



Department of
Finance

An Roinn

Airgeadais

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Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2022

Consultation Proposals

(closing date for the receipt of responses is 19 December 2021)

October 2021

1. BACKGROUND

- 1.1. The Department of Finance (“the Department”) has responsibility for maintaining the building regulations in Northern Ireland.
- 1.2. Building Regulations apply to most building work and are made generally to ensure the health, safety, welfare and convenience of people in and around buildings, to further the conservation of fuel and power, to protect and enhance the environment and to promote sustainable development.
- 1.3. The current building regulations are The Building Regulations (Northern Ireland) 2012 (as amended), (the Building Regulations) and were made using powers provided in the Building Regulations (Northern Ireland) Order 1979 (as amended) (“the Order”).
- 1.4. The Order places a duty on a district council to “enforce building regulations in its district” (*article 10(1)*) and clarifies that a district council has “to ascertain after taking all reasonable steps in that behalf, (that) the requirements of building regulations as to matters of any prescribed description are satisfied in any particular case” (*article 13 (2)(c)*).
- 1.5. Building regulations are enforced by a district council’s building control Officers and this includes:
 - Approval of plans – If you intend to erect, alter or extend a building, to install services, fittings or works to a building, or to materially change the use of a building, you must first seek approval to do so from your district council. This may involve the submission of plans or (for certain domestic applications) a building notice to your local building control Office; and
 - Site Inspections – the Building Regulations set a number of statutory notifications requiring the applicant to notify the district council when certain stages of work have been reached so that, if appropriate, an inspection of the works by a building control officer may be undertaken. A number of additional inspections appropriate to the type of development may be undertaken.
- 1.6. The Order also authorises “district councils to charge prescribed fees for or in connection with the performance of prescribed functions of theirs relating to building regulations” (*article 13(2)(e)*).

PRESCRIBED FEES

- 1.7. Prescribed fees were introduced locally for applications for building regulations approvals in 1982. Before the introduction of fees, the cost of the building control function in district councils here was borne fully by ratepayers, rather than users of the service.
- 1.8. The Building (Prescribed Fees) Regulations (Northern Ireland) 1997¹ (as amended) (“the Fees Regulations”) sets out the prescribed functions for which a district council may charge a fee in relation to applications for building regulations approvals for the construction, renovation or alteration of buildings. The regulations also set the level of fee that may be charged for each

¹ [Building \(Prescribed Fees\) Regulations \(Northern Ireland\) 1997](#) amended by [Building \(Prescribed Fees\) \(Amendment\) Regulations \(Northern Ireland\) 2013](#)

function. Other activities undertaken by building control (including other building regulations activities) are rate borne.

1.9. The prescribed functions are:

- approval or rejection of plans or building notices;
- inspection of works;
- regularisation of unapproved work; and
- approval or rejection of type approval certificates

1.10. In the current Fees Regulations, fees are set out in three schedules to the regulations:

- Schedule 1 for one or more small domestic buildings;
- Schedule 2 for certain small buildings, extensions and alterations; and
- Schedule 3 for all other work.

2. INTRODUCTION TO CONSULTATION PROPOSALS

2.1. The purpose of this consultation is to obtain comments and views of interested parties on proposals to uplift fees set by Schedules 1 & 2 of the Fees Regulations.

2.2. Since their introduction in November 1997, the Fees Regulations have only been amended on one occasion, by the Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2013.². Although the fees for applications under Schedule 3 are based on the estimated cost of works and have risen as prices have increased, the fees set by Schedule 1 and Schedule 2 are “fixed” and can only be changed through an amendment to the regulations.

2.3. Over time a “drift” in the relationship between the application fee set by Schedules 1 & 2 and the cost to district councils of processing building control applications has occurred. This has resulted in major shortfalls in the fees income covering the cost of enforcement activity for the work set out in Schedule 1 and Schedule 2, as a result the ratepayer is subsidising this service.

2.4. The Department has therefore identified a need to review the Fees Regulations to ensure that the level of fees charged by district councils for undertaking prescribed functions in respect of the building regulations follows the ‘user pays principle’. This means that the person using the building control service meets the full cost of that service. However, to achieve this in line with the fees charged in other administrations in the UK, significant uplifts would be required, in some cases more than doubling the current fee level. Both the Department and district councils recognise that a move to a 100% cost recovery model where the user pays for the service would therefore need to be achieved in a phased approach.

