, at an appropriate scale, (in duplicate), calculations, specifications and particulars as are necessary to describe the buildings or works, and which allow the Building Control Authority to assess whether the said works, or building would, if constructed in accordance with the documents lodged, comply with the requirements of Part M of the Second Schedule to the Building Regulations
3. Particulars of the nature and extent of the proposed use, and where necessary the existing use of the building concerned

**Process:**

Following the submission of an application for a Disability Access Certificate, the Building Control Authority should:

- a) record the date of receipt;
- b) assess the application for compliance with the requirements of Article 20D (3) of the Building Control Regulations;
- c) acknowledge;
  1. give notice of any requirement for plans, calculations, specifications or particulars, or fee as may be necessary to comply with Article 20D (3); or
  2. invalidate; or
  3. Validate, and
  4. Record application details on the Register.
- d) Process time extensions; or
- e) Within a period of two months of receipt of the application:
  1. Consider valid applications for requirements of Part M of the Building Regulations having regard to any Dispensations or Relaxations;
  2. consider any revised plans/calculations/specifications requested; all requests for further information should be clear and in writing;
  3. grant the certificate, without conditions; or
  4. refuse to grant the certificate and include in the written notification that the reasons for refusal (stating which Part M requirement is not met and giving a reasoned explanation) and advice on the right to appeal the decision to the Board; or
  5. grant the certificate with conditions and issue notice in writing of the decision and include in notification the reason for each condition (stating the relevance to the Part M requirement and explaining clearly why the condition is necessary) and advice on the right to appeal the decision to the Board; and
  6. Record the decision on the Register.

## II. Application for Revised Disability Access Certificate;

As for Application for Disability Access Certificate.

### 4) Application for Dispensation from or Relaxation of Building Regulations;

Applicable works: Any works to which the Building Regulations apply, where a Building Control Authority, if it considers it reasonable, having regard to all the circumstances of the case, may grant a dispensation from or a relaxation of the building Regulations in respect of buildings or works within its functional area

#### Required Documents:

1. Application for a Dispensation / relaxation
2. Site plans, floor plans, sections, and elevations, at an appropriate scale, (in duplicate), calculations, specifications and particulars as are necessary to describe the buildings or works, and which allow the Building Control Authority to assess whether or not a dispensation or relaxation of the Building Regulations is warranted in the particular case.

#### Process:

- a) record the date of receipt;
- b) consider the application and any accompanying documentation for compliance with the requirements of Article 14 of the Building Regulations 1997 - 2014;
- c) record valid application details on the Register;
- d) consider if it is a reasonable application having regard to all the circumstances of the case:
  1. dispensation from and relaxations of the Building Regulations should only be granted for non-technical and extreme reasons;
  2. Where the TGDs give leeway e.g. lesser standard for existing buildings or historic buildings, practicability concept in TGD M, etc. formal dispensation/relaxation request is not required.
- e) consider any valid application and accompanying documentation for;
  1. dispensation from; or
  2. Relaxation of the particular requirements of the Building Regulations which must be clearly documented in the application.
- f) Process time extensions; or
- g) Within a period of two months of receipt of the application:
  1. Consider valid applications for Dispensations or Relaxations;
  2. consider any revised plans/calculations/specifications requested; all requests for further information should be clear and in writing;
  3. grant the dispensation/relaxation, without conditions; or
  4. refuse to grant the dispensation/relaxation and include in the written notification the reasons for refusal (stating which Regulation requirement is not met and giving a reasoned explanation) and advice on the right to appeal; or
  5. grant the dispensation/relaxation with conditions and issue notice in writing of decision and include in the notification the reason for each condition

(stating the relevance to the regulations and explaining clearly why the condition is necessary) and advice on the right to appeal; and

6. Record the decision on the Register.
7. Ensure the summary of the technical assessment of the decision is on file and available to the applicant and to the Board as required.

### 5) Certificate of Compliance on Completion;

A Completion Certificate must be sent to the Building Control Authority and included on the statutory register maintained under Part IV of the Principal Regulations before works on a building to which these regulations apply can be opened, occupied or used.

**Applicable works:** Any works where a Commencement Notice with Additional Documentation was submitted (includes a 7 Day Notice) to the Building Control Authority

#### Required Documents:

1. Form of Certificate of Compliance on Completion
2. Annex to Certificate of Compliance on Completion completed
3. plans, calculations, specifications and particulars as are necessary to outline how the works, as completed a) differs from the plans, calculations, specifications, and particulars as submitted at commencement stage, and b) complies with the requirements of the Second Schedule to the Building Regulations
4. Inspection Plan as implemented by the Assigned Certifier

#### Process:

- a) receive Certificate of Compliance on Completion;
- b) record the date of receipt;
- c) consider within 21 days of the date of receipt of documentation that:
  1. Certificate and accompanying documentation complies with the requirements of the Building Control Regulations;
    - i. Is the completion certificate in the form specified for that purpose in the Sixth Schedule of the Regulations?
    - ii. Is works, buildings, including areas within a building, or developments, including phases thereof, and relevant details clearly identified on the Certificate of Compliance on Completion
    - iii. Is the completion certificate signed by the Builder and the Assigned Certifier?
    - iv. Is the completion certificate accompanied by the completed Annex to the Compliance Certificate?
    - v. Does the annex detail the list of plans, calculations, specifications and particulars as are necessary to outline how the works or building as completed?
    - vi. Does the Annex detail how these differ from the plans, calculations, specifications and particulars submitted for the purposes of commencement?
    - vii. Is it accompanied by the Inspection Plan as implemented by the Assigned Certifier in accordance with the Code of Practice or a suitable equivalent?
  2. the building control authority is satisfied that all

- i. enforcement notices;
      - ii. information requests; and
      - iii. statutory processes;
      - iv. including any applications for certificates relevant to the building concerned have been satisfactorily concluded.
- d) where the Building Control Authority considers that a Certificate of Compliance on Completion may not be valid having regard to the regulations:
  1. issue notification with reasons, of non-compliance stating that;
    - i. certificate cannot be accepted by the authority & return documentation; or
    - ii. require submission to the authority:
      1. such revised certificate or;
      2. such additional documentation - as may be deemed necessary by the Building Control Authority to accompany the Certificate.
- e) where the building control authority considers the Certificate of Compliance on Completion to be valid;
  1. the building control authority shall, enter particulars on the Register; and
  2. issue notice that the Certificate particulars have been included on the Register;
- f) where a revised certificate or additional documentation has been required within 7 days of full receipt consider the validity of the certificate;
- g) consider pre-notification certification date applications as above.

#### **Prior Notification of Submission of Completion Certificate**

- a) Between 3 and 5 weeks prior to the building being completed, the Assigned Certifier may submit prior notification. This requires the submission of any necessary amendments of plans, specifications, calculations and the implemented Inspection Plan to the Building Control Authority on a date falling not more than 5 weeks and not less than 3 weeks prior to a nominated date on which a Certificate of Compliance on Completion is to be signed and submitted. On receipt of this notification the Building Control Authority shall proceed to consider the validity of the Certificate with a view to facilitating the inclusion of the details of the Certificate of Compliance on Completion on the statutory register within one working day of the actual Certificate of Compliance on Completion being submitted to the Building Control Authority subject to all requirements being met.
- b) The Building Control Authority will check that there are no unresolved Enforcement Notices or other statutory notices. They will also check the names of the Assigned Certifier and Builder as provided.

Where there are unresolved Enforcement Notices and/or the names of the Assigned Certifier and/or Builder are not in accordance with previous notifications to the Building Control Authority, the authority may notify the Assigned Certifier that all is not in order and reject the prior notification as being invalid.

- c) Where the Prior Notification has not been deemed invalid by the Building Control Authority, it should facilitate the inclusion of the details of the Certificate of Compliance on Completion on the statutory register within one working day of the actual Certificate being submitted to the Building Control Authority subject to all requirements being met.

## 6) Process Fees and Requests for Exemptions;

### a) Fee Exemptions:

1. consider and make decisions regarding fee exemptions where a building control authority is of the opinion that the works or the building which are the subject of a notice or application, are being carried out, or, in the case of a material change of use, is being made, by or on behalf of a voluntary organisation not mainly used for profit or gain (see Appendix XI for sample request for fee exemption) ; or
2. a body standing approved of for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act, 1992 (No. 18 of 1992).
3. As Building Control Offices have discretion in relation to the waiving of fees, each Building Control Authority should prepare and publish a written statement indicating how its discretion will typically be applied.

