

2008 No.

BUILDING REGULATIONS

**The Building (Amendment) Regulations (Northern Ireland)
2008**

Made - - - - *##th **** 2008*

Coming into operation - *##th **** 2008*

The Department of Finance and Personnel makes the following Regulations in exercise of the powers conferred by Articles 3, 5(1), (2) and (3) of, and paragraphs 2, 6, 9, 13, 16, 17, 18, 21 and 22 of Schedule 1 to the Building Regulations (Northern Ireland) Order 1979(a) and now vested in it(b), and after consultation with the Building Regulations Advisory Committee(c) and such other bodies as appear to be representative of the interests concerned.

Citation and commencement

1. These Regulations may be cited as the Building (Amendment) Regulations (Northern Ireland) 2008 and shall come into operation on ##th **** 2008.

Interpretation

2. In these Regulations “the principal Regulations” means the Building Regulations (Northern Ireland) 2000(d)

Transitional provisions

3.—(1) The principal Regulations shall continue to apply to—

- (a) plans deposited or a building notice given in accordance with the principal Regulations before the commencement of these Regulations;
- (b) building work carried out in accordance with such plans or such a building notice with or without any departure or deviation therefrom; and
- (c) building work completed before the commencement of these Regulations, as if the amendments effected by these Regulations had not been made.

(2) In paragraph (1)—

- (a) “building notice” means a notice given under regulation A10(1) of the principal Regulations; and
- (b) “building work” has the same meaning as in those Regulations.

(a) S.I. 1979/1709 (N.I. 16); Article 5(1) as amended by S.I. 1990/1510 (N.I. 14), Article 38 (1) and Sch. 1, Part II
(b) See S.R. 1999 No.481 Art. 6 and Sch. 4, Part II
(c) S.I. 1979/1709 (N.I. 16); Article 5(4)
(d) S.R. 2000 No.389, as amended by S.R. 2005 No.295, S.R 2006 No.355 and S.R. 2006 No.440

Amendment of the principal Regulations

4. The principal Regulations shall be amended as provided in regulations 5 to 12.

Amendment of Part A (Interpretation and general)

- 5.—(1) In paragraph (1) of regulation A2 (Interpretation)—

- (a) after the definition “BOUNDARY” there shall be inserted—

“BUILDING PLOT means the area of ground belonging to and adjacent to the site of a building or buildings;”;

- (b) in the definition “BUILDING WORK” after the word “use,” there shall be inserted “ the erection of a freestanding wall or earth retaining wall;”;

- (c) after the definition “DWELLING” there shall be inserted—

“EARTH RETAINING WALL means a structure, not forming part of a building, which serves, or is intended to serve, as a support for earth or other material on one side only.”; and

- (d) after the definition “FLOOR AREA” there shall be inserted—

“FREESTANDING WALL means a self-supporting wall that does not form part of a building;”.

- (2) After regulation A7 (Application to alterations and extensions) there shall be inserted—

“A7A Application to freestanding walls and earth retaining walls

Subject to any express provisions to the contrary, and the provisions of regulation A5, the following provisions, that is to say, Parts A to B and Part D shall apply to the erection of any freestanding wall or earth retaining wall (whether by way of new work, alteration or replacement) to which any of those Parts respectively relate.”

- (3) In regulation A11 (Notice of commencement and completion of certain stages of work)—

- (a) in paragraph (2)(b) after the word “course,” there shall be inserted “ the back of any earth retaining wall;”;

- (b) in paragraph (3), after the phrase “so much of the building,” there shall be inserted “freestanding wall or earth retaining wall;”;

- (c) for paragraph (4), there shall be substituted—

“(4) If the builder, in accordance with any notice in writing received from the district council which specifies the manner in which any building, freestanding wall or earth retaining wall, or services or fittings contravenes the requirements of these regulations, has altered or added to the building, freestanding wall or earth retaining wall, services or fittings so as to secure compliance with these regulations, he shall, within a reasonable time after the completion of such alteration or addition, give notice in writing to the district council of its completion.”; and

- (d) after paragraph (5)(f) there shall be inserted—

“(g) the erection, alteration or extension of a freestanding wall or earth retaining wall not more than 5 days after completion.”.

- (4) In paragraph (1) of regulation A13 (Completion certificates), after the phrase “part of a building,” there shall be inserted “ freestanding wall or earth retaining wall,”.

Amendment of Part B (Materials and workmanship)

6. In the definition of “RELEVANT WORK” in regulation B1 (Interpretation)—

- (a) in paragraph (c) the word “or” shall be omitted; and

- (b) in paragraph (d) the full stop shall be removed and there shall be inserted thereafter—

“; or

- (e) the erection of a freestanding wall or earth retaining wall.”.

