

## **Building Regulations (Northern Ireland) 2000**

**New requirements relating to Plans of No Effect**

**and**

**Minor amendments / clarifications and  
corrections to Parts A, E, F and L**

**Regulatory Impact Assessment**

**Draft for consultation**

## **Contents**

<b>1. Scope</b>	<b>Page</b>	<b>3</b>
<b>2. Objective</b>		<b>3</b>
<b>3. Background</b>		<b>3</b>
<b>4. Summary changes proposed</b>		<b>3</b>
<b>5. Risk Assessment</b>		<b>4</b>
<b>6. Options</b>		<b>5</b>
<b>7. Benefits</b>		<b>5</b>
<b>8. Business sectors Affected</b>		<b>6</b>
<b>9. Compliance Costs</b>		<b>6</b>
<b>10. Equity and Fairness</b>		<b>7</b>
<b>11. Small Firms Impact Test</b>		<b>7</b>
<b>12. Enforcement and Sanctions</b>		<b>8</b>
<b>13. Consultation</b>		<b>8</b>
<b>14. Monitoring and Review</b>		<b>8</b>
<b>15. Summary and Recommendation</b>		<b>8</b>
<b>16. Contact point</b>		<b>9</b>

## 1. SCOPE

- 1.1 This Regulatory Impact Assessment (RIA) relates to a proposal to introduce new requirements in relation to “Plans of no Effect”, to amend, clarify and/or correct requirements, or provisions supporting Part A (Interpretation and general), Part E (Fire Safety), Technical Booklets F1 and F2 (Conservation of fuel and power) and Technical Booklet L (Combustion appliances and fuel storage systems) of the Building Regulations (Northern Ireland) 2000 (the Building Regulations).

## 2. OBJECTIVE

- 2.1 This draft Regulatory Impact Assessment (RIA) addresses proposals to amend the Building Regulations as set out in Section 4. below.
- 2.2 The objective is to ensure that in multi-dwelling developments, construction work on all dwellings in the development is commenced within three years of the plans having been deposited with Building Control. Also, to ensure that the intended requirements from The Building (Amendment) Regulations (Northern Ireland) 2006 in relation to the efficiency of boilers and other heating appliances are clearly understood by clarifying the relevant paragraphs in Technical Booklets F1 and F2; to delete some unnecessary requirements and to clarify certain other matters.
- 2.3 The amendments therefore should improve the standard of building and the safety of people in or about buildings without imposing disproportionate bureaucracy and costs on building owners, developers or the district councils whose role it is to enforce the building regulations.

## 3. BACKGROUND

- 3.1 The Building Regulations (Northern Ireland) 2000, as amended, apply to most building work and are intended principally to ensure the health, safety, welfare and convenience of people in or about buildings, to further the conservation of fuel and power, protect and enhance the environment and to promote sustainable development. Provisions that are deemed-to-satisfy the functional requirements of the regulations are set out in Technical Booklets prepared by the Department, in British Standards, etc.

## 4. SUMMARY CHANGES PROPOSED

- 4.1 Specifically, the Department is proposing the following amendments:-
  - 4.11 **PLANS TO BE OF NO EFFECT (Part A)** – requiring work of a substantial nature to have been commenced on each dwelling in a multi-dwelling application within 3 years of the deposit of plans, otherwise the approval for each uncommenced dwelling will be deemed to have lapsed;
  - 4.12 **TER & DER/BER CALCULATIONS (PART A and TECHNICAL BOOKLETS F1 & F2)**– deleting the requirement to provide TER and DER/BER calculations as part of a

submission of plans and on completion of a dwelling or building where the dwelling or building is created as a material change of use;

