

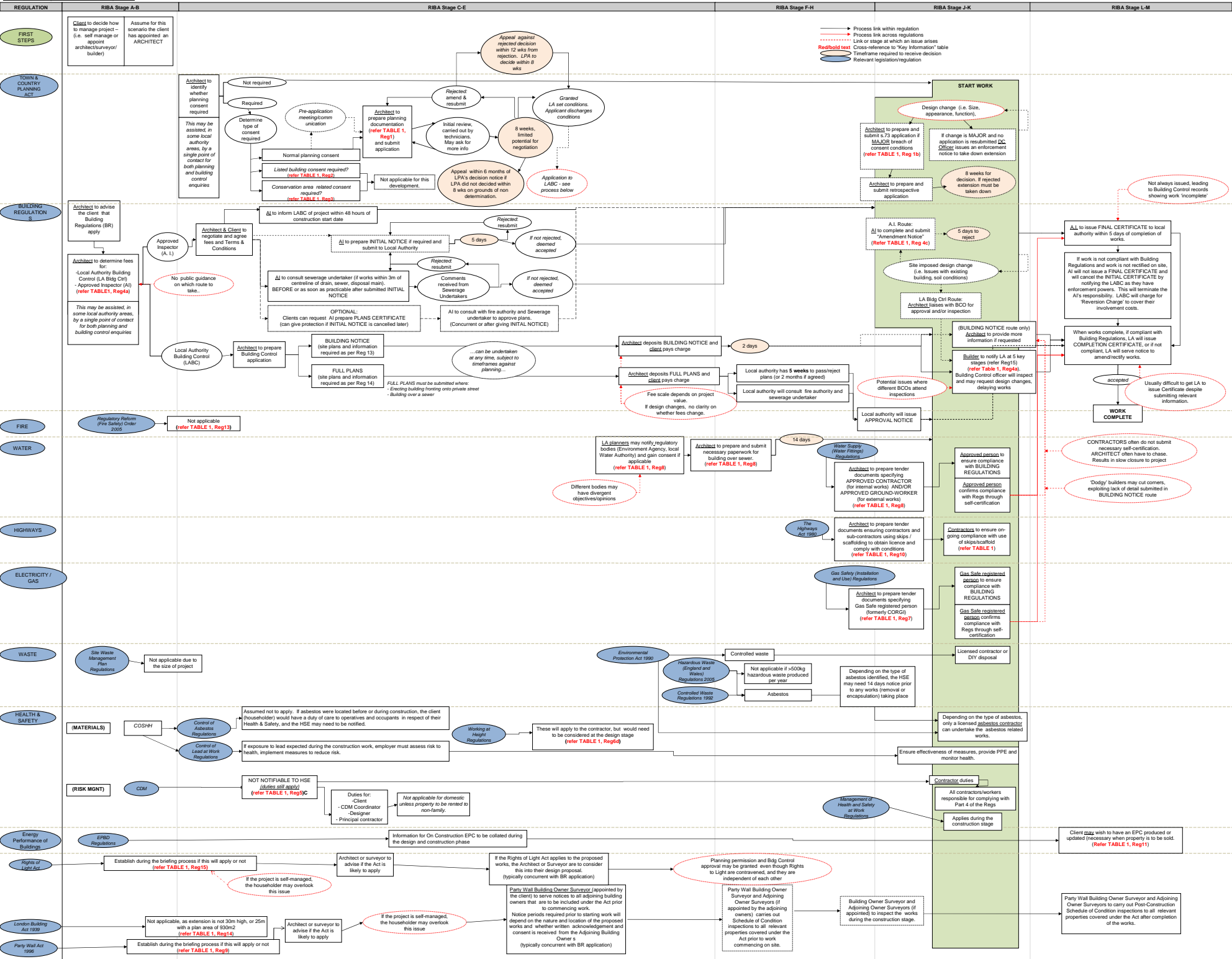


Mapping the interfaces between building control and other regulatory regimes which impact on a building: BD 2733

Scenarios for appendices case studies

AECOM

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Department for Communities and Local Government



SCENARIO 1: DOMESTIC EXTENSION - TABLE OF REGULATIONS AND RESPONSIBILITIES

This document sets out appropriate regulations and responsibilities relating to the scenario (Table 1), it provides more detailed information relating to supporting documentation and notifications, and it provides a list of references (Tables 2, 3 and 4 respectively).

Part 1: Primary Information

Table 1: Regulations & Responsibilities

	Regulation	Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
1	Planning (assuming not Listed building or conservation area)	Only applies if not a permitted development, as per [Ref¹] .	<p>Submit form “<i>Householder Application for Planning Permission for works or extension to a dwelling</i>”, and attachments identified in section 13 [Ref²] (<i>Refer Table 2</i>). This requirement is the same in all boroughs.</p> <p>Local requirements (i.e. Richmond) include the need for photos showing context with neighbouring properties [Ref⁴²]</p>	The homeowner is responsible, however the application can be prepared and submitted by agent (i.e. architect, solicitor, builder) [Ref³]	<p>LA DC officer should decide on the application within eight weeks or within 28 days for non-material amendment application to an existing permission, unless a longer period of time is considered necessary (due to delays in providing public notices, for example). An appeal can be submitted on grounds of its non determination if no decision was reached within the 8 weeks or 28 days (for applications detailed above) or written agreed timescale. The time limit for the inspectorate to receive the appeal is 6 months from the date shown on the LPA’s decision notice. [Ref⁴]</p> <p>The applicant can also appeal against the decision if rejected, but this risks slowing down the assessment process</p>	<p>LA DC officer will issue a letter granting permission and outlining any pre-commencement and/or general conditions*, the timeframe for validity of permission, and the process for amending the application or permission at a later date if required.</p> <p>If conditions are required, these will be discussed on a case by case basis.</p> <p>*Pre-commencement conditions need to be fulfilled before construction starts. The applicant needs to ‘discharge conditions’ by submitting documentation to the LPA demonstrating compliance. General conditions (materials, windows, etc) do not require discharge before construction begins. It is assumed that the applicant will incorporate the conditions into the design.</p>	The planning application fee for extension/alteration to a single dwelling (excluding flats) is £150 [Ref⁵] . This fee is set nationally.	<p>If planning permission and/or conditions are breached, the LA may issue an enforcement notice to potentially reinstate the dwelling to its original condition [Ref⁶]</p> <p>Failure to act in accordance with the enforcement notice contravenes the Town and Country Planning Act 1990.</p> <p>The LPA do not have a formal process, or the resources, for checking that conditions have been discharged prior to construction. The LPA tends to have to rely on ‘whistle-blowers’.</p>

	Regulation	Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
					even further. The appeal must be submitted within 12 weeks from rejection and the LPA will decide on your application within 8 weeks once accepted as valid (unless non-material amendment application to an existing permission, which they respond within 28 days) [Ref⁴]			
1b	Planning (Section 73 amendment)	Design change resulting in breach of consent conditions	Submit 3 copies of the form “ <i>Application for removal or variation of a condition following grant of planning permission</i> ” [ie Ref⁷] accompanied by relevant certificate of ownership. Local requirements vary and should be discussed with authority or identified from website.	The client or a delegate.	As above.	LA planning officer will issue a letter outlining amended conditions, if application is successful.		
2	Listed Buildings	Not applicable for this development	-	-	-	-	-	-
3	Conservation Area	Not applicable for this development	-	-	-	-	-	-

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4a	Building Regulations	Where “building work” is to occur (i.e. erection or extension of building, building alterations, installation or extension of service/fitting controlled under building regulations such as drainage). [Ref⁸] .	<p>LA BCB route:</p> <ul style="list-style-type: none"> - Client to deposit ‘Building Notice’ or Full Plans’ with the local authority [Ref⁹] (Refer Table 2 for more information) - The client or builder is required to notify the local authority at key stages of work (i.e. commencement, foundations, completion, etc). Type of notification is not specified, but must be in the timeframes specified in Table 3. After notification, the LA must be given time to inspect particular building elements prior to progressing the works. [Ref¹⁰] <p>AI route:</p> <ul style="list-style-type: none"> - Client and AI must jointly submit ‘Initial Notice’ and accompanying declaration to local authority [Ref⁶]. (Refer Table 2 for more information) [Ref⁸] 	<p>LA BCB route:</p> <p>The homeowner is ultimately responsible. He/she can delegate responsibility to the builder [Ref¹¹].</p> <p>(For minor works, the builder may be able to self-certify compliance). [Ref¹²].</p> <p>AI route:</p> <p>The owner and AI are responsible for preparing documentation for the ‘Initial Notice’. AI has specific duties (i.e. consult sewerage undertaker if applicable).</p>	<p>LA BCB route:</p> <ul style="list-style-type: none"> - Building Notice submitted to local authority. LA will confirm compliance in writing only after inspections during work - Full Plans are submitted to LA to be approved prior to commencing work. [Ref¹³] <p>AI route:</p> <ul style="list-style-type: none"> - Local Authority will either accept or reject the <i>Initial Notice</i>. If not rejected within 5 days, it is deemed to be considered acceptable. - LA will advise in writing if work does not comply with the regulations. 	<p>LA BCB route:</p> <ul style="list-style-type: none"> - LA Bldg Ctrl will issue the client with a Completion Certificate when they are satisfied that works comply with regulations, at the completion of works having inspected at key relevant stages having pursued Bldg Notice route <p>AI route:</p> <ul style="list-style-type: none"> - AI will issue Final Certificate to client and local authority when satisfied, having inspected throughout works. If local authority chooses to reject the certificate, they must do so in writing within 10 working days. [Ref⁹] 	<p>LA BCB fees dependent on type of application, and vary between local authorities. [Ref¹³]</p> <p>AI fees are as negotiated with the Approved Inspector. [Ref⁵].</p>	<p>LA BCB:</p> <p>LA Bldg Ctrl may serve notice in accordance with Section 36 of the Building Act that requires the client to dismantle or amend the work within 28 days. This can be appealed initially via an Independent Expert Report or subsequently via the Magistrates Court [Ref⁹].</p> <p>AI:</p> <ul style="list-style-type: none"> - AIs do not have enforcement powers; however they would not issue a ‘Final Certificate’ to the local authority if the building works are not regarded as compliant. The local authority can accept or reject the Final Certificate if issued. - If the works is not compliant and is not rectified on site to the AI satisfaction, the AI does not issue a final certificate and should cancel the Initial Notice by notifying the LA, or if it is rejected by the local authority, the LA Bldg Ctrl would then take over, and they have enforcement powers, and can serve a (written) enforcement notice. This process will terminate the AI’s responsibility. [Ref¹⁴] - Breaches can be taken to a Magistrates’ court with a fine of £5,000, and up to £50 a day for each day the contravention continues after conviction. [Ref⁶] <p>Regardless of whether responsibility had been delegated to the builder or not, the owner is responsible for rectification works</p>
4b		<p>Specific relevant parts of Building Regulations (referred to on planning portal):</p> <p>Loft:</p> <ul style="list-style-type: none"> - Parts B, K (for stairs and fire access) - Part P (electrical) <p>Kitchen:</p> <ul style="list-style-type: none"> - Part P (electrical) - Part H (drainage) <p>Also refer specifically to:</p> <p>Part L (Energy)</p>	<p><u>Part H:</u> [Ref¹⁵] Client to produce plans highlighting work to be done. AI must consult with local water authority (sewerage undertaker) in the development of plans. This consultation must be undertaken at the following stages:</p> <ul style="list-style-type: none"> - before or as soon as practicable after giving an initial notice or amendment notice to the local authority - before giving plans certificate (regardless of whether this is combined with initial notice or not), and - before giving the final certificate. <p>The sewerage undertaker must be presented with sufficient plans to show the work described in the initial notice, and be allowed 15 days for comment.</p>	<p><u>Part H:</u> Homeowner and AI. AI fails in their duty if they do not consult sewer undertaker.</p> <p><u>Part P:</u> Electrical contractor.</p>	<p><u>Part H:</u> Local water authority / SU if public sewer. Or, if relevant, the owners/users of private sewers.</p> <p><u>Part P:</u> Competent contractors can self-certify, or LA if works have been addressed within Building Notice [Ref¹⁶]</p>	<p><u>Part H:</u> No information.</p> <p><u>Part P:</u> Confirmation to be provided in writing.</p>	<p><u>Part P:</u> Tradesman fees</p>	

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								and the LA will charge for 'Reversion Charge' to cover their involvement. For breaches of Building Regulations, the client may be liable on summary conviction to a fine not exceeding level 5 on the standard scale and to a further fine not exceeding £50 for each day of the breach following conviction.
4c	Building Regulations (amendment)	Design change outside the scheme approved under the Building Regulations	<p>A.I. Route: AI to submit "Amendment Notice" (prescribe form, Form 2, Schedule 2 of <i>Building (Approved Inspectors etc.) Regulations 2000</i></p> <p>LA Bldg Ctrl Route: No information publicly available.</p>	<p>AI Route: AI responsible</p> <p>LA Bldg Ctrl Route: No information publicly available.</p>	Local Authority Building Control	Written notification if application rejected (5 day timeframe for AI route). Otherwise compliance certificates as above.	<p>AI Route: Fees may depend on arrangement with AI.</p> <p>LA Bldg Ctrl Route: No information.</p>	Works may not comply with approved plans, therefore implications staged above apply.
5	Health and Safety: - Construction (Design and Management) Regulations 2007	This case study is not notifiable to the HSE, as it is less than 30 days duration, and less than 500 person-days of work.	Duty holders for domestic work are responsible for ensuring their own work is compliant with relevant sections of Regulations [Ref¹⁷] .	<p>Designers, contractors and workers are the duty holders for domestic work.</p> <p>Client has no duties for domestic work.</p>	Duty holders responsible for ensuring their own compliance.	None.	None beyond the costs of employing tradesmen.	Duty holders (or their organisations) liable to prosecution if a court case is instigated by enforcing authorities [Ref¹⁸] following inspections after an incident.
6a	Health and Safety: - Materials	COSHH regulations are separate to those applying to asbestos and lead. [Ref¹⁹]	Not applicable in this case study	-	-	-	-	-
6b		Presence of asbestos	<p>Regulations unlikely to apply to domestic premises, as the guidance to manage asbestos refers only to non-domestic premises. [Ref²⁰].</p> <p>Section 3 of the "Control of Asbestos Regulations 2006" [Ref²¹] states that the regulations do not apply where: - the exposure of employees to asbestos is sporadic and of low intensity</p>	-	-	-	-	-

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6c		Presence of lead Regulations are unlikely to apply to domestic extensions. The regulations apply where lead can be inhaled (i.e. fumes, dust, vapour), ingested (i.e. powder, dust, paint) or absorbed through the skin (i.e. lead alkyls) [Ref²²]	Specific documentation not outlined, therefore discretionary to demonstrate that the following has been undertaken: - an assessment of the risks to the health of employees - steps prevent workers from significant exposure to lead, including monitoring against exposure limits where necessary (medical certificates if exposure becomes an issue) - provide information and training to staff.	Employer.	HSE	Not stated	Unlikely to be relevant for domestic extension.	HSE may prosecute where a breach of duties has been reported. Courts decide what penalties to impose, typically fines but potentially imprisonment.
6d		Working at Height Regulations Ref²³ .	The need for compliance with the Working at Height Regulations would need to be taken into consideration as these will apply to the contractor. There is no definition of "height" as a fall over even a small distance can cause injury.					
7	Gas Safety (Installation and Use) Regulations 1998 [Ref²⁴]	Installation of gas services (i.e. boiler or oven)	Client can employ a Gas Safe Registered Person. Gas Safe Registered Person will assess which boiler is needed and ensure it is of adequate efficiency, and will self-certify its installation [Ref²⁵] . Non-registered tradesman can be used, but LA Bldg Ctrl must be notified to inspect works [Ref²⁵] .	Gas Safe Registered Person, having installed any boiler, gas fittings, appliances and gas storage vessels [Ref⁹] Gas Safe Registered Person should be employed to undertake the installation of boiler, gas fire, gas cooker or hob, and any other work on a heat producing appliance (i.e. radiators) if it is connected to natural gas or LPG supply. Not all engineers are qualified for types of gas work. [Ref²⁶]	Gas Safe Registered Person can self-certify their work. Compliance can be checked by HSE and local authorities	Gas Safety Certificate if self-certified [Ref²⁷] . 'Certification of Completion' if LA Bldg Ctrl is required to approve the works of non-registered tradesman.	Tradesman or LA Bldg Ctrl fees.	Potential health and safety issues for occupants. LA Bldg Ctrl (if utilised) may require in writing work be rectified to comply. Duty holders (engineers, landlords) may be given a substantial fine or custodial sentence [Ref²⁸]
8	Water Supply (Water Fittings) Regulations	Installation of plumbing systems and water fittings (if connected to	The installer, owner or occupier must obtain water supplier's consent by giving advance notice of the work [Ref²⁹] . Notice is to be given by providing	Approved Plumber will submit the certificate to the water supplier.	Approved Plumber prepares a certificate stating compliance	Certificate from Approved Plumber will suffice unless breach	Approved Plumber fees	Water authorities will require breaches to be remedied as soon as practicable. Legal obligation