### b) Process fees for a copies of:

1. entries in the register;
1. a Fire Safety certificate, revised fire safety certificate, a regularization certificate, a disability access certificate, a revised disability access certificate or a 7 day notice,
2. a document which indicates that a dispensation or relaxation has been granted
3. administrative charges for uploading and scanning notices & applications.

## 7) Code of Practice for Inspecting and Certifying Buildings and Works;

The Building Control Authority shall have regard to the statutory code of practice when considering compliance requirements.

## 8) Appeals to An Bord Pleanála;

Process and consider submissions in relation to An Bord Pleanála on Appeals in the case of application/notice decisions by the Building Control Authority and amend Register.

## 9) Maintain Statutory Public Register;

Maintain an electronic register populated with the records as set out in Article 21 of the Principal Regulations as amended by Article 13 of S.I. 9 of 2014.

## 10) Maintain Records;

Maintain records for Data Protection and FOI compliance including;

- (a) a public Register; and
- (b) records, including records of inspection;
- (c) Applications, Notices, Enforcement Notices and decisions on same.

**In addition to the above duties which Building Control Authorities must do, they are also empowered to do the following:**

### 11) Building Energy Rating Certificates;

Implement the requirements of Circular Letter: BC 4 /2009 ref. Appendix II;

Request for and receive Part L Compliance Documentation in the form of BER certificates and associated DEAP/NEAP calculations:

- (a) When a new or existing dwelling is offered for sale (or let) a BER certificate must be produced by the vendor or their agent (e.g. auctioneer, estate agent, solicitor) to potential buyers or tenants.
- (b) When a new dwelling is offered for sale "off plans" a provisional BER certificate must be produced by the vendor to potential buyers or tenants, based on the pre- construction plans; and when the same new dwelling is completed, a BER certificate must be supplied to the purchaser, based on a survey of the dwelling as constructed (to take account of any design changes during construction).
- (c) When a new dwelling is built for a specific owner-occupier: A BER certificate must be procured by the person commissioning the dwelling, prior to taking up occupation of the dwelling.
- (d) Establish an administrative arrangement whereby random written requests for BER Certificates in relation to an appropriate proportion of properties offered for sale or rental will be made on a regular, ongoing basis.
- (e) When requesting DEAP calculations the BCOs should specifically ask for a printout of;
  1. the pages showing conformance with Building Regulations Part L and
  2. a Microsoft Word version of the Dwellings Details Report.

### 12) Market Surveillance of Construction Products;

Implement the requirements in accordance with the DECLG Guidelines for Market Surveillance Authorities (In Draft at the moment).

Arrangements should also be put in place within each market surveillance authority to ensure that records relating to their market surveillance activities are retained for a minimum period of 10 years. Market surveillance authorities should keep records of their market surveillance activities under the following broad headings (where applicable): -

- 1) number of product related accidents / user complaints;
- 2) number of substantiated complaints by industry concerning unfair competition;
- 3) total number of inspections and broken down by:
  - a. number of reactive inspections,
  - b. number of self-initiated inspections, and
  - c. number of inspections prompted by the Revenue Commissioners (i.e. Customs);
- 4) number of inspections based on:
  - a. tests performed in laboratories, and
  - b. physical checks of products;

- 5) number of inspections resulting in:
  - a. a finding of non-compliance,
  - b. corrective actions being taken by the relevant economic operator (i.e. voluntary measures), and
  - c. restrictive measures being taken by the market surveillance authority;
- 6) number of successful prosecutions (i.e. where sanctions/penalties were applied); and
- 7) number of inspections where market surveillance authorities from other Member States were involved.

### **13) Random Risk Based Inspections;**

Undertake a risk analysis of Commencement Notices submitted in order to inform its own inspection arrangements.

### **14) Compliance with Building Regulations;**

Monitor compliance with the Regulations through inspections – Section 11 of the Act.

### **15) Enforcement for Non- Compliance with Building Control Regulations;**

Non-submission of statutory notices....; implement a random inspection regime using IT cross – compliance arrangements (i.e. BCMS, iplan, waste permits) to ensure full administrative compliance.

### **16) Enforcement for Non-Compliance with Building Regulations;**

Take Enforcement Proceedings in cases of default – Section 8 of the Act.

### **17) Prosecutions;**

Bring prosecution proceedings against defaulters – Section 17 of the Act which must be;

- instituted within twelve months after the date of the discovery of the offence; but
- not later than five years after the date of the completion of any building or works in respect of which the offence is alleged to have been committed.

### **18) Advice regarding Building Regulations**

In relation to issues of compliance relating to the building or works that are disputed by parties to the construction project to provide interpretation, as may be necessary, of the Building Regulations as they may apply in particular instances.

### **19) Requests for Information**

Administer standard S11 request procedure through the BCMS.



## 20) Performance /Service Indicators

### 26.1DECLG & CCMA Service Indicators<sup>8</sup>-.

#### 26.2 Residential Development Commencement Notices<sup>9</sup>

- a) number of residential commencement notices received;
- b) corresponding number of total residential units;
- c) corresponding number of one-off residential units;
- d) corresponding relevant number of total residential units;
- e) number of residential units withdrawn;
- f) total number of units, i.e. 4 minus 5.
- g)

#### 26.3 Building Control Service Indicators<sup>10</sup>

##### a) Commencement Notices (CN);

- 1) no. of valid Commencement Notices received;
- 2) no. of Buildings covered by valid Commencement Notices;
- 3) no. Commencement Notices rejected as invalid.

##### b) 7 Day Notices;

- 1) no. of valid 7 Day Notices received;
- 2) no. 7 Day Notices rejected as invalid.

##### c) Fire Safety Certificates (FSC);

- 1) no. of valid Fire Safety Certificates (FSC) applications;
  - a) no. of FSC applications rejected as invalid;
  - b) reasons: Article 14 (3)(a) of Building Control Regulations;  
or  
Article 14 (3) (b) of Building Control Regulations;
- c) no. of cases where the FSC applicant was invited to submit additional or revised information (Article 16 of Building Control Regulations) ;
- d) no. of FSC applications where prescribed maximum period of time (2 months) for considering applications was extended by the authority.
- e) FSC issued:-
  - (a) within 2 months;
  - (b) greater than 2 months

<sup>8</sup> Compiled by the Project Management Office on behalf of all Local Authorities, using the BCMS database

<sup>9</sup> required by DECLG housing:

<sup>10</sup> required by DECLG Building Standards:

- (c) total (a + b).
- f) no. of FSC applications rejected.
- d) **Revised Fire Safety Certificates;**
- 1) no. of Revised Fire Safety Certificates applications;
  - 2) no. of Revised Fire Safety Certificates applications rejected;
  - 3) no. of Revised Fire Safety Certificates applications granted.
- e) **Disability Access Certificates;**
- 1) no. of valid Disability Access Certificates (DAC) applications;
  - 2) no. of DAC applications rejected as invalid;
  - 3) no. of cases where the DAC applicant was invited to submit additional or revised information;
  - 4) DAC issued:
    - a) within 2 months;
    - b) greater than 2 months;
    - c) total (a + b);
    - d) No. of DAC applications rejected.
- f) **Revised Disability Access Certificates;**
- 1) no. of Revised Disability Access Certificates applications;
  - 2) no. of Revised Disability Access Certificates applications rejected;
  - 3) no. of Revised Disability Access Certificates applications granted.
- g) **Regularisation Certificates;**
- 1) no. of valid Regularisation Certificates applications;
  - 2) no. of Regularisation Certificates issued;
  - 3) no. of Regularisation Certificate applications rejected as invalid;  
reasons: Article 14 (3)(a) of Building Control Regulations;  
or  
Article 14 (3) (b) of Building Control Regulations.
  - 4) no. of cases where the Regularisation Certificates applicant was invited to submit additional or revised information (Article 14 of Building Control Regulations);
  - 5) no. of Regularisation Certificates applications where prescribed maximum period of time (2 months) for considering applications was extended by the authority.
  - 6) Regularisation Certificates issued:-
    - a) within 2 months;
    - b) greater than 2 months;
    - c) total (a + b).

