



Department of
**Finance and
Personnel**

www.dfpni.gov.uk

**Review of
The Building Regulations
(Northern Ireland)
Order 1979
(as amended 1990)**

Second Stage Consultation

PAPER 2: Response Form

July 2005

Responding to the consultation document

This paper sets out the Department's proposals as outlined in Paper 1 of the consultation package, and invites you to indicate whether or not you agree with them. It also allows additional space should you wish to comment on any of these proposals.

If you have insufficient space in the form to record your comments they may be appended on a separate page, which should clearly indicate the proposal to which they refer, together with your name and the name of the organisation that you represent (if any). Alternatively, an editable version is available electronically at www.dfpni.gov.uk/buildingregulations.

PLEASE NOTE THAT THE CLOSING DATE FOR SUBMISSIONS IS 4.00PM ON FRIDAY 4 NOVEMBER 2005. LATE RESPONSES WILL NOT BE CONSIDERED.

In light of the requirements of the Freedom of Information Act, all responses may be made available to the public on request. We may also wish to make responses to this consultation document available to Parliament/the Northern Ireland Assembly and for public inspection, either from our office or the website.

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the Department will contact you before disclosure and if appropriate provide an opportunity for your response to be withdrawn.

If you have any comments or complaints about the consultation process itself (rather than the contents of the document), these should be directed to the postal or e-mail address given on page 2 of this paper.

Completed Response Forms should be returned::

By post: Consultation Response Co-ordinator
Building Regulations Unit
OBD, DFP
10th Floor, River House
BELFAST BT1 2AW

By fax: (028) 9051 8359

By email: consultation.bru@dfpni.gov.uk

Name/Company/Organisation
Address
Name of Respondee

Please tick here if you wish your response to remain confidential:

**PART 1: The Building Regulations (NI) Order 1979 –
An examination of the current provisions.**

Section 1.1: Legal definitions

Department's proposal:

It is proposed that the definition of "site" be amended to include up to and including the boundary, rather than just the building's footprint.

Do you agree with the Department's proposal? *(please tick one box)*

Yes No

Comments

Section 1.2: Building Regulations

Department's proposals:

In order to ensure that the NI legislative provision anticipates future needs, as well as addressing current requirements, it is proposed that the "principles" of Building Regulations be extended to also include:

- the promotion of sustainable development; and*
- the enhancement and protection of the environment.*

Do you agree with the Department's proposal? (please tick one box)

Yes

No

Comments

It is further proposed that the list of matters on which Building Regulations may be made is extended to include:

- *security of buildings;*
- *sustainable use and management of water;*
- *waste management (demolition, reuse and recycling);*
- *durability of materials and materials life cycles; and*
- *pollution (emissions) and nuisance.*

Do you agree with the Department's proposal? (please tick one box)

Yes No

Comments

Section 1.3: Meeting the requirements of Building Regulations

Department's proposal:

It is proposed to move from deemed-to-satisfy to the provision of practical guidance in support of performance-based regulations.

Do you agree with the Department's proposal? *(please tick one box)*

Yes No

Comments

Section 1.4: Northern Ireland Building Regulations Advisory Committee

Department's proposal:

It is proposed that the provisions relating to the appointment of members to NIBRAC are worded to comply with OCPANI guidance, i.e. to permit self-nomination by suitably qualified individuals.

Do you agree with the Department's proposal? (please tick one box)

Yes No

Comments

Section 1.5: Consideration of applications by district councils or other bodies

Department's proposal:

It is not proposed to make any amendment to existing provisions in relation to this matter.

Do you agree with the Department's proposal? (please tick one box)

Yes No

Comments

Section 1.6: Notification of intent and inspection of Site

Department's proposals:

There are no proposals to further amend the provisions relating to the deposit and approval of plans.

Do you agree with the Department's proposal? (please tick one box)

Yes No

Comments

It is proposed that the wording of the provisions is amended to explicitly facilitate the processing of electronic submissions.

Do you agree with the Department's proposal? *(please tick one box)*

Yes

No

Comments

Section 1.7: Powers of entry and inspection

Department's proposal:

It is not proposed to make any amendment to the provisions relating to the entry and inspection of premises.

Do you agree with the Department's proposal? (please tick one box)

Yes No

Comments

Section 1.8: Expiry of plans

Department's proposal:

It is proposed in the new Bill that each unit in an application for multiple dwelling units shall be considered as an individual application for the purpose of deeming plans to be of no effect. In this way, developers may still avail of the opportunity to submit plans for multiple units, but where work on any of those units has not commenced within three years from the date of the deposit of the plans, approval for those units shall be deemed to have lapsed.

Do you agree with the Department's proposal? (please tick one box)

Yes No

Comments

Section 1.9: Enforcement of Building Regulations

Department's proposal:

It is not proposed to make any amendment to the provisions relating to the enforcement of building regulations.

