

EXPLANATORY MEMORANDUM TO
The Building (Amendment) Regulations (Northern Ireland) 2010
2010 No. 001

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Finance and Personnel to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 3, 5(1), (2) and (3) of, and paragraphs 2, 3, 4, 12, 18, 19, 21 and 22 of Schedule 1 to the Building Regulations (Northern Ireland) Order 1979 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Statutory Rule will amend Parts D (Structure) and J (Solid waste in dwellings) of the Building Regulations (NI) 2000. It will also effect consequential amendments to Part A (Interpretation and general) of these Regulations.

3. Background

- 3.1. Originally the Department proposed to amend the Building Regulations (Northern Ireland) 2000 as follows:
- 3.2. Part D – the introduction of a new regulation to control free-standing and earth-retaining walls and the expansion of the existing regulation relating to disproportionate collapse to take account of amendments to BSI standards and to recently introduced structural Eurocodes. The deemed-to-satisfy Technical Booklet D was also to be amended to recognise these standards and codes, and to provide deemed-to-satisfy solutions for the new regulation relating to free-standing and earth-retaining walls; and
- 3.3. Part J – the introduction of a requirement for the provision of adequate space for multiple waste storage containers and for reasonable access to be provided between the storage space and waste collection point. It also proposed the provision of space within a dwelling to facilitate temporary segregation of waste and a requirement for waste chutes to be able to segregate waste.

4. Consultation

- 4.1. Public consultation on the amendments ran for two separate 12-week periods during 2008. In addition to notices in the press, a total of 403 letters of notification were issued to stakeholders. The Department received 28 responses in relation to Part D, and 29 for Part J.
- 4.2. Having taken account of the consultation responses, the Department decided not to proceed with the following:
- 4.3. Part D – the proposed new regulation to control free-standing and earth retaining walls. This proposal received objections that the regulation

could be difficult to enforce. It will be revisited following the completion of an ongoing review and additional research in England & Wales into this matter; and

- 4.4. Part J –the proposed new requirement for internal space for segregation of waste, as it was considered to be unenforceable.

5. Equality Impact

- 5.1. Consideration was given to compliance with section 75 of the Northern Ireland Act 1998. An assessment was not considered necessary as building regulations apply to all, regardless of s.75 classification.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment has been prepared and is attached to this Explanatory Memorandum.

7. Financial Implications

- 7.1. There are limited financial implications associated with the amendment to Part D. The standards to which structural engineers currently design reinforced concrete framed and steel framed buildings will in most instances satisfy the new requirements. Certain masonry/timber frame buildings (including dwellings) may require the provision of additional structural ties. Single family houses that are not more than 4 storeys high will not require any additional robustness measures. Additional costs, where applicable, are estimated to range from £250 to £1300 per building.
- 7.2. The provision of a hard-standing base for waste containers is estimated to cost approximately £100 in new dwellings and £250 in new non-domestic buildings where such a base would not already be provided as standard.
- 7.3. In buildings containing dwellings that are over four storeys in height, the additional cost of providing a waste chute system which is capable of facilitating the segregation of waste is approximately £8,000.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. It is the view of the Department that these Regulations are compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. This Rule applies to Northern Ireland only. The amendment brings Northern Ireland broadly into line with the corresponding current regulations in England & Wales, namely the Building Regulations 2000, and to those in Scotland, namely the Building (Scotland) Regulations 2004.

11. Additional Information

- 11.1. Not applicable.