Substitution of Part D (Structure)

7. For Part D (Structure) there shall be substituted the part set out in Schedule 1

Substitution of Part J (Solid waste in buildings)

8. For Part J (Solid waste in buildings) there shall be substituted the part set out in Schedule 2.

Amendment of Schedule 1 (Classes of exempted buildings)

9. In Class 8 of Schedule 1—

(a) for paragraph (m) there shall be substituted—

“(m) A fence or gate not forming a part of a building to which these regulations apply.”; and

(b) after paragraph (p) there shall be inserted—

“(q) A freestanding wall or earth retaining wall outside a building plot.”.

Amendment of Part A of Schedule 2 (Giving of notices and deposit of plans)

10.—(1) In “Rule F: Additional requirements”—

(a) for “Rule B, C or E” there shall be substituted “Rule B, C, E or G”; and

(b) in paragraph (3) for “DOE(NI) Technical Booklet D: 1994” there shall be substituted “DFP Technical Booklet D: 2007”;

(2) After “Rule F: Additional requirements” there shall be inserted—

“Rule G: Erection of a freestanding wall or earth retaining wall

The following are the notices to be given and the plans, specifications and particulars to be deposited by a person intending to erect a freestanding wall or earth retaining wall which is not exempted from the operation of these regulations under regulation A5:

(1) Notice of intention to erect a freestanding wall or earth retaining wall not exempted from the operation of these regulations.

(2) Particulars, so far as necessary to show whether the freestanding wall or earth retaining wall complies with all such requirements of these regulations as apply to it, of—

(a) the intended use of the freestanding wall or earth retaining wall;

(b) the materials of which the wall will be constructed;

(c) calculations of loading and strength;

(d) a soil investigation report;

(e) the mode of drainage; and

(f) the levels of the site on which the wall is to be erected.

(3) A block plan showing—

(a) the size and position of the freestanding wall or earth retaining wall and its relationship to adjoining buildings and walls;

(b) the width and position of every street adjoining the premises; and

(c) the boundaries of the premises and the size and position of every other building and of every road, path, garden, yard and other open space within such boundaries.

(4) A key plan showing the position of the site when it is not sufficiently identifiable from the block plan.”

Amendment of Schedule 4 (Structural loadings)

11. For the table in Schedule 4 there shall be substituted the table set out in Schedule 3.

Amendment of Schedule 5 (Deemed-to-satisfy provisions)

12.—(1) For Table D there shall be substituted the Table set out in Schedule 4.

(2) For Table J there shall be substituted the Table set out in Schedule 5.

Sealed with the Official Seal of the Department of Finance and Personnel on ##th ***** 2008



Name
A senior officer of the
Department

Part to be substituted for Part D (Structure) of the principal Regulations

PART D

Structure

D1 Application and interpretation

Regulation D4 shall only apply to a freestanding wall or an earth retaining wall erected on, or within, the boundary of a building plot. It shall not apply where—

- (a) the freestanding wall has a height of less than 1.0m above the lowest level of the adjacent ground; and
- (b) the earth retaining wall—
 - (i) has a minimum thickness of 200mm and retains earth or other material that is not more than 800mm above the top of the wall foundation; or
 - (ii) is a retaining wall controlled under the Roads (Northern Ireland) Order 1993.**(a)**

D2 Stability

A building shall be designed and constructed so that the combined dead, imposed and wind loads are sustained and transmitted to the ground, taking into account the nature of the ground—

- (a) safely; and
- (b) without impairing the safety of any part of another building.

D3 Disproportionate collapse

A building shall be designed and constructed so that in the event of damage occurring to any part of the building, the extent of any resulting collapse will not be disproportionate to the cause of the damage.

D4 Freestanding walls and earth retaining walls

A freestanding wall and an earth retaining wall shall be designed and constructed so that the combined dead, imposed and wind loads are sustained and transmitted to the ground, taking into account the nature of the ground—

- (a) safely; and
- (b) without impairing the safety of any part of any building, other freestanding wall or earth retaining wall.

D5 Deemed-to-satisfy provisions for regulations D2, D3 and D4

(1) *The requirements of regulation D2 shall be deemed to be satisfied—*

- (a) *if any loadings to which the building will be subjected, specified in column (2) of the Table in Schedule 4, are calculated in accordance with the relevant provisions of the publications specified opposite thereto in column (3), as amended by the publications specified opposite thereto in column (4);*

(a) 1993 No.3160 (N.I. 15); Article 57.

