

CAUSEWAY COAST AND GLENS COUNCIL RESPONSE TO THE DEPARTMENT OF THE FINANCE (DOF) PUBLIC CONSULTATION ON BUILDING (AMENDMENT) REGULATIONS (NI) 2016	4th October 2016
TO: ENVIRONMENTAL SERVICES COMMITTEE	
FOR DECISION	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Resilient, Healthy and Engaged Communities and Protecting and Enhancing Our Environments and Assets
Outcome	Implementation of effective, fit for purpose legislation
Lead Officer	Head of Health & Built Environment
Cost: (If applicable)	

Background

The Department of Finance have issued a consultation document with respect to proposed amendments to the Building Regulations (Northern Ireland) 2012. The consultation relates to proposed changes to Part A, Interpretation and General, Part F conservation of fuel and Power and a new Part M, Physical Infrastructure for high speed electronic communications networks. Attached (appendix a) to this report is a copy of the consultation response form in relation to Building (Amendment) Regulations (Northern Ireland) 2016 – Public Consultation Document C.3. The closing date for receipt of responses is 4.00pm on Friday 7th October 2016.

Recommendation

It is recommended Council approve this response and that it be returned to Department of Finance on behalf of Causeway Coast and Glens Borough Council.

Building (Amendment) Regulations (Northern Ireland) 2016

PUBLIC CONSULTATION DOCUMENT C.3

Consultation Response Form

August 2016

(closing date for receipt of responses is 4:00 pm on Friday 7th October 2016)

Building (Amendment) Regulations (Northern Ireland) 2016 - Consultation

Completion of the Response Form

The Department will consider all responses to this consultation received on or before the closing date for receipt of responses which is **4.00 pm on Friday 7th October 2016**.

Submissions made after this date will not be considered.

We would be grateful if you would use e-mail to return the completed Response Form to: karen.mckernon@finance-ni.gov.uk

However it may be posted to –

Karen McKernon
Consultation Co-ordinator
Department of Finance
Building Standards Branch
Floor 3
Northland House
3-5A Frederick Street
BELFAST BT1 2LW

Please refer to the package of Consultation Documents which outline fully the proposed amendments and to the consultation Regulatory Impact Assessment which accompany this Response Form.

These documents are available at –

<https://www.finance-ni.gov.uk/consultations>

Consultees are encouraged to respond on any aspects of the proposals. However, the Department would welcome answers to and comments on the questions in this Response Form.

For ease of use, questions relating to each aspect of the consultation are referenced by a letter relating to that aspect e.g. A1, is a question on Part A: Interpretation and general; F1 is a question on Part F: Conservation of fuel and power; while M1, M2 etc. are questions on Part M: Physical infrastructure for high-speed electronic communications networks.

Click on the box (or insert an “x”) beside “Yes”, “No” or “No view” as appropriate. It is not essential to give an answer to every question. The last question is completely open to enable consultees to make suggestions or observations that do not fit into the preceding questions.

Please make any comments you might have in the box provided. If you disagree with any of the proposals the Department would be interested to know why you disagree.

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Respondent Details

In order for your response to be considered valid, you must provide the following information:

Name	Martin McCook
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Are you responding as an individual?

Or are you representing the views of an organisation?

Responses to this consultation may be made available to the Northern Ireland Assembly or for public inspection, either at the Building Standards Branch office or website.

You have the option of indicating that you wish your response to remain confidential and the Department will generally respect that request. 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.

Is your response confidential? Yes No

PART A, INTERPRETATION AND GENERAL; QUESTIONS

Part A of the Building Regulations (Northern Ireland) 2012 (as amended) (the Building Regulations) defines certain terms used in the regulations and establishes processes which relate to the application of the regulations.

It is proposed to amend Part A of the Building Regulations so that, in keeping with the spirit of Directive 2014/61/EU, building work to –

- a) all buildings belonging to statutory undertakers; and**
- b) those buildings falling within Class 1 of Schedule 2 to the Building Regulations,**

must comply with new Part M requirements.

(Refer to Section 4 of the Consultation Proposals document).

Notes:

- 1) There would be no obligation to comply with procedural requirements (e.g. applications etc.) in the above cases.**
- 2) The proposed regulation 77A restricts “building work” to the erection of a building or major renovation of existing in-building physical infrastructure.**
- 3) Exemptions noted under 77A (such as cases of isolated buildings or where the appearance of protected buildings would be unacceptably altered) would remain available in the above cases (a) and (b).**

A1. *Do you agree with the proposal to require “building work” in connection with buildings belonging to statutory undertakers to comply with the requirements of Part M?*

Yes No No view

Comments (if any):

Recommend definition of building work in Regulation 2. (1) is revised to include reference to “major renovation work as defined in parts F and M”.
Otherwise, proposal appears consistent with application current Building Regulations.

A2. Do you agree with the proposal to require “building work” in connection with buildings relevant to Class 1 of Schedule 2 to the Building Regulations to comply with the requirements of Part M?

Yes No No view

Comments (if any):

In responding yes above we recognise changes are appropriate to building work in connection with buildings relevant to Class 1 of Schedule 2. However, also advocate procedural requirements of Part A are not implemented as these buildings are controlled under other legislation.

It could also be equally argued more appropriate to amend the legislation that other legislation and retain the buildings exempt from Building Regulations.

PART F, CONSERVATION OF FUEL AND POWER; QUESTION

Part F of the Building Regulations sets out requirements in relation to the conservation of fuel and power.

