

ALDERNEY STATUTORY INSTRUMENT

2014 No.

The Building (Alderney) Regulations, 2014

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ALDERNEY STATUTORY INSTRUMENT

The Building (Alderney) Regulations, 2014

<i>Made</i>	<i>30th January, 2014</i>
<i>Coming into operation</i>	<i>10th February, 2014</i>
<i>Laid before the States</i>	<i>19th March, 2014</i>

THE BUILDING AND DEVELOPMENT CONTROL COMMITTEE, in exercise of the powers conferred upon it by sections 39 and 75 of the Building and Development Control (Alderney) Law, 2002^a, and of all other powers enabling it in that behalf, hereby makes the following Regulations: –

PART I
GENERAL

Citation and commencement.

1. These Regulations may be cited as the Building (Alderney) Regulations, 2014 and shall come into force on the 10th February, 2014.

Interpretation.

2. (1) In these Regulations, unless the context requires otherwise –

"approved" means approved in writing,

"Approved Document" has the meaning given in regulation 3(2),

^a Order in Council No. XII of 2003 as amended by No. XV of 2004 and Alderney Ordinance No. III of 2007 and the Building and Development Control (Alderney) (Amendment and Fees) Ordinance, 2014.

"authorised officer" means any person authorised in writing by the Committee under section 41 of the Law,

"basement" means a storey of which the floor is at any point more than 1.2 metres below the finished surface of the ground adjacent to it,

"building" includes any well, cistern, cesspit, cellar or other excavation below surface level or any wall or permanent hoarding whether or not, in each case, they comprise a structure,

"building work" has the meaning given in regulation 5,

"change to a building's energy status" means any change which results in a building becoming a building to which the energy efficiency requirements of these Regulations apply, where previously it was not,

"a cluster group" is a group of rooms which is –

- (a) separated from the rest of the building in which it is situated by a door which is designed to be locked, and
- (b) not designed to be occupied by a single household,

"the Committee" means the States of Alderney Building and Development Control Committee,

"contravention" includes failure to comply, and related expressions are construed accordingly,

"controlled service or fitting" means a service or fitting in relation to which paragraph C1, F1, G1 to G5, or G7, Part H or J or paragraph L1, L2, M3, M4 or P2 of Schedule 1 imposes a requirement,

"demolition" has the meaning given in regulation 9,

"drain" means a drain used for the drainage of one building or of buildings or yards appurtenant to buildings within the same curtilage, and includes any manholes, ventilation shafts, pumps or other accessories belonging to the drain,

"dwelling" includes a dwelling-house and a flat,

"enactment" means any Law, Ordinance or subordinate legislation,

"energy efficiency requirements" means the requirements of regulations 21 and 22 and Part L of Schedule 1,

"erection of a building" has the meaning given in paragraph (2),

"extension" means a part of a building added to an existing building to make it longer, wider or larger,

"flat" means separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally or vertically but, for the avoidance of doubt, does not include a semi-detached or terraced house,

"floor area" means the aggregate area of every floor in a building or extension, calculated by reference to the finished internal faces of the walls enclosing the area, or if at any point there is no such wall, by reference to the

outermost edge of the floor,

"full plans" means plans which conform with regulation 15,

"height" means the height of a building measured from the mean level of the ground adjoining the outside of the external walls of the building to the higher of -

- (a) the level of half the vertical height of the roof of the building, or
- (b) the top of the walls or parapet, if any,

"industrial building" means a factory within the meaning of section 81 of the Safety of Employees (Miscellaneous Provisions) Ordinance, 1952^b,

"institution" means an institution (whether described as a hospital, home, school or other similar establishment) which is used as living accommodation for, or for the treatment, care or maintenance of, persons –

- (a) suffering from disabilities due to illness or old age or other physical or mental incapacity, or
- (b) under the age of five years,

where such persons sleep on the premises,

^b An Ordinance of the States of Guernsey: Recueil d'Ordonnances Tome X, p. 194 and to which there are amendments not relevant to these Regulations.

"the Law" means the Building and Development Control (Alderney) Law, 2002,

"material alteration" has the meaning given in paragraph (3),

"material change of use" has the meaning given in regulation 7,

"notice" means notice in writing,

"notify" means notify in writing,

"office" includes premises used for the purposes of administration, clerical work (including using computers for the same, writing, book keeping, sorting papers, filing, typing, duplicating, machine calculating, drawing and the editorial preparation of matter for publication), handling money or telephone operating,

"plans" includes drawings of any other description and specifications or other information in any form,

"public building" means a building consisting of or containing –

- (a) a theatre, hall or other place of public resort,
- (b) a school or other educational establishment,
- (c) a place of public worship,

but a building is not to be treated as a public building by reason only of the fact that it consists of or contains a restaurant, shop, store or warehouse or is a private house to which members of the public are occasionally admitted,

"relevant requirement", except in regulation 18, means in relation to buildings or building work of any description, any provision of Schedule 1 which imposes requirements in respect of, or which relates or applies to, buildings or building work of that description,

"road" includes any path or way, not maintained at public expense, which is laid out or constructed to provide access or improved access -

- (a) to two or more dwelling-houses, or
- (b) to any building where that path or way is constructed as part of the same development project as that building,

"room for residential purposes" means a room, or a suite of rooms, which is not a dwelling and which is used by one or more persons to both live and sleep and includes a room in a hostel, accommodation requiring an accommodation permit under the Tourist (Alderney) Law, 1956^c, a hall of residence or a residential home but does not include -

- (a) a room in a hospital, or other similar establishment, used for patient accommodation, or
- (b) a single room which is used to both live and sleep by a person -

^c Ordres en Conseil Vol. XVII, p. 29 as amended by Ordres en Conseil Vol. XXII, p. 6, Vol. XXVI, p. 251, Vol. XXX, p. 371, Vol. XXXI, p. 306 and Alderney Ordinance No. II of 1997.

- (i) engaged in full time domestic duties directly connected with the premises in which that person sleeps,
- (ii) accommodated in a private dwelling in respect of an occupation directly concerned with the care of a sick or mentally affected person living in that dwelling, or
- (iii) under the age of 18 years in full time education living in a private dwelling,

provided that the room is not part of a cluster group of such rooms,

"sanitary convenience" means a water closet, toilet or urinal,

"school" has the same meaning as in section 1(1) of the Education (Guernsey) Law, 1970^d,

"sewer" does not include a drain as defined in this section but otherwise includes all sewers and drains used for the drainage of buildings and yards appurtenant to buildings, and any manholes, ventilating shafts, pumps or other accessories belonging to the sewer,

"shop" includes premises –

^d Ordres en Conseil Vol. XXII, p. 325; as amended by Vol. XXVI, p. 107, Vol. XXVII, p. 347; Vol. XXVIII, p. 181; Vol. XXX, p. 179; Vol. XXXI, pp. 168 and 278; Vol. XXXII, p. 144; Order in Council No. XVII of 2009; and Ordinance No. VII of 2010. The Law is applied, with modifications, to Alderney by Guernsey Ordinance, Recueil d'Ordonnances Tome XVI, p. 495.

- (a) used for the sale to members of the public of food or drink for consumption on or off the premises,
- (b) used for retail sales by auction to members of the public,
- (c) used as a barber or hairdresser for, or for the hiring of any item to, members of the public, and
- (d) where members of the public may take goods for repair or other treatment,

"subordinate legislation" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect,

"thermal element" has the meaning given in regulation 22(3), and

"water closet" means a toilet that has a separate fixed receptacle connected to a drainage system and separate provision for flushing either by the operation of mechanism or by automatic action,

and other expressions not defined in these Regulations have the same meaning as in the Law.

