Technical assistance for Reforming the Construction Development Legislation Framework

Interim Report

2nd Mission, 26-28 April 2017

Nicosia

AEI.AT
Agency for European Integration and Economic Development

Permitting and Building Control Procedures

- General Recommendations
  - Findings
    - Existing legislative framework goes back to the years 1950
    - Many amendments and editions which have been introduced over the decades
    - Structure is complicated, partly not straight forward
      - definitions spread over the documents
      - technical requirements not concentrated in on document
      - Control procedures scattered over Streets and Buildings Regulation Law, and the Streets and Buildings Regulations

Permitting and Building Control Procedures

- General Recommendations
  - Suggestions
    Fundamental revision of the Construction Development Legislation Framework, along the following lines:
    - New structure of the legislation framework, taking into account best practice
    - Clear separation of parts of legislation dealing with
      - Zoning and planning requirements
      - Technical requirements to be fulfilled by buildings and construction works
      - Procedures for building control (permits, inspections, approvals etc.)

Permitting and Building Control Procedures

- General Recommendations
  - Discussion point:
    Differentiation of permits (planning permit/building permit)
    - Pro:
      - Possibility to have different authorities for the two permits
      - Possibility to delegate one of these permits to private bodies (e.g. „approved inspectors“ in England)
    - Contra
      - No „one-stop shop“ possible
      - More authorities necessary
      - More complicated for applicant (needs to run through two application and permission procedures)

Permitting and Building Control Procedures

- General Recommendations
  - Discussion point:
    Differentiation of permits (planning permit/building permit)
    - Suggestion:
      - to keep the building control as a duty of an authority and
      - to have one comprehensive permit for planning and technical issues of a construction project (one-stop shop)
    - Together with this suggestion goes the following recommendation:
      - it is of high priority to establish meaningful zoning and planning maps and provisions in the whole country!

Permitting and Building Control Procedures

- General Recommendations
  - Suggestion:
    Implementation of a performance-based concept in the building regulations
    - The technical requirements should be split into the following two levels:
      - functional requirements
      - technical requirements

Type of Requirement		Definition	Example
Functional requirement		A requirement expressed only using qualitative terms, setting an objective which must be fulfilled.	"Buildings must be designed and constructed in such a way that, in the case of fire, users can leave the structure quickly and safely or can be rescued by other means."
Technical Requirement	*Performance requirement*	A requirement expressed using quantitative terms (e.g. physical quantity, characteristic) for which the fulfilment can be verified by calculation, testing or simulation.	Threshold values for the CO-concentration, smoke layer interface, smoke density, temperature, heat flux etc. on the escape route.
	Prescriptive requirement	A requirement expressed by reference to specific materials, constructions, classes, dimensions or specific design elements.	"From each point of every room of the building an exit to a safe place outside the building or a staircase must be reached within 40 m travelling distance."

Permitting and Building Control Procedures

- General Recommendations
  - Suggestion:
    Flexibilisation by allowing deviations
    - it should be possible to deviate from the technical requirements
    - in such a case the applicant has to demonstrate that the (different) solution ensures an equivalent level of safety (as if the technical requirements of the guidelines or approved documents had been fulfilled)

Technical Control

- Specific Recommendations
  - Competent Authorities
    - At present there are different authorities which act as “Competent Authority“ for issuing building permits, depending on the location
    - Problems:
      - Different reporting lines
      - Inconsistencies in the enforcement due to different interpretations of the legislation

Technical Control

- Specific Recommendations
  - Competent Authorities
    - Suggestions
      - In future there sould only one „type“ of Competent Authority
      - This Competent Authority should be able to act in an independent manner, and the decision making should be done by civil servants
      - The size of the Competent Authorities and the area of their jurisdiction should be well balanced
      - The Competent Authority should have the technical means, especially with regard to IT equipment, in order to apply new systems of e-application and e-permitting, and in future also BIM
      - The future Competent Authorities should be able to cover both aspects, planning and technical issues

Technical Control

- Specific Recommendations
  - Procedures
    - Problems
      - Long delays in the procedures for issuing building permits, and also for issuing “certificates of approval” at the stage of the completion of works
      - No differentiation of the procedures according to the risk related with a particular building or construction works
      - This lack of differentiation in the procedures means also that the Competent Authorities are overloaded with many applications, even if a significant part of the projects would not need such a level of scrutiny

Technical Control

- Specific Recommendations
  - Procedures
    - Suggestions
      - One comprehensive permit, including the present planning permit and building permit (see above);
      - Introduction of a categorization of buildings and construction works depending on the risk related with the specific object, depending on the size and the use of the building or construction works;
      - Different (stepped) procedures for the different categories of buildings and construction works

Examples for Categorizations

- Criteria usually used in other countries

- Height of a building (ridge height or height of the highest floor level);
- Gross floor area or footprint area of a building;
- Number of storeys
- Use of the building (e.g. residential buildings, office buildings, lodging establishments, sales outlets, workshops, production plans, storage buildings, schools, meeting places, car parks, agricultural buildings, etc.)