Provided that—

- (i) the actual loads are used, where the actual loads to which the building is to be subjected are likely to exceed the loads so calculated; and*
 - (ii) loads used allow for possible dynamic, concentrated and peak load effects which may occur; and*
- (b) in the case of any structural work specified in column (2) of Table D opposite the reference to that regulation, if the structural work is designed and constructed in accordance with the relevant provisions of the publications specified opposite thereto in column (3), as amended by the publications specified opposite thereto in column (4).*

(2) The requirements of regulation D3 shall be deemed to be satisfied, in the case of any structural work specified in column (2) of Table D opposite the reference to that regulation, if the structural work is designed and constructed in accordance with the relevant provisions of the publications specified opposite thereto in column (3), as amended by the publications specified opposite thereto in column (4).

(3) The requirements of regulation D4 shall be deemed to be satisfied—

- (a) if any loadings to which the freestanding wall or earth retaining wall will be subjected, specified in column (2) of the Table in Schedule 4 opposite the reference to that regulation, are calculated in accordance with the relevant provisions of the publications specified opposite there to in column (3), as amended by the publications specified opposite thereto in column (4):*

Provided that—

- (i) the actual loads are used, where the actual loads to which the freestanding wall or earth retaining wall is to be subjected are likely to exceed the loads so calculated; and*
 - (ii) loads used allow for possible dynamic, concentrated and peak load effects which may occur; and*
- (b) in the case of any structural work specified in column (2) of Table D opposite the reference to that regulation, if the structural work is designed and constructed in accordance with the relevant provisions of the publications specified opposite thereto in column (3), as amended by the publications specified opposite thereto in column (4).*

Part to be substituted for Part J (Solid waste in buildings) of the principal Regulations

PART J

Solid waste in buildings

J1 Interpretation

1. Regulation J4 applies only to a dwelling.

2. In this part—

INDIVIDUAL WASTE CONTAINERS means movable containers for the storage of waste from a single dwelling;

COMMUNAL WASTE CONTAINERS means movable containers for the storage of waste from more than one dwelling;

WASTE means solid waste; and

WASTE CHUTE SYSTEM means a system comprising of a hopper or hoppers, a waste chute, a waste container chamber and associated ventilation provisions.

J2 Solid waste storage

1. A building shall be provided with adequate space for the storage of waste in containers, and such space shall be—

- (a) sited so as not to be prejudicial to the health of any person;
- (b) sited so as to be reasonably accessible for use by people in the building for the storage of waste and for emptying or removing each container;
- (c) of sufficient area having regard to the number of necessary containers and the frequency and method of removal; and
- (d) reasonably accessible to the waste collection point.

2. Every dwelling—

- (a) on or below the fourth storey of a building, shall have adequate space for individual waste containers or access to communal waste containers or a waste chute system; and
- (b) above the fourth storey of a building, shall have access to a waste chute system.

J3 Waste chute system

A waste chute system shall—

- (a) be of such size, layout and construction as will ensure the hygienic conveyance of waste to a waste container;
- (b) be capable of facilitating the segregation of waste;
- (c) be constructed of non-combustible materials;
- (d) have non-absorbent inner surfaces;
- (e) have adequate means of ventilation to the external air; and

- (f) be so constructed as to prevent the ignition of any part of the building in the event of any waste within the system catching fire.

J4 Space to facilitate the segregation and temporary storage of household waste

Reasonable provision shall be made within a dwelling for the segregation and temporary storage of household waste.

J5 Deemed-to-satisfy provisions for regulations J2(1)(b), J2(1)(c), J3 and J4

1. *The requirements of regulation J2(1)(b) shall be deemed to be satisfied, in the case of a building specified in column (2) of Table J opposite the reference to that regulation, if—*

- (a) the waste container space is sited in accordance with the provisions specified opposite thereto in column (3); or*
- (b) the waste container space is sited in accordance with the relevant provisions of the publications specified opposite thereto in column (3), as amended by the publications specified opposite thereto in column (4).*

2. *The requirements of regulation J2(1)(c) shall be deemed to be satisfied, in the case of a building specified in column (2) of Table J opposite the reference to that regulation, if—*

- (a) the waste storage area is sized in accordance with the provisions specified opposite thereto in column (3); or*
- (b) the waste storage area is sized in accordance with the relevant provisions of the publications specified opposite thereto in column (3), as amended by the publications specified opposite thereto in column (4).*