(2) For the purposes of these Regulations, **"erection of a building"** includes any of the following operations –

- (a) the re-erection or reconstruction of any building or part of a building when an outer wall of that building or, as

the case may be, that part of a building has been pulled down, or burnt down, to within 3 metres of the surface of the ground adjoining the lowest storey of the building or of that part of the building,

- (b) the re-erection or reconstruction of any frame building or part of a frame building when that building or part of a building has been so far pulled down, or burnt down, as to leave only the framework of the lowest storey of the building or of that part of the building,
- (c) the roofing over of any open space between walls or buildings, or
- (d) the erection or construction of -
 - (i) chimney shafts which are structurally independent and erected or constructed in connection with furnaces or boilers, or
 - (ii) any other independent structure of whatever kind erected or constructed on, around, in or in connection with a building,

and related expressions are construed accordingly.

(3) An alteration is material for the purposes of these Regulations if the work, or any part of it, would at any stage result –

- (a) in a building or controlled service or fitting not complying with a relevant requirement where

previously it did,

- (b) in a building or controlled service or fitting complying with a relevant requirement less satisfactorily than it did before work commenced, or
- (c) in a building or controlled service or fitting, which before the work commenced did not comply with a relevant requirement, being more unsatisfactory in relation to compliance with that requirement.

(4) In considering whether –

- (a) any requirement of Schedule 1 applies to and would be complied with by a building, service or fitting, or
- (b) a building, service or fitting would be more unsatisfactory as respects compliance with such a requirement than it was before work commenced,

regard must be had to the use to which it is intended that the building, or the building in connection with which the service or fitting is provided, will be put after the work has been carried out or the use has been materially changed.

(5) For the purpose of any provision of these Regulations which requires that notice be given to the Committee, no account shall be taken in calculating the period by or within which notice must be given (however expressed) of -

- (a) a Saturday, Sunday, Christmas Day or Good Friday, or

(b) a day appointed as a public holiday by Ordinance of the States under section 1(1) of the Bills of Exchange (Guernsey) Law, 1958^e or under section 46 and paragraph (o) of Schedule 2 to the Government of Alderney Law, 2004^f.

(6) The Interpretation (Guernsey) Law, 1948^g applies to the interpretation of these Regulations.

(7) Any reference in these Regulations to an enactment or European Union Directive is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

PART II APPROVED DOCUMENTS

Approval of documents for purposes of Building Regulations.

3. (1) For the purpose of providing practical guidance in relation to any provision of these Regulations, the Committee may –

- (a) issue any document or part of a document (whether or not prepared by the Committee), or
- (b) approve any document or part of a document issued or proposed to be issued otherwise than by the Committee,

^e Ordres en Conseil Vol. XVII, p. 384 as amended by Vol. XXIV, p. 84; Vol. XXXIV, p. 504; and Vol. XXXV(1), p. 367.

^f Order in Council No. III of 2005 as amended by No. XXII of 2010.

^g Ordres en Conseil Vol. XIII, p. 355.

if in the opinion of the Committee the document or part of the document is suitable for that purpose.

(2) A document or a part of a document issued or approved by the Committee under paragraph (1) is to be known as an Approved Document.

(3) Any reference in these Regulations to an Approved Document is a reference thereto as from time to time amended or rescinded under paragraph (4) or (5).

(4) The Committee may amend an Approved Document or any part thereof –

(a) by issuing a revision of it, or

(b) by approving any revision or proposed revision of it.

(5) The Committee may rescind an Approved Document or any part thereof.

(6) An Approved Document, or any amendment or rescission under paragraph (4) or (5) of an Approved Document or any part thereof, does not have effect for the purposes of these Regulations until a notice is published in the Alderney Gazette, or in such other manner as the Committee considers appropriate, which –

(a) describes the Approved Document, amendment or rescission in question,

(b) states the date on which the Approved Document, amendment or rescission is to have effect (not being

earlier than the date of publication), and

- (c) in the case of an Approved Document or an amendment thereof, specifies the provisions of these Regulations in relation to which the Approved Document or amendment is issued or approved.

Contravention of Approved Documents.

4. (1) A contravention by a person of an Approved Document does not of itself render that person liable to any civil or criminal proceedings; but if in any civil or criminal proceedings it is alleged that a person has contravened a provision of these Regulations in relation to which an Approved Document has been issued or approved under regulation 3 –

- (a) a contravention of the Approved Document may be relied upon as tending to establish the contravention of the provision of these Regulations, and
- (b) compliance with the Approved Document may be relied upon as tending to establish compliance with the said provision.

(2) In any proceedings, whether civil or criminal, a document purporting to be –

- (a) a notice under regulation 3(6),
- (b) an Approved Document or an amendment or rescission thereof,
- (c) the Approved Document, amendment or rescission

described in a notice under regulation 3(6),

is to be deemed to be such unless the contrary is proved.

PART III
CONTROL OF BUILDING WORK

Meaning of building work.

5. In these Regulations "**building work**" means –

- (a) the erection or extension of a building,
- (b) the provision or extension of a controlled service or fitting in or in connection with a building,
- (c) the material alteration of a building, or a controlled service or fitting, as defined in regulation 2(3),
- (d) work required to be carried out by regulation 8 (requirements relating to material change of use),
- (e) the construction or extension of a road,
- (f) the insertion of insulating material into the cavity wall of a building,
- (g) work involving the underpinning of a building,
- (h) work required to be carried out by regulation 10 (requirements relating to demolition),

- (i) work required to be carried out by regulation 21 (requirements relating to a change of energy status), or
- (j) work required to be carried out by regulation 22 (requirements relating to thermal elements).

Requirements relating to building work.

6. (1) Building work must be carried out, subject to paragraph (2), so that –

- (a) it complies with any relevant requirement, and
- (b) in complying with any such requirement there is no failure to comply with any other such requirement.

(2) Where -

- (a) building work is of a kind described in regulation 5(i) or (j), and
- (b) the carrying out of that building work does not constitute a material alteration,

that building work need only comply with the applicable requirements of Part L of Schedule 1 as set out in regulations 21 and 22.

(3) Building work must be carried out so that after it has been completed –

- (a) any building which is extended or to which a material alteration is made,
- (b) any building in, or in connection with, which a controlled service or fitting is provided, extended or materially altered, and
- (c) any controlled service or fitting,

complies with any relevant requirement and (where applicable) complies with any such requirement as satisfactorily in relation to compliance with that requirement as it did before building work commenced.

Meaning of material change of use.

7. For the purposes of these Regulations, there is a material change of use of a building where –

- (a) the building is used for the purposes of a dwelling, where previously it was not,
- (b) the building contains a flat, where previously it did not,
- (c) the building is used as an institution, where previously it was not,
- (d) the building is a public building, where previously it was not,
- (e) the building is not described in Classes I to IV of Schedule 2, where previously it was,

- (f) the building contains rooms for residential purposes, where previously it did not,
- (g) the building contains an office, where previously it did not,
- (h) the building is used for purposes requiring an accommodation permit under the Tourist (Alderney) Law, 1956, where previously it was not,
- (i) the building is an industrial building, where previously it was not,
- (j) the building contains a shop, where previously it did not,
- (k) the building is used for the sale of food or drink -
 - (i) to the public in the course of a business,
 - (ii) for consumption in that building, and
 - (iii) where there is a maximum capacity of 15 or more persons including those seated or standing,

where previously it was not,

- (l) the building, which contains at least one room for residential purposes, contains a greater or lesser number of such rooms than it did previously, or

- (m) the building, which contains at least one dwelling, contains a greater or lesser number of dwellings than it did previously.

Requirements relating to material change of use.

