



STATUTORY INSTRUMENTS.

S.I. No. 538 of 2017

BUILDING REGULATIONS (PART L AMENDMENT)
REGULATIONS 2017

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BUILDING REGULATIONS (PART L AMENDMENT) REGULATIONS
2017

I, DAMIEN ENGLISH, Minister of State at the Department of Housing, Planning and Local Government, in exercise of the powers conferred on me by section 3 and section 18 of the Building Control Act 1990 (No. 3 of 1990) as amended and the Housing, Planning, Community and Local Government (Delegation of Ministerial Functions) Order 2017 (S.I. No. 131 of 2017) hereby make the following regulations:

Citation

1. (1) These Regulations may be cited as the Building Regulations (Part L Amendment) Regulations 2017.

(2) The Building Regulations 1997 — 2017 and these Regulations may be cited together as the Building Regulations 1997 to 2017 and shall be construed together as one.

Commencement

2. Subject to Regulation 5, these Regulations shall come into operation on 1 January 2019.

Purpose of the Regulations

3. The purpose for which these Regulations are made include, in particular, the giving of further effect to Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010¹.

Interpretation generally

4. In these Regulations:—

“Building Regulations 1997 — 2017” means the Building Regulations 1997 (S.I. No. 497 of 1997) as amended by the Building Regulations (Amendment) Regulations 2017 (S.I. No. 4 of 2017);

“Directive” means Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (recast);

“major renovation” means the renovation of a building where more than 25% of the surface of the building envelope undergoes renovation;

“NEAP” means the relevant version of the Non-domestic Energy Assessment Procedure published by the Sustainable Energy Authority of Ireland;

¹O.J. No. L 153, 18.6.2010, page 13.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 1st December, 2017.*

“substantial work has been completed” means that the structure of the external walls of the building has been erected;

“Sustainable Energy Authority of Ireland” means the body established under section 4 of the Sustainable Energy Act 2002 (No. 2 of 2002).

Application

5. These Regulations shall apply to works, to a building in which a material change of use takes place or to a building which undergoes a major renovation, where the relevant works, change of use or major renovation commence or take place, as the case may be, on or after 1 January 2019 except where—

- (a) a planning application is made on or before 31 December 2018 for planning permission or approval pursuant to the Planning and Development Act 2000 (No. 30 of 2000) and where substantial work has been completed by 1 January 2020; or
- (b) a notice pursuant to the provisions of Part 8 of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) has been published on or before 31 December 2018 and where substantial work has been completed by 1 January 2020.

Amendments to the Building Regulations 1997 — 2017

6. The Building Regulations 1997 — 2017 are amended by:—

- (a) substituting for Article 11(5), the following—

“(5) Part L of the Second Schedule of these Regulations shall apply to major renovations in respect of buildings other than dwellings.”,

- (b) inserting after Article 11(5), the following—

“(6) Part L of the Second Schedule to these Regulations shall not apply to works (including extensions) to an existing building which is a ‘protected structure’ or a ‘proposed protected structure’ within the meaning of the Planning and Development Act 2000 (No. 30 of 2000).”,

- (c) substituting for Part L of the Second Schedule, insofar as it relates to buildings other than dwellings, the following—

“Part L

Conservation of Fuel and Energy

L1 A building shall be designed and constructed so as to ensure that the energy performance of the building is such as to limit the amount of energy required for the operation of the building and the amount of carbon dioxide (CO₂) emissions associated with this energy use insofar as is reasonably practicable.

L4 For existing buildings other than dwellings, the requirements of L1 shall be met by:—

- (a) limiting the heat loss and, where appropriate, availing of the heat gains through the fabric of the building;
- (b) providing energy efficient space heating and cooling systems, heating and cooling equipment, water heating systems and ventilation systems, with effective controls;
- (c) ensuring that the building is appropriately designed to limit need for cooling and, where air-conditioning or mechanical ventilation is installed, that installed systems are energy efficient, appropriately sized and adequately controlled;
- (d) limiting the heat loss from pipes, ducts and vessels used for the transport or storage of heated water or air;
- (e) limiting the heat gains by chilled water and refrigerant vessels, and by pipes and ducts that serve air-conditioning systems;
- (f) providing energy efficient artificial lighting systems and adequate control of these systems;
- (g) providing to the building owner sufficient information about the building fabric, the fixed building services, controls and their maintenance requirements when replaced so that the building can be operated in such a manner as to use no more fuel and energy than is reasonable; and
- (h) when a building undergoes major renovation, the minimum energy performance requirement of the building or the renovated part thereof is upgraded in order to meet the cost optimal level of energy performance insofar as this is technically, functionally and economically feasible.

L5 For new buildings other than dwellings, the requirements of L1 shall be met by:—

- (a) providing that the energy performance of the building is such as to limit the calculated primary energy consumption and related carbon dioxide (CO₂) emissions to that of a nearly zero energy building within the meaning of the Directive, insofar as is reasonably practicable, when both energy consumption and carbon dioxide emissions are calculated using the Non-domestic Energy Assessment Procedure (NEAP) published by the Sustainable Energy Authority of Ireland;
- (b) providing that, the nearly zero or very low amount of energy required is covered to a very significant extent by energy

from renewable sources, including energy from renewable sources produced on-site or nearby;

- (c) limiting the heat loss and, where appropriate, availing of the heat gains through the fabric of the building;
- (d) providing and commissioning energy efficient space heating and cooling systems, heating and cooling equipment, water heating systems and ventilation systems, with effective controls;
- (e) ensuring that the building is appropriately designed to limit need for cooling and, where air-conditioning or mechanical ventilation is installed, that installed systems are energy efficient, appropriately sized and adequately controlled;
- (f) limiting the heat loss from pipes, ducts and vessels used for the transport or storage of heated water or air;
- (g) limiting the heat gains by chilled water and refrigerant vessels, and by pipes and ducts that serve air-conditioning systems;
- (h) providing energy efficient artificial lighting systems and adequate control of these systems; and
- (i) providing to the building owner sufficient information about the building, the fixed building services, controls and their maintenance requirements so that the building can be operated in such a manner as to use no more fuel and energy than is reasonable.”.

GIVEN under my hand,
28 November 2017.

DAMIEN ENGLISH,
Minister of State at the Department of Housing, Planning and
Local Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend Part L (Conservation of Fuel and Energy) of the Second Schedule to the Building Regulations 1997 — 2017 to:—

- (1) set higher building energy performance standards, in accordance with the nearly zero energy building requirements contained in the Energy Performance of Buildings Directive; and
- (2) introduce a requirement that where a building other than a dwelling is undergoing a major renovation, defined as a renovation where more than 25% of the surface envelope of the building undergoes renovation, the energy performance of the building should achieve a cost optimal energy performance where technically, functionally, and economically feasible;

These Regulations apply to works to buildings other than dwellings, and to new buildings other than dwellings commencing on or after 1 January 2019.

Transitional arrangements apply in relation to buildings other than dwellings for which planning permission or approval is applied for on or before 31 December 2018, and where substantial work has been completed by 1 January 2020.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
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