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		public water supply)	the information listed in Table 4 . An Approved Plumber will self-certify their work and provide a certificate to state that their installation complies with regulations. This will be issued to water supplier and person who requested the work. [Ref³⁰] .		with the regulations. Water supplier may choose to inspect the work.	identified.		rests on Approved Plumber. Water supply may be disconnected immediately if there is a threat to the health of occupants or others fed from the same supply. [Ref³¹]
		Building within 3m of centreline of public sewer	Copy of application form with [Ref³²] : - site location plans (1:1250), - site plan showing sewer and manhole location (1:100), - sectional plan of buildings, - section through building showing position of sewer relative to structure - copies of drawings submitted for Building Regulation approval	Client or delegate	Water authority will approve designs if appropriate	Letter of confirmation	Fee scale identified on application form [Ref³²Error! Bookmark not defined.]	The design may not adequately protect the sewer leading to possible collapse and damage to the building. The building may have to be removed in order to repair the sewer. Authority may order discontinuation of works.
9	Party Wall Act 1996 [Ref³³]	Various: - Work on party wall within 3m of party wall if excavating to foundation depth - within 6m if excavating deeper	Homeowner must notify all adjoining landowners prior to work commencing. Type of notification not specified, though typically a letter outlining plans in parallel with Building Regulations application.	Landowner or delegate (i.e. architect) wishing to undertake the work.	Landowner and adjacent owners are responsible for reaching agreement.	Agreements must be put in writing as evidence of agreement if dispute arises later.	None. Surveyor fees if necessary.	If neighbour is not notified, or if an agreement is not reached, they may seek to stop or delay work through a court injunction or seek other legal redress.
10	The Highways Act 1980	Need to locate skip on road or erect scaffolding adjacent to public highway.	Apply to local authority (i.e. Richmond [Ref³⁴]) for licence to place skip on the highway, or erect scaffolding. Forms are straightforward and available online (i.e. [Ref³⁵]). These need to be submitted prior to placing the skip or scaffold in location.	Skip providers who have an account with Local Authority. Skips users to ensure use of skip is compliant (i.e. not over full).	Local authority to authorise the application in accordance the Highways Act 1980. Must be authorised prior to placing the skip or scaffolding in location.	Granted licence, and ensure compliance with conditions. Client should request receipt and copy of licence.	Fees associated with skip hire and/or scaffolding.	Formal enforcement action may be taken (warnings, fixed penalty notices, or court proceedings).
11	Energy Performance of Buildings Regulations (and HIP regs)	If the property is to be rented or sold, an EPC must be produced for the entire property.	The Energy Performance Certificate must be produced by an accredited Domestic Energy Assessor (DEA) or Home Inspector (HI). If the dwelling is being sold, the homeowner will need to commission a Home Information Pack, one element of which is the EPC.	Homeowner	A property cannot be put on the market without a HIP [Ref³⁶] , or rented without an EPC. For a sale, in the first instance, the estate agent is likely to check that the property has an EPC. Later in the process, the seller's solicitor and the buyer's	The EPC is made available to prospective buyer or tenant. Compliance confirmed if HIP contains the compulsory information and the property is put on the market.	Fees associated with employing an accredited DEA or HI.	House cannot be put on the market without a HIP, or rented without an EPC. In the case of non-compliance, the Trading Standards Officer can pursue the building owner. A fine of £200 (tic) can be levied.

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					solicitor are likely to ensure compliance. For rental via a letting agent, the agent should ensure the landlord has a valid EPC.			
12	Waste regulations	Generation of construction and demolition waste [Ref³⁷]						
13	Regulatory Reform (Fire Safety) Order 2005	The Order applies to virtually all building types except domestic premises occupied by a single family group [Ref³⁸] . Therefore, it does not apply for this example.	-	-	-	-	-	-
14	London Building Act (Amendments) Acts1939	If the building is over 30m high, or 25m with a plan area of 930m ² [Ref³⁶] Therefore not applicable for this example.	-	-	-	-	-	-
15	Rights to Light/Rights of Light act 1959(Ref³⁹)	A right to light will come into existence if it has been enjoyed uninterrupted for 20 years or more, granted by deed, or registered under the Rights of Light Act 1959. Planning permission does not override a legal right to light. Ref⁴⁰]	the Architect or Surveyor should consider this into their design proposal. The homeowner should seek to establish if any neighbours have a legal right to light. This is a matter of property law, not planning law.					

Part 2: Supporting Information

Table 2: Detailed documentation requirements

Regulation	Detailed documentation requirements [RefError! Bookmark not defined.]
Planning	<p>To be submitted with standard form “<i>Householder Application for Planning Permission for works or extension to a dwelling</i>” (i.e. [Ref⁴¹]):</p> <ul style="list-style-type: none"> - Original and 3 copies of application form - Original and 3 copies of a plan identifying the land to which the application relates, drawn to an identified scale (e.g. a scale of 1:200 in Richmond [Ref⁴²]) and showing the direction of north. - Original and 3 copies of other plans and drawings or information necessary to describe the subject of the application [as per Ref⁴²]. <ul style="list-style-type: none"> o Block plan of site showing boundaries (at 1:100 or 1:200) o Existing and proposed elevations (1:50 or 1:100) o Existing and proposed floor plans (1:50 or 1:100) o Existing and proposed site sections and finished floor and site levels (1:50 or 1:100) o Roof plans (1:50 or 1:100) - Completed Ownership Certificate A,B,C or D [Ref⁴²]
Building Regulations (LA Bldg Ctrl)	<p>A Building Notice comprises the following (as per Section 14 of the Regulations)</p> <ul style="list-style-type: none"> - A statement to give the local authority that building work or a change of material use is proposed. - A description of the proposed building work or material change of use, including particulars of the location of the building to which the proposal is related and the use or intended use of that building. - A plan to a scale of not less than 1:1250 showing: <ul style="list-style-type: none"> o The size and position of the building, or the building as extended, and its relationship to adjoining boundaries o The boundaries of the curtilage of the building, or the building as extended, and the size, position and use of every other building or proposed building within that curtilage o The width and position of any street on or within the boundaries of the curtilage of the building or the building as extended. - A statement specifying the number of storeys in the building or the building as extended - Particulars of the provision to be made for the drainage of the building or extension. <p>Full Plans include the above, plus:</p> <ul style="list-style-type: none"> - Particulars of the precautions to be taken in building over a drain, sewer or disposal main - Any other plans necessary to show that the work would comply with these Regulations - Request for the local authority to issue a completion certificate

Regulation	Detailed documentation requirements [RefError! Bookmark not defined.]
Building Regulations (AI)	<p>Initial Notice is a prescribed form which is to contain:</p> <ul style="list-style-type: none"> - A description of the work - For new buildings or extension: <ul style="list-style-type: none"> o A site plan to a scale of not less than 1:1250 showing the boundaries and location of the site, and approximate location of any connection to the sewer. o A statement that the AI will consult the sewerage undertaker where the work involves building over or near any drain, sewer or disposal main which is shown on any map of sewers kept by the sewerage undertaker o A statement of any local legislation relevant to the work and the steps to be taken to comply with it. <p>Accompanying the Initial Notice must be a declaration (signed by the insurer) that an approved scheme of insurance applies to the work</p>

Table 3: LA Bldg Ctrl notification – stages of work and timing

Stage	Timing for notification
Commencement	At least two days before the work is commenced
Excavation for foundations	At least one whole day before covering up
Foundation	At least one whole day before covering up
Damp proof course	At least one whole day before covering up
Concrete or material laid over a site	At least one whole day before covering up
Completion	Not more than five days after completion.
Occupation (before completion)	At least five days notice before the occupation

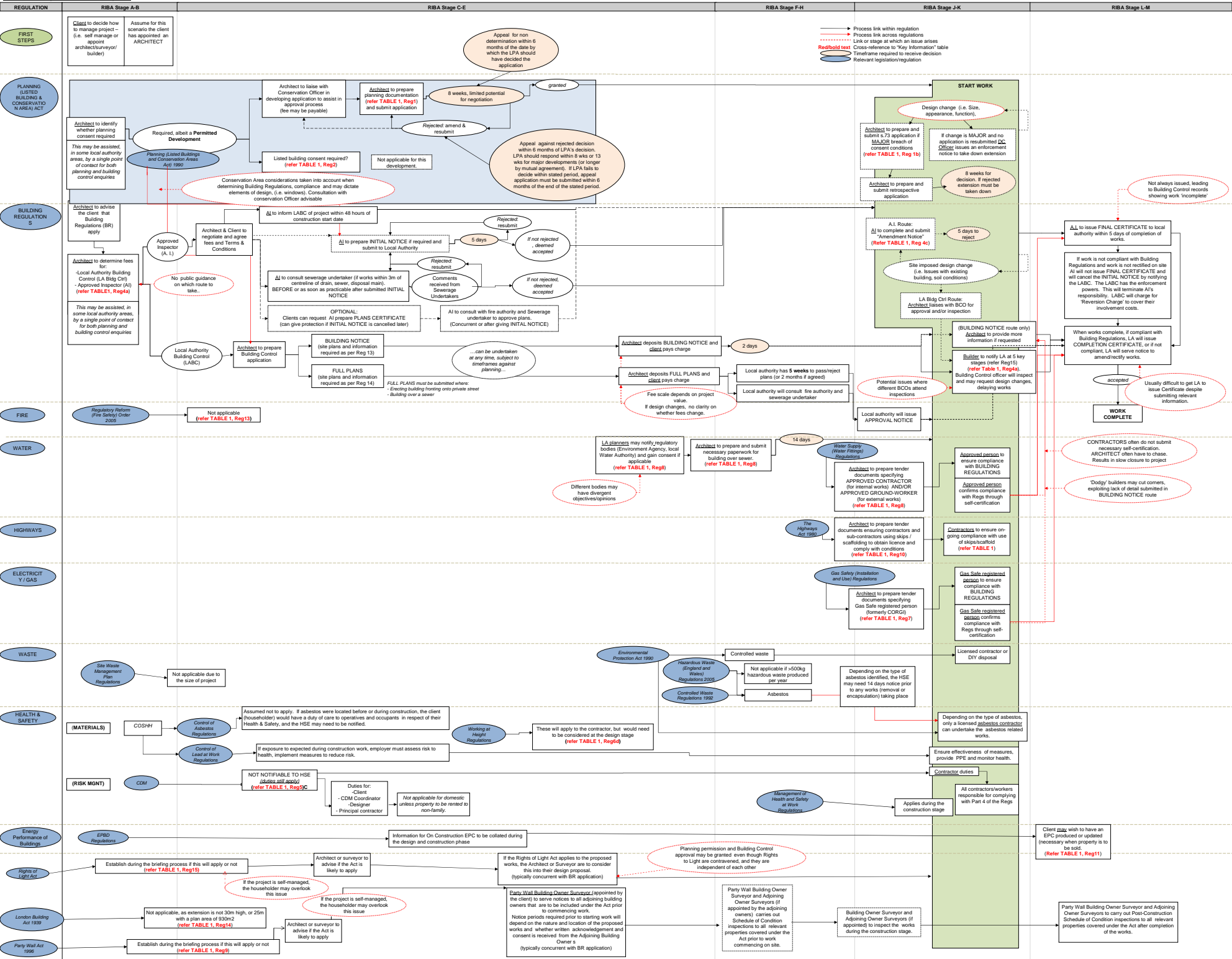
Table 4: Information required for notifying water suppliers

Information required by water suppliers
<p>Notification is required as the work relates to “the erection of any new building or structure”. [Ref]</p> <p>For notification, the following information must be sent to the local water supplier:</p> <ul style="list-style-type: none"> - The name and address of the person giving notice and, if different, of the person to whom the consent should be sent. - A description of the proposed work and any related change of use of premises. - The location of the premises and their use or intended use. - A plan of that part of the premises which relates to the proposed work and a diagram showing the pipework and fittings to be installed. - The plumbing contractor’s name and address, if an approved plumber is to do the work.

REFERENCES:

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- ¹ Planning Permission:
<http://www.planningportal.gov.uk/england/genpub/en/1115315206517.html>
 - ² Householder Application for Planning Permission for works or extension to a dwelling (sample from LB Camden):
http://www.planningportal.gov.uk/uploads/appPDF/X5210Form001_england_en.pdf
 - ³ Learn how to make an application :
<http://www.planningportal.gov.uk/england/genpub/en/1010677919308.html>
 - ⁴ Planning Applications Appeal Process:
http://www.planningportal.gov.uk/uploads/pins/householder_making_your_appeal.pdf
 - ⁵ A Guide to the New Fees for Planning Applications – October 2009
http://www.planningportal.gov.uk/uploads/new_fees-oct_2009.pdf
 - ⁶ Failure to obtain or comply with planning permission :
<http://www.planningportal.gov.uk/england/public/buildingwork/responsibilities/workresppp/workrespppfailure>
 - ⁷ Application for removal or variation of a condition following grant of planning permission
http://www.somerset.gov.uk/irj/go/km/docs/CouncilDocuments/SCC/Documents/Environment/Planning%20Control_Land%20Charges/Planning%20application%20form%20-%20Section%2073%20application.pdf
 - ⁸ Do I need building regulations approval:
<http://www.planningportal.gov.uk/england/public/buildingwork/responsibilities/workrespbpr/workrespbprapprovalneeded>
 - ⁹ Manual to the Building Regulations (Third Edition 2001) – *hardcopy*
 - ¹⁰ Site Inspections:
<http://www.planningportal.gov.uk/england/public/buildingregs/getapproval/bregsonsiteapprvl/bregsinspections>
 - ¹¹ Where to get Building Regulations approval:
<http://www.planningportal.gov.uk/england/professionals/buildingregs/approval/bcwheretoggetapproval/>
 - ¹² Self certification by Competent Persons
<http://www.planningportal.gov.uk/england/government/buildingregs/approval/bcwheretoggetapproval/bccompetentpersonsselfce027>
 - ¹³ How to make a Building Regulations application:
<http://www.planningportal.gov.uk/england/public/buildingregs/getapproval/>
 - ¹⁴ Building Regulations Approved Inspector route process for non compliant works:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/explanatorybooklet.pdf>
 - ¹⁵ Drainage:
<http://www.planningportal.gov.uk/england/public/buildingwork/projects/workcommondrainsewer/workmorebregsdrainage>
 - ¹⁶ Q10: Will an electrical contractor be forced to join a Competent Persons Scheme?:
<http://www.theiet.org/publishing/wiring-regulations/part-p/>
 - ¹⁷ Summary of duties under the CDM regulations under CDM 2007:
<http://www.hse.gov.uk/construction/cdm/summary.htm>
 - ¹⁸ Enforcement Policy Statement:
<http://www.hse.gov.uk/pubns/hse41.pdf>
 - ¹⁹ COSHH: A brief guide to the Regulations (pg3):
<http://www.hse.gov.uk/pubns/indg136.pdf>
 - ²⁰ Duty to Manage Asbestos:
<http://www.hse.gov.uk/asbestos/regulations.htm>
 - ²¹ Control of Asbestos Regulations 2006, section 3:
<http://www.opsi.gov.uk/si/si2006/20062739.htm#3>
 - ²² Control of Lead at Work Regulations 2002
<http://www.opsi.gov.uk/si/si2002/20022676.htm>
 - ²³ Working at Height Regulations 2005
<http://www.hse.gov.uk/falls/regulations.htm>
 - ²⁴ Gas Safety (Installation and Use) Regulations 1998
<http://www.opsi.gov.uk/si/si1998/19982451.htm>