Question 1: Would you support a move to a 100% cost recovery model, where the user pays the full cost incurred by councils of processing building control applications rather than ratepayers subsidising the service?

² <http://www.legislation.gov.uk/nisr/2013/60/contents/made>

Question 2: Are there any other aspects of the Fees Regulations you feel should be included in the review?

2.5. In advance of the outcome of this review, as an interim step, the Department proposes to uplift the fees by way of amendment regulations to begin to address the shortfall experienced by district councils.

3. CONSULTATION PACKAGE – CONTENT AND RESPONSE

3.1. This consultation has been issued by the Department of Finance, which has responsibility for maintaining the Building Regulations for Northern Ireland. This document, together with the other consultation documents, is available online at:

<https://www.finance-ni.gov.uk/consultations>

The consultation documents are:

- Consultation Document
- Regulatory Impact Assessment (Draft for Consultation)

3.2. Prior to making any amendment to building regulations, the Department undertakes consultation with the Northern Ireland “Building Regulations Advisory Committee and such other bodies as appear to the Department to be representative of the interests concerned” (article 5(4) 1979 Order).

3.3. The Committee has been consulted on the proposals. It is proposed that this consultation will satisfy the above duty in relation to other bodies for the two increments of fee increases identified in Section 4.

3.4. We look forward to receiving your comments and views concerning any of the proposals contained in this consultation. We ask you to exercise care and refrain from the inclusion of any potentially defamatory material as it is our intention to publish responses on the Departments website. We will not publish the names or contact details of respondents, but will include the names of organisations responding.

We would encourage you to respond to the consultation using the on-line facility on [Citizen Space](#), accessible via NI Direct.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

3.5. If you require a hard copy of this consultation document or have any other enquiries please email your request to info.bru@finance-ni.gov.uk or you can write to us at:

Consultation Co-ordinator
Department of Finance
Building Standards Branch
6th Floor
Goodwood House
44 - 58 May Street
Belfast
BT1 4NN

The Department will consider all the responses to this consultation received on or before the closing date, which is 19 December 2021.

Submissions made after this date cannot be considered.

NEXT STEPS IN THE CONSULTATION PROCESS

- 3.6. Where respondents have given permission for their response to be made public, and after we have checked that they do not contain personal information or product names, responses will be made available to the public at <https://www.finance-ni.gov.uk/publications> If you use the consultation hub, citizen space to respond, you will receive a copy of your response via email.
- 3.7. We may also make responses to this consultation available to the Northern Ireland Assembly and for public inspection at the Building Standards Branch office.
- 3.8. Following the closing date, all responses will be analysed and the Department will publish a summary of responses to the consultation.
- 3.9. All information will be handled in accordance with the General Data Protection Regulations.

CONFIDENTIALITY AND DATA MANAGEMENT

- 3.10. If you ask for your response to be regarded as confidential and not to be published, you will be asked to explain to us why you regard the information you have provided as confidential.
- 3.11. Information provided in response to this consultation, including personal data (see Annex A), will be published or disclosed in accordance with the access to information regimes (These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the EU General Data Protection Regulation, and the Environmental Information Regulations 2004. If we receive a request for disclosure of confidential information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.
- 3.12. The Department of Finance will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us at info.bru@finance-ni.gov.uk or write to the following address:

Building Standards Branch
Department of Finance
6th Floor
Goodwood House
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4. FEES AMENDMENT REGULATIONS – PROPOSALS