- 7) no. of Regularisation Certificates applications rejected.
- h) **Inspections & Requests for Plans, Specifications etc.;**
  - 1) no. of inspections on site, prior to commencement of work;
  - 2) no. of valid Commencement Notices where Plans, Specifications, or other documents were requested;
    - a) inspections of building work in progress, including multiple inspections of the same building
      - (a) by Building Control Officer;
      - (b) by Fire Officer;
  - 3) Total Inspections (a) + (b).
- i) **Building Energy Rating Certificate;**
  - 1) the number of new dwellings for which a BER Cert was sought by the Building Control Authority;
  - 2) the number of BER Certificates submitted in response;
  - 3) the number of enforcement proceedings commenced for failure to submit/produce a BER Cert;
  - 4) brief outline of the outcome of enforcement proceedings.
- j) **Legal Proceedings Initiated;**
  - 1) no. of Enforcement Notices served;
  - 2) no. of Prosecutions:
    - (i) summary (by Local Authority);
    - (ii) indictable (by DPP);
    - (iii) no. of Circuit Court Injunctions:
      - (i) Applied for;
      - (ii) Granted.
    - (iv) no. of High Court Injunctions:
      - (iii) Applied for;
      - (iv) Granted.
- k) **Buildings inspected under the Building Regulations;**
  - 1) no. of buildings inspected;
  - 2) no. of buildings inspected as a percentage of the number of buildings covered by valid Commencement Notices.

l) **Regularisation Certificates;**

- 1) no. of valid Regularisation Certificates application;
- 2) Regularisation Certificate issued;
- 3) no. of Regularisation Certificate applications rejected.

## Appendix IV-Milestones throughout the Building Project;

Any decision to inspect a development should be based on a combination of strategic risk assessment & resource allocation, and a selection of randomly selected sites. The Assessment should be based on data submitted as part of the Commencement Notice process via the BCMS.

Inspections are spot check of critical items or at critical milestones in the construction process to check for any non-compliance with Regulations A to M of the Second Schedule to the Building Regulations, and their associated Technical Guidance Documents. Follow-up inspections to check compliance may also be required for any issues / contraventions which arise from previous inspections.

Non-compliant (contraventions) or sub-standard works must be communicated promptly and clearly to the responsible persons, and the Assigned Certifier, identifying the works in contravention(s) and indicating any measure(s) believed to be necessary to remedy the situation.

**Records must be kept and filed in the BCMS from each of the inspections.**

An Inspection which is discretionary is initiated on foot of a:

- a) complaint from general public;
- b) previous history;
- c) notice from DECLG or other agencies that a particular construction practice/method new; or unorthodox is being or has been used;
- d) random generated from BCA -12-15% recommendation;
- e) risk based;
- f) other.

### Building Stages/Milestones

1. PRE-INSPECTION
2. Formation Stage
3. Foundation Stage
4. Ground Floor Stage
5. Roof Structure Stage (prior to slabbing ceilings)
6. Completion Stage
7. ADMINISTRATIVE- Review of documentation submitted

### Table 1 Inspection template for non-complex dwelling houses

Below Table 1 is an example of a non-exhaustive list of elements in a construction which may be inspected by an Authorised Officer.

**Table 1 Inspection template for non-complex dwelling houses**

Table 1 identifies key stage during the construction of a non-complex dwelling house and the likely elements available for inspection at each stage to check for compliance with the Building Regulations at each stage. This is a non-exhaustive list and other relevant items particular to the dwelling house concerned should be included in the checklist. For timber Framed Dwellings, this document should be supplemented with guidance contained in Irish Standard, I.S. 440:2009+A1:2014 Timber frame construction, dwellings and other buildings'

Key Milestone	Review of documentation submitted (or to be submitted) at CN stage	Notes
1. PRE-INSPECTION	a) Preliminary Inspection Plan b) The general arrangement drawings, Schedule of such plans, calculations, specifications and particulars. c) The completion of the online assessment, via the BCMS	Section 11 requests (as necessary) may be required e.g. for the build-up of elements and renewables this information should be obtained from the DEAP Part L conformance report.
	<b>Typical items which may be available for inspection</b>	
2. Excavation/ Formation	a) Ground bearing suitability b) General arrangement of foundation c) Width of trench d) Depth below ground e) Steps in formation level (if any) f) Other relevant items <ul style="list-style-type: none"> <li>• .....</li> <li>• .....</li> </ul>	
3. Foundations	a) Depth and width of concrete b) Reinforcing steel c) Other relevant items <ul style="list-style-type: none"> <li>• .....</li> <li>• .....</li> </ul>	
4. Substructure works (including ground floor)	a) Rising walls (external and internal) b) DPC c) Hardcore d) Under floor services e) Radon sump/venting pipe f) DPM or Radon Barrier (incl. seals) g) Ventilated sub-floor (if any) h) Floor Insulation – thickness/ type i) Floor structure e.g. <ul style="list-style-type: none"> <li>• concrete ground bearing</li> <li>• concrete/ timber suspended</li> </ul>	

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Key Milestone	Review of documentation submitted (or to be submitted) at CN stage	Notes
	j) Other relevant items <ul style="list-style-type: none"> <li>• .....</li> <li>• .....</li> </ul>	
<b>5. Superstructure</b> (prior to slabbing ceilings)	a) Wall construction type <ul style="list-style-type: none"> <li>• Masonry units e.g. block/ bricks etc</li> <li>• Movement joints</li> <li>• Wall ties</li> <li>• Wall insulation (Thickness and type)</li> <li>• Thermal bridging (Conforms with design details)</li> <li>• Sound requirements e.g. separating wall type &amp; flanking provision</li> </ul> b) Cills & lintels incl. DPC & bearing c) Upper floor level (if any) e.g. <ul style="list-style-type: none"> <li>• floor joist span (allowable)</li> <li>• timber grade/markings</li> <li>• joist hangers</li> <li>• noggins &amp; straps</li> </ul> d) Wall-plate & tie down straps e) Chimney/ Flue liners/ gable f) Roof structure (Prefabricated) e.g. <ul style="list-style-type: none"> <li>• truss tag/mark</li> <li>• bracing/ hangers &amp; shoes</li> </ul> g) Roof structure (Cut) e.g. <ul style="list-style-type: none"> <li>• purlins &amp; Struts</li> <li>• collar ties</li> <li>• hangers &amp; runners</li> <li>• battens</li> <li>• timber grade/markings</li> </ul> h) Roof covering e.g. <ul style="list-style-type: none"> <li>• battens</li> <li>• felt type &amp; laps</li> <li>• tile/slate &amp; nailing</li> <li>• flashings</li> </ul>	

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Table 1 identifies key stage during the construction of a non-complex dwelling house and the likely elements available for inspection at each stage to check for compliance with the Building Regulations at each stage. This is a non-exhaustive list and other relevant items particular to the dwelling house concerned should be included in the checklist. For timber Framed Dwellings, this document should be supplemented with guidance contained in Irish Standard, I.S. 440:2009+A1:2014 Timber frame construction, dwellings and other buildings'

Key Milestone	Review of documentation submitted (or to be submitted) at CN stage	Notes
	i) Fire requirements <ul style="list-style-type: none"> <li>• fire stopping around openings and at top of cavity wall and separating wall.</li> </ul> j) Other relevant items <ul style="list-style-type: none"> <li>• .....</li> <li>• .....</li> </ul>	
<b>6. Completion</b>	a) Approach & Access b) Finished G.L versus FFL c) Soffit vents d) Radon sump vent identification  e) Surface & Foul Drainage e.g. <ul style="list-style-type: none"> <li>• rainwater goods</li> <li>• soil vent pipes</li> <li>• gulley traps</li> <li>• waste water treatment system (if any)</li> </ul> f) Fuel storage e.g. <ul style="list-style-type: none"> <li>• location</li> <li>• distance from dwelling/ burner/ boundary</li> <li>• fire protection</li> </ul> g) Background vents & extraction fans h) Mechanical Ventilation Heat Recovery (if any)  i) Windows & doors e.g. <ul style="list-style-type: none"> <li>• opening sizes (for escape)</li> <li>• Internal cill height</li> <li>• readily openable</li> <li>• restrictors</li> <li>• guarding</li> <li>• safety glazing</li> <li>• letter plate height of front door</li> </ul> j) Floor to ceiling height  k) Circulation <ul style="list-style-type: none"> <li>• Effective door width</li> </ul>	