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- ²⁵ Gas Safe Register:
<http://www.gassaferegister.co.uk/default.aspx>
- ²⁶ What gas work needs to be done by a registered engineer?
http://www.gassaferegister.co.uk/about/how_this_affects_you.aspx
- ²⁷ Gas Certificates:
http://www.gassaferegister.co.uk/advice/gas_certificates.aspx
- ²⁸ What if I break the Regulations:
<http://www.hse.gov.uk/gas/domestic/faqlandlord.htm#faq15>
- ²⁹ Water Regulations Advance Notification:
http://www.wras.co.uk/Regulations_Default.asp
- ³⁰ Approved Plumbers:
http://www.wras.co.uk/Regulations_Default.asp
- ³¹ Water Regulations Enforcement:
http://www.wras.co.uk/Regulations_Default.asp
- ³² Building over or close to a public sewer (information from Thames Water):
<http://www.thameswater.co.uk/cps/rde/xchg/corp/hs.xsl/693.htm>
- ³³ The Party Wall etc Act 1996 explanatory booklet:
http://www.planningportal.gov.uk/uploads/br/BR_partywall_explain_booklet.pdf
- ³⁴ Skips, Scaffolding and hoarding applications (information from LB Richmond upon Thames):
http://www.richmond.gov.uk/home/business/building_and_construction/scaffolding_skips_and_hoarding_s.htm
- ³⁵ Builders Skip on the Highway - Request for Permission: (information from LB Richmond upon Thames):
http://www.richmond.gov.uk/skip_lic_new.pdf
- ³⁶ Why you need a HIP:
http://www.direct.gov.uk/en/HomeAndCommunity/BuyingAndSellingYourHome/Homeinformationpacks/DG_171802
- ³⁷ Management of asbestos waste from domestic property
<http://www.defra.gov.uk/environment/waste/localauth/documents/asbestos-domestic.pdf>
- ³⁸ Regulatory Reform (Fire Safety) Order 2005 – Where does it apply (from the fire service college):
[http://www.fireservicecollege.ac.uk/fire-gateway-home/workplace-safety/regulatory-reform-\(fire-safety\)-order-2005.aspx](http://www.fireservicecollege.ac.uk/fire-gateway-home/workplace-safety/regulatory-reform-(fire-safety)-order-2005.aspx)
- ³⁹ Rights of Light Act 1959
http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1959/cukpga_19590056_en_1
- ⁴⁰ Planning and Rights to Light
<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planninginformation/planningfactsheets/planningfactsheetovershadowing/>
- ⁴¹ Householder Application for Planning Permission for works or extension to a dwelling (LB Richmond upon Thames): http://www.planningportal.gov.uk/uploads/appPDF/L5810Form001_england_en.pdf
- ⁴² Requirements for Householder Planning Applications National Requirements:
http://www.richmond.gov.uk/requirements_for_hot-4.pdf



SCENARIO 2: DOMESTIC EXTENSION IN A CONSERVATION AREA

Table of Regulations and Responsibilities

This document sets out appropriate regulations and responsibilities relating to the scenario (Table 1), and it provides more detailed information relating to supporting documentation and notifications and a list of references (Table 2). To reduce duplication, only differences to the information set out in Table 3 for the Domestic Extension (Scenario 1) are highlighted below.

Part 1: Primary Information

Table 1: Regulations & Responsibilities

	Regulation	Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
1	Planning	Only applies if not a permitted development, as per [Ref¹] , or if located in a Conservation Area	<p>Apply for 'Certificate of Lawfulness' to cover elements of the design that fall under Permitted development and do not require planning consent.</p> <p>Apply for 'Extension in a Conservation Area' consent for the 2-storey extension.</p> <p>Local requirements (i.e. Richmond) include the need for photos showing context with neighbouring properties [Ref²]</p>	The homeowner is responsible, however the application can be prepared and submitted by agent (i.e. architect, surveyor, builder solicitor) [Ref³]	<p>LA Development Control (DC) officer should decide on the application within eight weeks or within 28 days for non-material amendment application to an existing permission, unless a longer period of time is considered necessary (due to delays in providing public notices, for example). An appeal can be submitted on grounds of it's non determination if no decision was reached within the 8 weeks or 28 days (for applications detailed above) or written agreed timescale. The appeal to be submitted within 6 months of the date by which LPA should have decided the application. [Ref⁴]</p> <p>The applicant can also appeal against the decision if rejected, but this risks slowing down the</p>	<p>The DC officer will issue a letter granting permission and outlining any pre-commencement and/or general conditions, the timeframe for validity of permission, and the process for amending the application or permission at a later date if required.</p> <p>If conditions are required, these will be discussed on a case by case basis.</p> <p>*Pre-commencement conditions need to be fulfilled before construction starts. The designer needs to 'discharge conditions' by submitting documentation to the LPA demonstrating compliance. General conditions (materials, windows, etc) do not require discharge before construction begins. It is assumed that the designer will incorporate the conditions into the</p>	The planning application fee for extension/alteration to a single dwelling (excluding flats) is £150 [Ref⁵] . This fee is set nationally.	<p>If planning permission and/or conditions are breached, the LA may issue an enforcement notice to potentially reinstate the building to its original condition [Ref⁶]</p> <p>Failure to act in accordance with the enforcement notice contravenes the Town and Country Planning Act 1990.</p> <p>The LPA do not have a formal process, or the resources, for checking that conditions have been discharged prior to construction. The LPA tends to have to rely on 'whistle-blowers'</p>

	Regulation	Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/ submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
					<p>assessment process even further. The appeal must be submitted within 6 months of receipt of the LPA's decision. The LPA should respond within 8 weeks of receipt of valid application. If the application relates to a major development LPA has 13 weeks to issue their decision. You can also agree in writing a longer period than 8 or 13 weeks and if LPA fail to decide within the agreed period your appeal application must be received within 6 months of the end of the extended period.</p> <p>(Applications in a Conservation Area need to be advertised in the local newspapers).</p>	design.		
2	Listed Buildings	Not applicable for this development	-	-	-	-	-	-
3	Conservation Area	<p>Development site located in Conservation Area</p> <p>Conservation Area Consent – applies only to demolition</p> <p>There are no Conservation Area regulations as such; instead there is Article 4 direction in PPS 15</p>	See Reg. 1 above	-	-	-	-	-

	Regulation	Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/ submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
		[Ref ⁷] This enables conservation issues to be a material consideration to influence a planning decision [Ref ⁸]						
Refer Domestic Extension (Scenario 1) Document 3 for documentation requirements for the following regulations:								
4	Building Regulations (including amendments to applications)							
5	Health and Safety: Construction (Design and Management) Regulations 2007							
6	Health and Safety: Materials							
7	Gas Safety (Installation and Use) Regulations 1998							
8	Water Supply (Water Fittings) Regulations							
9	Party Wall Act 1996							
10	The Highways Act 1980							
11	The Energy Performance of Buildings Regulations (and HIP regs)							
12	Waste regulations							
13	Regulatory Reform (Fire Safety) Order 2005							
14	London Building Act (Amendments) Acts 1939							
15	Rights of Light Act 1959							

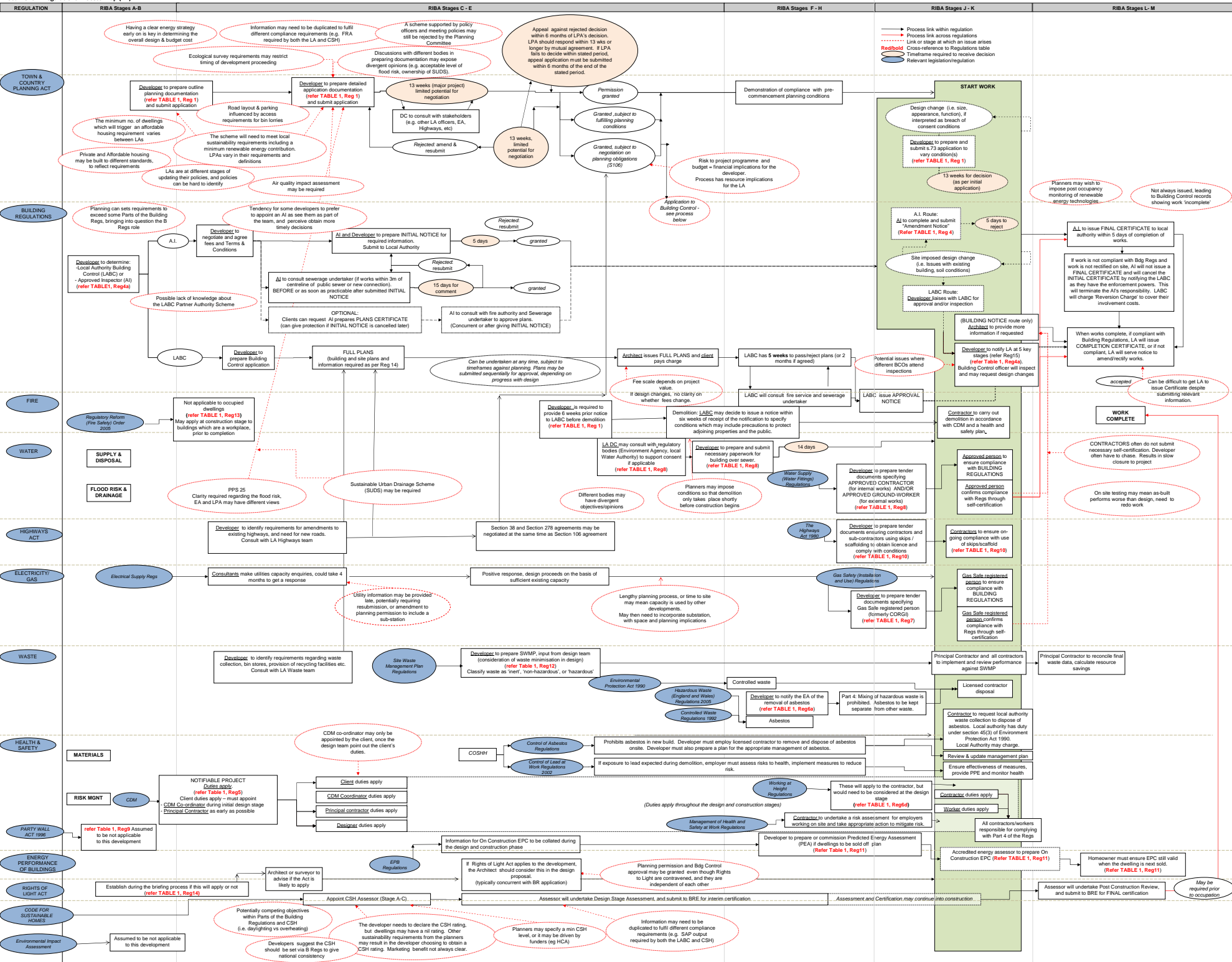
Part 2: Supporting Information

Table 2: Detailed documentation requirements

Regulation	Detailed documentation requirements
Planning	<p>To be submitted with standard form “<i>Householder Application for Planning Permission for works or extension to a dwelling</i>” (i.e. [Ref²]:</p> <ul style="list-style-type: none"> - Original and 3 copies of application form - Original and 3 copies of a plan identifying the land to which the application relates, drawn to an identified scale (e.g. a scale of 1:200 in Richmond [Ref⁹] and showing the direction of north. - Original and 3 copies of other plans and drawings or information necessary to describe the subject of the application [as per Ref⁹]. <ul style="list-style-type: none"> o Block plan of site showing boundaries (at 1:100 or 1:200) o Existing and proposed elevations (1:50 or 1:100) o Existing and proposed floor plans (1:50 or 1:100) o Existing and proposed site sections and finished floor and site levels (1:50 or 1:100) o Roof plans (1:50 or 1:100) - Completed Ownership Certificate A,B,C or D [Ref⁹] - Original and 3 copies of a design and access statement
<p>As per Domestic Extension (Scenario 1) Document 3 for:</p> <ul style="list-style-type: none"> - Building Regulations (LABC) - Building Regulations (AI) 	

REFERENCES:

- ¹ Planning Permission:
<http://www.planningportal.gov.uk/england/genpub/en/1115315206517.html>
- ² Householder Application for Planning Permission for works or extension to a dwelling (LB Richmond-upon-Thames):
http://www.planningportal.gov.uk/uploads/appPDF/L5810Form001_england_en.pdf
- ³ Learn how to make an application:
<http://www.planningportal.gov.uk/england/genpub/en/1010677919308.html>
- ⁴ Planning Applications Appeal Process:
http://www.planningportal.gov.uk/uploads/pins/listed_making_your_appeal.pdf
- ⁵ Planning Application Fee Calculator:
<http://www.planningportal.gov.uk/england/government/applications/feecalculator>
- ⁶ Failure to obtain or comply with planning permission
<http://www.planningportal.gov.uk/england/genpub/en/1115315273802.html>
<http://www.planningportal.gov.uk/england/public/buildingwork/responsibilities/workresp/workrespfailure>
- ⁷ Planning Policy Guidance (PPG 15) Planning and the Historic Environment
<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/historicenvironment/ppg15/>
- ⁸ Planning Policy Statement (PPS 15) - Consultation Paper of a new Planning Policy Statement on Planning and the Historic Environment
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/consultationhistoricpps.pdf>
- ⁹ Requirements for Householder Planning Applications National Requirements:
http://www.richmond.gov.uk/requirements_for_hot-4.pdf



SCENARIO 3: SMALL RESIDENTIAL DEVELOPMENT OF 10 NEW HOUSES – TABLE OF REGULATIONS AND RESPONSIBILITIES

This document sets out appropriate regulations and responsibilities relating to the scenario (Table 1), it provides more detailed information relating to supporting documentation and notifications, and it provides a list of references (Tables 2 and 3 respectively).

Part 1: Primary Information

Table 1: Regulations & Responsibilities

Regulation		Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
1	Planning Policy	Necessary to proceed with development.	<p><u>Demolition:</u> Submit form “<i>Application for prior notification of proposed demolition</i>” [Ref¹], attach documentation specified on form, see Table 2c.</p> <p><u>All Matters Reserved:</u> Not likely for a 10 dwelling development. Submit form “<i>Application for Outline Planning Permission with all matters reserved</i>” [Ref²], and attachments (<i>Refer Table 2</i>). National policy requirements are the same for all Local Planning Authorities (LPAs). LPAs may have additional local policy requirements.</p> <p><u>Some Matters Reserved:</u> Submit form “<i>Application for</i></p>	<p>Developer is responsible for obtaining outline planning permission from local authority.</p> <p>The developer finalises documentation for detailed planning application.</p>	LA Development Control officer should decide on the application within 8 weeks for a ‘minor’ development, or 13 weeks for a ‘major’ development, [Ref ⁶], unless a longer period is agreed in writing with the applicant. An appeal can be submitted on grounds of its non determination if	LA Development Control officer will issue a letter granting permission and outlining any conditions * that need to be met and/or obligations (e.g. Section 106) that are to be negotiated, the timeframe for validity of permission, and the process for amending the application or permission at a	<p>Fees are set nationally. [Ref⁷].</p> <p><u>Outline Permission:</u></p> <ul style="list-style-type: none"> - Not more than 2.5ha: £335 per 0.1ha - More than 2.5ha: £8,285 + £100 per 0.1ha <p><u>Detailed Permission:</u> Sliding scale relative to gross external</p>	<p>If planning permission and/or conditions/obligations are breached, the LA may issue an enforcement notice and issue a retrospective consent (on application) [Ref⁸]</p> <p>Failure to act in accordance with the enforcement notice contravenes the Town and Country Planning Act 1990.</p>

Regulation		Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
			<p><i>Outline Planning Permission with some matters reserved</i> [Ref³], and attachments (<i>Refer Table 2</i>). National policy requirements are the same for all Local Planning Authorities (LPAs). LPAs may have additional local policy requirements.</p> <p><u>Full Planning Consent:</u> Submit form “<i>Application for Planning Permission</i>” [Ref⁴], and attachments (<i>Refer Table 2</i>). National policy requirements are the same for all Local Planning Authorities (LPAs). LPAs may have additional local policy requirements.</p> <p>Local policy requirements may include additional studies such as traffic impact or ecology assessments, and requirements may vary according to the type of application, and the type of development [Ref⁵]. The list of possible additional reports to support the planning application is included in Table 2.</p>		<p>no decision was reached within the 13 weeks or written agreed timescale. The time limit for the inspectorate to receive the appeal is 6 months from the date shown on the LPA’s decision notice.</p> <p>The applicant can also appeal against the decision if rejected, but this risks slowing down the assessment process even further. The appeal must be submitted within 12 weeks from rejection.</p>	<p>later date if required.</p> <p>If conditions are imposed, these will be discussed on a case by case basis.</p> <p>*Pre-commencement conditions need to be fulfilled before construction starts. The applicant needs to ‘discharge conditions’ by submitting documentation to the LPA demonstrating compliance.</p> <p>Planning obligations (e.g. S106) will be negotiated between the LA</p>	floor space	

