



February 2021

### 31 Building Control Authorities Promoting a Culture of Compliance with the Building Regulations

#### The CCMA/NBCMP "Framework for Building Control Authorities V1.1 2016"

provides guidance on roles and functions regarding administration and monitoring compliance with:

- Building Control Act 1990-2014
- Building Control Regulations
- Building Regulations
- Section 11 Inspections & Information requests
- Section 8 Enforcement
- Section 17 prosecutions
- [Statutory Building Register](#).



#### Maya's Kevin Cooke BCO

BCAs are the designated enforcement authorities for:

- Market Surveillance and EU (Construction Products Regulations (SI No. 225 of 2013).
- Building Energy Rating- EU (Energy Performance of Buildings Regulations (SI No. 243 of 2012);
- Registration of multi-storey -LG (Multi-storey Buildings) Act 1988.



#### Kildare County Council

**NBCMP Team**-Mairéad Phelan, Sabrina McDonnell, Richard Butler, Éanna Ó Conghaile, Shirley Lambe, Kelda Minjon  
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3 PALACE STREET  
DUBLIN 2



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## Where there is Construction so should there be Inspections

**D1 Materials and workmanship.** All works to which these Regulations apply shall be carried out with proper materials and in a workmanlike manner.

**D2 Letterplates.** A letter plate aperture shall be so positioned at a reasonable height above ground level so as not to endanger the health and safety of persons using such apertures.

**D3 Definitions:**  
 "proper materials" means materials which are fit for the use for which they are intended and for the conditions in which they are to be used, and includes materials which:  
 (a) bear a CE Marking in accordance with the provisions of the Construction Products Regulation;  
 (b) comply with an appropriate harmonised standard or European Technical Assessment in accordance with the provisions of the Construction Products Regulation; or  
 (c) comply with an appropriate Irish Standard or Irish Agrément Certificate or with an alternative national technical specification of any State which is a contracting party to the Agreement on the European Economic Area, which provides in use an equivalent level of safety and suitability;

"Construction Products Regulation" means Regulation (EU) No. 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC.

"Agreement on the European Economic Area" means the Agreement on the European Economic Area between the European Union, its Member States and the Republic of Iceland, the Principality of Liechtenstein and the Kingdom of Norway as published in the Official Journal of the European Communities (OJ L No. L1, 03.01.1994, page 3).

**S.I. No. 224/2013 - Building Regulations (TGD Part D Amendment)**

**Building Regulations (Building Regulations) are made for the health, safety, and welfare of people in or about buildings, conservation of fuel and energy and access for all.**

**A construction product used in a building works must be fit for the purpose and conditions it is to be used and must be properly installed in a workmanlike manner.**

**This means, the construction product must be durable, safe, hygienic and sustainable for the lifetime of the building works which in this case is 50-60 years!**

**To comply with Building Regulations Part D (Materials and Workmanship) all works "shall be carried out with proper materials and in a workmanlike manner".**

Furthermore, **"proper materials" means materials which are fit for the use for which they are intended and for the conditions in which they are to be used**, and includes materials which:

(a) **bear a CE Marking in accordance with the provisions of the Construction Products Regulation (CPR);**

(b) **comply with an appropriate harmonised standard or European Technical Assessment in accordance CPR; or**

(c) **comply with an appropriate Irish Standard or Irish Agrément, which provides in use an equivalent level of safety and suitability.**

\*\*\*\*\* Mairéad Phelan

**"Construction Products Regulation" EU 305 of 2011, prescribes BASIC REQUIREMENTS FOR CONSTRUCTION WORKS. Construction works as a whole and in their separate parts must be fit for their intended use, taking into account in particular the health and safety of persons involved throughout the life cycle of the works. Subject to normal maintenance, construction works must satisfy these basic requirements for construction works for an economically reasonable working life."**

**An economically reasonable working life is 50-60 years!**

To ensure a proper standard of workmanship, it is essential that people carrying out construction works are **competent**, which is defined in the Building Control Regulations as a person **"possessing sufficient training, experience and knowledge appropriate to the nature of the work he or she is required to perform and having particular regard to the size and complexity of such works."**

**We all need to start questioning competency!!!**

When a person buys a kettle, they will ensure that it has the correct CE markings, warranty, energy efficiency and lifespan certificates; and that it is safe to use, made, and sold by competent people. The rules are the same for the products of construction, i.e. houses, and other buildings.