Do you agree with the Department's proposal? (please tick one box)

Yes No

Comments

Section 1.10: Contravention of the Building Regulations

Department's proposal:

Apart from transferring any prescribed time periods from the Bill to the Building Regulations, there are no proposals to alter any of the existing provisions relating to contravention of the Building Regulations.

Do you agree with the Department's proposal? (please tick one box)

Yes No

Comments

Section 1.11: Penalties and offences

Department's proposal

There are no proposed amendments to the provisions relating to penalties and offences other than to provide for any new provisions that may be included in the new Bill.

Do you agree with the Department's proposal? *(please tick one box)*

Yes No

Comments

Section 1.12: Rights of appeal

Department's proposal

It is not proposed to make any amendment to the existing appeals processes.

Do you agree with the Department's proposal? *(please tick one box)*

Yes No

Comments

Section 1.13: Powers to approve types of building

Department's proposal

It is proposed that the power to approve types of building matter should, for example, be retained to permit district councils to type approve plans. Where these plans transcend council boundaries, any of the affected councils should be allowed to type approve the plans, with the mutual consent of the other affected councils.

Do you agree with the Department's proposal? *(please tick one box)*

Yes No

Comments

Section 1.14: Type relaxation of the requirements of Building Regulations.

Department's proposal:

It is proposed that the existing provisions relating to type relaxation of any requirement of building regulations are retained.

Do you agree with the Department's proposal? (please tick one box)

Yes No

Comments

Section 1.15 Relaxation of Building Regulations

Department's proposal:

It is not proposed to make any amendment to the provisions relating to relaxation of any provision of the Building Regulations.

Do you agree with the Department's proposal? *(please tick one box)*

Yes No

Comments

Section 1.16: Continuing requirements

Department's proposal:

It is proposed that the existing provisions in relation to continuing requirements are carried into the new Bill. The Bill itself would not prescribe any particular continuing requirements that may be applied, but rather would designate that the Building Regulations state the specific requirements to be adhered to.

Do you agree with the Department's proposal? (please tick one box)

Yes No

Comments

Section 1.17: Power to require tests

Department's proposal:

It is proposed that the new Bill contains powers to require tests, but that the range of tests will be prescribed by the Regulations.

Do you agree with the Department's proposal? *(please tick one box)*

Yes No

Comments

Section 1.18: Materials unsuitable for permanent buildings

Department's proposal:

It is not proposed to make any amendment to the provisions relating to materials unsuitable for permanent buildings.

Do you agree with the Department's proposal? (please tick one box)

Yes No

Comments

SECTION 1.19 Application of Building Regulations to the Crown

Department's proposal:

It is proposed that the new Bill removes Crown exemption, except where doing so would prejudice the safety and security of people working in or around a particular building or class of building. The Bill will also put in place those provisions necessary for the determination of Crown applications.

Do you agree with the Department's proposal? *(please tick one box)*

Yes

No

Comments

PART 2: Proposed new powers

Section 2.1: Competent Persons schemes

Department's proposal

It is proposed that powers are put in place to allow the establishment of competent persons schemes at such time as it is appropriate to do so.

Do you agree with the Department's proposal? *(please tick one box)*

Yes

No

Comments

Section 2.2 Off-site inspection of prefabricated components

Department's proposal:

It is proposed that new powers are introduced in the new Bill to permit the option of off-site inspection of components.

Do you agree with the Department's proposal? *(please tick one box)*

Yes

No

Comments

Section 2.3: Historic or listed buildings

Department's proposal

It is proposed that where applications are submitted for listed buildings or buildings located within a Conservation Area, the new Bill should require that district councils apply building regulations in such a manner that the special characteristics of such buildings are not compromised.

Do you agree with the Department's proposal? *(please tick one box)*

Yes No

Comments

Section 2.4: Approval of Building Control authorities

Department's proposal:

It is proposed that powers are introduced to appoint and monitor any bodies wishing to carry out the building control function, and to remove these powers where it has been shown that an authorised body has not been fulfilling its building control duties. These powers shall remain dormant until such time as it may become appropriate to commence them.

Do you agree with the Department's proposal? (please tick one box)

Yes No

Comments

Section 2.5: Dangerous buildings

Department's proposal:

It is proposed that new powers are introduced to allow district councils to take any action necessary to make safe a dangerous building. It should be noted that the introduction of such powers is dependent on the permission of those Departments with responsibility for the legislation under which these powers are currently exercised.

Do you agree with the Department's proposal? (please tick one box)

Yes No

Comments

Section 2.6: Building Regulations register

Department's Proposal

It is proposed that the new Bill confers a duty on a district council to maintain a register containing information relating to all applications for building regulation approval within its boundary, together with any other information relating to building regulations that may be prescribed by the Department.

Do you agree with the Department's proposal? (please tick one box)

Yes No

Comments

If you have any further comments which have not been covered in sections 1.1 to 2.6, please use the space provided below.

Comments