Regulation		Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/ submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
						and the developer before being agreed by both parties.		
2	Listed Buildings	Not applicable for this development	-	-	-	-	-	-
3	Conservation Area	Not applicable for this development	-	-	-	-	-	-

Regulation		Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
4a	Building Regulations	Where “building work” is to occur (i.e. erection or extension of building, building alterations, installation or extension of service/fitting controlled under building regulations such as drainage). [Ref ⁹].	<p><u>LA BCB route:</u></p> <ul style="list-style-type: none"> - Client to submit ‘Full Plans’ to the local authority [Ref¹⁰] [Ref¹¹]. Full plans typically developed sequentially in accordance with the Parts of the Building Regulations. <ul style="list-style-type: none"> o (Refer to Table 2 for more information) - Following receipt of written approval, the developer is required to notify the local authority two clear working days prior to commencing work. Type of notification is not specified. [Ref¹⁰] <p><u>AI route:</u></p> <ul style="list-style-type: none"> - Developer and AI must jointly submit ‘Initial Notice’ and accompanying declaration to local authority [Ref¹⁰]. <ul style="list-style-type: none"> o (Refer to Table 2 for more information) 	<p><u>LA BCB route:</u></p> <p>The developer is ultimately responsible. [Ref¹⁰].</p> <p><u>AI route:</u></p> <p>The developer and AI are responsible for preparing documentation for the ‘Initial Notice’. AI has specific duties (i.e. consult sewerage undertaker if applicable).</p>	<p><u>LA BCB route</u></p> <ul style="list-style-type: none"> - Full Plans are submitted to local authority. - Local authority will approve or reject plans. <p><u>AI route:</u></p> <ul style="list-style-type: none"> - Local Authority will either accept or reject the <i>Initial Notice</i>. If not rejected within 5 days, it is deemed to be considered acceptable. - LA will advise in writing if work does not comply with the regulations. 	<p><u>LA BCB route:</u></p> <ul style="list-style-type: none"> - LA Building Control will issue the client with a Completion Certificate when they are satisfied that works comply with regulations, at the completion of works, having inspected at key relevant stages. - Some works will be self-certified, requiring the relevant documents to be provided and submitted to the LA, prior to issue of the Completion Certificate. <p><u>AI route:</u></p> <ul style="list-style-type: none"> - AI will issue Final Certificate to client and local authority when satisfied, for the 	<p><u>LA BCB route:</u></p> <p>Fees dependent on type of application. [Ref¹²]</p> <p><u>AI route:</u></p> <p>Fees are as negotiated with the Approved Inspector. [Ref¹⁰].</p>	<p><u>LA BCB route:</u></p> <ul style="list-style-type: none"> - LA Building Control may serve notice in accordance with Section 36 of the Building Act that requires the client to dismantle or amend the work within 28 days. This can be appealed initially via an Independent Expert Report or subsequently via the Magistrates Court [Ref10]. - If the LA does not issue a completion certificate, this may affect a sale by coming to light through a local land search enquiry when the owner wishes to sell their property. <p><u>AI route:</u></p> <ul style="list-style-type: none"> - AIs do not have enforcement powers; however they would not issue a ‘Final Certificate’ to the LA if building works are not compliant. The LA can request

Regulation		Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
4b		Amendment to the approved plans	<p><u>LA BCB route:</u> As above, amended to reflect the design change</p> <p><u>AI route:</u> AI to issue an 'Amendment Notice' to the Local Authority.</p>	<p><u>LA BCB route:</u> Design team</p> <p><u>AI route:</u> AI</p>	<p><u>LA BCB route:</u> Local authority</p> <p><u>AI route:</u> Local authority has 5 days to reject on prescribed grounds. Otherwise notice can be assumed to be approved.</p>	<p><u>LA BCB route:</u> As above</p> <p><u>AI route:</u> As above</p>	<p><u>LA BCB route:</u> As above</p> <p><u>AI route:</u> As above.</p>	
5	Health and Safety: - Construction (Design and Management) Regulations 2007	This case study is notifiable to the HSE, as it will last more than 30 days total construction and over 500 person-days of work.	<p>Duty holders include client, CDM Co-ordinators, Designers, Principal contractors, contractors and workers. [Ref¹³].</p> <p>Duties include: ensuring the a CDM Coordinator is appointed, the project is notified, their work is compliant, development a CDM plan for the site, etc.</p>	All duty holders responsible for documenting compliance with upholding their duties.	Duty holders responsible for ensuring their own compliance.	None.	No specific costs beyond employing tradesmen.	Duty holders (or their organisations) liable to prosecution if a court case is instigated by enforcing authorities [Ref¹⁴] following inspections after an incident.

Regulation		Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
6a	Health and Safety: - Materials	Use of hazardous chemicals (excluding asbestos and lead). [Ref¹⁵]	Risk assessment to assess the risks of COSHH substances. Must record assessment if more than 5 employees on site. Also necessary to provide appropriate equipment.	Employers with staff working on-site.	Responsibility rests with employers.	Written Risk Assessment if employer has more than 5 employees [Ref¹⁵]	No prescribed costs.	Lost productivity through employee illness and training new staff. Financial penalties may be imposed by the Courts – maximum penalty: unlimited fine and/or 2 years imprisonment [Ref¹⁴] .
6b		Presence of asbestos	Risk assessment for exposure to employees. Must employ licensed contractors for the removal and disposal of asbestos [Ref¹⁶] .	Developer	HSE (if audited)	Documented risk assessment Written evidence (i.e. invoices, transfer records)	No prescribed costs	Failure to fulfil duty. Developer may be prosecuted.

Regulation		Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
6c		Presence of lead. Monitor health. The regulations apply where lead can be inhaled (i.e. fumes, dust, vapour), ingested (i.e. powder, dust, paint) or absorbed through the skin (i.e. lead alkyls) [Ref¹⁷]	Lead may be present in building to be demolished. If lead is expected, the employer must assess risks to health to identify if risks are 'significant'. If so, the employer must put in place systems to prevent/control exposure to lead (i.e. ventilation), provide washing facilities and conduct appropriate training [Ref¹⁸] .	Employer	Employer	Documentary evidence that requirements have been implemented	No prescribed costs	Potentially serious health implications for workers. Employer may be prosecuted [Ref¹⁴] .
6d		Working at Height Regulations	The need for compliance with the Working at Height Regulations would need to be taken into consideration as these will apply to the contractor. There is no definition of "height" as a fall over even a small distance can cause injury.					

Regulation		Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
7	Gas Safety (Installation and Use) Regulations 1998 [Ref ¹⁹]	Installation of notifiable gas services – i.e. flued gas appliances, non-flued appliances with heat input of 100kW or less, or heating/hot water service system connected to heat producing gas appliance. [Ref ²⁰]	Developer to employ a Gas Safe Registered Person. Gas Safe Registered Person, who 'notifies' the Gas Safe Register of the work [Ref ²¹]. Gas Safe Register will inform the LA Building Control of the notifiable work, in accordance with Building Regulations.[Ref ²¹]	Gas Safe Registered Person [Ref ²⁰] Not all engineers are qualified for all types of gas work. [Ref ²²]	Gas Safe Registered Person can self-certify their work. Notified works may be compliance checked by Gas Safe Register and local authorities	Gas Safety Certificate [Ref ²⁰].	Tradesman / contractor fees.	Potential health and safety issues for occupants. LA BCB (if utilised) may require in writing work to be rectified to comply with Building Regulations. Duty holders (engineers, landlords) may be given a substantial fine or custodial sentence for breaching Building Regs (as above).
8	Water Supply (Water Fittings) Regulations	Installation of plumbing systems and water fittings (if connected to public water supply)	The installer, owner or occupier must obtain water supplier's consent by giving advance notice of the work [Ref ²³]. Notice is to be given by providing the information listed in Table 2b. An Approved Plumber will self-certify their work and provide a certificate to state that their installation complies with regulations. This will be issued to	Approved Plumber will submit the certificate to the water supplier.	Approved Plumber prepares a certificate stating compliance with the regulations. Water supplier may choose to inspect the work.	Certificate from Approved Plumber will suffice unless breach identified.	Approved Plumber fees	Water authorities will require breaches to be remedied as soon as practicable. Legal obligation rests on Approved Plumber. Water supply may be disconnected immediately if there is a threat to the health of occupants

Regulation		Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
			water supplier and person who requested the work. [Ref ²⁴].					or others fed from the same supply. [Ref ²⁵]
		Building within 3m of centreline of public sewer	Copy of application form with [Ref ²⁶]: <ul style="list-style-type: none"> - site location plans (1:1250), - site plan showing sewer and manhole location (1:100), - sectional plan of buildings, - section through building showing position of sewer relative to structure - copies of drawings submitted for Building Regulation approval 	Client or delegate	Water authority will approve designs if appropriate	Letter of confirmation	Fee scale identified on application form [Ref ²⁶]	The design may not adequately protect the sewer leading to possible collapse and damage to the building. The building may have to be removed in order to repair the sewer. Authority may order discontinuation of works.
9	Party Wall Act 1996	Various [Ref ²⁷]: <ul style="list-style-type: none"> - Work on party wall - within 3m of party wall if excavating to foundation depth - within 6m if excavating deeper 	Need to notify neighbours depending on scale of excavations and location in proximity to neighbouring buildings (i.e. foundations within 3m of adjacent building, or within 6m if depth of excavation intersects a 45° line from the base of neighbours foundations) [Ref ²⁷]. Notice to be issued at least two months before planned starting date.	Developer	Agreement to be reached between developer and neighbour	Written agreement signed by both parties. Surveyor may be required to resolve disputes.	No prescribed costs	-

Regulation		Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
10	The Highways Act 1980	Requirement for road closures for health and safety reasons	Application to local highways authority including contact details, proposed diversion route, application checklist [Ref²⁸] .	Developer, contractor or delegate	Local highways authority	Written confirmation of submitted application	Various, depends on authority and duration (i.e. £850 in Cambs [Ref²⁸]).	Possible prosecution under the Highways Act.
11	Energy Performance of Buildings Regulations	On construction and/or dwelling marketed for sale	A Predicted Energy Assessment (PEA) must be produced based on plans and specification to accompany marketing of the dwelling for off-plan sale. On completion of the dwelling, an Energy Performance Certificate (EPC) must be produced. [Ref²⁹]	An accredited On Construction Domestic Energy Assessor (OCDEA) is required to produce the EPC. There are no similar accreditation constraints on the person producing the PEA.	An EPC is a mandatory component of the Home Information Pack. For off-plan sales the PEA takes the place of the EPC until an EPC is available (ie the dwelling is constructed).	PEA / EPC (depending at what stage of construction the dwelling is sold). PEA if sold off the plan, EPC when constructed.	Fees associated with employing an accredited OCDEA.	Cannot market the property without the PEA or EPC. A £200 fine applies for non compliance.
12	Waste regulations (SWMP)	Construction projects worth over £300,000 [Ref³⁰]	Site Waste Management Plan documentation. Increased requirements for projects over £500,000 [Ref³¹]	Developer to initiate, handed-over to Principal Contractor	Local authorities and Environment Agency	No specific information. Must be able to present relevant and up to date SWMP on request.	No specific fees. Embedded in project costs	Potentially unlimited fine. Liability rests with client, principal contractor. If body corporate guilty of offence, individuals may be liable as well as body corporate.

Regulation		Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
								[Ref ³¹]
13	Regulatory Reform (Fire Safety) Order 2005	<p>Addresses workplace fire safety.</p> <p>Does not apply to individual, domestic premises occupied by a single family group. It does apply to common areas of multiple occupancy residential buildings [Ref³²].</p> <p>Could potentially apply to a work place if workers are working with a building, prior to its occupation.</p>	<p>Fire Safety Risk Assessment and Fire Management Plan.</p> <p>Must appoint Competent Person to undertake any protective/preventative measures.</p> <p>Guidance is available from CLG [Ref³³].</p>	Appointed 'Responsible Person', ie owner/occupier or their representative	The local fire service	Not stated	Embedded in wages or possibly consultant fees	<p>Enforcement notice may be issued to make improvements. Can potentially issue Prohibition notice restricting use of building areas until improvements are made</p>

Regulation		Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
14	Rights to Light/Rights of Light Act 1959 [Ref ³⁴]	A right to light will come into existence if it has been enjoyed uninterrupted for 20 years or more, granted by deed, or registered under the Rights of Light Act 1959. Planning permission does not override a legal right to light. [Ref ³⁵]	The developer should seek to establish if any neighbours have a legal right to light. The Architect should consider this in their design proposal. This is a matter of property law, not planning law.					

Part 2: Supporting Information

Table 2a: Detailed documentation requirements

Regulation	Detailed documentation requirements
Planning [Ref ⁶]	<u>OUTLINE and DETAILED PLANNING APPLICATIONS</u> To be submitted with standard forms: <ul style="list-style-type: none">• “Application for Planning Permission with all matters reserved” (i.e. [Ref²]):• “Application for Planning Permission with some matters reserved” [Ref³]• “Application for Planning Permission” [Ref⁴] - Original and 3 copies of application form - Original and 3 copies of a plan identifying the land to which the application relates, drawn to an identified scale and showing the direction of north. - Original and 3 copies of other plans and drawings or information necessary to describe the subject of the application [as per Ref ⁵]. <ul style="list-style-type: none">o Block plan of site showing boundaries (at 1:100 or 1:200)o Existing and proposed elevations (1:50 or 1:100)o Existing and proposed floor plans (1:50 or 1:100)o Existing and proposed site sections and finished floor and site levels (1:50 or 1:100)o Roof plans (1:50 or 1:100) - Completed Ownership Certificate A,B,C or D - Design and Access Statement.
Building Regulations (LA Building Control Body route) [Ref ¹⁰]	Full Plans include the following (as per Section 14 of the Regulations): <ul style="list-style-type: none">- A statement to give the local authority that building work or a change of material use is proposed.- A description of the proposed building work or material change of use, including particulars of the location of the building to which the proposal is related and the use or intended use of that building.- A plan to a scale of not less than 1:1250 showing:<ul style="list-style-type: none">o The size and position of the building, or the building as extended, and its relationship to adjoining boundarieso The boundaries of the curtilage of the building, or the building as extended, and the size, position and use of every other building or proposed building within that curtilageo The width and position of any street on or within the boundaries of the curtilage of the building or the building as extended.- A statement specifying the number of storeys in the building or the building as extended- Particulars of the provision to be made for the drainage of the building or extension.- Particulars of the precautions to be taken in building over a drain, sewer or disposal main- Any other plans necessary to show that the work would comply with these Regulations- Request for the local authority to issue a completion certificate

Regulation	Detailed documentation requirements
Building Regulations (AI route) [Ref ¹⁰]	<p>Initial Notice is a prescribed form which is to contain:</p> <ul style="list-style-type: none"> - A description of the work - For new buildings or extension: <ul style="list-style-type: none"> o A site plan to a scale of not less than 1:1250 showing the boundaries and location of the site, and approximate location of any connection to the sewer. o A statement that the AI will consult the sewerage undertaker where the work involves building over or near any drain, sewer or disposal main which is shown on any map of sewers kept by the sewerage undertaker o A statement of any local legislation relevant to the work and the steps to be taken to comply with it. <p>Accompanying the Initial Notice must be a declaration (signed by the insurer) that an approved scheme of insurance applies to the work</p>

Table 2b: Information required for notifying water suppliers

Information required by water suppliers
<p>Notification is required as the work relates to “the erection of any new building or structure”. [Ref²³]</p> <p>For notification, the following information must be sent to the local water supplier:</p> <ul style="list-style-type: none"> - The name and address of the person giving notice and, if different, of the person to whom the consent should be sent. - A description of the proposed work and any related change of use of premises. - The location of the premises and their use or intended use. - A plan of that part of the premises which relates to the proposed work and a diagram showing the pipework and fittings to be installed. - The plumbing contractor’s name and address, if an approved plumber is to do the work.