#### Things to Check - Houses, and other Buildings:

- Evidence or Certification of compliance with:
  - a) Building Regulations &
  - b) Building Control Regulations
- NSAI Agrément Certificates (IAB Ref. No.)
- CE Markings Documentation and Declaration of Performances for bricks, pipes, slates etc.
- Other third-party ancillary certification e.g.
  - Groundwork & Drainage
  - Brickwork/Blockwork
  - Roof
  - Plumbing; Electrics; Carpentry
  - Heating
  - Radon Protection etc.
- Professional Registers - Competency of your building Designer, Builder Manufacturers and Suppliers; Installers registers, Air Tightness Register, Sound Testing Register, PV Solar etc.

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## Recent Amendments to TGD C

'Technical Guidance Document (TGD) C – Site Preparation and Resistance to Moisture (1997) (Amendments 2020)' has been amended -ref. DHLGH website [here](#).

**Part C requires that construction of buildings should be such as to prevent moisture and contaminants (e.g. Radon) from entering the fabric of the building for its' life of 60 years.**

Amendments include improved grading of underfloor fill for Radon extraction; and reduced radon levels in the workplaces.

### Transitional Arrangements

Document applies to works commenced on or after **1 November 2020**. TGD C, dated 1997 revised in 2004 and 2008 ceases to have effect from that date. However, the 2008 document may continue to be used, **where the works commence on or before 31 October 2020.**

### Changes to Paragraph 2.7 Radon

#### Changes to paragraph 3.1.4 (b)

#### NEW Paragraph 3.1.4 (d):

(d) Hardcore should be placed as outlined in Diagram 4, and be graded in accordance with S.R. 21:2014+A1:2016, as follows:

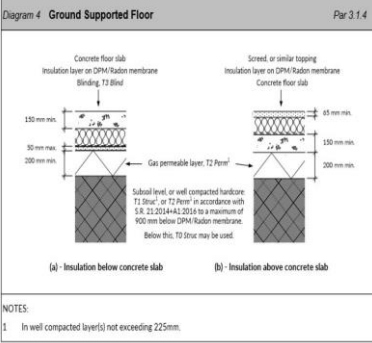
**T0 Struct Suitably graded structural unbound granular fill (hardcore) material (0/125 mm)**, for use at depths greater than 900 mm below the radon barrier/Damp Proof Membrane (DPM).

**T1 Struct Structural unbound granular fill (hardcore) material** is an all-in graded aggregate (0/32 mm) or gravel (0/40 mm) to facilitate placing and compactability.

**T2 Perm Suitably graded unbound granular fill (hardcore) material (4/40 mm)** to facilitate the free movement of gas within the hardcore layer.

**T3 Blind Fine aggregate (0/4 mm, GF80)**, for blinding the top surface of the Annex E granular fill.

### Diagram 4



### Standards and References

Delete: SR21: 2004+A1: 2007 and replace with: S.R. 21:2014+A1:2016

Delete: The Radiological Protection Act, 1991 (Ionising Radiation) Order, 2000, Statutory Instrument No.125 of 2000 and replace with: The Radiological Protection Act 1991 (Ionising Radiation) Regulations 2019, Statutory Instrument No. 30 of 2019  
<https://assets.gov.ie/100136/0825dd2c-31ca-4cf4-8787-479cc33e11f7.pdf>

# Smart Regulation-Compliance Support



**Monaghan County Council Building Control Team - Promoting Compliance through on-site Inspections**  
**Dermot Brannigan CFO and Kieran Gallagher**

## TGD H – Part H - Drainage and Waste Water Disposal 2010

### Access & Branch Design



**1.2.2.8 Sizes of branch pipes:** Pipes serving a single appliance should have at least the same diameter as the appliance trap (see Table 2). If a pipe serves more than one appliance and is unventilated, the diameter should be at least the size shown in Table 3.