3. *The requirements of regulation J3 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table J opposite the reference to that regulation, if the waste chute system used in the building is designed and constructed in accordance with the relevant provisions of the publications specified opposite thereto in column (3), as amended by the publications specified opposite thereto in column (4).*

4. *The requirements of regulation J4 shall be deemed to be satisfied, in the case of a building specified in column (2) of Table J opposite the reference to that regulation, if the space is sized and sited in accordance with the provisions specified opposite thereto in column (3).*

SCHEDULE 3

Regulation 9

Table to be substituted for the table in Schedule 4 (Structural loadings) of the principal Regulations

Table to Regulations D5(1)(a) and D5(3)(a)

Regulation (1)	Loadings (2)	Publications (3)	Amendments (4)
D2 Stability	Basis of structural design	BS EN 1990: 2002 ⁽¹⁾	AMD 16226
	dead and imposed ⁽²⁾ or densities, self weight and imposed	BS 6399; Part 1:1996; or BS EN 1991-1.1:2002 ⁽¹⁾	AMD 13669 AMD 15507
	Imposed roof; or snow	(a) BS 6399; Part 3:1988; or (b) BS EN 1991-1.3:2003 ⁽¹⁾	AMD 6033 AMD 9187 AMD 9452 AMD 15509
	wind	BS 6399; Part 2:1997	AMD 13392 AMD 14009
	D4 Freestanding walls and earth retaining walls	Basis of structural design	BS EN 1990:2002 ⁽¹⁾
	Dead and imposed ⁽²⁾ or densities, self weight and imposed	(a) BS 6399; Part 1: 1996; or (b) BS EN 1992-2.2:2002 ⁽¹⁾	AMD 13669 AMD 15507
	Minimum surcharge at rear of earth retaining walls	BS 8002; 1994	AMD 8851 AMD 12062 AMD 13386
	Wind	BS 6339; Part 2: 1997	AMD 13392 AMD 14009

⁽¹⁾ BS ENs must be read in conjunction with their associated National Annex

⁽²⁾ Excluding imposed roof loads.

SCHEDULE 4

Regulation 10

Table to be substituted for Table D to Schedule 5 (Deemed-to-satisfy provisions) of the principal Regulations

Table D

(Structure)

<i>Regulation (1)</i>	<i>Structural work (2)</i>	<i>Publications (3)</i>	<i>Amendments (4)</i>
D2 Stability	Foundations (general)	(a) BS 8004: 1986	
	Foundations for houses and small buildings	(a) BS 8103: Part 1: 1995; or (b) DFP Technical Booklet D: 2007: Sections 1 and 5	AMD 8980 -
	Reinforced, prestressed or plain concrete , and	(a) BS 8110: Part 1: 1997;	AMD 9882 AMD 13468 AMD 16016 AMD 17307
		BS 8110: Part 2: 1985; and	AMD 5914 AMD 12061 AMD 16017
		BS 8110: Part 3: 1985; or	AMD 5918
	(general rules and rules for buildings)	(b) BS EN 1992-1-1: 2004 ⁽¹⁾ ; and	-
	(fire design)	BS EN 1992-1-2: 2004 ⁽¹⁾ ;	-
	Suspended concrete floors for housing	BS 8103: Part 4: 1995	-
	Composite steel and concrete	BS 5950: Part 3: Section 3.1: 1990; and BS 5950: Part 4: 1994	AMD 16721 -
	Steel	BS 5950: Part 1: 2000; BS 5950: Part 2: 2001; and BS 5950: Part 5: 1998;	AMD 13199 AMD 17137 - AMD 16502
Aluminium	BS 8118: Part 1: 1991; and BS 8118: Part 2: 1991	AMD 10485 AMD 10486	
Masonry (general)	(a) BS 5628: Part 1: 2005; BS 5628: Part 2: 2005; and	- -	