Table 2c Application for prior notification – proposed demolition

NATIONAL REQUIREMENTS
<ul style="list-style-type: none"> - A completed form or written description of the proposed development - A statement that the applicant has displayed a site notice in accordance with A.2(b)(iii) of Part 31 of Schedule 2 to the General Permitted Development Order 1995 - The appropriate fee <p>LOCAL REQUIREMENTS – may include some or all of the following:</p> <ul style="list-style-type: none"> - Biodiversity survey and report - Landscaping details - Photographs/Photomontages - Planning Statement - Structural Survey - Tree survey/Arboricultural implications

Table 2d Local policies may require additional reports to be submitted as part of the planning application

LOCAL REQUIREMENTS – may include some or all of the following:

- Affordable housing statement
- Air quality assessment
- Biodiversity survey and report
- Daylight/Sunlight assessment
- Economic statement
- Environmental Statement
- Town Centre Uses – Evidence to accompany applications
- Flood risk assessment
- Foul sewage and utilities assessment
- Heritage Statement (including Historical, archaeological features and Scheduled Ancient Monuments)
- Land Contamination assessment
- Landfill statement
- Landscaping details
- Lighting assessment
- Noise impact assessment
- Open Space assessment
- Parking Provision
- Photographs/Photomontages
- Planning obligations – Draft Head(s) of Terms
- Planning Statement
- Site Waste Management Plan
- Statement of Community Involvement
- Structural Survey
- Telecommunication Development – supplementary information
- Transport assessment
- Travel Plan
- Tree survey/Arboricultural implications
- Ventilation/Extraction statement

REFERENCES:

- ¹ Application for prior notification of proposed demolition: sample from Cambridge City Council
http://www.planningportal.gov.uk/uploads/appPDF/Q0505Form022_english_en.pdf
(and accompanying Validation checklist):
<http://www.cambridge.gov.uk/public/docs/Planning%20permission%20validation%20checklist%202022.pdf>
- ² Application for Outline Planning Permission with All Matters Reserved: sample from Cambridge City Council
http://www.planningportal.gov.uk/uploads/appPDF/Q0505Form006_english_en.pdf
- ³ Application for Outline Planning Permission with Some Matters Reserved: sample from Cambridge City Council
http://www.planningportal.gov.uk/uploads/appPDF/Q0505Form005_english_en.pdf
- ⁴ Application for Planning Permission: sample from Cambridge City Council
http://www.planningportal.gov.uk/uploads/appPDF/Q0505Form004_english_en.pdf
- ⁵ Review of the information requirements for validation of planning applications:
http://www.planningportal.gov.uk/uploads/kpr/kpr_info-review.pdf
- ⁶ National and local requirements:
<http://www.communities.gov.uk/planningandbuilding/planning/>
- ⁷ Planning Application Fee Calculator:
<http://www.planningportal.gov.uk/england/government/applications/feecalc>
- ⁸ Failure to obtain or comply with planning permission :
<http://www.planningportal.gov.uk/england/public/buildingwork/responsibilities/workresppp/workrespppfailure>
- ⁹ Do I need building regulations approval:
<http://www.planningportal.gov.uk/england/public/buildingwork/responsibilities/workrespbbr/workrespbbrapprovalneeded>
- ¹⁰ Manual to the Building Regulations (Third Edition 2001) – *hardcopy*
- ¹¹ Full Plans Submission: sample from Cambridge City Council
<http://www.cambridge.gov.uk/public/docs/Full%20plans%20application%20form.pdf>
- ¹² Application fee calculator: sample from Cambridge City Council
<http://www.cambridge.gov.uk/ccm/content/planning-and-building-control/building-control/fee-calculator.en>
- ¹³ Summary of duties under the CDM regulations under CDM 2007:
<http://www.hse.gov.uk/construction/cdm/summary.htm>
- ¹⁴ HSE Enforcement Policy Statement:
<http://www.hse.gov.uk/pubns/hse41.pdf>
- ¹⁵ COSHH: A brief guide to the Regulations:
<http://www.hse.gov.uk/pubns/indg136.pdf>
- ¹⁶ Control of Asbestos Regulations 2006 guide:
<http://www.hse.gov.uk/asbestos/regulations.htm>
- ¹⁷ Control of lead at work (3rd Edition). HSE Guidance L132
<http://www.hse.gov.uk/pubns/books/l132.htm>
- ¹⁸ Lead and You:
<http://www.hse.gov.uk/pubns/indg305.pdf>
- ¹⁹ Gas Safety (Installation and Use) Regulations:
<http://www.uk-legislation.hmso.gov.uk/si/si1998/19982451.htm>
- ²⁰ Gas Safe Register and Notifications:
<http://www.gassaferegister.co.uk/default.aspx> and <https://engineers.gassaferegister.co.uk/Notifications.aspx>
- ²¹ Q8: How do I notify work: <https://engineers.gassaferegister.co.uk/FAQ.aspx#faq7>
- ²² What gas work needs to be done by a registered engineer?
http://www.gassaferegister.co.uk/about/how_this_affects_you.aspx
- ²³ Water Supplier Advance Notification:
http://www.wras.co.uk/Regulations_Default.asp
- ²⁴ Approved Plumbers:
http://www.wras.co.uk/Regulations_Default.asp
- ²⁵ Water Supply enforcement:
http://www.wras.co.uk/Regulations_Default.asp
- ²⁶ Building over or close to a public sewer: (from Thames Water)
<http://www.thameswater.co.uk/cps/rde/xbcr/corp/building-over-a-public-sewer-application-form.pdf>
- ²⁷ The Party Wall etc Act 1996 explanatory booklet:
http://www.planningportal.gov.uk/uploads/br/BR_partywall_explain_booklet.pdf
- ²⁸ Temporary Traffic Order Application Form: sample from Cambridgeshire County Council
<http://www.cambridgeshire.gov.uk/transport/ch/>
- ²⁹ Home Information Pack: Compulsory Items:
http://www.direct.gov.uk/en/HomeAndCommunity/BuyingAndSellingYourHome/Homeinformationpacks/DG_171808
- ³⁰ A simple guide to Site Waste Management Plans:
<http://www.netregs-swmp.co.uk/simple-guide-20090113.pdf>
- ³¹ Non-statutory guidance for site waste management plans

<http://www.defra.gov.uk/environment/waste/topics/construction/pdf/swmp-guidance.pdf?lang= e>

³² Regulatory Reform (Fire Safety) Order 2005 – Where does it apply:

[http://www.fireservicecollege.ac.uk/fire-gateway-home/workplace-safety/regulatory-reform-\(fire-safety\)-order-2005.aspx](http://www.fireservicecollege.ac.uk/fire-gateway-home/workplace-safety/regulatory-reform-(fire-safety)-order-2005.aspx) and

<http://www.communities.gov.uk/fire/firesafety/firesafetylaw/>

³³ 5-step Risk Assessment – short checklist

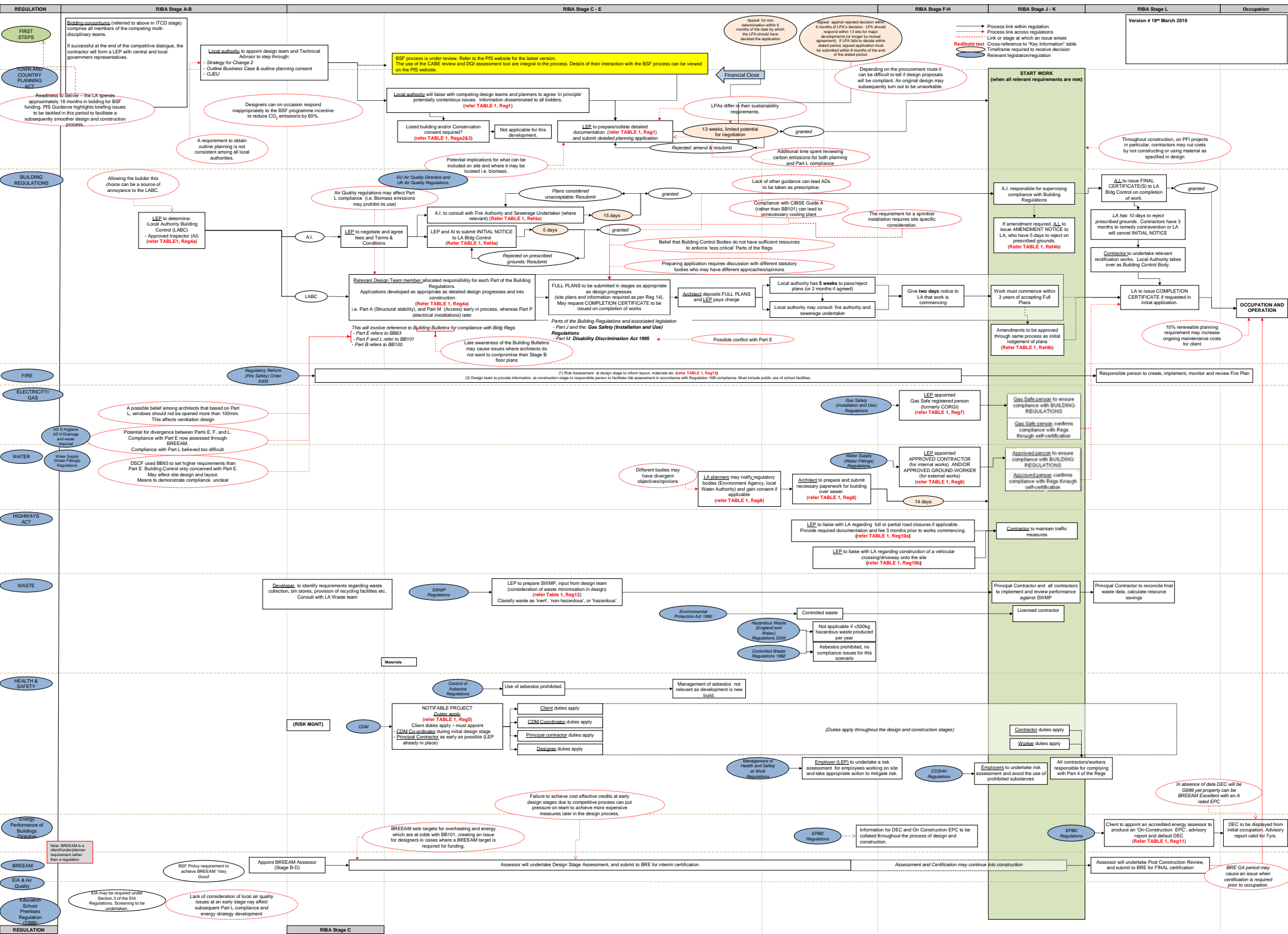
<http://www.communities.gov.uk/documents/fire/pdf/151102.pdf>

³⁴ Rights to Light 1959

http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1959/cukpga_19590056_en_1 and

³⁵ Rights to Light

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planninginformation/planningfactsheets/planningfactsheetover shadowing/>



SCENARIO 4: NEW BSF-FUNDED SECONDARY SCHOOL**Table of Regulations and Responsibilities**

This document sets out appropriate regulations and responsibilities relating to the scenario (Table 1), it provides more detailed information relating to supporting documentation and notifications, and it provides a list of references (Tables 2 3 and 4). Table 5 summarises the BSF Design Process Protocol.

Part 1: Primary Information

Table 1: Regulations & Responsibilities

	Regulation	Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/ submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
1	Planning	Necessary to proceed with development.	<p><u>All Matters Reserved:</u> Submit form “<i>Application for Outline Planning Permission with all matters reserved</i>” [Ref¹], and attachments (<i>Refer Table 2</i>). National requirements are the same in all boroughs. Boroughs may have individual requirements.</p> <p><u>Some Matters Reserved:</u> Submit form “<i>Application for Outline Planning Permission with some matters reserved</i>” [Ref²], and attachments (<i>Refer Table 2</i>). National requirements are the same in all boroughs. Boroughs may have individual requirements.</p> <p><u>Full planning consent</u> Submit form “<i>Application for Planning Permission</i>” [Ref³], and attachments (<i>Refer Table 2</i>). National requirements are the same in all boroughs. Boroughs may have individual requirements.</p> <p>Local requirements may include additional studies such as traffic impact or ecology assessments, and requirements may vary according to the type of application, and the type of development [Ref⁴]</p>	<p>The local authority (client) responsible for obtaining outline planning permission.</p> <p>The appointed LEP to finalise documentation for detailed planning application.</p>	LA planning officer should decide on the application within 13 weeks maximum [Ref ⁵], unless a longer period is agreed in writing with the applicant.	<p>LA planning officer will issue a letter granting permission and outlining any conditions, the timeframe for validity of permission, and the process for amending the application or permission at a later date if required.</p> <p>If conditions are required, these will be discussed on a case by case basis.</p>	<p>Fees are set nationally. [Ref⁶].</p> <p><u>Outline Permission:</u></p> <ul style="list-style-type: none"> - Not more than 2.5ha: £335 per 0.1ha - More than 2.5ha: £8,285 + £100 per 0.1ha <p><u>Detailed Permission:</u> Sliding scale relative to gross external floor space</p>	<p>If planning permission and/or conditions are breached, the LA may issue an enforcement notice and issue a retrospective consent (on application) [Ref⁷]</p> <p>Failure to act in accordance with the enforcement notice contravenes the Town and Country Planning Act 1990.</p>
2	Listed Buildings	Not applicable for this development	-	-	-	-	-	-
3	Conservation Area	Not applicable for this development	-	-	-	-	-	-

	Regulation	Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
4a	Building Regulations	Where “building work” is to occur (i.e. erection or extension of building, building alterations, installation or extension of service/fitting controlled under building regulations such as drainage). [Ref⁸] .	<u>LA Building Control:</u> - Client to deposit ‘Full Plans’ with the local authority [Ref⁹] . Full plans typically developed sequentially in accordance with the Parts of the Building Regulations. o (Refer Table 2 for more information) - Following receipt of written approval, the LEP is required to notify the local authority two clear working days prior to commencing work. Type of notification is not specified. [Ref⁹] <u>AI route:</u> - LEP and AI must jointly submit ‘Initial Notice’ and accompanying declaration to local authority [Ref⁹] . o (Refer Table 2 for more information)	<u>LA Building Control:</u> The LEP as the client/contractor partnership is ultimately responsible. [Ref⁹] <u>AI route:</u> The LEP and AI are responsible for preparing documentation for the ‘Initial Notice’. AI has specific duties (i.e. consult sewerage undertaker if applicable).	<u>LA Building Control:</u> - Full Plans are submitted to local authority. - Local authority will approve or reject plans. <u>AI route:</u> - Local Authority will either accept or reject the <i>Initial Notice</i> . If not rejected within 5 days, it is deemed to be considered acceptable. - LA will advise in writing if work does not comply with the regulations.	<u>LA Building Control:</u> - LA Building Control will issue the client with a Completion Certificate when they are satisfied that works comply with regulations, at the completion of works having inspected at key relevant stages. <u>AI route:</u> - AI will issue Final Certificate to client and local authority when satisfied, having inspected throughout works. If local authority chooses to reject the certificate, they must do so in writing within 10 working days. [Ref⁹]	<u>LA Building Control:</u> fees dependent on type of application, and vary between local authorities. [Ref¹⁰] <u>AI route:</u> AI fees are as negotiated with the Approved Inspector. [Ref⁹] .	<u>LA Building Control:</u> LA Building Control may serve notice in accordance with Section 36 of the Building Act that requires the client to dismantle or amend the work within 28 days. This can be appealed initially via an Independent Expert Report or subsequently via the Magistrates Court [Ref⁹] . <u>AI route:</u> - AIs do not have enforcement powers; however they would not issue a ‘Final Certificate’ to the LA if building works are not compliant. The LA can accept or reject the Final Certificate if issued. - If AI does not issue a certificate, or if it is rejected by the local authority, the LA Building Control would then inherit enforcement powers, and can serve a (written) enforcement notice. - Breaches can be appealed at a Magistrates’ court with a fine of £5,000, and <£50/day for each day the contravention continues after conviction. [Ref⁷]
4b		Amendment to the approved plans	<u>LA Building Control:</u> As above, amended to reflect the design change <u>AI route:</u> A.I to issue an ‘Amendment Notice’ to the Local Authority.	<u>LA Building Control:</u> Design team <u>AI route:</u> A.I.	<u>LA Building Control:</u> Local authority <u>AI route:</u> Local authority have 5 days to reject on prescribed grounds. Otherwise notice can be assumed approved.	<u>LA Building Control:</u> As above <u>AI route:</u> As above	<u>LA Building Control:</u> As above <u>AI route:</u> As above.	- Breaches can be appealed at a Magistrates’ court with a fine of £5,000, and <£50/day for each day the contravention continues after conviction. [Ref⁷]
5	Health and Safety: - Construction (Design and Management) Regulations 2007	This case study is notifiable to the HSE, as it will last more than 30 days total construction and over 500 person-days of work.	Duty holders include client, CDM Co-ordinators, Designers, Principal contractors, contractors and workers. [Ref¹¹] . Duties include: ensuring the a CDM Coordinator is appointed, the project is notified, their work is compliant, development a CDM plan for the site, etc.	All duty holders responsible for documenting compliance with upholding their duties.	Duty holders responsible for ensuring their own compliance.	None.	No specific costs beyond employing tradesmen.	Duty holders (or their organisations) liable to prosecution if a court case is instigated by enforcing authorities [Ref¹²] following inspections after an incident.