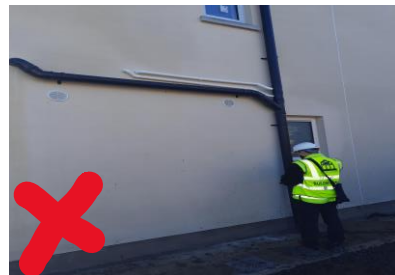
Appliance	Max Number to be connected	OR	Max length of branch (m)	Min size of pipe (mm)	Gradient limits (fall per metre)	
					min (mm)	max (mm)
sinks	8	15	100	9	to	90
urinals:						
bowls	5	5	*	50	to	90
stalls	6	*	65	18	to	90
Washbasins	4	4	50	18	to	45

Note:  
 \* No limitation as regards venting but should be as short as possible.

### Non – Compliant Examples



**1.2.2.17 Rodding points** should be provided to give access to any lengths of branch pipes which cannot be reached by removing traps.



Kieran Gallagher MCC inspecting for compliance with Part H.



## Smart Regulation

The purpose of regulation in a civilised society is for the health and safety of the citizen and the protection of the environment. Smart regulation embraces the different actors in the regulation process allowing for a collaborative and coordinated approach to regulation. Smart regulation acknowledges that controls are not only exercised by the Building Control Authorities, but also through self-regulation and by third parties such as companies and public interest groups.

The NBCO and the 31 Building Control Authorities work with Owners, Designers, Builders, Assigned Certifiers and Suppliers of Construction Products to promote compliance with the building regulations. Product suppliers have a vested interest also in ensuring that their products are used correctly in the construction process and not damaged in the process; and where we find damaged or misused products during our site visits, we are now also contacting the suppliers and manufacturers of these products, who in turn are encouraged to promote compliance, through education and training in the correct use of these products in buildings. Manufacturers and suppliers are encouraged to acknowledge their duty of care in placing these products on the market.

**Monaghans' Kieran Gallagher inspecting**



## BREXIT AND NEW ARRANGEMENTS FOR THE MARKET SURVEILLANCE OF CONSTRUCTION PRODUCTS

The Minister for HLGH, in exercise of the powers conferred on him by Section 133(1) of the Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020 (No. 23 of 2020), has made Regulations known as **S.I. No. 682 of 2020- Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020 (Construction Products – Market Surveillance) Regulations 2020**. These regulations prescribed DCC-NBCO as a competent authority for the purposes of carrying out the functions of a market surveillance authority under the **European Union (Construction Products) Regulations 2013 (S.I. No. 225 of 2013)**. Building control authorities continue to be designated the market surveillance authorities for construction products and will be supported by DCC-NBCO.



### Part J - The Requirement

**J2(b) Warning of release of Carbon Monoxide.** Reasonable provision shall be made to avoid danger to the health and safety of the occupants of a dwelling caused by the release of carbon monoxide from heat producing appliances.



EI207 / EI208 Carbon Monoxide Alarm Series

### Two separate and distinct situations.

#### Situation 1:

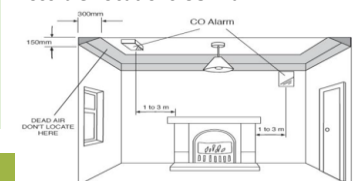
Where a new or replacement open-flued or fuelless combustion appliance, not designed solely for cooking purposes, is installed in a dwelling, a carbon monoxide (CO) alarm should be provided:

- (a) in the room where the appliance is located, and
- (b) either inside each bedroom or, within 5 m (16 ft.) of the bedroom door, measured along the path of the corridor.