**Table 1 Inspection template for non-complex dwelling houses**

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Key Milestone	Review of documentation submitted (or to be submitted) at CN stage	Notes
	<ul style="list-style-type: none"> <li>• Corridor width</li> <li>l) Stairs e.g.               <ul style="list-style-type: none"> <li>• bulk head height/ stair width</li> <li>• riser/tread dimensions</li> <li>• handrail height/ guarding</li> </ul> </li> <li>m) Roof insulation (Thickness and type)</li> <li>n) Water tank insulation</li> <li>o) Sound requirements e.g.               <ul style="list-style-type: none"> <li>• separating wall incl. finishes</li> </ul> </li> <li>p) Fire requirements e.g.               <ul style="list-style-type: none"> <li>• smoke alarms (mains powered and interconnected)</li> <li>• separating wall/ fire stopping</li> <li>• protected stairwells/ corridors (if any)</li> <li>• fire doors &amp; self-closers (if any)</li> <li>• fire resistant wall/ floor e.g. between house &amp; garage</li> <li>• fire stopping around openings and at top of cavity wall</li> </ul> </li> <li>q) Carbon monoxide alarms (if applicable)</li> <li>r) WC e.g.               <ul style="list-style-type: none"> <li>• visitable</li> <li>• dual flush toilet</li> </ul> </li> <li>s) Water supply e.g.               <ul style="list-style-type: none"> <li>• direct to sink incl. stop valve</li> <li>• water storage capacity</li> <li>• insulation of pipework</li> </ul> </li> <li>t) Renewables (Refer DEAP)</li> <li>u) Heating system e.g.               <ul style="list-style-type: none"> <li>• zone controls</li> <li>• pipe work insulation where applicable, etc.</li> </ul> </li> <li>v) Primary heating appliance e.g.               <ul style="list-style-type: none"> <li>• efficiency</li> <li>• air supply</li> </ul> </li> </ul>	

**Table 1 Inspection template for non-complex dwelling houses**

Table 1 identifies key stage during the construction of a non-complex dwelling house and the likely elements available for inspection at each stage to check for compliance with the Building Regulations at each stage. This is a non-exhaustive list and other relevant items particular to the dwelling house concerned should be included in the checklist. For timber Framed Dwellings, this document should be supplemented with guidance contained in Irish Standard, I.S. 440:2009+A1:2014 Timber frame construction, dwellings and other buildings'

Key Milestone	Review of documentation submitted (or to be submitted) at CN stage	Notes
	<ul style="list-style-type: none"> <li>• condensate drain</li> </ul> <p>w) Secondary heating system e.g.</p> <ul style="list-style-type: none"> <li>• efficiency</li> <li>• air supply</li> <li>• notice plate for hearths &amp; flues</li> </ul> <p>x) Other relevant items</p> <ul style="list-style-type: none"> <li>• .....</li> </ul>	
<p><b>7. ADMINISTRATIVE-</b></p> <p><b>Review of documentation submitted</b></p>	<p>a) Review plans, calculations, specifications and particulars as are necessary to outlining how the works or building as completed—</p> <ul style="list-style-type: none"> <li>(i) differs from stage 1, and</li> <li>(ii) comply with the requirements of the Second Schedule to the Building Regulations.</li> </ul> <p>b) Review of enforcement notices, information requests and statutory processes.</p> <p>c) Review the Inspection Plan as implemented</p>	<p>For a(ii), such evidence where applicable may include:</p> <ul style="list-style-type: none"> <li>i. Sound insulation test report;</li> <li>ii. Mechanical ventilation &amp; heat recovery installation &amp; commissioning report;</li> <li>iii. Waste water treatment system installation &amp; commissioning report;</li> <li>iv. Space &amp; water heating system installation &amp; commissioning report;</li> <li>v. Air tightness test report.</li> <li>vi. DEAP calculation for dwelling house (as built);</li> <li>vii. Fire alarm commissioning report;</li> <li>viii. Confirmation of use of proper materials (See Table 2)</li> </ul>

Table 2 Use of proper materials

Table 2 Use of proper materials			
Inspection Stage	Typical construction products used <sup>1</sup> (Strike out if not applicable)	Supporting documentation e.g. a) Where harmonised ENs or ETAs exist, CE Marking & Declaration of Performance (Provide DoP No.) <sup>1</sup> b) NSAI Agrément Certificate (Provide IAB Cert No.) c) Other third party/ Other (Provide Certs, etc.)	Based on supporting documentation, are the products/ materials “proper materials...which are fit for the use for which they are intended and for the conditions in which they are to be used” <sup>1</sup>  YES/ NO
1. Excavation/ Formation	N/A		
2. Foundations	a) Reinforcing steel		
	b) Concrete		
	c) .....		
	d) .....		
	e) .....		
3. Sub-structure (including ground floor)	a) Masonry units		
	b) Masonry mortar		
	c) DPC		
	d) Hardcore		
	e) DPM or Radon barrier		
	f) Floor Insulation		
	g) Floor structure <ul style="list-style-type: none"> <li>• Precast concrete/ timber suspended</li> </ul>		
	h) .....		
	i) .....		
	j) .....		
4. Super-structure (prior to slabbing ceilings)	a) Lintels		
	b) Masonry units		
	c) Wall ties		
	d) Wall insulation		
	e) Flue liners/ system chimneys		

<b>Table 2 Use of proper materials</b>			
	e) First floor structure e.g. • concrete • timber		
	f) Joist hangers/ straps		
	g) Wood based panels e.g. plywood, OSB etc.		
	h) Prefabricated truss		
	i) Cut roof timber members		
	j) Fabricated structural steel		
	k) Truss shoes		
	l) Roofing underlay		
	m) Roof covering e.g. • Clay roof tiles • Concrete roof tiles • Fibre cement slates • Natural slates		
	n) Roofing membranes		
	o) Flashings		
	p) .....		
<b>5. Completion</b>	a) Windows & doors		
	b) Fire doors		
	c) Plasterboard		
	d) External render		
	e) Smoke alarms		
	f) CO detector		
	g) .....		

**NOTE:**

1. Technical Guidance Documents provide information on performance levels of products and materials for specific end uses. Also the National Standards Authority of Ireland has produced additional guidance in the form of a National Annexes or Standard Recommendations, which set out appropriate minimum performance levels for specific intended uses of construction products in Ireland. DoPs should be checked to ensure that the minimum performance levels for specific end uses have been met.

## Appendix V-Building Regulation Elements for Compliance

All building must comply with the requirements of the The Building Regulations which are detailed on the Departments website below along with other guidance materials.

<http://www.environ.ie/housing/building-standards/building-regulations/building-regulations>

Below is the up to date regulations, earlier editions are listed on the website above.

### **Part A – Structure**

SI 138 of 2012 Building Regulations (Part A Amendment ) Regulations 2012

### **Part B - Fire Safety**

SI 115 of 2006 - (Part B) - Building Regulations (Amendment) Regulations 2006

### **Part C - Site Preparation and Resistance to Moisture**

S.I. No. 497 of 1997 Building Regulations

### **Part D - Materials and Workmanship**

SI 224 of 2013 Building Regulations (Part D Amendment) Regulations 2013

### **Part E – Sound**

SI 606 of 2014 Building Regulations (Part E Amendment) Regulations 2014

### **Part F – Ventilation**

SI 556 of 2009 Building Regulations (Part F Amendment) Regulations 2009

### **Part G – Hygiene**

S.I.335 of 2008 Building Regulations (Part G Amendment) Regulations 2008

### **Part H - Drainage and Waste Water Disposal**

SI 561 of 2010 Building Regulations (Part H Amendment) Regulations 2010

### **Part J - Heat Producing Appliances**

SI 133 of 2014 Building Regulations (Part J Amendment) Regulations 2014

### **Part K - Stairways, Ladders, Ramps and Guards**

SI 180 of 2014 Building Regulations (Part K Amendment) Regulations 2014

### **Part L - Conservation of Fuel and Energy - Dwellings**

SI 259 of 2011 Building Regulations (Part L Amendment) Regulations 2011

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

SI 259 of 2008 Building Regulations (Part L Amendment) Regulations 2008

### **Part M - Access and Use**

SI 513 of 2010 Building Regulations (Part M Amendment) Regulations 2010

## 11. Appendix VI -Sample Inspection Form Developed for BCMS mobile phase

### BUILDING CONTROL SAMPLE STANDARD INSPECTION FORM –

**Note:** Inspections are for the purpose of compliance with one or more parts (A-M) of the Building Regulations, the nature and extent of an inspection will vary and this form is only intended as a guide. Use of the form in its entirety will rarely be necessary, however Building Control Officers should ensure that the sections relevant to their particular inspection are completed.