- 4.13 **THE FIRE AND RESCUE SERVICES (NI) ORDER 2006 (PART A & TECHNICAL BOOKLET E)** – replace references to the Fire Services (NI) Order 1984 with references to the Fire and Rescue Services (NI) Order 2006 and take account of any regulatory impact on building regulations effected by DHSSPS' proposed new fire safety regulations;
- 4.14 **EUROPEAN FIRE RESISTANCE TEST FOR LIFT LANDING DOORS (TECHNICAL BOOKLET E)** – to give visible recognition (deemed-to-satisfy status) in Technical Booklet E to BSEN 81-58 2003 “Safety Rules for the construction and installation of lifts – Examination and tests part 58: Landing doors fire resistance test”;
- 4.15 **EFFICIENCY OF BOILERS AND OTHER HEATING APPLIANCES (TECHNICAL BOOKLETS F1 and F2)** – clarify that the efficiency of an oil or gas powered boiler is its “seasonal” efficiency; that the minimum efficiency of other heating appliances is as stated in the Domestic Heating and Compliance Guide or the Non-Domestic Heating, Cooling and Ventilation Compliance Guide (as appropriate to the installation); and clarify the minimum efficiency of replacement domestic boilers and heating appliances;
- 4.16 **APPLICATION OF E&W GUIDES TO NI (TECHNICAL BOOKLETS F1 & F2)** - clarify that references to E&W Part L in Guides published by the Department for Communities and Local Government are to be read as applying to NI Part F;
- 4.17 **ENERGY PERFORMANCE CERTIFICATES (TECHNICAL BOOKLETS F1 & F2)** – delete the building regulations requirement for a building owner to be given an EPC on completion of the building (this requirement is in other regulations); and
- 4.18 **CORRECTION & UPDATE OF REFERENCES (TECHNICAL BOOKLETS F2 and L)** – clarify where U-values in Tables are area-weighted average U-values; amend incorrect cross references in Tables and to diagrams and refer to an updated industry publication.

## 5. RISK ASSESSMENT

- 5.1 Requiring each dwelling in a multi-dwelling deposit of plans to have commenced substantially within 3 years avoids the risk of construction to out of date standards.
- 5.2 Including references to new DHSSPS' fire safety legislation will ensure there is no conflict between these requirements and the building regulations.
- 5.3 Giving visible recognition (deemed-to-satisfy status) in Technical Booklet E to BSEN 81-58 2003 “European Fire Resistance Test For Lift Landing Doors” will ensure that obligations to European requirements are met.
- 5.4 Clarifying that the efficiency of an oil or gas powered boiler is its “seasonal” efficiency will ensure there is no doubt as to the deemed-to-satisfy efficiency required of a boiler.

- 5.5 Clarifying the minimum efficiency of a replacement domestic boiler or domestic heating appliance will remove any ambiguity as to the efficiency of these replacement appliances.
- 5.6 Clarifying the minimum efficiency of a non-domestic heating appliance will remove any ambiguity as to the efficiency of these appliances.
- 5.7 Clarifying that E&W Guides equally apply in NI will remove any doubt as to their applicability in NI.
- 5.8 Clarifying where U-values in Tables are area-weighted average U-values will remove ambiguity and onerous interpretation of requirements.
- 5.9 Correcting cross references and reference to an industry publication in Technical Booklet L will provide clarity.

## 6. OPTIONS

6.1 The Department considered two options:

6.1.1 **OPTION 1** - Do nothing, but this would result in:

- construction against out of date standards, thus compromising enhancements, particularly in relation to thermal requirements;
- lack of certainty over the efficiency requirements for boilers and heating appliances and applicability of advice in E&W Guides to Northern Ireland thus reducing the beneficial environmental impact of the regulations; and
- potential for ongoing confusion in relation to inaccuracies in references to diagrams and documents.

6.1.2 **OPTION 2** - Amend requirements and supporting provisions to Part A and Technical Booklets E, F1, F2 and L to:

- require work of a substantial nature to have commenced to dwellings within 3 years of deposit of plans, otherwise the approval will be deemed to have lapsed;
- to clarify the efficiency standards for boilers and other heating appliances, applicability of E&W Guides to NI; and
- remove any potential for confusion in relation to inaccuracies in existing documentation and to refer to other new legislation.