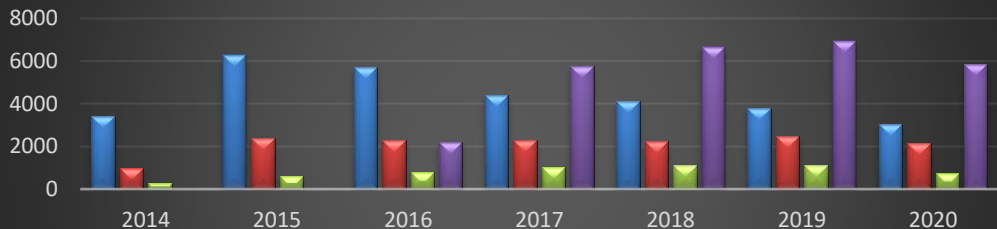
#### Situation 2

Where a system chimney is being used, with any heat producing appliance and the flue passes within or over a habitable room, (whether encased or not), then a CO alarm should be fitted in the room.

### Possible Locations CO Alarm



## COMMENCEMENT NOTICES BY TYPE BY YEAR



- Commencement Notice With Supporting Compliance Documentation
- Commencement Notice Without Supporting Compliance Documentation
- Seven Day Notice
- Commencement Notice with Opt -Out Declaration

### Construction Activity to end of December 2020

Commencement Notice Type - from 1st January 2020	End Oct. 2020	End Nov. 2020	End Dec. 2020
Commencement Notice with Opt Out Declaration	5,233	5,567	5,839
Commencement Notice Without Compliance Documentation	1,905	2,067	2,171
7 Day Notice	627	677	732
Commencement Notice with Compliance Documentation	2,596	2,830	3,054
<b>Total Commencement Notices All types</b>	<b>10,361</b>	<b>11,141</b>	<b>11,796</b>
CRM stakeholder queries - <a href="#">closed-i.e. phone, info@localgov.ie</a>	4318 - Freshdesk Closed Cases	4879 - Freshdesk Closed Cases	5317 - Freshdesk Closed Cases
From Inception (2014)	End Oct. 2020	End Nov. 2020	End Dec. 2020
Customers-Registered users	126,174	127,3030	128,136
Compliance Documents	1,628,271	1,665,453	1,695,980
Certificate of Compliance of Completion	28,180	28,964	29,549
Application Type - Valid/Invalid -From 1 <sup>st</sup> January 2020	End Oct. 2020	End Nov. 2020	End Dec. 2020
Fire Safety Certificates FSC, FSC-RV, FSC-RG	137	99	152
Disability Access Certificates DAC, DAC-RV	87	51	97
Dispensation / Relaxation	3	3	4
Application Type - RI/FI/TA	End Oct. 2020	End Nov. 2020	End Dec. 2020
Fire Safety Certificates FSC, FSC-RV, FSC-RG	79	86	122
Disability Access Certificates DAC, DAC-RV	21	17	27
Dispensation / Relaxation	1	1	1
Application Type - Granted/Refused/Granted with Conditions/Recommended	End Oct. 2020	End Nov. 2020	End Dec. 2020
Fire Safety Certificates FSC, FSC-RV, FSC-RG	322	534	593
Disability Access Certificates DAC, DAC-RV	264	431	491
Dispensation / Relaxation	15	19	19
<b>Total Application All Types</b>	<b>929</b>	<b>1,231</b>	<b>1,506</b>

### QUESTION - IS A UKCA (UK CONFORMITY ASSESSED) A CE MARKING UNDER CONSTRUCTION PRODUCTS REGULATIONS (CPR)?

**ANSWER:** In the context of marketing of construction products, the UKCA (UK Conformity Assessed) marking is a new UK marking that is used for products (including construction products) being placed on the market in Great Britain (England, Wales and Scotland). It covers the same range of construction products which (under the CPR) require CE Marking when placed on the EU Market i.e. those covered by harmonised technical specifications.