It is proposed to make minor amendments to the Building Regulations to clarify transposition of Articles 3, 4 and 9 of the Energy Performance of Buildings Directive 2010/31/EU (EPBD). The proposals are not intended to affect current working practices.

(Refer to Section 5 of the Consultation Proposals document).

F1. *Do you agree that the proposed amendments to Part F regulations will not affect current working practices?*

Yes No No view

Comments (if any):

Amendments are unlikely to have any impact on working practices.

We would encourage this opportunity is taken to clarify ambiguity relating to the definition of “stand alone building” as referred to in Regulation 38(2) (d) and “building” as defined within the relevant European Directive.

PART M, PHYSICAL INFRASTRUCTURE FOR HIGH SPEED ELECTRONIC COMMUNICATIONS NETWORKS; QUESTIONS

The new Part M of the Building Regulations will set out requirements in relation to in-building physical infrastructure for high-speed electronic communications networks.

It is proposed to implement EU requirements under Article 8 of Directive 2014/61/EU for high-speed-ready in-building physical infrastructure. The intention is to transpose the EU requirements as closely as possible into a new Part M of the Building Regulations. The proposals are intended to ensure that high-speed broadband service providers can, at a later date, install their cabling up to every unit within a building without disruptive building works.

The Department is publishing a draft version of a Technical Booklet M alongside this consultation paper. The new Technical Booklet M will provide guidance on demonstrating compliance with the new Part M requirements.

(Refer to Section 6 of the Consultation Proposals document and draft Technical Booklet M).

M1. *Do you agree with the proposals for new Part M regulations requiring in-building physical infrastructure, when;-*

- a) a building is erected; or*
- b) existing in-building physical infrastructure is subject to major renovation?*

Yes No No view

Comments (if any):

Anticipate conflict of opinion in interpretation as to whether Part M should be applied. For example, where a building is subdivided and where a fit out is carried out. Will Part M apply where any case is subject to a material change of use under Regulation 8? In particular cases I, II, IX, X or XI.

M2. Do you agree with the proposed exemptions, as set out in Consultation Proposals document paragraph 6.5?

Yes No No view

Comments (if any):

However, it appears somewhat strange to exempt classes 2-9 and include class 1 buildings which are controlled under other legislation?

Rather than “exempt”, with reference to paragraph 6.5 (b) consideration could be given to “giving due regard to”. This would be consistent with application of Part F?

With reference to paragraph 6.5 (c) we would question how an applicant could demonstrate this requirement or alternatively how Council could make an informed judgement?

M3. Is the proposed guidance in the draft Technical Booklet M sufficiently clear, in relation to;-

1. Performance guidance;
2. Situations where the requirements of regulation 77B are not applicable (Section 1); and
3. Multi-dwelling buildings (Section 1)?

Yes No No view

Comments (if any):

We acknowledge this is a first view of information relating to an issue we are unfamiliar of. However:-

- guidance appears vague in respect to large single occupancy and subdivided buildings,
- Reference documents appear to relate to domestic buildings only eg PAS 2016:2010;
- Clarification regarding “too remote” could be given;
- No guidance provided relating to large non-domestic buildings.
- That said PAS 2016:2010 is useful in so far as it refers to Communities Document Data ducting infrastructure for new homes Guidance Notes. We would recommend this is referred to directly if appropriate.

M4. *Is the proposed guidance in Section 2 of the draft Technical Booklet M sufficiently clear, in relation to:-*

1. *Location of points;*
2. *In-building physical infrastructure ductwork (including diagrams 2.1 and 2.2); and*
3. *Satellite and wireless communications?*

Yes No No view

Comments (if any):

We acknowledge this is a first view of information relating to an issue we are unfamiliar of. However:-
With reference to Diagrams 2.1, a terminal chamber and service duct are illustrated which we understand are not a requirement of Part M;
With reference to Diagram 2.2, a service duct is illustrated which we understand are not a requirement of Part M.
We acknowledge reference is made to the illustration within the text, but would recommend differentiating this issue through hatching of lines or provision of a note on the diagrams.

The Department has published a Part M Consultation Regulatory Impact Assessment (RIA) as part of the consultation documents and welcomes further evidence to inform a final stage RIA.

(Refer to Part M Consultation Regulatory Impact Assessment)

M5. *Do you agree with the assumptions, costs and impacts set out in the Part M consultation stage RIA?*

Yes No No view

Comments (if any):

No account is given to time and work required by Council Officers during transition and implementation period. We anticipate significant numbers of rejection of plan notices to be necessary in the period following implementation followed by communication by Council Officers to agents and contractors and subsequent reassessment of amended submissions. It is anticipated this will settle after an initial period.

The impact of introducing Part M will depend on effectiveness of how it is communicated to all customers and stakeholders.

GENERAL COMMENTS

The Department encourages consultees to respond on any aspects of the proposals, therefore the last question is completely open to enable consultees to make suggestions or observations that do not fit into the preceding questions.

G1. *Please set out any additional comments you have below.*

Comments (if any):

One issue which may have been overlooked is, in Northern Ireland we currently have a significant proportion of rural community who at present have no access to high speed networks. According to providers, it could be some time after a build before this is provided. As such, it may be appropriate to make provision to ensure ducts installed are sealed where these are not anticipated to be used for some time. This will reduce vermin and insect infestation and unnecessary heat loss (although it is acknowledged the ducts are small diameter).