**Section 6 (4)** of the Building Control Act 1990-2014 (Act) makes it clear that the Building Control Authority (BCA) has no duty to ensure compliance or to verify that certificates submitted are accurate. **Neither** does the Act place a duty on the BCA to carry out inspections i.e.

**Section 11** of the Building Control Act 1990-2014 (Act) states that “Any authorised person **may** inspect any building, following its completion, or, during its construction, alteration or extension, or during the installation therein of any fittings, services or equipment to which building regulations apply, or in respect of which any material change takes place in the purposes for which such building is used;

Reference Appendix IV for Background Details.

CN	<b>Inspection Unique Identifier:</b>	ENF No.: =ENF-Unique Identifier:
CN	<b>Building Control Authority:</b>	
CN Q1	Name of Building Owner(s): Address: Tel: Email:	
CN Q3(a)	<b>PROJECT PARTICULARS:</b> Description of proposed development: Planning Permission No.: Fire Safety Certificate No. (if applicable): Disability Access Certificate No. (if applicable): Location of development: Number of buildings: Number of new buildings: Use of buildings:	
CN Q3(b)	<b>Residential Development Information:</b> Total number of dwelling units (all phases*): Total no. of phases: Phases (for multiple unit dwellings): Phase for this commencement notice: No. of units for this phase/commencement notice: Commencement date for this phase: (Proposed) End-date for this phase:	
<b>Location Map/Coordinates</b>		
CN Q4	<b>Builder:</b> Name: Address: Tel: Email: CIRI Ref No(where applicable):	
CN Q5	<b>Building Designer Details:</b> Name: Address: Tel: Email: Practice registration number (where relevant):	

CN Q6	Submission of Documents (where applicable):	Documents	Reference	Description/Remarks
AC	<b>NOTICE OF ASSIGNMENT OF ASSIGNED CERTIFIER</b> Name: Qualification(s):Registration No.: (Company/Practice name where relevant): Address: Tel: Email: Practice registration number (where relevant):			
1.	Reason for Inspection	Complaint-CRM <input type="checkbox"/> Random <input type="checkbox"/> Risk-Based <input type="checkbox"/> Pilot-Particular Element <input type="checkbox"/> Other <input type="checkbox"/>		
2.	Time limit for re-inspection and escalation of enforcement action (no longer than 4weeks)			
3.	REFERENCE/SEARCH (reference to establish land owner or Directors) DATE REFERENCE REQUESTED DATE REFERENCE RECEIVED	Yes <input type="checkbox"/>	No <input type="checkbox"/>	----- -----
4.	PREVIOUS OR RELEVANT ENFORCEMENT FILE NUMBERS; PLANNING PERMISSIONS; COMMENCEMENT NOTICES;	<input type="checkbox"/>	<input type="checkbox"/>	
5.	PERSON ASSIGNED TO INVESTIGATE COMPLAINT			

Building Control Inspection Report No <span style="float: right; border: 1px solid black; padding: 2px 10px;"> </span>			
<b>1</b> DATE OF SITE INSPECTION  <b>STAGE OF DEVELOPMENT/Inspection Notification Framework</b>	<b>1. Design Documents-CN/7-not started - review of submissions</b>	Preliminary Inspection Plan	
		The general arrangement drawings	
		Schedule of such plans, calculations, specifications and particulars--	
		The completion of an online assessment, via the BCMS	
	<b>2. Formation level-Ground &amp; Site Conditions</b>	Site Set-up	a) Width
		Ground Conditions	b) Depth
		Initial Site Development	c) Ground bearing suitability
		Foundation Commencement	d) Steps overlaps (if any)
		other	other
	<b>3. Foundation level-Below Ground Works.</b>	Hardcore material and depth	a) Width
		Foundations	b) Depth
		Radon Prevention	c) Ground bearing suitability
		All Structural Elements	d) Steps overlaps (if any)
		Cavity wall set up and preparation, including insulation and wall ties-wall lengths	e) CE markings
		Material and Workmanship	other-water table etc.
		Structural elements-floors and walls	a) Rising walls external and internal



<b>4.Ground Level-over preparation</b>	<b>Floor site</b>	Material and Workmanship	b) DPC
		Position of walling, corridor widths, building and room entrance widths	c) Hardcore
		Cavity wall set up and preparation, including insulation and wall ties-wall lengths	d) Radon sump
		Part B fire compliance, Fire Compartments and escape routes	e) DPM or Radon Barrier (incl. seals)
		Timber frame or other frame types	f) Sub floors and vents (if applicable)
		Stair compliance-stair widths, rise/going, hand rail design, clear landings, fire compartments	g) Floor Insulation
		Passenger lift compliance-lift shaft dimensions	f) CE markings
		DPC & ground floor membranes-laps and joints	h) hydrants/valves
		Building access-Finished ground level, wheelchair access, ramp/stepped approach route design	i) vents & flues
		Fire stopping (fire walls/cavity barriers, collars/dampers/ fire seals to services passing through firewalls/floors/cavity barriers).	other
		Drainage systems before and after covering may include:	Fall and line of drain;
			Material used for bed and surround; and
			Access points for clearing blockages

			Connection to existing or council drainage
<b>5. Roof level- First floor completion (and any other floor level may require additional visits)</b>	Room ventilation		a) Cills and heads incl. DPC
	All Structural elements		b) Flue liners
	Timberworks, frames, doors, ceilings, attic		c) First floor joists and floor (if any)
	Cavity walls, including insulation and wall ties.		Timber grade/markings
	DPM.		Span
	Stair / passenger lift compliance		Joist hangers
	Part B fire compliance. Fire compartments, escape routes, fire exits.		Noggins and straps
<b>6. Roof Construction</b>	Fire stopping (fire walls/cavity barriers, collars/dampers/ fire seals to services passing through firewalls/floors/cavity barriers).		d) Wall-plate & tie down straps
	Structural steel, timbers & tank support		e) Wall insulation
	Roof insulation		f) Roof structure (Prefabricated) /(Cut)
	Fire stopping (fire walls/cavity barriers, collars/dampers/ fire seals to services passing through firewalls/floors/cavity barriers).		Truss tag/mark
	Material and Workmanship		Bracing/ hangers & shoes
<b>7. First Fix</b>	General inspection.		h) Roof covering
	Air tightness.		Purlins & Struts
	Mechanical & Electrical inspection.		Collar ties

<b>8.Certification on Compliance Tests and Certificates</b>	Fire stopping (fire walls/cavity barriers, collars/dampers/ fire seals to services passing through firewalls/floors/cavity barriers).	Hangers & runners  Timber grade/markings Felt type & laps
	Lift, stairs, access	
	Automatic opening of smoke ventilators.	<b>A) Handover &amp; Commissioning Certificates including:</b>  MVHR  Heating System Waste Water Treatment System Solar Thermal System  Air Tightness Test  <b>B) DEAP calculation</b>  other
	Fire detection and alarm systems – electronic access control locks on fire exit doors.	
	Fire Door Installation.	
	Signage, visual contrast, lighting.	
	General inspection	
	Handover & Commissioning Certificates including:	

**2 Appendix 1 Inspection – List of Requirements under Building Regulations**

Ref	Description	<i>X = not compliant √ = okay n/a = not applicable ? = can't see or can't check -- = too early to check yet.</i>	Comment/Detail Requirements
A1	Loading		
A2	Ground movement		
A3	Disproportionate Collapse		

B1	Means of Escape in case of fire		
B2	Internal Fire Spread (linings)		
B3	Internal Fire Spread (structure)		
B4	External Fire Spread		
B5	Access and Facilities for the Fire Service		
C1	Preparation of Site		
C2	Subsoil Drainage		
C3	Dangerous Substances		
C4	Resistance to Weather & Ground Moisture		
D1	Materials & Workmanship		
D2	Letterplates		
E1	Sound		
E2	Reverberation		
F1	Means of Ventilation		
F2	Condensation in Roofs		
G1	Bathrooms and Kitchens		
G2	Sanitary Conveniences and Washing Facilities		
H1	Drainage System		
H2	Wastewater treatment systems		
J1	Air Supply		
J2(a)	Discharge of products of Combustion		
J2(b)	Warning of release of Carbon Monoxide		
J3	Protection of Building		
J4(a)	Provision of Information		
J4(b)	Provision of Information		