Whilst there is scope for dual marking on construction products, the UKCA marking (as any third country marking) can be affixed to a product which bears the CE Marking provided that such marking does not create confusion with the CE Marking. This confusion may either refer to the meaning or the form of CE marking (Article 30(5) of Regulation 765/2008). Therefore, the UKCA marking as well as any other information concerning UK legislation must be separate from the CE Marking and information concerning EU legislation. This applies also to the Declaration of Performance under EU law.

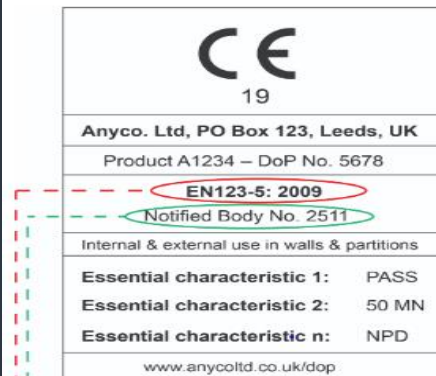
Where building control officers come across a construction product labelled with UKCA by itself i.e. without a CE Marking, this would indicate that the construction product has been marketed unlawfully. The suggested action to take is as follows:

1. Building Control Officers (BCO)/ Authorised Officers (AO) should bring the matter to the attention of National Building Control Office (DCC-NBCO) (support@nbco.gov.ie), who can liaise with the BCO/AO and make follow up enquiries with the economic operator/ enforcement, as necessary.

2. In accordance with the DCC-NBCO Memo of Understanding with Customs, DCC-NBCO may need to supply Customs with specific details of construction products they require to be controlled by Customs. A general risk-based intervention may be considered:

- a. Where construction products are identified to bear UKCA marking and the CE Marking/ DoP is absent, such products should not be cleared for free circulation until DCC-NBCO has indicated that the product can be released.

### What to look for on the CE marking of a construction product



#### How to know if a construction product is certified by a UK 'notified body'

- Visit the Nando CPR database: <https://ec.europa.eu/growth/tools-databases/nando/>
- Click "Body". From the CE marking find the "Notified Body No."
- On the Nando webpage use the "Country" column to identify the country in which the "notified body" is registered.
- How to find an EU-27 (EU country after the UK leaves the EU) "notified body" for a product with a harmonised standard
- On the Nando CPR database, click "Construction products", then click "Regulation (EU) No 305/2011 - Construction Products".
- Click "Standard" (from the bar above the "Bodies" heading).
- Click "Harmonised Standards". Using the product's Standard, find and click on the correct Standard, found under the "Code" column on the webpage.
- Use the "Country" column to find a "notified body" from an EU-27 country.



### Search and explore data from NBCO

Search for data.

Categories

[Commencement Notice](#), [Certificates of Compliance on Completion](#), [Online Assessment](#)

<https://data.nbco.gov.ie/>

Open Data Portal

**Wicklow Building Control Promoting Compliance Anne Fegan and Tony McManus.**  
As long as construction continues so shall inspections!



### Search the Statutory Register here

Any- Enter search word

### About BCMS

Welcome to the Building Control Management System (BCMS). A commencement notice is required to give notice to Building Control Authorities of the erection of such buildings, or classes of works, or the carrying out of such works, or classes of works, as may be specified in the regulations. Note that each party (owner, designer, builder and assigned certifier) to the notice must first register with the BCMS. A building or works may also require a Fire Safety Certificate Application, a Disability Access Certificate Application and a Certificate of Compliance on Completion. The Building Control (Amendment) Regulations SI 9 of 2014 recommends this BCMS site as the preferred means of electronic building control administration.