- 4.1. This section outlines the Department's proposed alterations to the Fees Regulations to take account of the need to bring the fees closer to covering the cost of enforcement.
- 4.2. Schedules to the Fees Regulations set out the actual amount payable for each type of building control application. Currently, there are three Schedules, each of which addresses a particular type of application:
- Schedule 1 - fees for the erection of one or more small domestic buildings;
 - Schedule 2 - fees for certain buildings, extensions and alterations; and
 - Schedule 3 - fees for work other than work to which Schedules 1 & 2 apply.
- Schedules 1 & 2 set out pre-determined fees relevant to the type of application, whereas the applicable fee for Schedule 3 work is determined on a sliding scale based on the estimated cost of the work in question.
- 4.3. As the pre-determined fee charges for Schedule 1 and Schedule 2 building work applications have not been amended since 2013 – the first amendment since 1997 - the Department considers that a revision of these charges is necessary to address the cost to district councils of providing prescribed functions (paragraph 3.2). However, the Department views this as an interim measure ahead of the review of the Fees Regulations, with a view to achieving a fairer system which covers in full the cost of enforcement of the Regulations by the District Councils.
- 4.4. Provided all statutory stages are concluded and Ministerial and Assembly approvals received, the Department proposes that the fee charges outlined below would apply in two increments, the first when the Fees Amendment Regulations come into operation on 1 April 2022, and the second increment applying from 1 April 2023.
- 4.5. The application of fees for dwellings with a floor area not exceeding 250m² is set out in Schedule 1. Tables 1 and 2 to this Schedule establish the “plan fee” charges for dwellings and provide discounts for multiple plan types and for applications containing multiple dwellings. Table 3 sets the “inspection fee” for dwellings and provides for discounts where a development contains more than one dwelling.
- 4.6. The Department proposes to increase Schedule 1 fees by 17.5% in the first increment. The second increment would result in an overall increase in Schedule 1 fees by 35% against current fees. Revised Tables 1, 2 and 3 showing the effect of both increments are included in Annex A.

Question 3: Do you agree with the Department's proposals to increase fees for Schedule 1 by 17.5% from 1st April 2022?

Question 4: Do you agree with the Department's proposals for a further increase in Schedule 1 fees from 1st April 2023 that would result in an overall increase of 35% on these fees as they are now?

4.7. The Department proposes to increase Schedule 2 fees (works for certain buildings, extensions and alterations) by up to 17.5% in the first increment. The second increment would increase Schedule 1 fees by up to 35% against current fees. For certain types of work the fee has been reduced or the increase has been capped to ensure the fee charged does not exceed the cost to the district council of providing that service. The revised Schedule 2 charges are provided in Annex B.

Question 5: Do you agree with the Department's proposals to increase fees for Schedule 2 by 17.5% from 1st April 2022?

Question 6: Do you agree with the Department's proposals for a further increase in fees from 1st April 2023 that would result in an overall increase of 35% on these fees as they are now?

DRAFT REGULATORY IMPACT ASSESSMENT

4.8. The Department intends to publish a consultation stage DRAFT Regulatory Impact Assessment (RIA) alongside this consultation paper

Question 7: Do you agree with the analysis/principal assumptions, costs and impacts set out in the Draft RIA

Schedule 1 Fees for one or more small domestic buildings

Table 1. Dwelling type plan fee

Number of dwelling plan types	Dwelling type plan fee (£)	
	(effective April 2022)	(effective April 2023)
1	105.75	121.50
2	197.40	226.80
3	289.05	332.10
4	380.70	437.40
5	472.35	542.70
6	564.00	648.00
7	655.65	753.30
8	747.30	858.60
9	838.95	963.90
10	930.60	1,069.20
11	1,018.73	1,170.45
12	1,106.85	1,271.70
13	1,194.98	1,372.95
14	1,283.10	1,474.20
15	1,371.23	1,575.45
16	1,459.35	1,676.70
17	1,547.48	1,777.95
18	1,635.60	1,879.20
19	1,723.73	1,980.45
20	1,811.85	2,081.70
Thereafter for each additional plan type	82.25	94.50

Schedule 1 Fees for one or more small domestic buildings

Table 2. Multiple dwelling additional fee

Number of dwellings	Additonal fee (£)	
	(effective April 2022)	(effective April 2023)
1	-	-
2	56.40	64.80
3	112.80	129.60
4	169.20	194.40
5	225.60	259.20
6	267.90	307.80
7	310.20	356.40
8	352.50	405.00
9	394.80	453.60
10	437.10	502.20
11	462.95	531.90
12	488.80	561.60
13	514.65	591.30
14	540.50	621.00
15	566.35	650.70
16	589.85	677.70
17	613.35	704.70
18	636.85	731.70
19	660.35	758.70
20	683.85	785.70
Thereafter for each additional dwelling	14.10	16.20