## 7. BENEFITS

7.1 **OPTION 1**. As explained above, no benefit arise from this option.

7.2 **OPTION 2** is considered to be the only sensible way forward, to:

- prevent construction work starting on dwellings for which plans have become out of date;

- ensure replacement boilers and other heating appliances of the correct efficiency are installed;
- ensure that where specific thermal calculations are not required, applicants do not go to the expense of having these calculated;
- ensure that where building regulations requirements relating to EPCs are not applicable, these are deleted; and
- ensuring that obligations to recognize EU standards are fulfilled and new proposed DHSSPS legislation is referenced.

7.3 The proposals will contribute to enhanced quality buildings and will ensure that applicants and Building Control are much clearer about the requirements especially in relation to acceptable standards for boilers and other heating appliances and their replacements. This will confirm the proposed emissions reductions and associated environmental and health benefits detailed in the RIA to the November 2006 amendment to Part F of the Building Regulations<sup>1</sup>.

7.4 Potential home owners will have more certainty that the new homes they are considering purchasing will be built to either current building regulations standards or at least recently superseded standards. They will enjoy the benefit of very efficient boilers and other heating appliances with on-going benefits of lower running costs and lower heating bills than could potentially have been the case.

7.5 Boiler manufacturers are very much aware of the need to assist homeowners reduce heating bills and to reduce the production of CO<sub>2</sub> and other greenhouse gases. All manufacturers produce very efficient boilers. The clarification of the requirements in relation to efficiency of boilers may assist manufacturers in removing from production less efficient boilers without concern that other manufacturers will continue to market such products in competition with higher efficiency models.

7.6 The proposals demonstrate Government's commitment, through the Building Regulations, to ensuring future development is sustainable.

## **8. BUSINESS SECTORS AFFECTED**

8.1 The amendments will affect businesses associated with the construction of buildings or relevant refurbishments, such as designers, builders, manufacturers or maintenance contractors. They will also affect home owners installing replacement boilers.

8.2 The proposed amendments will clarify for district council building control requirements, particularly in relation to plans "to be of no effect" and efficiencies of new and replacement boilers and other heating appliances that will be deemed-to-satisfy the requirements.

## **9. COMPLIANCE COSTS**

---

<sup>1</sup> Final Regulatory Impact Assessment August 2006 [http://www.dfpni.gov.uk/building\\_regulations\\_ni\\_2000\\_-\\_part\\_f\\_amendment\\_-\\_final\\_ria.pdf](http://www.dfpni.gov.uk/building_regulations_ni_2000_-_part_f_amendment_-_final_ria.pdf)

**9.1 For Option 1** - involving no change, there would clearly be no cost and no benefits.

**9.2 For Option 2 –**

- Requiring each dwelling in a multi-dwelling deposit of plans to have commenced substantially within 3 years of the deposit will only have an effect if a developer fails to commence construction on a dwelling in a multi-dwelling development within the specified timescale. As developers will be fully aware of this requirement, it is anticipated that this proposal is largely cost neutral.
- The references to new DHSSPS' fire safety legislation will not increase the building regulations burden and may reduce the number of plans required to be submitted to Building Control where a building is being put to a designated use. It is anticipated that this proposal is largely cost neutral and may produce a slight saving.
- As all existing references to fire tests will remain in Technical Booklet E, the addition of giving visible recognition to BSEN 81-58 2003 European Fire Resistance Test For Lift Landing Doors will have no cost.
- Clarifying that the efficiency of an oil or gas powered boiler is its “seasonal” efficiency; that the minimum efficiency of a replacement boiler or heating appliance is as recommended in the Domestic Heating and Compliance Guide or in the Non-Domestic Heating, Cooling and Ventilation Compliance Guide, as appropriate; and that the relevant England and Wales Compliance Guides equally apply to Northern Ireland are clarifications of the original intent of the amendment to Part F “Conservation of fuel and power” contained in The Building (Amendment) Regulations (Northern Ireland) 2006. The cost of the intent of that amendment was included in the associated Regulatory Impact Assessment. Therefore, it is considered that there is no additional cost associated with this clarification.
- In Technical Booklets F1 and F2, clarifying that U-values in relevant Tables are area-weighted average U-values will benefit applicants as this clarification will reduce to a reasonable provision what could otherwise be interpreted as an onerous provision.
- In Technical Booklet L, correcting incorrect cross references in Tables to diagrams has no cost and amending the reference in Technical Booklet L to the current OFTEC publication OFS T100 will also have no cost as this is the publication to which industry works.