#### COVID-19 - CRITICAL NOTICE

Please Note: Having regard to the immediate, exceptional and manifest risk posed to human life and public health by the spread of Covid-19, you should refer to SECTION 62(2) OF S.I. 4 OF 2021 HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS) COVID-19 (NO. 10) (AMENDMENT) REGULATIONS 2021 located here, prior to submission.



Standard Recommendation  
S.R. 82:2017

### Slating and Tiling - Code of Practice

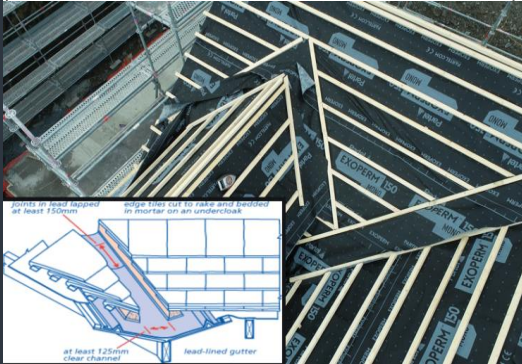


Photo taken By NBCO Drone

Section 5 of S.R. 82 Outlines: The Design recommendations  
General considerations: The criteria, taken into account when designing and/or selecting products for roof construction, should include but are not limited to:

- structural stability;
- weathertightness;
- ventilation;
- shape and size of roof;
- durability;
- control of condensation, thermal performance and hygrothermal factors; and
- health and safety considering fire, sound, and impact resistance.

**NOTE 1** Buildings near sources of noise can require the acoustic properties of the roof to be addressed at the design stage.

**NOTE 2** I.S. EN 15026 gives guidance hygrothermal performance of building components and building elements

### Assessment of exposure to local wind-driven rain and wind

Figure 1 shows a map of the Republic Ireland divided into two zones based on exposure to local wind-driven rain and wind. The two zones are moderate and severe. Figure 1 is based on driving rain data from the S Walsh (2010). This map may be used when designing buildings up to 12 m ridge height above adjoining ground level.

## Slating & Tiling in Ireland- S.R. 82:2017

Never start a building without first referring to S.R. 82 i.e. the guidelines for the materials, design, application, and workmanship of slates, tiles, fittings and accessories. It gives guidance on pitched roofs and vertical cladding applications not exceeding 10 storeys etc.; and for every location in Ireland guidance on considerations for rain and wind resistance, durability, control of condensation, fire resistance, environmental and, health and safety issues. Standard Recommendation 82:2017 slating and tiling code of practice (S.R. 82) formally replaced Irish Code of Practice ICP 2:2002 slating and tiling on 1<sup>st</sup> January 2018.



Figure 1

### Moderate exposure zone

Moderate exposure to wind-driven rain applies in districts where the driving rain index is less than 5 m<sup>2</sup>/sec/year and wind speeds of less than 26 m/s. These are shown in Figure 1. In districts of moderate exposure, buildings which stand above their surroundings, or buildings of any height on hill slopes or hill tops, should be regarded as having a severe exposure.

### Severe exposure zone

Severe exposure to wind-driven rain always applies in districts where the driving rain index is equal to or greater than 5 m<sup>2</sup>/sec/year and wind speeds greater than 26 m/s. These are shown in Figure 1.

S. Walsh (2010). Driving Rain Index for Republic of Ireland. Met Éireann, Climatology Note No 13

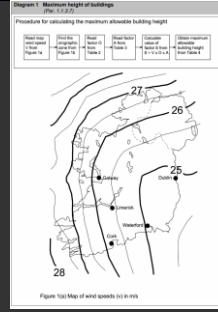
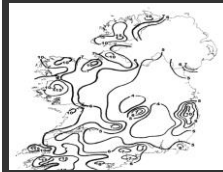


Figure 1 (a)

## Education & Training

### IT Carlow - LEVEL 7 CERTIFICATE IN BUILDING CONTROL MANAGEMENT Education Award by Engineers Ireland.

@itcarlow link [here](https://www.itcarlow.ie/study/lifelong-learning/extended-campus/extended-campus-application-form.htm) for Extended Campus Application Form.