		BS 5628: Part 3: 2005; or (b) BS EN 1996- 1-1: 2005 ⁽¹⁾ ; BS EN 1996- 1-2: 2005 ⁽¹⁾ ; and BS EN 1996- 3: 2006 ⁽¹⁾	- AMD 16209 - -
	Masonry walls for housing	(a) BS 8103: Part 2: 2005; and (b) DFP Technical Booklet D: 2007: Sections 1, 3 and 4	- -
	Timber (general)	(a) BS 5268: Part 2: 2002; and BS 5268: Part 3: 2006; or (b) BS EN 1995-1-1: 2004 ⁽¹⁾ ; and BS EN 1995-1-2:2004 ⁽¹⁾	- AMD 16541 AMD 16972 AMD 16499 AMD 16498
	Timber floors and roofs for housing	(a) BS 8103: Part 3: 1996; or (b) DFP Technical Booklet D: 2007: Sections 1 and 2	- -
D3 Disproportionate collapse ⁽²⁾	Reinforced, prestressed or plain concrete	(a) BS 8110: Part 1: 1997; and BS 8110: Part 2: 1985; or (b) BS EN 1992-1-1: 2004 ⁽¹⁾ ; and BS EN 1992-1-2: 2004 ⁽¹⁾ ;	AMD 9882 AMD 13468 AMD 16016 AMD 17307 AMD 5914 AMD 12061 AMD 16017 - -
	Steel	BS 5950: Part 1: 2000	AMD 13199
	Masonry	BS 5628: Part 1: 2005	-
D4 Freestanding walls and earth retaining walls	Masonry freestanding walls (general)	(a) BS 5628: Part 1: 2005; BS 5628: Part 2: 2005; and BS 5628: Part 3: 2005; or (b) BS EN 1996- 1-1: 2005 ⁽¹⁾ ; BS EN 1996- 1-2: 2005 ⁽¹⁾ ; and BS EN 1996- 3: 2006 ⁽¹⁾	- - - AMD 16209 - -
	Concrete freestanding walls (general)	(a) BS 8110: Part 1: 1997; and BS 8110: Part 2: 1985; or (b) BS EN 1992-1-1: 2004 ⁽¹⁾ ; and BS EN 1992-1-2: 2004 ⁽¹⁾	AMD 9882 AMD 13468 AMD 16016 AMD 5914 AMD 12061 AMD 16017 - - - -
	Limited masonry freestanding walls	DFP Technical Booklet D 2007: Sections 1 and 3	-

	Earth retaining walls	BS 8002: 1994; or	AMD 8851 AMD 12062 AMD 13386
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(1) BS ENs must be read in conjunction with their associated National Annex

(2) Using the procedures in DFP Technical Booklet D: 2007 Section 6

SCHEDULE 5

Regulation 10

Table to be substituted for Table J to Schedule 5 (Deemed-to-satisfy provisions) of the principal Regulations

Table J

(Solid waste in buildings)

<i>Regulations</i> (1)	<i>Buildings</i> (2)	<i>Publications or provisions</i> (3)	<i>Amendments</i> (4)
J2(1)(c) Solid waste storage	A dwelling not served by a waste chute system.	A washable hard-standing base not less than 1.8 x 1.2m to accommodate the required storage containers and provide reasonable access.	-
J2(1)(d) Solid waste storage [#]	A dwelling not served by a waste chute system	The space for the waste containers is at a travel distance of not more than 30m to the waste collection point and sited so that the waste containers can be removed without being taken through a dwelling or any other building, other than a garage, carport or other open covered space.	-
	A dwelling served by a waste chute system	BS 1703: 2005	-
J3 Waste chute systems	Any building	BS 1703: 2005	-
J4 Space to facilitate segregation and temporary storage of household waste.*	Any dwelling	An internal space of not less than 80 litres which is convenient for the segregation and temporary storage of household waste and which shall be separate from the main waste storage area.	-

Note-

The requirements in relation to siting.

* Sited so as not to compromise the means of escape.

EXPLANATORY NOTE

(This note is not part of the Order)

These regulations amend the Building Regulations (Northern Ireland) 2000 (the principal Regulations). They do not apply to building work which has been completed, or for which plans or building notices have been deposited with a district council before the commencement of these Regulations.

The changes to the principal Regulations are as follows—

1. Part D has been replaced. New regulations to control freestanding walls and earth retaining walls have been introduced. In addition, the regulation for disproportionate collapse now applies to buildings dependant on their size and use, where previously it had applied only to buildings having 5 or more storeys.

2.Part J has been replaced. It now recognises that most buildings have more than one waste container, and introduces provisions to require space for waste containers to be reasonably accessible to the waste collection point. It also introduces a new regulation requiring reasonable space to be provided in a dwelling for segregating and temporary storage of household waste.

3. New tables have been substituted for the table in Schedule 4 (structural loadings). New tables have also been substituted for Tables D and J of Schedule 5 so that updated deemed-to-satisfy references are inserted.

4. Consequential amendments have been made to Part A.

Regulatory Impact Assessments have been prepared. Copies can be obtained on request from the Building Standards Branch, Department of Finance and Personnel, 10th Floor, River House, 48 High Street, Belfast BT1 2AW. Alternatively they can be downloaded from www.buildingregulationsni.gov.uk.

These Regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC, as amended by Directive 98/48/EC.