8. (1) Where there is a material change of use of a building, such work, if any, must be carried out as is necessary to ensure that the building complies with the relevant requirements in the following Parts or paragraphs of Schedule 1 –

- (a) in all cases, paragraph A1, Part B, paragraph C2, Part F, paragraphs G1, G3(1) to (3), G4 to G6, Part H, J, K, paragraphs L1 and L2 and Part N,
- (b) in the case of a material change of use described in regulation 7(c), (d), (e), (h) or (i), paragraphs A2 and A3,
- (c) in the case of a material change of use described in regulation 7(c), (d), (e), (g), (h), (i), (j) or (k), Part M,
- (d) in the case of a material change of use described in regulation 7(a), (b), (f), (h), (l) or (m), paragraphs E1 to E3,
- (e) in the case of a material change of use described in regulation 7(a), (b), (c), (e), (f), (h), (l) or (m), paragraph G7,
- (f) in the case of a material change of use described in regulation 7(a), (b), (c), (d), (h), (i) or (m), Part P,

- (g) in the case of -
 - (i) a material change of use described in regulation 7(a), (b), (c), (d), (f), (h), (l) or (m), or
 - (ii) a material change of use described in regulation 7(e), where the material change of use provides new residential accommodation,

paragraph C1(2),
- (h) in the case of a material change of use described in regulation 7(b), paragraph A3,
- (i) in the case of a material change of use described in regulation 7(d), where the public building consists of or contains a school, paragraph E4, and
- (j) in the case of a material change of use described in regulation 7(a) or (b), paragraphs G2 and G3(4).

(2) Where there is a material change of use of part only of a building, such work, if any, must be carried out as is necessary to ensure that that part complies with all relevant requirements referred to in paragraphs (1)(a) to (f) and (h) to (j).

Meaning of demolition.

9. In these Regulations "**demolition**" means the structural alteration of any building so that –

- (a) the site of the building is at a level with, or below the level of, the finished surface of the ground adjacent to it where previously it was not, or
- (b) any part of the building or any adjoining building is external to the building or exposed where previously it was not.

Requirements relating to demolition.

10. (1) A person may not carry out any demolition (other than the demolition of a building which is described in any of Classes I to IV or VI of Schedule 2 which is exempt from these Regulations under regulation 13) unless -

- (a) notice of intention to carry out the demolition, containing the details in respect of the demolition set out in subparagraphs (a) and (c) of regulation 15(4), is given to the Committee not less than 48 hours before demolition is commenced, and
- (b) in a case where work is required to be executed under paragraph (2) –
 - (i) full plans in respect of the work have been deposited with the Committee, and
 - (ii) regulation 14 has been complied with in all respects.

(2) A person carrying out demolition must execute such work as is necessary to ensure that the building in relation to which the demolition is carried out and any adjoining building will, upon completion of the demolition, comply with any

of the relevant requirements of paragraphs A1, C2 and H9 of Schedule 1.

Materials and workmanship.

11. So much of any building work as is required to comply with any relevant requirement must be carried out –

- (a) with proper materials which are -
 - (i) appropriate for the circumstances in which they are used,
 - (ii) adequately mixed or prepared, and
 - (iii) applied, used or fixed so as adequately to perform the functions for which they are designed, and
- (b) in a workmanlike manner.

Use of materials unsuitable for permanent building.

12. (1) Where plans of any proposed work are, in accordance with these Regulations, deposited with the Committee, and the plans show that the proposed work would include or consist of controlled work, the Committee may, notwithstanding that the plans conform with these Regulations –

- (a) reject the plans, or
- (b) in approving the plans –
 - (i) fix a period on the expiration of which the relevant building or part of such building must

be removed, and

- (ii) impose with respect to the use of the relevant building or part of such building, or with respect to the controlled work, such conditions as it considers appropriate.

(2) If, in the case of any work in respect of which plans ought, under these Regulations, to have been deposited with the Committee but have not been so deposited, the work appears to the Committee to include or consist of controlled work, the Committee, without prejudice to the taking of proceedings in respect of any contravention of these Regulations, may –

- (a) fix a period on the expiration of which the relevant building or part of such building must be removed, and
- (b) impose any conditions that might have been imposed under paragraph (1)(b) in passing plans for the work,

and where it fixes such a period or imposes any such conditions it must give immediate notice thereof to the owner of the relevant building.

(3) If in the case of any controlled work appearing to the Committee to fall within paragraph (8)(b), plans of the work were not required by these Regulations to be deposited, the Committee may at any time within 12 months from the date of completion of the work –

- (a) fix a period on the expiration of which the work must be removed, and
- (b) impose any conditions that, if plans of the work had

been required to be, and had been, deposited, might have been imposed under paragraph (1)(b) in approving the plans,

and where it fixes such a period or imposes any such conditions it must give immediate notice thereof to the owner of the relevant building.

(4) The Committee may from time to time extend any period fixed, or vary any conditions imposed, under this regulation; but, unless an application to so extend or vary is made to it by the owner of the relevant building, it may not exercise its power of varying conditions except where granting an extension or further extension of the period fixed with respect to the work or building as the case may be.

(5) Where a period has been fixed under paragraph (1)(b), (2)(a) or (3)(a) with respect to any controlled work or relevant building –

- (a) the owner of the relevant building must, on the expiration of that period, or, as the case may be, of that period as extended, remove the work or building with respect to which the period was fixed, and
- (b) if the owner fails to do so, the Committee may remove the work or building and may recover from the owner as a civil debt the expenses reasonably incurred by it in doing so.

(6) Where conditions have been imposed under paragraph (1)(b), (2)(b) or (3)(b) with respect to the use of a relevant building or part of such building, or with respect to any controlled work, the owner of the relevant building must not contravene or cause or permit any contravention of such conditions or (where appropriate) such conditions as varied.

(7) In this regulation "**the relevant building**" means the building mentioned in paragraph (8)(a) or (b) in relation to which the controlled work is being carried out.

(8) In this regulation "**controlled work**" means –

- (a) any work consisting of a part of a building in the construction of which there is used any material or component of a type that is, in the opinion of the Committee, likely to be unsuitable for use in the construction of the building in the absence of conditions with respect to the use of the building, or with respect to the use of the material or component, or
- (b) any work provided in or in connection with a building, being work consisting of a service, fitting or item of equipment of a type that is in the opinion of the Committee likely to be unsuitable for provision in or in connection with that building in the absence of conditions with respect to the use of the building or with respect to the service, fitting or equipment.

Exempt buildings and work.

13. (1) Subject to paragraphs (2) and (3) and regulation 20, these Regulations do not apply to –

- (a) the erection of any building described in any of Classes I to IV or VI of Schedule 2,
- (b) the carrying out of any work to, or in connection with, a

building described in Classes 1 to IV or VI of Schedule 2, if, after the carrying out of that work, it is still a building described in one of those Classes, or

(c) any work described in Class V of Schedule 2.

(2) The exemptions conferred by paragraph (1) do not apply to any work unless, before the work is begun, notice is submitted to the Committee containing the details in respect of the work set out in subparagraphs (a) to (c) of regulation 15(4).

(3) The requirements of regulation 10 apply to the demolition of an extension described in Class V of Schedule 2.

PART IV PLANS, NOTICES AND CERTIFICATES

Deposit of full plans.

14. (1) A person must not, subject to paragraph (4) -

- (a) carry out any building work,
- (b) replace or renovate a thermal element in a building to which the energy efficiency requirements apply,
- (c) make a change to a building's energy status, or
- (d) make a material change of use,

unless that person complies with the requirements in paragraph (2).

(2) Subject to paragraph (3), the requirements referred to in paragraph (1) are that -

- (a) the person has deposited full plans with the Committee and has complied, or has ensured compliance in all other respects, with regulation 15, and
- (b) any such building work, replacement, renovation, change or material change of use is done under the authority of and in accordance with the conditions of a licence granted under regulation 16.

(3) Where -

- (a) a person proposes to carry out any work falling within paragraph (1) which consists of emergency repairs, and
- (b) it is not practicable to comply with paragraph (1) before commencing the work,

the person must comply with that paragraph as soon as reasonably practical after commencement of the work.

(4) A person intending to carry out building work is not required to deposit full plans where the building work consists only of building work described in column 1 of the Table in Schedule 3 if the building work is to be carried out by a person described in the corresponding entry in column 2 of that Table.

Full plans.

- 15.** (1) Full plans must be accompanied by a statement that they are

deposited in accordance with regulation 14.

(2) Full plans must be deposited in duplicate and the Committee may retain one copy of such plans; and further copies of the full plans must be deposited at the request of the Committee.