	J(5)	Fuel storage system –protection against spread of fire to the system.		
	J(6)	Liquid fuel storage system – protection against pollution by the system.		
	K1	Stairways, Ladders and Ramps		
	K2	Protection from Falling		
	K3	Vehicle Ramps floors and roofs		
	L1	Conservation of Fuel and Energy		
	L2	Conservation of Fuel and Energy in Existing Dwellings		
	L3	Conservation of Fuel and Energy in New Dwellings		
	L4	Conservation of Fuel and Energy in Buildings other than Dwellings		
	M1	Access and Use		

2(a)	<b>Construction Products Regulations</b>	Refer to DRAFT Guidelines for Market Surveillance Authorities		
3	HAVING INSPECTED THE SITE, IT IS RECOMMENDED THAT ENFORCEMENT ACTION BE TAKEN	Action Recommended	YES	NO
		Verbal/written caution		
		Warning notice		
		Enforcement notice		
		S12		
		Ref to Fire Authority		
		Re-Inspect		
		Request Information		
		Miscellaneous		
4	REASON(S) FOR ENFORCEMENT ACTION –refer to inspection			
5	STEPS TO BE CARRIED OUT & SPECIFIED IN ENFORCEMENT			
6	TOTAL TIME PERIOD THE RECTIFICATION WORKS TO BE CARRIED OUT IN ACCORDANCE WITH ENFORCEMENT ACTION			

7	REASON(S) FOR <u>NOT</u> TAKING ENFORCEMENT ACTION		
8	CLOSE FILE If No, Reason Why	Yes	No
9	SITE TO BE RE-INSPECTED ON		

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

SIGNATURE OF AUTHORISED OFFICER

10 ANCILLARY NOTES	11 PHOTOS

Notes:

- a) 1-11 forms the inspection report;
- b) Yellow populated from the CN and Assigned Certifier Notice;
- c) Green is Directly from the Requirements of the Building Regulations- the tablet form will have these loaded and the portal will have the link to the latest documents on the departments website;
- d) 1-5 Grey is the Back Office Research;
- e) Leave a text field for the “Construction Products Regulations” to be developed in a later phase.

## Appendix VII- Legislation Relevant to Built Environment;

In addition to the local authorities powers and functions under the Building Control legislation Local Authorities have considerable powers under other legislation to ensure a compliant built environment. These powers may be delegated to other divisions of the local authority.

### 1) Environmental Protection

Local authorities have extensive powers available to them under the 1977 and 1990 Water Pollution Acts to ensure that, for example, any waste water treatment and disposal facilities on sites do not cause water pollution and the operators and owners of such facilities are obliged to comply with such requirements.

### 2) Derelict Sites Act 1990

A local authority is empowered under the provisions of the Derelict Sites Act 1990 to direct, by way of a notice, the owner or occupier of land which is, or may become, derelict to take such measures as the authority or the minister consider necessary to prevent it from becoming, or continuing to be a derelict site. The carrying out of any works specified in the notice is exempted development.

### 3) Litter Act 1997 - 2003

The visual appearance of developments may tend to deteriorate during the construction process. Site hoarding and fencing may become weather beaten whilst fly tipping and petty vandalism, illegal encampments and anti-social behaviour can become prevalent. In this regard, local authorities should consider the scope to apply the provisions of the Litter Pollution Act 1997 – 2003.

### 4) Local Government (Sanitary Services) Act 1964

Section 4.1 previously outlined a protocol agreed between HSA, DECLG and local authorities as regards addressing any safety concerns that may arise in relation to unfinished housing developments, including the use of local authority powers under the Act above in relation to addressing concerns as regards places and/or structures becoming dangerous to members of the public.

### 5) Fire Services Act 1981 & 2003

Under the provisions of the Fire Services Act, 1981 & 2003, authorised inspectors from the Fire Services can visit and inspect any building within their jurisdiction.

It is important to note that where a Notice served under Section 20 of the Fire Services Act 1981 & 2003 requires works to a building, including works which are pursuant to Part B of the Second Schedule of the Building Regulations, and then said works do not require a Fire Safety Certificate<sup>11</sup>

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<sup>11</sup> Article 11 (3), Building Control Regulations 1997 - 2015



**6) Planning and Development Acts 2000-2014**

**7) Roads Acts 1993-1996**

Other Legislation pertaining to the built environment includes:

**8) Multi-Units Development Act 2011 which is enforced by the Minister for Justice.**

## Appendix VIII-Authorised Officers for the Built Environment-

### Example of Delegation;

**[Name] City/County Council**

**RECORD OF EXECUTIVE BUSINESS and CHIEF EXECUTIVE'S ORDER**

**(Authorised Persons for the Purpose of Building Control, Planning Enforcement, Derelict Sites, Dangerous Structures & Market Surveillance of Construction Products)**

It is necessary for the purpose of enforcement with regard to above, to appoint as Authorised Officers the following persons:

**[Name], [Title]**

For the purpose of inspections, issuing statutory or other notices as required in pursuance of acts done or decisions made in exercise or performance of its powers, functions and duties under the following legislation [delete as appropriate];

- Building Control Act 1990 - 2014, Section 11
- Local Government Sanitary Services Act 1964, Section 16.
- Derelict Sites Act 1990, Section 30.
- Planning & Development Acts 2000-2011, Section 253.
- European Union (Construction Products) Regulations 2013, Article 11.
- European Union (Energy Performance of Buildings) Regulations 2012, Article 29
- Fire Services Act 1981 & 2003, Section 22<sup>12</sup>

**Recommendation;** It is hereby recommended that [Name] [Title]; be "Authorised Persons" for the purpose of:

- Building Control Act 1990 - 2007, Section 11
- Local Government Sanitary Services Act 1964, Section 16.
- Derelict Sites Act 1990, Section 30.
- Planning & Development Acts 2000-2011, Section 253.
- European Union (Construction Products) Regulations 2013, Article 11.
- European Union (Energy Performance of Buildings) Regulations 2012, Article 29
- Fire Services Act 1981 & 2003, Section 22<sup>13</sup>

**[Name] [Title]**

**ORDER:** that [Name] [Title]; be "Authorised Persons" for the purpose of:

- Building Control Act 1990 - 2007, Section 11
- Local Government Sanitary Services Act 1964, Section 16.
- Derelict Sites Act 1990, Section 30.
- Planning & Development Acts 2000-2011, Section 253.
- European Union (Construction Products) Regulations 2013, Article 11.
- European Union (Energy Performance of Buildings) Regulations 2012, Article 29
- Fire Services Act 1981 & 2003, Section 22<sup>14</sup>

Dated this            day of

\_\_\_\_\_  
Chief Executive Officer

## Appendix IX-Sample Letters and Notices for Enforcement Purposes

### Sample Warning Letters<sup>15</sup> Technical Defects-

Rialú Tógála, **An Roinn Pleanála, Maoine, Fiontraíochta & Forbairt Eacnamaíochta**  
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8

Building Control Division, **Planning, Property, Enterprise & Economic Development Department**  
Civic Offices, Wood Quay, Dublin 8

Telephone: 01 222 2145 Fax: 01 222 2669 Email: buildingcontrol@dublincity.ie  
Our ref: CNXXXXXXDC/inl

#### PRIVATE AND CONFIDENTIAL

[Name]

[Company]

[Address 1]

[Address 2]

[Address 3]

[Date]

**Re: [Project Description] at [Location]**

**Notice No. [            ]            BCMS Submission No. [            ]**

Dear Mr/Ms. [            ],

I refer to the above works notified to us by way of Commencement Notice No. [    ] on [    ].

You have been nominated by the Owner of the works to be the Assigned Certifier and you have undertaken to carry out this role. Part of your role as Assigned Certifier is to act as the single point of contact with the Building Control Authority in respect of the works. Notwithstanding this, the Building Control Authority may also communicate directly with the building Owner.

An inspection was carried out at the above site on [insert date]. A full set of drawings was not available for inspection on site.