	Regulation	Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
6a	Health and Safety: - Materials	Use of hazardous chemicals (excluding asbestos and lead). [Ref¹³]	Risk assessment to assess the risks of COSHH substances. Must record assessment if more than 5 employees on site. Also necessary to provide appropriate equipment.	Employers with staff working on-site.	Responsibility rests with employers.	Written Risk Assessment if employer has more than 5 employees [Ref¹³]	No prescribed costs.	Lost productivity through employee illness and training new staff. Financial penalties may be imposed by the Courts – maximum penalty: unlimited fine and/or 2 years imprisonment [Ref¹²] .
6b		Presence of asbestos	Not applicable. New build, so no asbestos present on site. Use of asbestos for new build prohibited.	-	-	-	-	-
6c		Presence of lead The regulations apply where lead can be inhaled (i.e. fumes, dust, vapour), ingested (i.e. powder, dust, paint) or absorbed through the skin (i.e. lead alkyls) [Ref¹⁴]	Not applicable. New build, so no lead present in new build materials.	-	-	-	-	-
7	Gas Safety (Installation and Use) Regulations 1998 [Ref¹⁵]	Installation of notifiable gas services – i.e. flued gas appliances, non-flued appliances with heat input of 100kW or less, or heating/hot water service system connected to heat producing gas appliance. [Ref¹⁶]	LEP to employ a Gas Safe Registered Engineer. Gas Safe engineer, who 'notify' the Gas Safe Register of the work [Ref¹⁷] . Gas Safe Register will inform the LA Building Control of the notifiable work, in accordance with Building Regulations [Ref¹⁶]	Gas Safe Registered Engineer [Ref¹⁶] Not all engineers are qualified for all types of gas work. [Ref¹⁸]	Gas Safe Registered tradesman can self-certify their work. Notified works may be compliance checked by Gas Safe Register and local authorities	Gas Safety Certificate [Ref¹⁶] .	Tradesman / contractor fees.	Potential health and safety issues for occupants. LA Building Control (if utilised) may require in writing work be rectified to comply with Building Regulations. Duty holders (engineers, landlords) may be given a substantial fine or custodial sentence for breaching Building Regs (as above)
8	Water Supply (Water Fittings) Regulations	Installation of plumbing systems and water fittings (if connected to public water supply)	The installer, owner or occupier must obtain water supplier's consent by giving advance notice of the work [Ref¹⁹] . Notice is to be given by providing the information listed in Table 1. An Approved Plumber will self-certify their work and provide a certificate to state that their installation complies with regulations. This will be issued to water supplier and person who requested the work. [Ref²⁰] .	Approved Plumber will submit the certificate to the water supplier.	Approved Plumber prepares a certificate stating compliance with the regulations. Water supplier may choose to inspect the work.	Certificate from Approved Plumber will suffice unless breach identified.	Approved Plumber fees	Water authorities will require breaches to be remedied as soon as practicable. Legal obligation rests on Approved Plumber. Water supply may be disconnected immediately if there is a threat to the health of occupants or others fed from the same supply. [Ref²¹]

	Regulation	Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
		Building within 3m of centreline of public sewer	Copy of application form with [Ref²²] : <ul style="list-style-type: none"> - site location plans (1:1250), - site plan showing sewer and manhole location (1:100), - sectional plan of buildings, - section through building showing position of sewer relative to structure - copies of drawings submitted for Building Regulation approval 	Client or delegate	Water authority will approve designs if appropriate	Letter of confirmation	Fee scale identified on application form [Ref²²]	The design may not adequately protect the sewer leading to possible collapse and damage to the building. The building may have to be removed in order to repair the sewer. Authority may order discontinuation of works.
9	Party Wall Act 1996	Various [Ref²³] : <ul style="list-style-type: none"> - Work on party wall - within 3m of party wall if excavating to foundation depth - within 6m if excavating deeper 	Not applicable for this development.	-	-	-	-	-
10a	The Highways Act 1980	Requirement for road closures for health and safety reasons	Application to local highways authority (i.e. Devon County Council), including contact details, proposed diversion route, application checklist [Ref²⁴] .	LEP, Contractor or delegate	Local highways authority	Written confirmation of submitted application	Various, depends on authority and duration (i.e. £700 for up to 18mths [Ref²⁴]).	Possible prosecution under the Highways Act.
10b		Requirement for new vehicle crossing across footway	Application to local highways authority including sketch (i.e. Devon County Council) [Ref^{25/24}]	LEP, Contractor or delegate	Local highways authority	Written confirmation of submitted application	Various, depends on authority (i.e. £90 application fee, plus £110 for using own contractor [Ref²⁵]).	Possible prosecution under the Highways Act.
11	EPBD Regulations	Public building	The Display Performance Certificate must be produced by an accredited Energy Assessor (EA). [Ref²⁶]	Occupier of the public building (school authority)	Occupier responsible for appointing EA and providing necessary information to produce DEC.	The DEC (to be renewed annually) and accompanying advisory (which is valid for seven years).	Fees associated with employing an accredited EA.	A Local Authority can issue a £500 penalty charge for failing to display a DEC in a clearly visible and prominent place and £1000 for failing to possess or have in their control a valid advisory report.
12	Waste regulations (SWMP)	Construction projects worth over £300,000 [Ref²⁷]	Site Waste Management Plan documentation. Increased requirements for projects over £500,000 [Ref²⁸]	Client to initiate, hand-over to Principal Contractor	Local authorities and Environment Agency	No specific information. Must be able to present relevant and up to date SWMP on request.	No specific fees. Embedded in project costs	Potentially unlimited fine. Liability rests with client, principal contractor. If body corporate guilty of offence, individuals may be liable as well as body corporate. [Ref²⁸]
13	Regulatory Reform (Fire Safety) Order	The Order applies to virtually all non-domestic buildings	Fire Safety Risk Assessment and Fire Management Plan.	Appointed 'Responsible Person', i.e. owner/occupier	The local fire authority (or the Crown Fire Inspectors for crown-	Not stated.	Embedded in wages or possibly	Authority may issue Enforcement notice to make improvements. Potentially issue Prohibition

	Regulation	Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/ submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
	2005	[Ref ²⁹].	Must appoint Competent Person to undertake any protective/preventative measures.		occupied/owned premises). HSE in some cases. [Ref ³⁰]		consultant fees.	notice restricting use of building areas until improvements are made.

Part 2: Supporting Information

Table 2: Detailed documentation requirements

Regulation	Detailed documentation requirements
Planning [Ref ⁵]	<p>OUTLINE and DETAILED PLANNING APPLICATIONS</p> <p>To be submitted with standard forms:</p> <ul style="list-style-type: none"> • “Application for Planning Permission with all matters reserved” (i.e. [Ref¹]): • “Application for Planning Permission with some matters reserved” • “Application for Planning Permission” <ul style="list-style-type: none"> - Original and 3 copies of application form - Original and 3 copies of a plan identifying the land to which the application relates, drawn to an identified scale (e.g. a scale of 1:200 in Richmond i.e. [Ref³¹]) and showing the direction of north. - Original and 3 copies of other plans and drawings or information necessary to describe the subject of the application [as per Ref³¹]. <ul style="list-style-type: none"> o Block plan of site showing boundaries (at 1:100 or 1:200) o Existing and proposed elevations (1:50 or 1:100) o Existing and proposed floor plans (1:50 or 1:100) o Existing and proposed site sections and finished floor and site levels (1:50 or 1:100) o Roof plans (1:50 or 1:100) - Completed Ownership Certificate A,B,C or D [Ref³¹] - Design and Access Statement.
Building Regulations (LA Building Control) [Ref ⁹]	<p>Full Plans include the following (as per Section 14 of the Regulations):</p> <ul style="list-style-type: none"> - A statement to give the local authority that building work or a change of material use is proposed. - A description of the proposed building work or material change of use, including particulars of the location of the building to which the proposal is related and the use or intended use of that building. - A plan to a scale of not less than 1:1250 showing: <ul style="list-style-type: none"> o The size and position of the building, or the building as extended, and its relationship to adjoining boundaries o The boundaries of the curtilage of the building, or the building as extended, and the size, position and use of every other building or proposed building within that curtilage o The width and position of any street on or within the boundaries of the curtilage of the building or the building as extended. - A statement specifying the number of storeys in the building or the building as extended - Particulars of the provision to be made for the drainage of the building or extension. - Particulars of the precautions to be taken in building over a drain, sewer or disposal main - Any other plans necessary to show that the work would comply with these Regulations - Request for the local authority to issue a completion certificate

Regulation	Detailed documentation requirements
Building Regulations (AI) [Ref ⁹]	<p>Initial Notice is a prescribed form which is to contain:</p> <ul style="list-style-type: none"> - A description of the work - For new buildings or extension: <ul style="list-style-type: none"> o A site plan to a scale of not less than 1:1250 showing the boundaries and location of the site, and approximate location of any connection to the sewer. o A statement that the AI will consult the sewerage undertaker where the work involves building over or near any drain, sewer or disposal main which is shown on any map of sewers kept by the sewerage undertaker o A statement of any local legislation relevant to the work and the steps to be taken to comply with it. <p>Accompanying the Initial Notice must be a declaration (signed by the insurer) that an approved scheme of insurance applies to the work</p>

Table 1: Information required for notifying water suppliers

Information required by water suppliers
<p>Notification is required as the work relates to “the erection of any new building or structure”. [Ref¹⁹]</p> <p>For notification, the following information must be sent to the local water supplier:</p> <ul style="list-style-type: none"> - The name and address of the person giving notice and, if different, of the person to whom the consent should be sent. - A description of the proposed work and any related change of use of premises. - The location of the premises and their use or intended use. - A plan of that part of the premises which relates to the proposed work and a diagram showing the pipework and fittings to be installed. - The plumbing contractor’s name and address, if an approved plumber is to do the work.

Part 3: Building Schools for the Future – Design Process Protocol

Table 2: BSF Design Process Protocol [Ref^{32,33,34}]

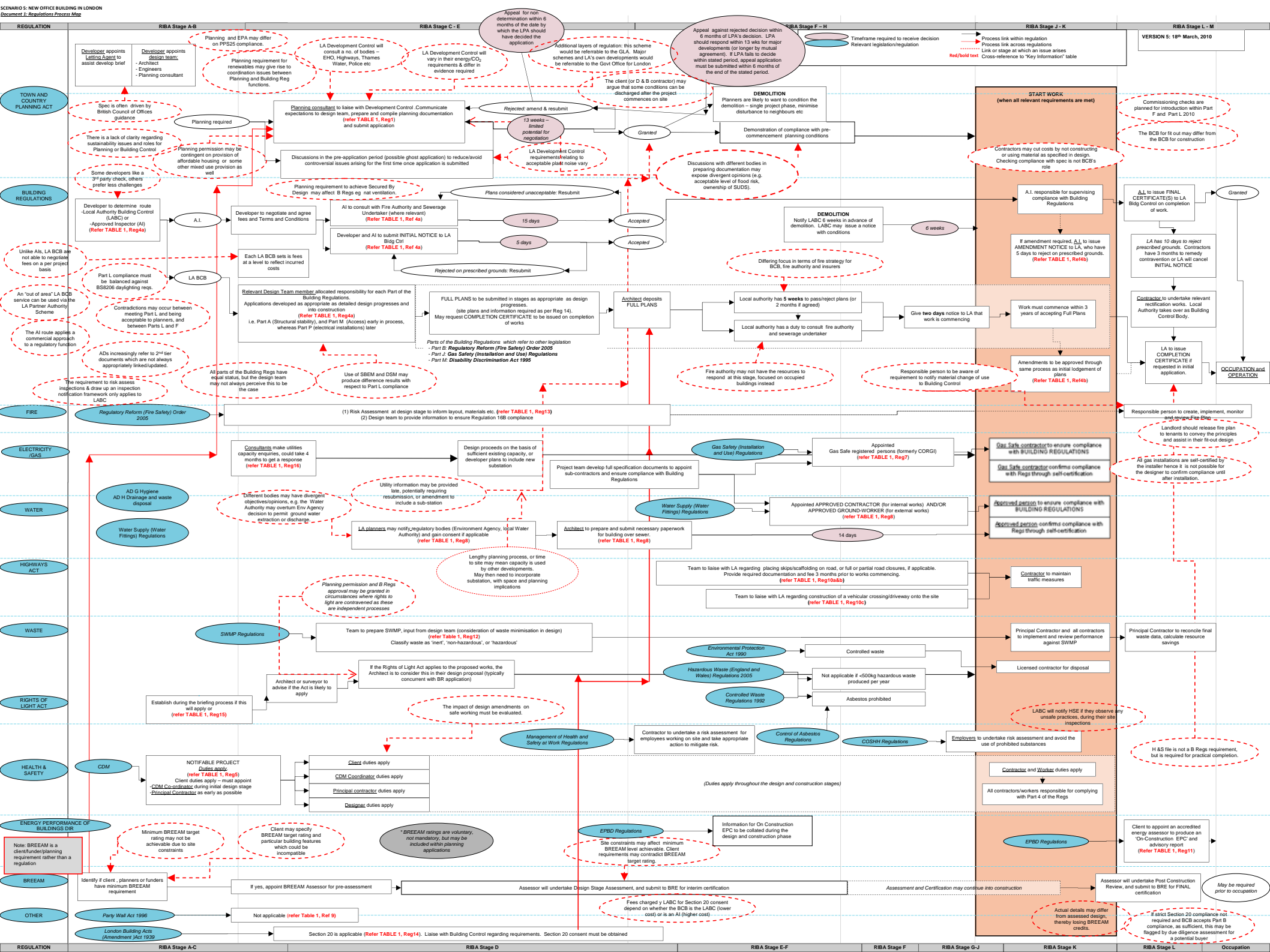
Project Stages	Design Related Client Team Activities	Deliverables to Partnerships for Schools (PfS)	Core NPT Activities	Approval
Strategy for Change part 2 (SfC2) All Schools in the Wave	<ul style="list-style-type: none"> • Update Asset Management Plan (AMP) Analysis • High Level Estate Strategy to support SfC1 • School Visions and Design Brief - Stakeholders • Identify level of New Build, Remodelling / Refurbishment • Desktop Surveys • Consultation with Planners • Check land ownership • Set up Funding Allocation Model – excel sheet 	<ul style="list-style-type: none"> • Existing Site Plan / Analysis • Option Appraisals • Estate Strategy Map • Initial Control Option • Sustainability - Estate Strategy • Approach to Facilities Management and furniture, fittings and equipment (FF&E) • Funding Allocation Model 	<ul style="list-style-type: none"> • Visit LA Sample Schools • Review Estate Strategy and assumptions • Review Funding Allocation Model 	SfC 2 Approval