(3) Full plans must consist of –

- (a) the particulars, statements and plans required by paragraphs (4) to (7), and
- (b) such other plans of sufficient clarity and detail as are necessary to show that the work to be carried out complies with these Regulations.

(4) Full plans must contain or be accompanied by –

- (a) a statement of the name and address of the individual intending to carry out the work and the signature of that individual or of another duly authorised individual acting on behalf of the individual or (where the work is intended to be carried out by a body corporate) a statement of the name and registered office of the body corporate and the signature of one of its officers or of an individual acting on behalf of the officer,
- (b) a description of the proposed building work, replacement, renovation, change or material change of use,
- (c) particulars of the location of the building to which the

proposal relates and the use or intended use of that building, and

- (d) where relevant the particulars of –
 - (i) the water supply provided or to be provided to the building,
 - (ii) the provision to be made for the drainage of the building or the building as altered or extended,
 - (iii) the provision to be made for matters described in paragraph B1 of Schedule 1,
 - (iv) the precautions to be taken in building over sewers, and
 - (v) a report on site investigations undertaken.

(5) In the case of the erection or extension of a building, full plans must, in addition to the matters specified in paragraph (4) contain or be accompanied by –

- (a) a plan to a scale of not less than 1:1250 showing –
 - (i) the size and position of the building, or the building as extended, and its relationship to adjoining boundaries,
 - (ii) the boundaries of the plot or site on which the building, or the building as extended, will be

and the size, position and use of every other building or proposed building within those boundaries, and

(iii) the width and position of any street on or within those boundaries, and

(b) a statement of the number of storeys in the building to which the proposal relates.

(6) In the case of building work which involves the insertion of insulating material into cavity walls of a building, full plans must contain or be accompanied by a statement as to –

(a) the name and type of insulating material to be used,

(b) whether or not the insulating material is proper material complying with regulation 11(a), and

(c) whether or not the installer is a person who -

(i) is the subject of a British Standards Institution Certificate of Registration, or

(ii) has been approved by -

(A) the British Board of Agrément to install such insulating material,

(B) the European Committee for Standardisation (CEN), or

- (C) a national standards body of any European Union Member State against a national standard providing an equivalent level of protection for the insertion of that material to any of the other certification and approval schemes in this paragraph.

(7) Where building work involves the provision of a hot water storage system in relation to which paragraph G3 of Schedule 1 imposes requirements, full plans must contain or be accompanied by a statement which specifies –

- (a) the name, make, model and type of hot water storage system to be installed,
- (b) the name of the body, if any, which has approved or certified that the system is capable of performing in a way which satisfied the requirements of paragraph G3 of Schedule 1, and
- (c) the name of the body, if any, which has issued any current registered operative identity card to the installer or proposed installer of the system.

(8) Survey plans or as-built drawings containing the existing details required must be provided if requested by the Committee.

(9) Calculations and details must be provided if requested by the Committee.

(10) The report of an independent engineer, approved by the Committee, stating the engineer has checked that the design of the proposed structure or service complies with all relevant requirements must be provided if requested by the Committee; and for the purposes of this regulation –

- (a) **"independent engineer"** means a Chartered Engineer who has been actively associated with a relevant discipline of engineering for at least 5 years since qualifying and has no professional or financial interest in the work that is to be checked, and
- (b) a person is regarded as having a professional or financial interest in the work if that person –
 - (i) has been responsible for the design or construction of any of the work in any capacity,
 - (ii) or any nominee of that person, is a member, officer or employee of a company, firm or other body which has a professional or financial interest in the work, or
 - (iii) is a partner of, or is the employer or employee of, a person who has a professional or financial interest in the work.

(11) The total floor area of the building to be erected and the estimated cost of building works must be provided if requested by the Committee.

(12) In a case where work is required to be executed under

regulation 10(2), full plans must, in addition to the relevant matters specified in paragraph (4)(a) and (c), contain or be accompanied by such other plans as are necessary to show whether or not regulation 10(2) will be complied with.

Approval or rejection of plans.

16. (1) Where in accordance with these Regulations full plans of any proposed works are deposited with the Committee, the Committee may –

- (a) approve such plans with or without modifications and subject or not to conditions as to the execution of the works or the use to which the building in question or part of it is to be put, or
- (b) reject such plans if in the Committee's opinion they are defective or show that the proposed works would contravene any of these Regulations.

(2) The Committee must notify the person by whom or on whose behalf full plans were deposited of the decision of the Committee with regard to such plans.

(3) Where the Committee approves full plans it must grant a licence to execute the proposed works subject to any modifications made by the Committee to such plans and subject to any conditions imposed by the Committee as to the execution of the works or the use to which the building, or part of it, is to be put.

(4) Notice of the rejection of full plans must specify the defects on account of which, or the regulation or relevant requirement for non conformity with which, the plans have been rejected.

- (5) A person must not, subject to regulation 14(3) and (4) -
- (a) execute any building work,
 - (b) replace or renovate a thermal element in a building to which the energy efficiency requirements apply,
 - (c) make a change to a building's energy status, or
 - (d) make a material change of use,

other than in accordance with the matters set out in paragraph (6).

- (6) The matters referred to in paragraph (5) are –
- (a) approved and valid full plans,
 - (b) any modifications made by the Committee to such plans, and
 - (c) any conditions imposed by the Committee as to the execution of the works or the use to which the building or part of it is to be put.

(7) A licence to carry out any works in respect of which full plans have been approved by the Committee is valid for a period of 3 years from the date of the approval of such plans by the Committee.

Notice of commencement and completion of certain stages of building work.

17. (1) A person who proposes to carry out building work must not, subject to paragraphs (5) and (6), commence that work unless that person has given

the Committee notice -

- (a) of the date of commencement of the work, in writing or by such other means as that person may agree with the Committee, and
- (b) at least 48 hours before that commencement date.

(2) A person carrying out building work must, subject to paragraph (5), give the Committee notice, in writing or by such other means as that person may agree with the Committee, of each of the following dates by the time specified below

-

- (a) the date of the covering up of any excavation for a foundation, any foundation, any damp proof course, damp proof membrane, damp proof tanking application or any concrete or other material laid over a site, at least 24 hours before that date,
- (b) the date of the haunching or covering up in any way of any drain or sewer, at least 24 hours before that date,
- (c) the date of any work of laying a drain or sewer, including any necessary work of haunching or surrounding the drain or sewer with concrete or other material and back filling the trench, not more than five days after the work has been completed,
- (d) the date of the covering up in any way of roof timbers, floor joists or other structural timberwork, being part of building work in relation to which a relevant

requirement is imposed, at least 24 hours before that date,

- (e) the date of the covering up in any way of any structural steelwork, reinforcing steel or other material intended to perform a similar function, being part of building work in relation to which a relevant requirement is imposed, at least 24 hours before that date,
- (f) the date of the covering up in any way of disused drains described in paragraph H9 of Schedule 1, at least 24 hours before that date,
- (g) the date of the completion of the erection of a building-
 - (i) in a case where the building, or any part of it, is to be occupied before completion, not less than five days before occupation commences, and
 - (ii) in all cases not more than five days after completion,
- (h) the date of the completion of any other building work, not more than five days after such completion,
- (i) the date of the covering up in any way of any insulation product installed within the external envelope of the building including the ground floor, at least 24 hours before that date, and
- (j) the date of the covering up in any way of any product in

relation to sound reduction measures required between buildings and within the same building, at least 24 hours before that date.

(3) A person who fails to comply with paragraphs (1) or (2) must comply with any notice from the Committee requiring that person to cut into, lay open or pull down so much of the work as prevents an authorised officer from ascertaining whether or not any provision of these Regulations has been contravened.

(4) If the Committee has given notice specifying the manner in which any work contravenes these Regulations, a person who has carried out any further work to secure compliance with these Regulations must, not more than five days after the further work has been carried out, give notice to the Committee of its completion.

(5) Paragraphs (1) and (2) apply only to a person required by regulation 14 to deposit full plans.

(6) Paragraph (1) does not apply where regulation 14(3) applies.