Examples for Categorizations

- Consequence Classes (CC) according to Eurocode EN 1990, Annex B 3.1

- CC 1:
  Low consequence for loss of human life, and economic, social or environmental consequences small or negligible;
- CC 2:
  Medium consequence for loss of human life, economic, social or environmental consequences considerable
- CC 3:
  High consequence for loss of human life, or economic, social or environmental consequences very great

Examples for Categorizations

- Consequence Classes (CC) according to Eurocode EN 1990, Annex B 3.1 – Examples:

- CC 1:
  Agricultural buildings where people do not normally enter (e.g. storage buildings), greenhouses
- CC 2:
  Residential and office buildings, public buildings where consequences of failure are medium (e.g. an office building)
- CC 3:
  Grandstands, public buildings where consequences of failure are high (e.g. a concert hall)

Examples for Categorizations

- Example for a schematic approach

Risk Class RC		Size Class SC			
		SC 1	SC 2	SC 3	SC 4
Use Category UC	UC 1	RC 1	RC 1	RC 2	RC 2
	UC 2	RC 1	RC 2	RC 2	RC 2
	UC 3	RC 2	RC 2	RC 2	RC 3
	UC 4	RC 2	RC 2	RC 3	RC 3

Technical Control

- Specific Recommendations
  - Procedures
    - Suggestions
      - The categorization should be applied throughout the whole chain of procedures
        - Building permit
        - Control procedures and inspections
        - Certificate of approval

Technical Control

- Specific Recommendations
  - Procedures
    - Suggestions

	Procedure		
Category	Building Permit	Controls and inspections on site	Completion
RC 1 - Low risk	Notice	No control or inspection	Declaration by the owner/investor
RC 2 - Medium risk	Simplified permission procedure	Controls and insp. by supervising engineer	Confirmation by supervising eng.
RC 3 - High risk	Full permission procedure	Supervising engineer + indep. third party	Certificate from indep. third party

Technical Control

- Specific Recommendations
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Technical Requirements

- Specific Recommendations
  - Structure of legislation (cf. slide 3)
    - Zoning and planning requirements
    - Procedures for building control (permits, inspections, approvals etc.) → **Construction Law**
    - Technical requirements to be fulfilled by buildings and construction works → **Construction Regulation**
      - Functional requirements
      - Technical requirements → **Guidelines**