Project Stages	Design Related Client Team Activities	Deliverables to Partnerships for Schools (PfS)	Core NPT Activities	Approval
Outline Business Case (OBC) All Schools in the Wave	<ul style="list-style-type: none"> Option Appraisal Strategic Briefing Process Detailed Site Surveys Programme Profile Abnormals and Funding Allocation Model 	<ul style="list-style-type: none"> Updated Site Plan/Analysis Strategic Brief Remodelled Floor Plans Proposed Control Option/Site Plan Massing Study (Optional) Phasing Strategy Planning Brief/Outline consents Schedule of Accommodation for Refurbishment Projects Sustainability - Estate Strategy Abnormal Proforma Funding Allocation Model 	<ul style="list-style-type: none"> Review Deliverables in OBC Identify Abnormal Funding Agree Funding Allocation Model Discuss Design Quality Indicators (DQI) for schools Check Technical Advisers Costs 	OBC Approval - OJEU Notice
Invitation to Participate in Dialogue (ITPD) Sample Schools	<ul style="list-style-type: none"> DQI FAVE (project value ratings process) Compile Final Brief / Output Specification School Specific Aspirations 	<ul style="list-style-type: none"> Updated Control Option, if different to OBC DQI FAVE Report Detailed Brief Output Specification Volume 2 	<ul style="list-style-type: none"> Ensure Facilitation Briefing DQI for Sample Schools 	Shortlist of Bidders Selected
Invitation to Continue Dialogue (ITCD) Sample Schools	<ul style="list-style-type: none"> Design Evaluation Bidders Engagement with Schools Bidders (x3) Initial Proposals Evaluation and Clarification of Bids 	<ul style="list-style-type: none"> Bidders Design Proposals CABE Review Panel Schedule of Accommodation 	<ul style="list-style-type: none"> Attend last stage design review meetings with bidders Enforce remedial action if required 	End of Competitive Dialogue
Invitation to Submit Final Bids (ITSFB) Sample Schools	<ul style="list-style-type: none"> Bidders (x2) Final Proposals 			Preferred Bidder Selected

Project Stages	Design Related Client Team Activities	Deliverables to Partnerships for Schools (PfS)	Core NPT Activities	Approval
Preferred Bidder Sample Schools	<ul style="list-style-type: none"> • DQI - Design Evaluation • Design Clarification • Full Planning Permission 	<ul style="list-style-type: none"> • Final Design Proposals • Full Business Case (FBC) • Benchmarking Proforma (PFI & D&B) 		Final Business Case (FBC) Establish Local Education Partnership (LEP)
Post Occupation Evaluation (POE)	<ul style="list-style-type: none"> • DQI Post Occupation Evaluation 	<ul style="list-style-type: none"> • DQI Post Occupation Evaluation Report • BREEAM Report • Benchmarking Proforma Outturn Costs (D&B) 		

REFERENCES:

- ¹ Application for Outline Planning Permission with All Matters Reserved (i.e. LB Richmond):
http://www.planningportal.gov.uk/uploads/appPDF/L5810Form006_english_en.pdf
- ² Application for Outline Planning Permission with Some Matters Reserved (i.e. LB Richmond):
http://www.planningportal.gov.uk/uploads/appPDF/L5810Form005_english_en.pdf
- ³ Application for Planning Permission (i.e. LB Richmond):
http://www.planningportal.gov.uk/uploads/appPDF/L5810Form004_english_en.pdf
- ⁴ National and local requirements (i.e. LB Richmond):
http://www.richmond.gov.uk/requirements_for_out_some_reserved_matters-4.pdf
- ⁵ The Validation of Planning Applications – Guidance for Local Authorities:
<http://www.communities.gov.uk/publications/planningandbuilding/validationplanningapplications>
- ⁶ Planning Application Fee Calculator:
<http://www.planningportal.gov.uk/england/government/applications/feecalc>
- ⁷ Failure to obtain or comply with planning permission :
<http://www.planningportal.gov.uk/england/public/buildingwork/responsibilities/workresppp/workrespppfailure>
- ⁸ Do I need building regulations approval:
<http://www.planningportal.gov.uk/england/public/buildingwork/responsibilities/workrespbpr/workrespbprapprovalneeded>
- ⁹ Manual to the Building Regulations (Third Edition 2001) – *hardcopy*
- ¹⁰ How to make a Building Regulations application:
http://www.labc.uk.com/site/scripts/documents_info.php?documentID=10&pageNumber=5
- ¹¹ Summary of duties under the CDM regulations under CDM 2007:
<http://www.hse.gov.uk/construction/cdm/summary.htm>
- ¹² HSE Enforcement Policy Statement: <http://www.hse.gov.uk/pubns/hse41.pdf>
- ¹³ COSHH: A brief guide to the Regulations (pg3): <http://www.hse.gov.uk/pubns/indg136.pdf>
- ¹⁴ *Control of lead at work (3rd Edition)*. HSE Guidance L132
<http://www.hse.gov.uk/pubns/books/l132.htm>
- ¹⁵ Gas Safe Register: <http://www.gassaferegister.co.uk/default.aspx>
- ¹⁶ Notifications: <https://engineers.gassaferegister.co.uk/Notifications.aspx>
- ¹⁷ Q7: How do I notify work: <https://engineers.gassaferegister.co.uk/FAQ.aspx#faq7>
- ¹⁸ What gas work needs to be done by a registered engineer?
http://www.gassaferegister.co.uk/about/how_this_affects_you.aspx
- ¹⁹ Advance Notification: http://www.wras.co.uk/Regulations_Default.asp
- ²⁰ Approved Plumbers: http://www.wras.co.uk/Regulations_Default.asp
- ²¹ Enforcement: http://www.wras.co.uk/Regulations_Default.asp
- ²² Building over or close to a public sewer:
<http://www.thameswater.co.uk/cps/rde/xbcr/corp/building-over-a-public-sewer-application-form.pdf>
- ²³ The Party Wall etc Act 1996 explanatory booklet:
http://www.planningportal.gov.uk/uploads/br/BR_partywall_explain_booklet.pdf
- ²⁴ Devon County Council – Road Licences (Temporary Road Closures):
<http://www.devon.gov.uk/roadclosures.htm>
- ²⁵ Devon County Council – Road Licences (Vehicle Crossings or Dropped Kerbs):
http://www.devon.gov.uk/index/transportroads/roads/road_licences/vehicle_crossings_dropped_kerbs.htm
- ²⁶ Improving the energy efficiency of our buildings: A guide to DEC's and advisory reports for public buildings <http://www.communities.gov.uk/documents/planningandbuilding/pdf/20.pdf>
- ²⁷ A Simple guide to Site Waste Management Plans:
<http://www.netregs-swmp.co.uk/simple-guide-20090113.pdf>
- ²⁸ Non-statutory guidance for site waste management plans
<http://www.defra.gov.uk/environment/waste/topics/construction/pdf/swmp-guidance.pdf?lang=en>
- ²⁹ Regulatory Reform (Fire Safety) Order 2005 – Where does it apply:
[http://www.fireservicecollege.ac.uk/fire-gateway-home/workplace-safety/regulatory-reform-\(fire-safety\)-order-2005.aspx](http://www.fireservicecollege.ac.uk/fire-gateway-home/workplace-safety/regulatory-reform-(fire-safety)-order-2005.aspx)
- ³⁰ Fire Safety Risk Assessment – Educational premises:
<http://www.communities.gov.uk/documents/fire/pdf/150865.pdf>
- ³¹ Application for Outline Planning Permission with some reserved matters - National Requirements:
http://www.richmond.gov.uk/requirements_for_out_some_reserved_matters-4.pdf
- ³² Design Process Protocol: http://www.partnershipsfor schools.org.uk/library/Design_Process_Protocol.jsp
- ³³ A-Z of BSF: <http://www.partnershipsfor schools.org.uk/glossary/glossary.jsp>
- ³⁴ Design Quality Indicators (DQI): <http://www.dqi.org.uk/website/default.aspx>



SCENARIO 5: NEW SPECULATIVE OFFICE DEVELOPMENT
Regulations and Responsibilities

This document sets out appropriate regulations and responsibilities relating to the scenario (Table 1), it provides more detailed information relating to supporting documentation and notifications, and it provides a list of references (Tables 2 and 3 respectively).

Part 1: Primary Information

Table 1: Regulations & Responsibilities

	Regulation	Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/ submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
1	Planning	Necessary to proceed with development.	<p><u>Some Matters Reserved:</u> Submit form “<i>Application for Outline Planning Permission with some matters reserved</i>” [Ref¹], and attachments (<i>Refer Table 2</i>). National requirements are the same in all boroughs. Boroughs may have individual requirements.</p> <p><u>Full planning consent</u> Submit form “<i>Application for Planning Permission</i>” [Ref²], and attachments (<i>Refer Table 2</i>). National requirements are the same in all boroughs. Boroughs may have individual requirements.</p> <p>Local requirements may include additional studies such as traffic impact or ecology assessments, and requirements may vary on the type of application, and the type of development [Ref³]</p>	<p>The client is responsible for obtaining outline planning permission.</p> <p>The planning consultant to finalise documentation for detailed planning application.</p>	LA planning officer should decide on the application within 13 weeks maximum [Ref ⁴], unless a longer period is agreed in writing with the applicant.	<p>LA planning officer will issue a letter granting permission and outlining any conditions, the timeframe for validity of permission, and the process for amending the application or permission at a later date if required.</p> <p>If conditions are required, these will be discussed on a case by case basis.</p>	<p>Fees are set nationally. [Ref⁵].</p> <p><u>Outline Permission:</u></p> <ul style="list-style-type: none"> - Not more than 2.5ha: £335 per 0.1ha - More than 2.5ha: £8,285 + £100 per 0.1ha <p><u>Detailed Permission:</u> Sliding scale relative to gross external floor space</p>	<p>If planning permission and/or conditions are breached, the LA may issue an enforcement notice to potentially reinstate the dwelling to its original condition [Ref⁶]</p> <p>Failure to act in accordance with the enforcement notice contravenes the Town and Country Planning Act 1990.</p>
2	Listed Buildings	Not applicable for this development	-	-	-	-	-	-
3	Conservation Area	Not applicable for this development	-	-	-	-	-	-

	Regulation	Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
4a	Building Regulations	Where “building work” is to occur (i.e. erection or extension of building, building alterations, installation or extension of service/fitting controlled under building regulations such as drainage). [Ref⁷] .	<u>LA Building Control:</u> - Client to deposit ‘Full Plans’ with the local authority [Ref⁸] . Full plans typically developed sequentially in accordance with the Parts of the Building Regulations. (Refer Table 2 for more information) - Following receipt of written approval, the client is required to notify the local authority two clear working days prior to commencing work. Type of notification is not specified. [Ref⁸] <u>AI route:</u> - The client and AI must jointly submit ‘Initial Notice’ and accompanying declaration to local authority [Ref⁸] . (Refer Table 2 for more information)	<u>LA Building Control:</u> The client is ultimately responsible. [Ref⁸] <u>AI route:</u> The client and AI are responsible for preparing documentation for the ‘Initial Notice’. AI has specific duties (i.e. consult sewerage undertaker if applicable).	<u>LA Building Control</u> - Full Plans are submitted to local authority - Local authority will approve or reject plans. (5/8 weeks) - Conditional approval granted <u>AI route:</u> - Local Authority will either accept or reject the <i>Initial Notice</i> . If not rejected within 5 days, it is deemed to be considered acceptable. - LA will advise in writing if work does not comply with the regulations.	<u>LA Building Control:</u> - LA Building Control will issue the client with a Completion Certificate when they are satisfied that, as far as practicable, works comply with regulations, at the completion of works having inspected at key relevant stages.(5/8 weeks) <u>AI route:</u> - AI will issue Final Certificate to client and local authority when satisfied, having inspected throughout works. If local authority chooses to reject the certificate, they must do so in writing within 10 working days. [Ref⁸]	<u>LA Building Control:</u> fees dependent on type of application, and vary between local authorities. [Ref⁹] <u>AI route:</u> AI fees are as negotiated with the Approved Inspector. [Ref⁸] .	<u>LA Building Control:</u> LA Building Control may serve notice in accordance with Section 36 of the Building Act that requires the client to dismantle or amend the work within 28 days. This can be appealed initially via an Independent Expert Report or subsequently via the Magistrates Court [Ref⁸] . <u>AI route:</u> - AIs do not have enforcement powers; however they would not issue a ‘Final Certificate’ to the LA if building works are not compliant. The LA can accept or reject the Final Certificate if issued. - If AI does not issue a certificate, or if it is rejected by the local authority, the LA Building Control would then inherit enforcement powers, and can serve a (written) enforcement notice. - Breaches can be appealed at a Magistrates’ court with a fine of £5,000, and <£50/day for each day the contravention continues after conviction. [Ref⁶] - Regardless of whether responsibility had been delegated to the builder or not, the owner is responsible for rectification works.
4b		Amendment to the approved plans	<u>LA Building Control:</u> As above, amended to reflect the design change <u>AI route:</u> AI to issue an ‘Amendment Notice’ to the Local Authority.	<u>LA Building Control:</u> Design team <u>AI route:</u> AI	<u>LA Building Control:</u> Local authority <u>AI route:</u> Local authority has 5 days to reject on prescribed grounds. Otherwise notice can be assumed approved.	<u>LA Building Control:</u> As above <u>AI route:</u> As above	<u>LA Building Control:</u> As above <u>AI route:</u> As above.	
5	Health and Safety: - Construction (Design and Management) Regulations 2007	This case study is notifiable to the HSE, as it is more than 30 days duration, and more than 500 person-days of work. CDM Part 3 applies. CDM regs apply to	Duty holders include client, CDM Co-ordinators, Designers, Principal contractors, contractors and workers. [Ref¹⁰] . Duties include: ensuring the a CDM Coordinator is appointed, the project is notified, their work is compliant, development a CDM plan for the site, etc.	All duty holders responsible for documenting compliance with upholding their duties.	Duty holders responsible for ensuring their own compliance.	None	No specific costs beyond employing tradesmen.	Duty holders (or their organisations) liable to prosecution if a court case is instigated by enforcing authorities [Ref¹¹] following inspections after an incident.

	Regulation	Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
		both the demolition and construction phases.						
6a	Health and Safety: - Materials	Use of hazardous chemicals (excluding asbestos and lead). [Ref¹²]	Risk assessment to assess the risks of COSHH substances. Must record assessment if more than 5 employees on site. Also necessary to provide appropriate equipment.	Employers with staff working on-site.	Responsibility rests with employers.	Written Risk Assessment if employer has more than 5 employees [Ref¹²]	No prescribed costs.	Lost productivity through employee illness and training new staff. Financial penalties may be imposed by the Courts – maximum penalty: unlimited fine and/or 2 years imprisonment [Ref¹¹] .
6b		Presence of asbestos	Not applicable. It is assumed that the demolished building did not include any asbestos. Use of asbestos for new build prohibited. No work may commence if asbestos is present until an Asbestos Management Plan has been written, and work must be managed in accordance with the Control of Asbestos Regulations 2006 [Ref¹³]	Employer	Responsibility rests with employers.	-	-	
6c		Presence of lead The regulations apply where lead can be inhaled (i.e. fumes, dust, vapour), ingested (i.e. powder, dust, paint) or absorbed through the skin (i.e. lead alkyls) [Ref¹⁴]	Specific documentation not outlined, therefore discretionary to demonstrate that the following has been undertaken: - an assessment of the risks to the health of employees - steps to prevent workers from significant exposure to lead, including monitoring against exposure limits where necessary (medical certificates if exposure becomes an issue) - provision of information and training to staff.	Employer	HSE	Not stated	Unlikely to be relevant for domestic extension.	HSE may prosecute where a breach of duties has been reported. Courts decide what penalties to impose, typically fines but potentially imprisonment.
7	Gas Safety (Installation and Use) Regulations 1998 [Ref¹⁵]	Installation of notifiable gas services – i.e. flued gas appliances, non-flued appliances with heat input of 100kW or less, or heating/hot water service system connected to heat producing gas appliance. [Ref¹⁶]	Contractor to employ a Gas Safe Registered Engineer. Gas Safe engineer, will 'notify' the Gas Safe Register of the work [Ref¹⁷] . Gas Safe Register will inform the LA Building Control of the notifiable work, in accordance with Building Regulations [Ref¹⁶]	Gas Safe Registered Engineer [Ref¹⁶] Not all engineers are qualified for all types of gas work. [Ref¹⁸]	Gas Safe Registered tradesman can self-certify their work. Notified works may be compliance checked by Gas Safe Register and local authorities	Gas Safety Certificate [Ref¹⁶] .	Tradesman / contractor fees.	Potential health and safety issues for occupants. LA Building Control (if utilised) may require in writing work be rectified to comply with Building Regulations. Duty holders (engineers, landlords) may be given a substantial fine or custodial sentence for breaching Building Regs (as above)

