



Subject:	DoF Consultation on Proposed Building (Amendment) Regulations (NI) 2020
Date:	15 September 2020
Reporting Officer:	Aidan Thatcher, Director of Planning & Building Control, Ext. 2300
Contact Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of Main Issues
1.1	To consider a draft response to a consultation on proposed amendments to Parts A, B and C and subsequent guidance changes to technical booklets B, C and E of the Building Regulations (Northern Ireland) 2020.
2.0	Decision(s) required and recommendations
2.1	To consider the draft response to the Department of Finance consultation and agree, subject to any amendments, a response on behalf of the Council.
2.2	The closing date for responses to this consultation is 4:00pm on Friday 09 October 2020.

3.0	Main report
	<p data-bbox="248 224 408 259"><u>Key issues</u></p> <p data-bbox="165 291 1465 389">3.1 The Buildings Standards Branch of the Department of Finance (DoF) is seeking the views of the Council on their proposals to amend the Building Regulations (Northern Ireland) 2012 (as amended).</p> <p data-bbox="165 425 1465 560">3.2 Building regulations apply to most building work and are made principally to ensure the health, safety, welfare and convenience of people in and around buildings, the conservation of fuel and power, the protection and enhancement of the environment and the promotion of sustainable development.</p> <p data-bbox="248 591 405 627">Fire Safety</p> <p data-bbox="165 658 1465 792">3.3 Since the Grenfell fire there has been much debate about compliance with the Building Regulations requirement for external walls on buildings to adequately resist the spread of fire. The objective of this policy change is to provide certainty about materials to be used in external wall systems of certain buildings ('relevant buildings').</p> <p data-bbox="165 824 1465 994">3.4 The consultation proposes an amendment to Part B (Materials and workmanship) legislation and accompanying guidance and a consequential amendment to Part A (Interpretation and general) legislation to introduce a new requirement to ban the use of combustible materials on the external walls of 'relevant buildings', mainly of a residential type. It is proposed that the ban will apply to:</p> <ul data-bbox="309 1030 1465 1406" style="list-style-type: none"> • buildings with a floor 18 metres high above ground level which contain a dwelling, contain an institution or contain a room for residential purposes. This will mean flats, student accommodation, care homes, nursing homes, sheltered housing, hospitals and dormitories in boarding schools, all with a floor over 18m above ground level will be covered by the ban. • newly erected buildings or when there is a material change of use, alterations or extensions (as defined in building regulations) to an existing building. All elements of the external wall will be covered by the ban; including specified attachments (balconies, solar panels and sun shading devices). A list of exemptions from the ban for certain components will also be given. <p data-bbox="165 1438 1465 1639">3.5 In relation to meeting the requirements for external fire spread, there has been concern with the current approach to the use of Assessments in lieu of tests (AILOTs) for cladding systems. Therefore the proposals include an amendment to TBE to give more explicit guidance to the use of AILOTs. The purpose of this new guidance is to tighten up on the use of AILOTs and ensure that they are only used where appropriate, with sufficient relevant test evidence and that they are undertaken by competent staff within appropriately certified organisations.</p> <p data-bbox="165 1671 1465 1841">3.6 Full details of our comments on the proposals are contained within the consultation response. In summary, the proposals to review and update guidance and regulations pertaining to external fire spread is welcomed however we are concerned that the guidance concentrates on the methods to achieve adequate fire resistance in buildings containing a floor higher than 18m with potential proposals to cover 'relevant' buildings over 11m.</p> <p data-bbox="165 1872 1465 2007">3.7 The Department, through this consultation, reaffirms the requirement for adequate resistance to fire spread to be achieved in all buildings of any height or use however we feel that the lack of guidance in this area will lead to confusion and inconsistency across Northern Ireland with a lack of understanding of how to achieve compliance.</p>

	<p>Radon protection</p> <p>3.8 Radon is a naturally occurring radioactive colourless and odourless gas which is formed by the radioactive decay of the small amounts of uranium and radium that occur naturally in all rocks and soils. The gas can move through cracks and fissures in the subsoil and eventually to the atmosphere. Most radon disperses into the air outside, but some passes from the ground and collects in spaces under or within buildings. For residents of dwellings, exposure to high levels of radon for long periods increases the risk of developing lung cancer.</p> <p>3.9 Radon protective measures can be included relatively easily and cost-effectively within new dwellings, extensions or alterations to existing dwellings and to buildings converted to dwellings through a material change of use. The areas on radon maps where radon-protective measures are necessary are called 'radon-affected areas'.</p> <p>3.10 The consultation proposes an amendment to Part C (Site preparation and resistance to contaminants and moisture) to amend the definition of "radon affected area" to make reference to a 2015 Public Health England (PHE) publication 'Radon in Northern Ireland: Indicative atlas'. This atlas gives a much more accurate radon map for Northern Ireland. The amendment will be accompanied with guidance changes in Technical Booklet C (Site preparation and resistance to contaminants and moisture) to regulation 26(2) requirements on the measures to be taken to prevent or limit the ingress of radon from the ground into any dwelling situated in a radon affected area.</p> <p>3.11 The proposals to update Part C to the current radon guidance are welcomed.</p> <p>3.12 The package of consultation documents can be found on the Department's website: - https://www.finance-ni.gov.uk/consultations and includes the following: –</p> <ul style="list-style-type: none"> • Consultation Proposals; • Consultation Response Form; • Consultation version only Technical Booklet B; • Consultation version only Technical Booklet C; • Consultation version only Technical Booklet E; and • Consultation Draft Regulatory Impact Assessments for the proposed changes. <p><u>Financial & Resource Implications</u></p> <p>3.13 None.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>3.14 The proposed amendments have been screened out of equality impact assessment requirements by DoF. The equality impact screening assessment will be published separately on the Departmental Website.</p>
4.0	Appendices – Document Attached
4.1	None.