Completion certificates.

18. (1) The Committee may give a completion certificate in accordance with this regulation, and as provided for in paragraph (2), where it has received -

(a) a notice -

(i) under regulation 17(2)(g) that the erection of a building has been completed, or

(ii) under regulation 17(2)(h) that any other building work has been completed, and

(b) a written request for such a completion certificate.

(2) Where in relation to any building work or, as the case may be, to any building or part of a building which has been occupied before completion, the Committee has been able to ascertain, after taking all reasonable steps, that the relevant requirements specified in the certificate have been satisfied, it may give a certificate to that effect.

(3) A certificate given in accordance with this regulation is evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with.

(4) In this regulation, "**relevant requirements**" means -

(a) a "**relevant requirement**" as defined in regulation 2(1), and

(b) any applicable requirements of Part VII (water efficiency).

PART V

SELF CERTIFICATION SCHEMES

Provisions applicable to self certification schemes.

19. (1) This regulation applies to the extent that the building work consists only of work of a type described in column 1 of the Table in Schedule 3 and the work is carried out by a person who is described in the corresponding entry in column 2 of that Table in respect of that type of work.

(2) Where this regulation applies, the Committee is authorised to accept, as evidence that the requirements of regulations 6 and 11 have been satisfied, a certificate to that effect by the person carrying out the building work.

(3) Where this regulation applies, the person carrying out the work must, not more than 30 days after the completion of the work –

- (a) give to the occupier of the building a copy of the certificate referred to in paragraph (2), and
- (b) give to the Committee-
 - (i) notice to that effect, or
 - (ii) the certificate referred to in paragraph (2).

PART VI ENERGY EFFICIENCY REQUIREMENTS

Application of energy efficiency requirements.

20. (1) The energy efficiency requirements apply to -
- (a) the erection of any building of a kind falling within this paragraph,
 - (b) the extension of any such building, other than an extension to which paragraph (4) applies, and
 - (c) the carrying out of any work to, or in connection with, any such building or extension.

- (2) A building falls within paragraph (1) if it -
- (a) is a roofed construction having walls,
 - (b) uses energy to condition the indoor climate, and
 - (c) does not fall within any of the categories listed in paragraph (3).
- (3) The categories referred to in paragraph (2)(c) are -
- (a) buildings which are -
 - (i) registered in the Register of Historic Buildings,
or
 - (ii) in a conservation area,

where compliance with the energy efficiency requirements would unacceptably alter their character or appearance,
 - (b) buildings which are used primarily or solely as places of worship,
 - (c) temporary buildings with a planned time of use of two years or less, industrial sites, workshops and non-residential agricultural buildings with low energy demand, and
 - (d) stand-alone buildings other than dwellings with a total

useful floor area of less than 50m².

(4) This paragraph applies to any extension of a building falling within Class V of Schedule 2 except a conservatory or porch -

- (a) where any wall, door or window separating the conservatory or porch from that building has been removed and not replaced with a wall, door or window, or
- (b) into which the building's heating system has been extended.

(5) In this regulation, the following terms have the same meaning as in Directive 2010/31/EU of the European Parliament and of the Council of 19th May, 2010^h on the energy performance of buildings -

- (a) **"industrial sites"**,
- (b) **"low energy demand"**,
- (c) **"places of worship"**,
- (d) **"stand-alone"**,
- (e) **"total useful floor area"**, and
- (f) **"workshops"**.

^h OJ L 153, 18.6.2010, p. 13.

(6) In this regulation, "**conservation area**" and "**Register of Historic Buildings**" have the same meaning as in the Law.

Requirements relating to a change of energy status.

21. Where there is a change to a building's energy status, such work, if any, must be carried out as is necessary to ensure that the building complies with the applicable requirements of Part L of Schedule 1 and in this regulation "**building**" means the building as a whole or parts of it that have been designed or altered to be used separately.

Requirements relating to thermal elements.

22. (1) Where a person intends to renovate a thermal element, such work must be carried out as is necessary to ensure that the whole thermal element complies with the requirements of paragraph L1(a)(i) of Schedule 1.

(2) Where a thermal element is replaced, the new thermal element must comply with the requirements of paragraph L1(a)(i) of Schedule 1.

(3) For the purposes of these Regulations, a "**thermal element**" means a wall, floor or roof which separates a thermally conditioned part of the building ("**the conditioned space**") from -

- (a) the external environment including the ground, or
- (b) in the case of a wall or floor, another part of the building which is -
 - (i) not thermally conditioned,
 - (ii) an extension of a building falling within Class

V of Schedule 2, or

- (iii) where the building falls within paragraph (4),
conditioned to a different temperature,

and, for the avoidance of doubt, includes all parts of such a wall, floor or roof between the surface bounding the conditioned space and the external environment or other part of the building, as the case may be.

- (4) A building falls within this paragraph if -
 - (a) the building is not a dwelling, and
 - (b) the other part of the building is used for a purpose which is not identical or similar to that for which the conditioned space is used.

PART VII

WATER EFFICIENCY

Water efficiency of new dwellings.

23. (1) The potential consumption of wholesome water by persons occupying a dwelling, to which this regulation applies, must not exceed 125 litres per person per day calculated in accordance with the methodology set out in the Water Efficiency Calculator for New Dwellings, as revised from time to time, published by the States of Guernsey Environment Department ⁱ.

ⁱ The current 2012 edition is available from the States of Guernsey Environment Department and the Building and Development Control Committee in Alderney.

- (2) This regulation applies to a dwelling which is –
- (a) erected, or
 - (b) formed by a material change of use of a building within the meaning of regulation 7(a) or (b).

Wholesome water consumption calculation.

24. (1) Where regulation 23 applies, the person carrying out the work must give the Committee a notice which specifies the potential consumption of wholesome water per person per day calculated in accordance with the methodology referred to in that regulation in relation to the completed dwelling.

(2) The notice must be given to the Committee not later than five days after the work has been completed.

PART VIII

TESTING

Testing of building work.

25. An authorised officer may make such tests of any building work as may be necessary to establish whether that work complies with regulation 11 or any relevant requirement.

Sampling and testing of materials.

26. An authorised officer may take such samples of the materials to be used in the carrying out of building work, and may require such tests to be made of the samples by a person approved by an authorised officer, as an authorised officer considers necessary to ascertain whether or not such materials comply with the provisions of these Regulations.

PART IX
APPEALS AND MISCELLANEOUS PROVISIONS

Appeals.

27. Section 43A of the Law makes provision for appeals to the Court of Alderney in relation to specified decisions under these Regulations.

Revocation.

28. The Building (Alderney) Regulations, 1978^j are revoked.

Transitional provisions and savings.

29. These Regulations do not apply in relation to –

- (a) valid plans deposited before 10th February, 2014, and
- (b) building work carried out in accordance with such plans, with or without any departure or deviation from them,

and the Regulations revoked by regulation 28 continue to apply in relation to any such plans or work as if they had not been revoked.

Dated this 30th day of January, 2014

Matthew Birmingham
Chairman, Building and Development Control Committee
For and on behalf of the Committee

^j Alderney S.I. No. 1 of 1978.

SCHEDULE 1

regulations 2, 6, 8, 10,
13, 15, 17, 21, 22
Schedule 2, Classes I and
V and Schedule 3,
paragraph 7

REQUIREMENTS

PART A STRUCTURE

Loading.

A1. (1) The building must be so constructed that the combined dead, imposed and wind loads are sustained and transmitted by it to the ground –

- (a) safely, and
- (b) without causing such deflection or deformation of any part of the building, or such movement of the ground, as will impair the stability of any part of that or another building.

(2) In assessing whether a building complies with subparagraph (1) regard must be had to the imposed and wind loads to which it is likely to be subjected in the ordinary course of its use for the purpose for which it is intended.

Ground movement.

A2. The building must be constructed so that ground movement caused by–

- (a) swelling, shrinkage or freezing of the subsoil, or

- (b) land-slip or subsidence (other than subsidence arising from shrinkage), in so far as the risk can be reasonably foreseen,

will not impair the stability of any part of the building.

