



STATUTORY INSTRUMENTS

**S.I. No. 259 of 2008**



BUILDING REGULATIONS (PART L AMENDMENT) REGULATIONS  
2008

**(Prn. A8/1026)**

BUILDING REGULATIONS (PART L AMENDMENT) REGULATIONS  
2008

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by Sections 3 and 18 of the Building Control Act 1990 (No. 3 of 1990) hereby makes the following Regulations—

*Citation.*

1. (1) These Regulations may be cited as the Building Regulations (Part L Amendment) Regulations 2008.

(2) These Regulations and the Building Regulations 1997 (S.I. No. 497 of 1997) shall be construed as one and cited together as the Building Regulations 1997 - 2008.

*Commencement.*

2. These Regulations shall, subject to Article 4 of the Regulations, come into operation on 10th day of July 2008.

*Application.*

3. The following Article is hereby substituted for Article 11 of the Building Regulations 1997 (S.I. No. 497 of 1997)—

“11. (1) Subject to articles 3 and 8 and sub-articles (3) and (4) of this article, these Regulations shall apply to—

- (a) all works in connection with the material alteration or extension of a building; and
- (b) every part of a building affected by works referred to in paragraph (a) but only to the extent of prohibiting any works which would cause a new or greater contravention, in such building, of any provision of these Regulations.

(2) For the purposes of this article, “material alteration” means an alteration, where the work or part of the work carried out by itself would be the subject of a requirement of Part A or B of the Second Schedule to these Regulations.

(3) These Regulations shall apply to any repair or renewal likely to affect the structural integrity of the building or building element being repaired or renewed.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 15th July, 2008.*

(4) Part L of the Second Schedule of these Regulations shall apply to renewal works to existing buildings involving the replacement of external doors, windows and rooflights.

(5) 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).”

4. (1) These Regulations shall apply to works, or buildings in which a material alteration or change of use takes place, where the relevant works, material alteration or change of use commence or take place, as the case may be, on or after the 10th day of July 2008.

(2) Notwithstanding Article 4(1) the provisions of L3 (a), (b), (c), (d), and (e) shall not apply where

- a. a planning application is made on or before 30th day of June 2008 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 the 30th day of June 2009.
- 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 the 30th day of June 2008 and where substantial works have been completed by 30th day of June 2009.

(3) Notwithstanding Article 4(1) the provisions of L4(a) shall not apply where planning permission is applied for or a planning notice is published on or before 30th day of June 2008 and where substantial work has been completed by the 30th day of June 2010.

(4) For the purposes of these Regulations, “substantial work has been completed” means that the structure of the external walls of the dwelling has been erected. “DEAP” means the relevant version of the Dwelling Energy Assessment Procedure published by Sustainable Energy Ireland. “NEAP” means the relevant version of the Non-domestic Energy Assessment Procedure published by Sustainable Energy Ireland.

5. The Building Regulations 1997 (S.I. No. 497 of 1997) are hereby amended by the substitution of the following for Part L of the Second Schedule:

“

#### 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

CO<sub>2</sub> emissions associated with this energy use insofar as is reasonably practicable.

L2 For existing dwellings, the requirements of L1 shall be met by:

- (a) limiting heat loss and, where appropriate, maximising heat gain through the fabric of the building;
- (b) controlling, as appropriate, the output of the space heating and hot water systems;
- (c) limiting the heat loss from pipes, ducts and vessels used for the transport or storage of heated water or air;
- (d) providing that all oil and gas fired boilers installed in existing dwellings shall meet a minimum seasonal efficiency of 86% where practicable.

L3 For new dwellings, the requirements of L1 shall be met by:

- (a) providing that the energy performance is such as to limit the calculated primary energy consumption and related CO<sub>2</sub> emissions insofar as is reasonably practicable, when both energy consumption and CO<sub>2</sub> emissions are calculated using the Dwelling Energy Assessment Procedure (DEAP) published by Sustainable Energy Ireland;
- (b) providing that a reasonable proportion of the energy consumption to meet the energy performance of a dwelling is provided by renewable energy sources;
- (c) limiting heat loss and, where appropriate, availing of heat gain through the fabric of the dwelling;
- (d) providing and commissioning energy efficient space and water heating systems with efficient heat sources and effective controls;
- (e) providing to the dwelling owner sufficient information about the dwelling, the fixed building services and their maintenance requirements so that the dwelling can be operated in such a manner as to use no more fuel and energy than is reasonable;
- (f) providing that all oil and gas fired boilers shall meet a minimum seasonal efficiency of 86%.

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

- (a) providing that the energy performance of the new building is such as to limit the calculated primary energy consumption and related CO<sub>2</sub> emissions insofar as is reasonably practicable, when both

energy consumption and CO<sub>2</sub> emissions are calculated using the Non-domestic Energy Assessment Procedure (NEAP) published by Sustainable Energy Ireland;

- (b) limiting the heat loss and, where appropriate, maximising the heat gains through the fabric of the building;
  - (c) providing energy efficient space and water heating services including adequate control of these services;
  - (d) 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;
  - (e) limiting the heat loss from pipes, ducts and vessels used for the transport or storage of heated water or air;
  - (f) limiting the heat gains by chilled water and refrigerant vessels, and by pipes and ducts that serve air conditioning systems;
  - (g) providing energy efficient artificial lighting systems (other than emergency lighting, display lighting or specialist process lighting) and adequate control of these 'systems'
- ”

6. The Building Regulations (Amendment) Regulations 2002 (S.I. No. 284 of 2002), the Building Regulations (Amendment) Regulations 2005 (S.I. No. 873 of 2005) and the Building Regulations (Amendment) Regulations 2007 (S.I. No. 854 of 2007) are hereby revoked.



GIVEN under the Official Seal, of the Minister for the Environment,  
Heritage and Local Government  
10 July 2008

JOHN GORMLEY.  
Minister for the Environment, Heritage 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 of the Building Regulations 1997 (S.I. No. 497 of 1997). They introduce a new methodology to measure the energy demand and CO<sub>2</sub> emissions of new non-domestic buildings. This methodology is called NEAP - Non-domestic Energy Assessment Procedure. The Regulations also consolidate previous amendments to Part L of the Building Regulations.

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CONTAE MHAIGH EO,  
(Teil: 01 - 6476834/37 nó 1890 213434; Fax: 01 - 6476843 nó 094 - 9378964)  
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€2.54



Wt. (B26280). 585. 7/08. Cahill. Gr. 30-15.