**9.3** The amended requirements are cost neutral except for an initial cost of training staff in ensuring they are aware of the amended requirements and the purchase of the revised Statutory Rule and amendments leaflet to the Technical Booklets (these be available on the Department’s website for viewing and free download).

## **10. EQUITY AND FAIRNESS**

10.1 Costs are neutral but there will be benefits to private individuals, in ensuring that, in particular, high efficiency domestic boilers are fitted as new or replacement appliances.

## **11. SMALL FIRMS IMPACT TEST**

- 11.1 Since the amendments proposed will have minimal impact on the construction industry overall, and the amendments to Technical Booklets are to clarify existing requirements, the impact on small firms is considered minimal.
- 11.2 Manufacture of older boilers is likely to be fully displaced by manufacture of more efficient boilers which are capable of meeting the thermal standards. *[Insert consultation outcomes]*

## **12. ENFORCEMENT AND SANCTIONS**

- 12.1 Failure to comply with the requirements of the Building Regulations is a criminal offence. The district council in whose area the work is to be carried out enforces the Building Regulations. Therefore proposals to carry out "building work" as defined in the Building Regulations (Northern Ireland) 2000, as amended, must be notified to the district council. Designs and subsequent work are subject to inspection by the district council and it can require the removal or alteration of work that does not comply with the requirements.
- 12.2 No new sanctions would be imposed by the implementation of these amendments.

## **13. CONSULTATION**

- 13.1 The consultation package seeking comment on these new requirements, amendments, clarifications/corrections is made up of a number of documents, one of which is this draft RIA. The consultation documentation is available in various formats on request and has been placed on the Department's website.  
[www.buildingregulationsni.gov.uk](http://www.buildingregulationsni.gov.uk)
- 13.2 In addition a press release has been sent to all of the daily publications and trade/professional journals. The Department also consulted with the Northern Ireland Building Regulations Advisory Committee (NIBRAC) in relation to the proposals.
- 13.3 All responses to this consultation will be recorded and discussed with NIBRAC prior to the drafting of the final regulations and amendments to Technical Booklets.

## **14. MONITORING AND REVIEW**

- 14.1 Whenever amendments to the Building Regulations are made, it is the Department's practice to investigate their application after a reasonable time to monitor how the regulations are working in practice.

## **15. SUMMARY AND RECOMMENDATION**

15.1 **Option 1** – Would result in no benefits and indeed those identified for Options 2 would not be realised.

15.2 **Option 2** - On the basis of the assessments presented in this RIA the recommendation is to proceed with amending Parts A, E, F and L of the Building Regulations (Northern Ireland) 2000 and the corresponding Technical Booklets.

## **16.CONTACT POINT**

- 16 Enquiries and comments regarding this Regulatory Impact Assessment should be addressed to Karen McKernon at:

Department of Finance and Personnel  
Properties Division  
Building Standards Branch  
Level 5, Causeway Exchange  
1-7 Bedford Street  
Belfast  
BT2 7EG

Tel 028 90512704  
Email: karen.mckernon@dfpni.gov