Disproportionate collapse.

A3. The building must be constructed so that in the event of an accident the building will not suffer collapse to an extent disproportionate to the cause.

Swimming Pools and reservoirs.

A4. Swimming pools and reservoirs must be constructed so that –

- (a) they are impervious to liquid, and
- (b) they will not damage the structure of any other building or any road.

PART B FIRE SAFETY

Means of escape.

B1. The building must be designed and constructed so that there are appropriate provisions for the early warning of fire and appropriate means of escape in case of fire from the building to a place of safety outside the building capable of being safely and effectively used at all material times.

Internal fire spread (linings).

B2. (1) To inhibit the spread of fire within the building the internal

linings must –

- (a) adequately resist the spread of flame over their surfaces, and
- (b) have, if ignited, either a rate of heat release or a rate of fire growth which is reasonable in the circumstances.

(2) In this paragraph "**internal linings**" means the materials or products used in lining any partition, wall, ceiling or other internal structure.

Internal fire spread (structure).

B3. (1) The building must be designed and constructed so that, in the event of fire, its stability will be maintained for a reasonable period.

(2) A wall common to two or more buildings must be designed and constructed so that it adequately resists the spread of fire between those buildings. For the purposes of this subparagraph a house in a terrace and a semi-detached house are each to be treated as a separate building.

(3) To inhibit the spread of fire within the building, it must be subdivided with fire resisting construction to an extent appropriate to the size and intended use of the building.

(4) The building must be designed and constructed so that the unseen spread of fire and smoke within concealed spaces in its structure and fabrics is inhibited.

External fire spread (walls and roofs).

B4. (1) The external walls of the building must adequately resist the spread of fire over the walls and from one building to another, having regard to the

height, use and position of the building.

(2) The roof of the building must adequately resist the spread of fire over the roof and from one building to another having regard to the use and position of the building.

Access and facilities for the fire service.

B5. (1) The building must be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.

(2) Reasonable provision must be made within the site of the building to enable fire appliances to gain access to the building.

PART C
SITE PREPARATION AND RESISTANCE TO CONTAMINANTS AND
MOISTURE

Preparation of the site and resistance to contaminants.

C1. (1) The ground to be covered by the building must be reasonably free from any material that might damage the building or affect its stability, including vegetable matter, topsoil and pre-existing foundations.

(2) Reasonable precautions must be taken to avoid danger to health and safety caused by contaminants on or in the ground covered, or to be covered, by the building and any land associated with the building.

(3) Adequate sub-soil drainage must be provided, if it is needed to avoid –

(a) the passage of ground moisture to the interior of the building, or

- (b) damage to the building, including damage through the transport of water-borne contaminants to the foundations of the building.

(4) For the purposes of this requirement, "**contaminant**" means any substance, which is or may become harmful to persons or buildings including substances, which are corrosive, explosive, flammable, radioactive or toxic.

Resistance to moisture.

C2. The walls, floors and roof of the building must adequately protect the building and people who use the building from harmful effects caused by –

- (a) ground moisture,
- (b) precipitation including wind-driven spray,
- (c) interstitial and surface condensation, and
- (d) spillage of water from or associated with sanitary fittings or fixed appliances.

PART D
TOXIC SUBSTANCES

Cavity insulation (walls).

D1. If insulating material is inserted into a cavity in a cavity wall reasonable precautions must be taken to prevent the subsequent permeation of any toxic fumes from that material into any part of the building occupied by people.

PART E

RESISTANCE TO THE PASSAGE OF SOUND

Protection against sound from other parts of the building and adjoining buildings.

E1. Dwellings and rooms for residential purposes must be designed and constructed in such a way that they provide reasonable resistance to sound from other parts of the same building and from adjoining buildings.

Protection against sound within a dwelling etc.

E2. Dwellings and rooms for residential purposes must be designed and constructed in such a way that –

- (a) internal walls between a bedroom or a room containing a water closet, and other rooms, and
- (b) internal floors,

provide reasonable resistance to sound.

Limits on application of E2.

Requirement E2 does not apply to –

- (a) an internal wall which contains a door,
- (b) an internal wall which separates an en suite toilet from the associated bedroom, or
- (c) existing walls and floors in a building which is subject to a material change of use.

Reverberation in common internal parts of buildings containing flats or rooms for residential purposes.

E3. The common internal parts of buildings which contain flats or rooms for residential purposes must be designed and constructed in such a way as to prevent more reverberation around the common parts than is reasonable.

Limits on application of E3.

Requirement E3 only applies to corridors, stairwells, hallways and entrance halls which give access to the flat or room for residential purposes.

Acoustic conditions in schools.

E4. (1) Each room or other space in a school must be designed and constructed in such a way that it has the acoustic conditions and the insulation against disturbance by noise appropriate to its intended use.

(2) In this paragraph "**school building**" means any building forming a school or part of a school.

PART F VENTILATION

Means of ventilation (buildings).

F1. (1) There must be adequate means of ventilation provided for people in the building.

(2) Fixed systems for mechanical ventilation and any associated controls must be commissioned by testing and adjusting as necessary to secure that the objective referred to in subparagraph (1) is met.

Limits on application of F1.

Requirement F1 does not apply to a building or space within a building –

(a) into which people do not normally go,

- (b) which is used solely for storage, or
- (c) which is a garage used solely in connection with a single family dwelling.

Requirement F1(2) does not apply to dwellings.

PART G
HEALTH, HYGIENE AND WATER EFFICIENCY

Cold water supply.

G1. (1) There must be a suitable installation for the provision of wholesome water to -

- (a) any place where drinking water is drawn off,
- (b) any washbasin or bidet provided in or adjacent to a room containing a sanitary convenience,
- (c) any washbasin, bidet, fixed bath or shower in a bathroom, and
- (d) any sink provided in any area where food is prepared.

(2) There must be a suitable installation for the provision of water of suitable quality to any sanitary convenience fitted with a flushing device.

Water efficiency.

G2. Reasonable provision must be made by the installation of fittings and fixed appliances that use water efficiently for the prevention of undue consumption of water.

Limits on application of G2.

Requirement G2 applies only when a dwelling is -

- (a) erected, or
- (b) formed by a material change of use of a building within the meaning of regulation 7(a) or (b).

Hot water supply and systems.

G3. (1) There must be a suitable installation for the provision of heated wholesome water to -

- (a) any washbasin or bidet provided in or adjacent to a room containing a sanitary convenience,
- (b) any washbasin, bidet, fixed bath or shower in a bathroom, and
- (c) any sink provided in any area where food is prepared.

(2) A hot water system, including any cistern or other vessel that supplies water to or receives expansion water from a hot water system, must be designed, constructed and installed so as to resist the effects of temperature and pressure that may occur either in normal use or in the event of such malfunctions as may reasonably be anticipated and must be adequately supported.

(3) A hot water system that has a hot water storage vessel must incorporate precautions to -

- (a) prevent the temperature of the water stored in the vessel at any time exceeding 100⁰C, and
- (b) ensure that any discharge from safety devices is safely conveyed to where it is visible but will not cause a danger to persons in or about the building.

(4) The hot water supply to any fixed bath must be so designed and installed as to incorporate measures to ensure that the temperature of the water that can be delivered to that bath does not exceed 48⁰C.

Limits on application of G3.

Requirement G3(3) does not apply to a system which heats or stores water for the purposes only of an industrial process.

Requirement G3(4) applies only when a dwelling is -

- (a) erected, or
- (b) formed by a material change of use within the meaning of regulation 7(a) or (b).

Sanitary conveniences, hand washing facilities and sinks in workplaces.

G4. (1) Adequate and suitable sanitary conveniences must be provided in rooms provided to accommodate them or in bathrooms.

- (2) Adequate hand washing facilities must be provided in -

- (a) rooms containing sanitary conveniences, or
- (b) rooms or spaces adjacent to rooms containing sanitary conveniences.