I wish to draw to your attention to areas of concern where the standard or design of the works may not meet the minimum requirements set down in the Second Schedule of the Building Regulations 1997 to 2014. In particular the requirements of Part [ x ] of the Second Schedule of the Building Regulations 1997 to 2014 may have been breached in respect of the following:

1. [Description of breach]
2. [Description of breach]
3. [Description of breach]

<sup>12</sup> Authorisation under the Fire Services Act 1981 & 2003 should be reserved for officers of a Fire Authority

<sup>13</sup> Authorisation under the Fire Services Act 1981 & 2003 should be reserved for officers of a Fire Authority

<sup>14</sup> Authorisation under the Fire Services Act 1981 & 2003 should be reserved for officers of a Fire Authority

<sup>15</sup> Note a warning letter not provided for in the legislation but serves as a reminder or a lead into an enforcement process

4. [Description of breach]

Remedial works are necessary to ensure compliance i.e. the taking of measures to ensure that:

- a) [Description of remedial works required]
- b) [Description of remedial works required]
- c) [Description of remedial works required]
- d) [Description of remedial works required]

The areas of concern above were pointed out to the builder's representative [ ] on site.

\*Please furnish additional information to me within the next 7 days describing the corrective or remedial works to correct the above and confirm that all amendments can and will be executed on site as well as a programme for the completion of the remedial works.

\*You are advised to remedy the above within 14 days of receipt of this letter and to notify me on completion of remedial works whereupon a further inspection will be carried out. *\*delete that which does not apply*

Failure to rectify these defects may necessitate the issue of an Enforcement Notice under Section 8 of the Building Control Acts 1990 to 2014.

You are also advised that failure to adequately and satisfactorily address these matters may result in the rejection of any application for a Certificate of Compliance on Completion in respect of these works. It is an offence to open, occupy or use a building or part of a building where a Certificate of Compliance on Completion is required but where such Certificate has not been added on the Building Control Register.

Yours faithfully,

\_\_\_\_\_

[Type Name]

[Type Job Title]

**Sample S11 Request**

Rialú Tógála, **An Roinn Pleanála, Maoine, Fiontraíochta & Forbairt Eacnamaíochta**  
 Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8

Building Control Division, **Planning, Property, Enterprise & Economic Development Department**  
 Civic Offices, Wood Quay, Dublin 8

Telephone: 01 222 2145 Fax: 01 222 2669 Email: buildingcontrol@dublincity.ie  
 Our ref: CNXXXXXXDC/inl

**PRIVATE AND CONFIDENTIAL**

[Name]  
 [Company]  
 [Address 1]  
 [Address 2]  
 [Address 3]  
 [Date]

**Re: [Project Description] at [Location]**

**Notice No. [ ] BCMS Submission No. [ ]**

Dear Mr/Ms. [ ],

I refer to the above works notified to us by way of Commencement Notice No. [ ] on [ ]. You have been nominated by the Owner of the works to be the Assigned Certifier and you have undertaken to carry out this role.

In accordance with the Code of Practice for Inspecting and Certifying Buildings and Works, part of your role as Assigned Certifier is to act as the single point of contact with the Building Control Authority in respect of the works.

As an authorised person under Section 11 (3) of the Building Control Acts 1990 to 2014, I now request you to submit such drawings, documents and any other information as may be reasonably necessary to demonstrate compliance with the following parts of the Second Schedule of the Building Regulations: *\*delete those which do not apply to this request*

Part of Building Regulations

Minimum Information Required

Part A	Structure	<p>Loading: Submit appropriate drawings describing how the building has been designed to ensure the potential forces acting on it are sustained and transmitted safely to the ground, without causing deformation of the building or movement of the ground</p> <p>Ground Movement: Submitting site investigation reports and appropriate drawings to describe how the building has been designed by to ensure movements of the sub-soil will not impair the stability of any part of the building.</p> <p>Disproportionate Collapse: Describe the precautions taken in the design to ensure the building will not be damaged to an extent disproportionate to the cause of the damage</p>
Part C	Site Preparation and Resistance to Moisture	Describe with construction details what measures are being taken to prevent the ingress of ground moisture to the building. Describe also what precautions are being taken to avoid danger to health and safety caused by substances found on or in the ground to be covered by the building.
Part E	Sound	<p>Describe using appropriate architectural working details how airborne and impact sound will be prevented from passing between dwellings through walls and floors.</p> <p>Testing: Submit sound insulation tests in accordance with Table 2 of Building Regulations 2014, Technical Guidance Document E.</p>

		<p>Reverberation: Describe the measures taken to reduce reverberation within enclosed spaces in the form of a;</p> <ul style="list-style-type: none"> <li>• technical report describing the enclosed space</li> <li>• the method used to control reverberation</li> <li>• the absorber class and the area to be covered</li> <li>• plans indicating the assignment of the absorptive material in the enclosed space</li> </ul>
Part F	Ventilation	Describe how adequate means of ventilation will be provided for people in this building. Further describe how adequate provision will be made to prevent excessive condensation in the roof or roof void.
Part G	Hygiene	Describe the scale of provision of sanitary accommodation within the building.
		Describe the measures taken to ensure that all sanitary conveniences facilitate efficient use of water for flushing.
Part H	Drainage and Waste Water Disposal	Provide details of the drainage system provided for the hygienic and adequate disposal of foul wastewater from the building. Provide details of the drainage system provided for the adequate disposal of surface water from the building.
Part J	Heat Producing Appliances	Submit the necessary documents, drawings, specifications, to adequately demonstrate compliance with Parts J1 to J6 inclusive where applicable to the building.
		Location of carbon monoxide detectors to be indicated on drawings. A copy shall be submitted of the durable notice affixed in the building describing the heat producing appliance and other required information. The location of the notice shall be indicated on the drawings.
Part K	Stairways Ladders Ramps and Guards	Provide all details of stairway, ramp and guarding design to indicate compliance with Part K. Plans at each landing level and cross sections through stairs at appropriate scale to be included. Gradient of any ramp to be indicated on all relevant plans. Show all floor levels on general arrangement floor plans.
Part L	Conservation of Fuel and Energy (New Dwellings)	<p><u>Energy Calculations:</u> Energy consumption and CO<sub>2</sub> emissions levels to be calculated in accordance with the Dwelling Energy Assessment Procedures (DEAP) published by the Sustainable Energy Authority of Ireland (SEAI). Detailed calculation sheets are to be submitted to demonstrate compliance with the necessary standard.</p> <p><u>Use of Renewable Energy Sources:</u> Describe the use of renewable technologies and state the minimum level of contribution such technologies will make to the energy use of the dwelling per annum.</p> <p><u>Limiting Heat Loss:</u> Demonstrate compliance with minimum acceptable U-Values for the various elements of the building fabric.</p> <p><u>Air Infiltration and Thermal Bridging:</u> Take all care to limit air infiltration and thermal bridging in the building design construction. Adopt details that are similar to, or demonstrated as equivalent to, generic details that have been assessed as limiting thermal bridging to an equivalent level to that set out in Table D1 of Appendix D of TGD L. A set of such details for typical constructions has been developed in consultation with relevant construction industry organisations and is available in a document "<i>Limiting Thermal</i></p>

*Bridging and Air Infiltration – Acceptable Construction Details”* (available on [www.environ.ie](http://www.environ.ie)).

Air Pressure Testing: Air pressure testing is required on a proportion of dwellings on all development sites. Submit the results of the required air pressure test. A maximum upper limit of air permeability of  $7\text{m}^3/(\text{h.m}^2)$  must be achieved. If one dwelling is being built, that dwelling must be tested.

Space Heating and Hot Water Supply System Controls: Show how control systems comply with the minimum Building Regulation requirements to ensure efficient use of energy.

Part L Conservation of Fuel and Energy (Material Alterations & Extensions to Existing Dwellings)

Demonstrate;

- how compliance with minimum acceptable U-Values for the various elements of the building fabric has been achieved;
- measures taken to ensure continuity of insulation and to limit thermal bridging;
- how the infiltration of cold outside air has been limited by reducing unintentional air paths.

Part L Conservation of Fuel and Energy –(Buildings other than Dwellings)

Demonstrate:

- that the calculated primary energy consumption associated with the operation of the building and the related CO<sub>2</sub> emissions do not exceed a target values; the heat loss and, where appropriate,
- how heat loss is limited and how the heat gains are maximised through the fabric of the building;
- the provision of energy efficient space and water heating services including adequate control of these services;
- how the building is designed to limit the need for cooling and, where air-conditioning or mechanical ventilation is installed, that installed systems are energy efficient, appropriately sized and adequately controlled;
- the measures to limit the heat loss from pipes, ducts and vessels used for the transport or storage of heated water or air;
- the measures used to limit the heat gains by chilled water and refrigerant vessels, and by pipes and ducts that serve air conditioning systems;
- the provision of energy efficient artificial lighting systems (other than emergency lighting, display lighting or specialist process lighting) and adequate control of these systems.