<https://www.itcarlow.ie/study/lifelong-learning/extended-campus/extended-campus-application-form.htm>



National Building Control Office Eventbrite [www.eventbrite.ie](http://www.eventbrite.ie)

### Spring Series 2021 Webinars

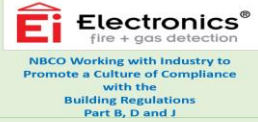
Don't miss these important events - follow us on Eventbrite, and you will be notified when we publish a new event. Log on now to follow. We will be publishing our next event shortly.

Webinar 14<sup>th</sup> January 2021  
Building Control: BCMS Online Demo of a Fire Safety Certificate



NBCMP  
National Building Control Management Programme

Date 04<sup>th</sup> February 2021  
Title  
Modern Technologies for Fire and CO Detection in Residential Premises to Comply with Building Regulations



- 25<sup>th</sup> February Wavin Ireland -Sewers -Part H,
- 11<sup>th</sup> March Heat Pumps Part L with Meath Co. Co
- 1<sup>st</sup> April Partel Ltd -Roof Membranes – Installation and Repair Part A, D, L.
- 13<sup>th</sup> April Protected Structures- Jacqui Donnelly, Senior Architect, Built Heritage
- 25<sup>th</sup> March Gyproc & Isover Ireland, Plasterbord
- 15<sup>th</sup> April Domestic Electrical Installations in conjunction with Meath Co. Co.

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National Building Control Office, 3 Palace Street, 31 Building Control Authorities working together to "Promote a Culture of Compliance with the Building Regulations"



## TGD A – Structures (2012) Roof Trusses for Dwellings – Lateral Restraints

Designers should ensure that the design and locations of the lateral restraint for pre-fabricated roof trusses is in accordance with the requirements of TGD Part A & SR 70:2015 Timber in construction - Eurocode 5 - trussed rafters. (Note: Roof truss manufacturers usually exclude the lateral restraints from their design. A note is usually provided on the design drawings stating this.)

**1.1.3.25** Gable walls should be strapped to roofs as shown in Diagrams 7 (a) and (b) by 30 x 5 mm tension straps as described in 1.1.3.24. Vertical strapping at least 1000 mm in length should be provided at eaves level at intervals not exceeding 2000 mm as shown in Diagram 7 (c). Additional vertical straps may be necessary in the following conditions and a separate design check should be carried out to calculate uplift in accordance with I.S. EN 1991-1-4. These conditions include where:

- The roof has a pitch of less than 15°, and/or
- With reference to Figure 1a of Diagram 1, the site wind speed is greater than 26 m/s, and/or
- The building is located in exposed terrain and there is reason to believe that higher wind speeds may pertain.

**Note 1:** Truss manufacturers have specific design details and guidance on storage – Always refer to manufacturers design guidance.

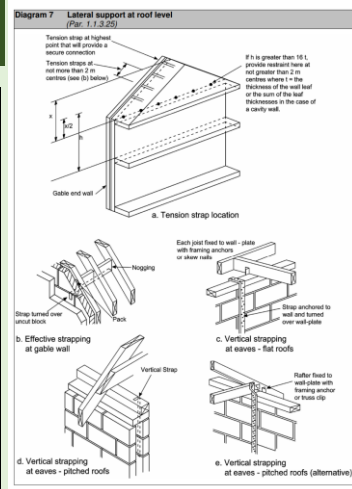
**Note 2:** Open web or metal web steel joists or trusses ensure the correct orientation i.e., top/bottom!

**Note 3:** Using composite joists or trusses ensure securely connected to behave as one unit!!



Standard Recommendation  
S.R. 70:2015

Timber in construction - Eurocode 5 -  
Trussed rafters



Comhairle Cathrach  
Bhaile Átha Cliath  
Dublin City Council