(3) Any room containing a sanitary convenience, a bidet, or any facility for washing hands provided in accordance with subparagraph (2)(b) must be separated from any kitchen or any area where food is prepared.

(4) Adequate sinks must be provided in buildings used as places of work in which at least 10 persons are employed to work at any time.

Bathrooms.

G5. A bathroom must be provided containing a wash basin and either a fixed bath or a shower.

Limits on application of G5.

Requirement G5 applies only to dwellings and to buildings containing one or more rooms for residential purposes.

Food preparation areas.

G6. A suitable sink must be provided in any area where food is prepared.

Habitable Rooms.

G7. The layout, size and arrangement of habitable rooms must be adequate.

Limits on application of G7.

Requirement G7 applies only to dwellings, guesthouses, rooms for residential purposes, institutions and any other building containing sleeping accommodation.

PART H

DRAINAGE AND WASTE DISPOSAL

Foul water drainage.

H1. (1) An adequate system of drainage must be provided to carry foul water from appliances within the building to one of the following, listed in order of priority –

- (a) a public sewer, or, where that is not reasonably practicable,
- (b) a private sewer communicating with a public sewer, or, where that is not reasonably practicable,
- (c) a cesspool, or where that is not reasonably practicable,
- (d) either a septic tank which has an appropriate form of secondary treatment or another wastewater treatment system.

(2) In this Part "**foul water**" means waste water which comprises or includes –

- (a) waste from a sanitary convenience, bidet, or appliance used for washing receptacles for foul waste, or
- (b) water which has been used for food preparation, cooking or washing.

Cesspools, septic tanks, settlement tanks and effluent tanks.

H2. (1) Any cesspool, septic tank and its form of secondary treatment, or other wastewater treatment system, must be so sited and constructed that –

- (a) it is not prejudicial to the health of any person,
- (b) it will not contaminate any watercourse, underground water or water supply,
- (c) there are adequate means of access for emptying and maintenance, and
- (d) where relevant, it will function to a sufficient standard for the protection of health in the event of a power failure.

(2) Any cesspool or holding tank which is part of a wastewater system or septic tank must be –

- (a) of adequate capacity,
- (b) so constructed that it is impermeable to liquids,
- (c) adequately ventilated, and
- (d) adequately covered or fenced in.

(3) Where a foul water drainage system from a building discharges to a cesspool, wastewater treatment system or septic tank, a durable notice must be affixed in a suitable place in the building containing information on any continuing maintenance required to avoid risks to health.

Rainwater drainage.

- H3.** (1) Adequate provision must be made for rainwater to be carried

from the roof of the building.

(2) Paved areas around the building must be so constructed as to be adequately drained.

(3) Rainwater from a system provided pursuant to subparagraphs (1) or (2) must discharge to one of the following, listed in order of priority –

(a) an adequate soakaway or some other adequate infiltration system, or, where that is not reasonably practicable,

(b) a watercourse, or, where that is not reasonably practicable,

(c) a sewer,

and wherever practicable the outfall must be situated within the controlled area.

(4) In subparagraph (3), "**controlled area**" has the meaning in section 1(1) of the States Water Supply (Prevention of Pollution) (Alderney) Ordinance, 1973^k.

Limits on application of H3(2) and H3(3).

Requirement H3(2) applies only to paved areas –

(a) which provide access to the building pursuant to

^k Alderney Ordinance No. III of 1973; the definition of "controlled area" was substituted by Alderney Ordinance No. XIII of 1994; there are other amendments not relevant to these Regulations.

paragraph M1 (access and use) and M2 (access to extensions to buildings other than dwellings),

- (b) which provide access to or from a place of storage pursuant to paragraph H6(2) (solid waste storage),
- (c) in any passage giving access to the building, where this is intended to be used in common by the occupiers of one or more other buildings, or
- (d) forming the road providing access to buildings, and

requirement H3(3) does not apply to the gathering of rainwater for reuse.

Building over sewers.

H4. The erection or extension of a building or work involving the underpinning of a building must be carried out in a way that is not detrimental to the building or building extension or to the continued maintenance of the drain or sewer.

Limits on the application of H4.

Requirement H4 applies only to work carried out –

- (a) over a drain or sewer, or
- (b) on any site or in such a manner as may result in interference with the use of, or obstruction of the access of any person to, any drain or sewer.

Separate systems of drainage.

H5. Any system for discharging water to a sewer which is provided pursuant to paragraph H3 must be separate from that provided for the conveyance of

foul water from the building.

Limits on the application of H5.

Requirement H5 applies only to a system provided in connection with the erection or extension of a building where it is reasonably practicable for the system to discharge directly or indirectly to a sewer, for the separate conveyance of surface water, which is under construction for and on behalf of the States of Alderney.

Solid waste storage.

H6. (1) Adequate provision must be made for the storage of solid waste.

(2) Adequate means of access must be provided –

- (a) for people in the building to the place of storage, and
- (b) from the place of storage to a collection point, or to a street (where there is no collection point).

Overflow drainage.

H7. Any reservoir must be provided with adequate drainage to take off excess water.

Farm drainage.

H8. (1) Any farm building or yard for use by animals (including a poultry run) must –

- (a) be sited and constructed so that it will not contaminate any stream, surface water drain, pond or underground water supply, by reason of the use of the building or yard,

- (b) have a floor, in the case of the building, or a surface, in the case of the yard, impermeable to liquids, and
- (c) have all drains, other than drains for rainwater, connected to an adequate watertight tank or other adequate watertight receptacle.

(2) In this paragraph –

"farm building" means a building intended for use in connection with the keeping of any cattle, horses, goats, swine or poultry or any other animals, and

"poultry" means domestic fowl, turkey, geese, duck, guinea fowl, partridge, pheasant or pigeon.

Disused drains, cesspools, septic tanks, settlement tanks or effluent tanks.

H9. (1) Any system which carried foul water from appliances within the building to a sewer, a cesspool, or an effluent, septic or settlement tank, and which has been disconnected from the appliances, must be capped off or otherwise sealed.

(2) Any cesspool, septic tank, settlement tank or effluent tank which has become disused must be adequately cleansed and rendered innocuous.

PART J

HEAT PRODUCING APPLIANCES AND FUEL STORAGE SYSTEMS

Air supply.

J1. Combustion appliances must be so installed that there is an adequate

supply of air to them for combustion to prevent overheating and for the efficient working of any flue pipe or chimney.

Discharge of products of combustion.

J2. Combustion appliances must have adequate provision for the discharge of the products of combustion to the outside air.

Protection of building and occupants.

J3. (1) Combustion appliances and flue-pipes must be so installed, and fireplaces and chimneys must be so constructed and installed, as to reduce to a reasonable level the risk of people suffering burns or the building catching fire in consequence of their use.

(2) Where a combustion appliance is provided, appropriate provision, having regard to the design and location of the appliance, must be made to detect and give early warning of the release of carbon monoxide at levels harmful to persons.

Limits on application of J1, J2, and J3.

The requirements in paragraphs J1 to J3 (1) apply only to fixed combustion appliances (including incinerators) and requirement J3(2) applies only to the same located in dwellings.

Provision of information.

J4. Where a hearth, fireplace, flue or chimney is provided or extended, a durable notice containing information on the performance capabilities of the hearth, fireplace, flue or chimney must be affixed in a suitable place in the building for the purpose of enabling combustion appliances to be safely installed.

Protection of liquid fuel storage systems.

J5. Liquid fuel storage systems and the pipes connecting them to

combustion appliances must be so constructed and separated from buildings and the boundary of the premises as to reduce to a reasonable level the risk of the fuel igniting in the event of fire in adjacent buildings or premises.

Protection against pollution.

J6. (1) Any oil or gas fired boiler, internal combustion engine or any storage tank, pipes or other apparatus intended to be used for or in conjunction with the consumption, storage or supply of petroleum spirit, oil or gas, or heating by oil or gas must be –

- (a) so manufactured or constructed that it is impermeable to liquids, and
- (b) so sited and constructed that –
 - (i) it is not prejudicial to the health or safety of any person, and
 - (ii) it will not contaminate any stream, surface water drain, pond or underground water or water supply.