Please submit the required information within 14 days of the date of receipt of this letter and in any case no later than [ ]. The information may be submitted via the BCMS by uploading additional supporting documentation or alternatively you can submit it direct to this office and preferably in electronic format. The writer must be informed directly when the information has been submitted.

Yours faithfully,

\_\_\_\_\_

[Name]

[Job Title]

**Sample Letter for Works Commencement Without a Commencement Notice**

Rialú Tógála, **An Roinn Pleanála, Maoine, Fiontraíochta & Forbairt Eacnamaíochta**  
 Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8

Building Control Division, **Planning, Property, Enterprise & Economic Development Department**  
 Civic Offices, Wood Quay, Dublin 8

Telephone: 01 222 2145 Fax: 01 222 2669 Email: buildingcontrol@dublincity.ie

Our ref: XXXX/inl

**PRIVATE AND CONFIDENTIAL**

[Name]  
 [Company]  
 [Address 1]  
 [Address 2]  
 [Address 3]  
 [Date]

**Re: [Project Description] at [Location]**

**Notice No. [            ]            BCMS Submission No. [            ]**

Dear Mr/Ms. [            ],

Further to an inspection carried out on your above building on the *[insert date]*, works of substantial nature have been carried out without the appropriate Commencement Notice or Fire Safety Certificate being in place. We also note the necessary Disability Access Certificate has not been applied for.

It is a statutory obligation to obtain a Fire Safety Certificate and to submit a Commencement Notice in advance of the commencement of a project where required and failure to do so is an offence under the Building Control Acts 1990 to 2014.

There are other very serious implications for failing to submit a Commencement Notice, in that it may not be possible to obtain a ‘Certificate of Compliance on Completion’ with the Building Regulations.

Article 20F(1) of the Building Control Regulations 1997 to 2014 states that a;

*“Certificate of Compliance on Completion shall be submitted to a building control authority and relevant particulars thereof shall be included on the*



*register maintained under Part IV before works on a building to which Part II or Part IIIA applies may be opened, occupied or used.”*

This is a most serious matter as any breach of the Regulations is deemed to be an offence. You may also encounter significant practical difficulties if you intend to lease, sell or otherwise dispose of your interest in the property without being able to produce the necessary Certificate of Compliance on Completion.

Officers of this Department are available to meet with you to discuss this matter but you are advised to seek your own professional and technical advice in advance of any such meeting.

This letter may be relied upon by this Authority in the event of potential future proceedings against you. You are invited to respond and any response you make will be taken into account in our review of this matter not less than 14 days from the date of this letter.

Yours sincerely,

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Pat Nestor

A/Senior Building Surveyor

### Appendix X -Guidelines for BCAs Previous S6 Exempted Developments

Following the publication, and coming into force of the Building Control (Amendment) (No.2) Regulations 2015, S.I.365 of 2015, the exemption of Local Authorities from the requirements of the Building Control Regulations has been removed.

Building Control Authorities therefore should fully undertake their functions under the Building Control Regulations 1997 - 2015 in respect of works to be carried out by their own local authority. The requirement for buildings or works undertaken by a Local Authority to comply with the functional requirements of the Second Schedule to the Building Regulations has not changed.

The Building Owner (or Building Owner's Representative) will generally be a named individual within the local authority. Local authority works or buildings may either be undertaken by an in-house design team or by external consultants procured to carry out the work on behalf of the local authority. In both instances the Building Control Authority should ensure that they act objectively and independently when undertaking their functions in relation to works carried out within the functional area of the local authority.

In certain instances the Building Control Authority may decide that it is appropriate to appoint an independent external consultant (or neighbouring local authority) to oversee compliance and to ensure independence between the Building Control Department and the local authority project team for the building or works. The initial risk evaluation should be used to identify when this might be the correct course of action.

**Appendix XI Sample Assessment for Request for Exemption from Fees**

**Note:** *Exemptions from fees-Voluntary Bodies –Overview*

Article 22 of the Building Control Regulations 1997-2014 details a fee shall not be payable to a building control authority under these Regulations where the authority is of the opinion that the works or the building which are or is the subject of a notice or application is being made, by or on behalf of a voluntary organisation.

For the purpose of proper public administration and good accounting practices it is necessary to have a formal exemption fee policy.

This application form recommends a formal fee application exemption system to be implemented as part of the BCMS Notice/Application process. The application can be validated as part of the validation process by the Building Control Authority. See note in Policy & Procedures Folder BCMS.

**[xxx] COUNTY COUNCIL BUILDING CONTROL DEPARTMENT**

**Application for Exemption from Building Control Fees**

**(Article 22 – Exemptions – Building Control Regulations 1997 to 2015)**

I hereby seek an exemption from fees under the above article of the regulations on the basis as outlined below –

<b><i>Application or Notice Types</i></b>	<b><i>Y</i></b>	<b><i>N</i></b>	<b><i>€amount of fee</i></b>
<i>1. Commencement Notice,</i>			
<i>2. 7 Day Notice,</i>			
<i>3. Fire Safety Certificate,</i>			
<i>4. Revised Fire Safety Certificate,</i>			
<i>5. Regularisation Certificate,</i>			
<i>6. Disability Access Certificate,</i>			
<i>7. Revised Disability Access Certificate,</i>			
<i>8. Application for a Dispensation from Building regulations</i>			
<i>9. Relaxation of Building Regulations</i>			
<i>10. Material Change of Use</i>			

Reason for Exemption Applying:

\_\_\_\_\_

I hereby confirm that I have read Article 22 of the Building Control Regulations 1997 to 2012, and comply fully with its provisions and as such request an exemption from fees for the application/notice as outlined above.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Name (Block Letters): \_\_\_\_\_

Role or Title:	_____
Premises Name:	_____
Premises Address:	_____
Use of Premises:	_____
<b>Validation</b>	
Delegated Person Name:	_____
Local Authority Exemption Policy Ref No:	_____

## BCMS-Team

## 11.1 BUILDING CONTROL MANAGEMENT SYSTEM TEAM

DAVID O CONNOR	LGMA	<b>STEERING COMMITTEE</b>
MAIREAD PHELAN	LGMA	
MARIA MELIA	KILKENNY COUNTY COUNCIL DOS HOUSING & BC	
RHODA KERINS	LGMA	
TIM WILLOUGHBY	LGMA	
COLIN BARDEN	NDFEM- WEXFORD FIRE SERVICES	
HUBERT FITZPATRICK	CIF	
DES O BRIEN	LUTS/CCMA-WICKLOW COUNTY COUNCIL	
JOHN O CONNOR	HOUSING AGENCY	
JOHN WICKHAM	DECLG	
ORLA FITZGERALD	PROFESSIONS (RIAI -EI-SCSI-ACEI) REPRESENTATIVE	
EDEL COLLINS	OPW	
EAMONN WOLFE	CFA-LOUTH CFO	
BERNADETTE MCARDLE	IBCI-LOUTH BUILDING CONTROL	
MARTIN VAUGHAN	DECLG	
EOIN O DOWD	LGMA-CARLOW FIRE SERVICES AND BUILDING CONTROL	
ADRIAN KELLY	BCA+ FS COMB RURAL-CLARE CFO	
SEAMUS COUGHLIN	BCA/FS RURAL URBAN-CORK COUNTY CFO	
NIAL DULLY	BCA ADMINISTRATION-DCC	
PAT NESTOR	BCA-DUBLIN CITY COUNCIL	
SARAH NEARY	DECLG	
ISOILDE DILLON	HOUSING AGENCY	
FIONNUALA MAY	COUNTY ARCHITECT-HOUSING -FINGAL	
MARK DEVERAUX	BCA & OTHER FUNCTIONS-WICKLOW COUNTY COUNCIL	
PADDY DEROE	COUNTY ARCHITECT -HOUSING -SDCC	
BRIAN CASSIDY	SE HOUSING-CORK CITY	
ORLA MCGUIRE	SE HOUSING-LONGFORD COUNTY COUNCIL	
ENDA WATERS	BCA-WEXFORD COUNTY COUNCIL	
MARTIN RYAN	Cork DAC/BCA-CORK COUNTY COUNCIL	
ANDREW MACILWRAITH	FIRE/BCA-CORK -INSPECTIONS	
SABRINA MCDONNELL	LGMA	
ANGELA NAUGHTON	CLARE FIRE SERVICES	
ABP	ABP SUBMISSION	