	Regulation	Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
8	Water Supply (Water Fittings) Regulations	Installation of plumbing systems and water fittings (if connected to public water supply)	<p>The installer, owner or occupier must obtain water supplier's consent by giving advance notice of the work [Ref¹⁹]. Notice is to be given by providing the information listed in Table 3.</p> <p>An Approved Plumber will self-certify their work and provide a certificate to state that their installation complies with regulations. This will be issued to water supplier and person who requested the work. [Ref²⁰].</p>	Approved Plumber will submit the certificate to the water supplier.	<p>Approved Plumber prepares a certificate stating compliance with the regulations.</p> <p>Water supplier may choose to inspect the work.</p>	Certificate from Approved Plumber will suffice unless breach identified.	Approved Plumber fees	<p>Water authorities will require breaches to be remedied as soon as practicable. Legal obligation rests on Approved Plumber.</p> <p>Water supply may be disconnected immediately if there is a threat to the health of occupants or others fed from the same supply. [Ref²¹]</p>
		Building within 3m of centreline of public sewer	<p>Copy of application form with [Ref²²]:</p> <ul style="list-style-type: none"> - site location plans (1:1250), - site plan showing sewer and manhole location (1:100), - sectional plan of buildings, - section through building showing position of sewer relative to structure - copies of drawings submitted for Building Regulation approval 	Client or delegate	Water authority will approve designs if appropriate	Letter of confirmation	Fee scale identified on application form [Ref²²]	<p>The design may not adequately protect the sewer leading to possible collapse and damage to the building. The building may have to be removed in order to repair the sewer. Authority may order discontinuation of works.</p>
9	Party Wall Act 1996	<p>Various [Ref²³]:</p> <ul style="list-style-type: none"> - Work on party wall - within 3m of party wall if excavating to foundation depth - within 6m if excavating deeper 	Not applicable for this development.	-	-	-	-	-
10a	The Highways Act 1980	Need to locate skip on road or erect scaffolding adjacent to public highway.	Apply to local authority (i.e. Richmond [Ref²⁴]) for licence to place skip on the highway, or erect scaffolding. Forms are straightforward and available online (i.e. [Ref²⁵]). These need to be submitted prior to placing the skip or scaffold in location.	Skip providers who have an account with Local Authority. Skips users to ensure use of skip is compliant (i.e. not over full).	LA to authorise the application in accordance the Highways Act 1980, prior to placing the skip or scaffolding.	Granted licence, and ensure compliance with conditions. Client should request receipt and copy of licence.	Fees associated with skip hire and/or scaffolding.	Formal enforcement action may be taken (warnings, fixed penalty notices, or court proceedings).
10b		Requirement for road closures for health and safety reasons	Application to local highways authority (i.e. Devon County Council), including contact details, proposed diversion route, application checklist [Ref²⁶] .	Client, Contractor or delegate	Local highways authority	Written confirmation of submitted application	Various, depends on authority and duration (i.e. £700 for up to 18mths [Ref²⁶]).	Possible prosecution under the Highways Act.
10c		Requirement for new vehicle crossing across footway	Application to local highways authority including sketch (i.e. Devon County Council) [Ref^{27/26}]	Client, Contractor or delegate	Local highways authority	Written confirmation of submitted application	Various, depends on authority (i.e. £90 application fee, plus £110 for using own contractor [Ref²⁷]).	Possible prosecution under the Highways Act.

	Regulation	Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
11	Energy Performance of Buildings Directive and Regulations (EPBD) [Ref ²⁸]	Construction	The on Construction Energy Performance Certificate must be produced by an accredited Energy Assessor (EA), to be presented to the building owner [Ref ²⁹]	The developer	The EA is responsible for the quality of the EPC.	The BCB must confirm that an EPC has been produced. This can be checked via the Central Register	Fees associated with employing an accredited EA. Typically this would be the person who prepared the SBEM calcs for the Part L compliance	The penalty for not having an EPC is that the LABC will not issue a Completion Certificate.
		Sale or lease	When a building (or floor of a building) is to be rented out or sold, the landlord is responsible for ensuring a valid EPC is made available to all prospective tenants or buyers.	The landlord	The EA is responsible for the quality of the EPC	It could be expected that the letting agents and/or estate agents will ensure that the EPC is included with the building's particulars. It is also expected that the solicitors will confirm that the EPC has been provided as part of contract procedures.	Cost to produce the EPC, which has a 10 year validity, unless a more recent EPC is produced.	The penalty for failing to make an EPC available to any prospective buyer or tenant when selling or letting non-dwellings is fixed, in most cases, at 12.5% of the rateable value of the building, subject to a minimum penalty of £500 and a maximum of £5,000. There is a default penalty of £750 where the formula cannot be applied. The EPC will still be required.
		Air conditioning assessment	All air-conditioning systems with an effective rated output of more than 12kW must be regularly inspected by an Energy Assessor. The inspections must be a maximum of 5 years apart. [Ref ³⁰]	The person who controls the technical functioning of the system	An accredited assessor	A report is issued	Fees for the accredited assessor, typically £35-£45 per hour	The penalty for non-compliance will be a fine of £300. Trading standards are responsible for enforcement.
12	Waste regulations (SWMP)	Construction projects worth over £300,000 [Ref ³¹]	Site Waste Management Plan documentation. Increased requirements for projects over £500,000 [Ref ³²]	Client to initiate, hand-over to Principal Contractor	Local authorities and Environment Agency	No specific information. Must be able to present relevant and up to date SWMP on request.	No specific fees. Embedded in project costs	Potentially unlimited fine. Liability rests with client, principal contractor. If body corporate guilty of offence, individuals may be liable as well as body corporate.
13	Regulatory Reform (Fire Safety) Order 2005	The Order applies to virtually all building [Ref ³³].	Fire Safety Risk Assessment and Fire Management Plan. Must appoint Competent Person to undertake any protective/preventative measures.	Appointed 'Responsible Person', ie owner/occupier or their representative	The local fire authority (or the Crown Fire Inspectors for crown-occupied/owned premises). HSE in some cases.	Not stated.	Embedded in wages or possibly consultant fees.	Authority may issue Enforcement notice to make improvements. Potentially issue Prohibition notice restricting use of building areas until improvements are made.
14	The London Building Acts (Amendment) Act 1939 [Ref ³⁴].	If the building is over 30m high, or 25m with a plan area of 930m ²	Part III Construction of buildings - Section 20. extra fire-safety measures are usually needed [Ref ³⁵].	The client, as an addition to the typical Building Regulations procedures	Building Control	Application required prior to LABC issuing the Completion Certificate	Fee depends on type of application. Westminster CC applies a 50% surcharge	Absence of approval from Building Control

	Regulation	Trigger	Documentation to be produced to demonstrate compliance	Who is responsible for preparing/ submitting documentation	Who is responsible for signing off compliance	What evidence is issued to confirm compliance?	Costs associated with compliance process	Implications of proceeding without compliance
							for Section 20 applications where the LABC is not carrying out inspection of the related Building Regulations application (i.e. an AI is employed) [Ref ³⁶].	
15	Rights to Light/Rights of Light Act 1959 [Ref ³⁷]	A right to light will come into existence if it has been enjoyed uninterrupted for 20 years or more, granted by deed, or registered under the Rights of Light Act 1959. Planning permission does not override a legal right to light. [Ref ³⁸]	The Architect or Surveyor should consider this into their design proposal. The developer should seek to establish if any neighbours have a legal right to light. This is a matter of property law, not planning law.					
16	The Electrical Supply Regulations 1988 [Ref ³⁹]	Any need for a new substation, which would be governed by these Regulations will be determined by the utility provider.						

Part 2: Supporting Information

Table 2: Detailed documentation requirements

Regulation	Detailed documentation requirements
Planning [Ref ⁴]	<p>OUTLINE and DETAILED PLANNING APPLICATIONS</p> <p>To be submitted with standard forms:</p> <ul style="list-style-type: none"> • “Application for Planning Permission with some matters reserved” • “Application for Planning Permission” <ul style="list-style-type: none"> - Original and 3 copies of application form - Original and 3 copies of a plan identifying the land to which the application relates, drawn to an identified scale (e.g. a scale of 1:200 in Richmond) i.e. [and showing the direction of north. - Original and 3 copies of other plans and drawings or information necessary to describe the subject of the application <ul style="list-style-type: none"> o Block plan of site showing boundaries (at 1:100 or 1:200) o Existing and proposed elevations (1:50 or 1:100) o Existing and proposed floor plans (1:50 or 1:100) o Existing and proposed site sections and finished floor and site levels (1:50 or 1:100) o Roof plans (1:50 or 1:100) - Completed Ownership Certificate A,B,C or D - Design and Access Statement.
Building Regulations (LA Building Control) [Ref ⁸]	<p>Full Plans include the following (as per Section 14 of the Regulations):</p> <ul style="list-style-type: none"> - A statement to give the local authority that building work or a change of material use is proposed. - A description of the proposed building work or material change of use, including particulars of the location of the building to which the proposal is related and the use or intended use of that building. - A plan to a scale of not less than 1:1250 showing: <ul style="list-style-type: none"> o The size and position of the building, or the building as extended, and its relationship to adjoining boundaries o The boundaries of the curtilage of the building, or the building as extended, and the size, position and use of every other building or proposed building within that curtilage o The width and position of any street on or within the boundaries of the curtilage of the building or the building as extended. - A statement specifying the number of storeys in the building or the building as extended - Particulars of the provision to be made for the drainage of the building or extension. - Particulars of the precautions to be taken in building over a drain, sewer or disposal main - Any other plans necessary to show that the work would comply with these Regulations - Request for the local authority to issue a completion certificate

Regulation	Detailed documentation requirements
Building Regulations (AI) [Ref ⁸]	<p>Initial Notice is a prescribed form which is to contain:</p> <ul style="list-style-type: none"> - A description of the work - For new buildings or extension: <ul style="list-style-type: none"> o A site plan to a scale of not less than 1:1250 showing the boundaries and location of the site, and approximate location of any connection to the sewer. o A statement that the AI will consult the sewerage undertaker where the work involves building over or near any drain, sewer or disposal main which is shown on any map of sewers kept by the sewerage undertaker o A statement of any local legislation relevant to the work and the steps to be taken to comply with it. <p>Accompanying the Initial Notice must be a declaration (signed by the insurer) that an approved scheme of insurance applies to the work</p>

Table 3: Information required for notifying water suppliers

Information required by water suppliers
<p>Notification is required as the work relates to “the erection of any new building or structure”. [Ref²⁰]</p> <p>For notification, the following information must be sent to the local water supplier:</p> <ul style="list-style-type: none"> - The name and address of the person giving notice and, if different, of the person to whom the consent should be sent. - A description of the proposed work and any related change of use of premises. - The location of the premises and their use or intended use. - A plan of that part of the premises which relates to the proposed work and a diagram showing the pipework and fittings to be installed. - The plumbing contractor’s name and address, if an approved plumber is to do the work.

REFERENCES:

- ¹ Application for Outline Planning Permission with Some Matters Reserved (i.e. LB Richmond):
http://www.planningportal.gov.uk/uploads/appPDF/L5810Form005_england_en.pdf
- ² Application for Planning Permission (i.e. LB Richmond):
http://www.planningportal.gov.uk/uploads/appPDF/L5810Form004_england_en.pdf
- ³ National and local requirements (i.e. LB Richmond):
http://www.richmond.gov.uk/requirements_for_out_some_reserved_matters-4.pdf
- ⁴ The Validation of Planning Applications – Guidance for Local Authorities:
<http://www.communities.gov.uk/publications/planningandbuilding/validationplanningapplications>
- ⁵ Planning Application Fee Calculator:
<http://www.planningportal.gov.uk/england/government/applications/feecalc>
- ⁶ Failure to obtain or comply with planning permission :
<http://www.planningportal.gov.uk/england/public/buildingwork/responsibilities/workresppp/workrespppfailure>
- ⁷ Do I need building regulations approval:
<http://www.planningportal.gov.uk/england/public/buildingwork/responsibilities/workrespbpr/workrespbprapprovalneeded>
- ⁸ Manual to the Building Regulations (Third Edition 2001) – *hardcopy*
- ⁹ How to make a Building Regulations application:
http://www.labc.uk.com/site/scripts/documents_info.php?documentID=10&pageNumber=5
- ¹⁰ Summary of duties under the CDM regulations under CDM 2007:
<http://www.hse.gov.uk/construction/cdm/summary.htm>
- ¹¹ HSE Enforcement Policy Statement: <http://www.hse.gov.uk/pubns/hse41.pdf>
- ¹² COSHH: A brief guide to the Regulations (pg3): <http://www.hse.gov.uk/pubns/indg136.pdf>
- ¹³ Control of Asbestos Regulations 2006
<http://www.opsi.gov.uk/SI/si2006/20062739.htm>
- ¹⁴ Control of lead at work (3rd Edition). HSE Guidance L132
- ¹⁵ Gas Safe Register: <http://www.gassaferegister.co.uk/default.aspx>
- ¹⁶ Notifications: <https://engineers.gassaferegister.co.uk/Notifications.aspx>
- ¹⁷ Q7: How do I notify work: <https://engineers.gassaferegister.co.uk/FAQ.aspx#faq7>
- ¹⁸ What gas work needs to be done by a registered engineer?
http://www.gassaferegister.co.uk/about/how_this_affects_you.aspx
- ¹⁹ Advance Notification: http://www.wras.co.uk/Regulations_Default.asp
- ²⁰ Approved Plumbers: http://www.wras.co.uk/Regulations_Default.asp
- ²¹ Enforcement: http://www.wras.co.uk/Regulations_Default.asp
- ²² Building over or close to a public sewer:
<http://www.thameswater.co.uk/cps/rde/xchg/corp/hs.xsl/693.htm>
- ²³ The Party Wall etc Act 1996 explanatory booklet:
http://www.planningportal.gov.uk/uploads/br/BR_partywall_explain_booklet.pdf
- ²⁴ Skips, Scaffolding and hoarding applications:
http://www.richmond.gov.uk/home/business/building_and_construction/scaffolding_skips_and_hoardings.htm
- ²⁵ Builders Skip on the Highway - Request for Permission: http://www.richmond.gov.uk/skip_lic_new.pdf
- ²⁶ Devon County Council – Road Licences (Temporary Road Closures):
<http://www.devon.gov.uk/roadclosures.htm>
- ²⁷ Devon County Council – Road Licences (Vehicle Crossings or Dropped Kerbs):
http://www.devon.gov.uk/index/transportroads/roads/road_licences/vehicle_crossings_dropped_kerbs.htm
- ²⁸ Statutory Instrument - The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2008
http://www.uk-legislation.hmso.gov.uk/si/si2008/uksi_20080647_en_1
- ²⁹ A guide to energy performance certificates for the construction, sale and let of non-dwellings
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/nondwellingsguidance.pdf>
- ³⁰ Frequently asked questions on air conditioning systems
<http://www.communities.gov.uk/planningandbuilding/theenvironment/energyperformance/energypeformancefaqs/airconfaqs#named9>
<http://www.communities.gov.uk/planningandbuilding/theenvironment/energyperformance/energyperformancefaqs/airconfaqs>
- ³¹ A Simple guide to Site Waste Management Plans:
<http://www.netregs-swmp.co.uk/simple-guide-20090113.pdf>
- ³² Non-statutory guidance for site waste management plans
<http://www.defra.gov.uk/environment/waste/topics/construction/pdf/swmp-guidance.pdf?lang=en>
- ³³ Regulatory Reform (Fire Safety) Order 2005 – Where does it apply:
[http://www.firecollege.ac.uk/fire-gateway-home/workplace-safety/regulatory-reform-\(fire-safety\)-order-2005.aspx](http://www.firecollege.ac.uk/fire-gateway-home/workplace-safety/regulatory-reform-(fire-safety)-order-2005.aspx)

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- ³⁴ The London Buildings Acts (Amendments) Act 1939 (City of London website)
http://www.cityoflondon.gov.uk/Corporation/LGNL_Services/Environment_and_planning/Building_control/building_acts_1939.htm
- ³⁵ 'Fire Safety Guide No.1 Fire Safety in Section 20 Buildings'
<http://products.ihs.com/cis/Doc.aspx?AuthCode=&DocNum=201440>
- ³⁶ Westminster City Council guidance re London Building Act
<http://www.westminster.gov.uk/services/environment/landandpremises/buildings/applications/>
- ³⁹ The Electrical Supply Regulations 1988
http://www.opsi.gov.uk/SI/si1988/Uksi_19881057_en_1.htm