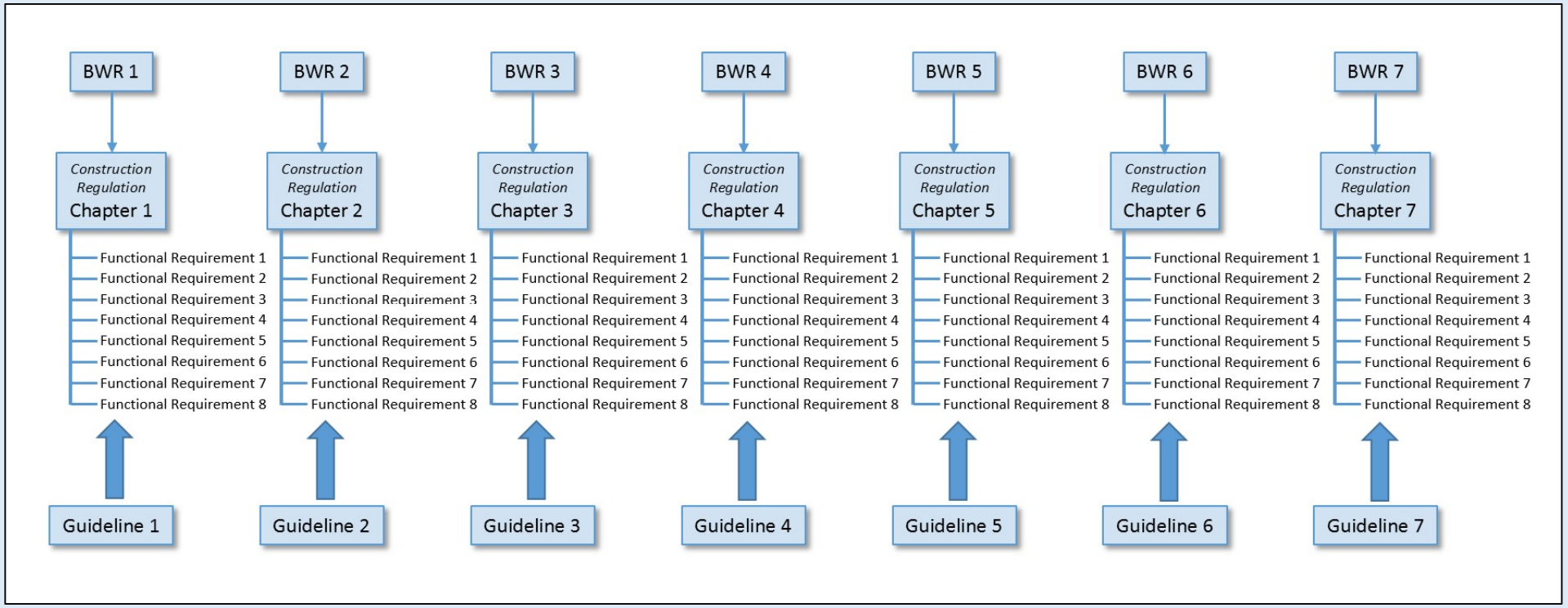
Technical Requirements

- Specific Recommendations
  - Structure of legislation
    - Chapters of the technical requirements should follow the „Basic requirements for construction works“ acc. to the Regulation (EU) No 305/2011 (Construction Products Regulation)

1. Mechanical resistance and stability
2. Safety in case of fire
3. Hygiene, health and the environment
4. Safety and accessibility in use
5. Protection against noise
6. Energy economy and heat retention
7. Sustainable use of natural resources

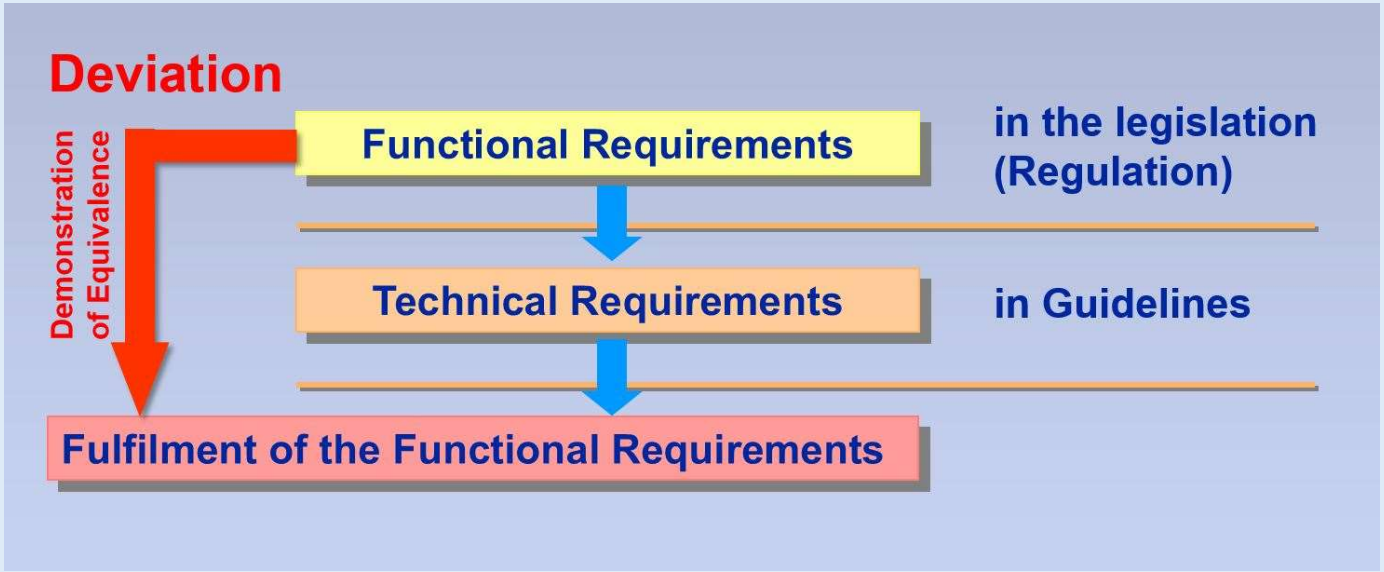
Technical Requirements

- Specific Recommendations
  - Structure of legislation



Technical Requirements

- Specific Recommendations
  - Structure of legislation
    - This structure facilitates also the handling of deviations:



Technical Requirements

- Specific Recommendations
  - Stakeholder involvement
    - When drafting Guidelines, it is important to involve stakeholders in an appropriate manner. The following sequence has proven to be advantageous:
      - Drafting process led by the responsible administrative unit (e.g. Ministry), involving experts with scientific or university background;
      - Presentation of the draft Guidelines in a hearing at which all stakeholders participate;
      - Adaptation of the draft Guidelines taking into account the results of the hearing;
      - Formal written consultation according to the legal necessities

Thank you very much for your attention!