Schedule 1 Fees for one or more small domestic buildings

Table 3. Inspection fee

Number of dwellings	Inspection fee (£)	
	(effective April 2022)	(effective April 2023)
1	246.75	283.50
2	479.40	550.80
3	712.05	818.10
4	944.70	1,085.40
5	1,177.35	1,352.70
6	1,382.98	1,588.95
7	1,588.60	1,825.20
8	1,794.23	2,061.45
9	1,999.85	2,297.70
10	2,205.48	2,533.95
11	2,369.98	2,722.95
12	2,534.48	2,911.95
13	2,698.98	3,100.95
14	2,863.48	3,289.95
15	3,027.98	3,478.95
16	3,157.23	3,627.45
17	3,286.48	3,775.95
18	3,415.73	3,924.45
19	3,544.98	4,072.95
20	3,674.23	4,221.45
Thereafter for each additional dwelling	129.25	148.50

Schedule 2 Fees for certain small buildings, extensions and alterations
Table to Schedule 2 (effective April 2022)

Type of work	Amount of plan fee	Amount of inspection fee	Amount of building notice	Amount of regularisation fee
1. Erection of a detached building which consists of a garage or carport or both having a floor area not exceeding 40m ² in total and intended to be used in common with an existing building, and which is not a building specified in Schedule 1 to the principal regulations.	98.70	-		118.44
2. Installation of an unvented hot water storage system in accordance with regulation 88 of the principal regulations, where the installation is not part of a larger project and where the district council carries out an inspection.	70.50	-	70.50	84.60
3. Any extension of a dwelling (not falling within entry 6) the total floor area of which exceeds 20m ² , including means of access and work in connection with that extension. ¹	141.00	-	141.00	169.20
4. Any extension of a dwelling (not falling within entry 6) the total floor 20m ² but does not exceed 40m ² , including means of access and work in connection with that extension.	70.50	141.00	-	253.80
5. Any extension of a dwelling (not falling within entry 6) the total floor 40m ² but does not exceed 60m ² , including means of access and work in connection with that extension.	84.60	169.20	-	304.56
6. Any extension or alteration of a dwelling consisting of the provision of one or more rooms in the roof space, including means of access. ¹	84.60	169.20	253.80	304.56
7. Replacement of an existing combustion appliance in a dwelling	84.60	-	84.60	101.52
8. Installation or extension of a heating system in a dwelling	113.24	-	113.24	135.89
9. Installation of a microgeneration technology in or on an existing dwelling	113.24	-	113.24	135.89

¹ a building notice may not be given for building work to an existing dwelling that –

(a) increases the floor area of the dwelling by more than 10m²; or

(b) creates a new storey with a floor area of more than 3m².

(regulation 9, the Building Regulations (Northern Ireland) 2012)

Schedule 2 Fees for certain small buildings, extensions and alterations

Table to Schedule 2 (effective April 2023)

Type of work	Amount of plan fee	Amount of inspection fee	Amount of building notice	Amount of regularisation fee
1. Erection of a detached building which consists of a garage or carport or both having a floor area not exceeding 40m ² in total and intended to be used in common with an existing building, and which is not a building specified in Schedule 1 to the principal regulations.	113.40	-		136.08
2. Installation of an unvented hot water storage system in accordance with regulation 88 of the principal regulations, where the installation is not part of a larger project and where the district council carries out an inspection.	81.00	-	81.00	97.20
3. Any extension of a dwelling (not falling within entry 6) the total floor area of which exceeds 20m ² , including means of access and work in connection with that extension. ¹	162.00	-	162.00	194.40
4. Any extension of a dwelling (not falling within entry 6) the total floor 20m ² but does not exceed 40m ² , including means of access and work in connection with that extension.	81.00	162.00	-	291.60
5. Any extension of a dwelling (not falling within entry 6) the total floor 40m ² but does not exceed 60m ² , including means of access and work in connection with that extension.	97.20	194.40	-	349.92
6. Any extension or alteration of a dwelling consisting of the provision of one or more rooms in the roof space, including means of access. ¹	97.20	194.40	291.60	349.92
7. Replacement of an existing combustion appliance in a dwelling	84.93	-	84.93	101.92
8. Installation or extension of a heating system in a dwelling	113.24	-	113.24	135.89
9. Installation of a microgeneration technology in or on an existing dwelling	113.24	-	113.24	135.89

¹ a building notice may not be given for building work to an existing dwelling that –

(c) increases the floor area of the dwelling by more than 10m²; or

(d) creates a new storey with a floor area of more than 3m².(regulation 9, the Building Regulations (Northern Ireland) 2012)