(2) Any petroleum spirit or oil storage tank must be provided with, and situated in an adequate secondary containment vessel or catchpit, which itself must meet the requirements of subparagraphs (1)(a) and (b).

(3) Any petroleum spirit or oil storage tank must have affixed in a prominent position a durable notice containing information on how to respond to an oil escape so as to reduce to a reasonable level the risk of pollution.

Clean air.

J7. (1) Furnaces and boilers must be installed so as to operate, as far as practicable, without emitting –

- (a) smoke, or
- (b) grit and dust.

(2) "**Furnace**" in this paragraph means any furnace except –

- (a) one designed solely or mainly for a single family dwelling, or
- (b) one used for heating a boiler with maximum heating capacity of less than 45 kilowatts per hour.

PART K

SAFE MEANS OF ACCESS AND EGRESS

Stairs, ladders and ramps.

K1. Stairs, ladders and ramps must be so designed, constructed and installed as to be safe for people moving between different levels in or about the building.

Protection from falling.

- K2.**
- (a) Any stairs, ramps, floors and balconies and any roof to which people have access, and
 - (b) any light well, basement area or similar sunken area connected to a building,

must be provided with barriers where it is necessary to protect people in or about the

building from falling.

Limitations on application of K1 and K2(a).

Requirements K1 and K2(a) apply only to stairs, ladders and ramps which form part of the building.

Vehicle barriers and loading bays.

K3. (1) Vehicle ramps, and any levels in a building to which vehicles have access, must be provided with barriers where it is necessary to protect people in or about the building.

(2) Vehicle loading bays must be constructed in such a way, or be provided with such features, as may be necessary to protect people in them from collision with vehicles.

Protection from collision with open windows etc.

K4. Provision must be made to prevent people moving in or about the building from colliding with open windows, skylights or ventilators.

Limits on application of requirement K4.

Requirement K4 does not apply to dwellings, except the elevations of those dwellings directly abutting the public highway.

Protection against impact from and trapping by doors.

- K5.** (1) Provision must be made to prevent any door or gate –
- (a) which slides or opens upwards, from falling onto any person, and
 - (b) which is powered, from trapping any person.

(2) Provision must be made for powered doors and gates to be opened in the event of a power failure.

(3) Provision must be made to ensure a clear view of the space on either side of a swing door or gate.

Limits on application of K5.

Requirement K5 does not apply to –

- (a) dwellings, or
- (b) any door or gate which is part of a lift.

Reservoirs and water retaining structures.

K6. Reservoirs and water retaining structures which are not covered must–

- (a) be enclosed by a fence, and
- (b) have adequate means of egress in case of accidental entry.

PART L CONSERVATION OF FUEL AND POWER

Dwellings.

L1. Reasonable provision must be made for the conservation of fuel and power in dwellings by –

- (a) limiting the heat loss –

- (i) through thermal elements and other parts of the fabric of the building,
 - (ii) from hot water pipes and hot air ducts used for space heating, and
 - (iii) from hot water vessels,
- (b) providing space heating and hot water systems which are energy-efficient,
 - (c) providing lighting systems with appropriate lamps and sufficient controls so that energy can be used efficiently, and
 - (d) providing sufficient information with the heating and hot water services so that building occupiers can operate and maintain the services in such a manner as to use no more energy than is reasonable in the circumstances.

Limits on application of requirement L1(c).

The requirement for sufficient controls in paragraph L1(c) applies only to external lighting systems fixed to the building.

Buildings other than dwellings.

L2. Reasonable provision must be made for the conservation of fuel and power in buildings other than dwellings by –

- (a) limiting the heat losses and gains through the fabric of the building,

- (b) limiting the heat loss –
 - (i) from hot water pipes and hot air ducts used for space heating, and
 - (ii) from hot water vessels and hot water service pipes,
- (c) providing space heating and hot water systems which are energy efficient,
- (d) limiting exposure to solar overheating,
- (e) making provision where air conditioning and mechanical ventilation systems are installed, so that no more energy needs to be used than is reasonable in the circumstances,
- (f) limiting the heat gains by chilled water and refrigerant vessels and pipes and air ducts that serve air conditioning systems,
- (g) providing lighting systems which are energy efficient, and
- (h) providing sufficient information with the relevant services so that the building can be operated and maintained in such a manner as to use no more energy than is reasonable in the circumstances.

Limits on application of requirements L2(e) and (f).

Requirements L2(e) and (f) apply only within buildings and parts of buildings where more than 200m² of floor area is to be served by air conditioning or mechanical ventilation systems.

Limits on application of requirement L2(g).

Requirement L2(g) applies only within buildings and parts of buildings where more than 100m² of floor area is to be served by artificial lighting.

PART M ACCESS TO AND USE OF BUILDINGS

Access and use.

M1. Reasonable provision must be made for people to –

- (a) gain access to, and
- (b) use,

the building and its facilities.

Access to extensions to buildings other than dwellings.

M2. (1) Suitable independent access must be provided to extensions of buildings, other than dwellings, where reasonably practicable.

(2) In this paragraph, "**independent access**" means, in relation to a part of a building (including any extension to that building), a route of access to that part which does not require the user to pass through any other part of the building.

Sanitary conveniences in extensions to buildings other than dwellings.

M3. If sanitary conveniences are provided in any building that is to be extended, reasonable provision must be made within the extension for sanitary conveniences.

Sanitary conveniences in dwellings.

M4. (1) Reasonable provision must be made in the entrance storey of a dwelling for sanitary conveniences, or where the entrance storey contains no habitable rooms, reasonable provision for sanitary conveniences must be made in either the entrance storey or principal storey.

(2) In this paragraph -

"entrance storey" means the storey which contains the principal entrance to the dwelling, and

"principal storey" means the storey nearest to the entrance storey which contains a habitable room, or if there are two such storeys equally near, either such storey.

Limits on application of Part M and of requirements M2 and M3.

The requirements of this Part do not apply to –

- (a) an extension or material alteration of a dwelling, or
- (b) any part of a building which is used solely to enable the building or any service or fitting in the building to be inspected, repaired or maintained.

Requirement M2 does not apply where suitable access to the extension is provided through the building that is extended.

Requirement M3 does not apply where there is reasonable provision for sanitary conveniences elsewhere in the building such that people occupied in, or otherwise having occasion to enter, the extension can gain access to and use those sanitary conveniences.

PART N
GLAZING - MATERIALS AND PROTECTION

Protection against impact.

N1. Glazing, with which people are likely to come into contact whilst moving in or about the building, must –

- (a) if broken on impact, break in a way which is unlikely to cause injury,
- (b) resist impact without breaking, or
- (c) be shielded or protected from impact.

Manifestation of glazing.

N2. Transparent glazing, with which people are likely to come into contact whilst moving in or about the building, must incorporate features which make it apparent.

Safe opening and closing of windows etc.

N3. Windows, skylights and ventilators which can be opened by people in or about the building must be so constructed or equipped that they may be opened, closed or adjusted safely.

Limits on application of requirements N2 and N3.

Requirements N2 and N3 do not apply to dwellings.

Safe access for cleaning windows etc.

N4. Provision must be made for any windows, skylights, transparent or translucent walls, ceilings or roofs to be safely accessible for cleaning.

Limits on application of requirement N4.

Requirement N4 does not apply to –

- (a) dwellings, or
- (b) any transparent or translucent elements whose surface is not intended to be cleaned.

PART P

ROADS

Layout, design and construction.

P1. Roads must be of a suitable layout, including arrangement for the safety of pedestrians and provision for turning, and must be of an adequate width and gradient, provided with a suitable surface and adequately constructed.

Drainage.

P2. Roads must be provided with adequate drainage.

SCHEDULE 2

regulations 7(e), 10(1), 13, 20 and 22

EXEMPTED BUILDINGS AND BUILDING WORK

CLASS I

Glasshouses

(1) A building used as a glasshouse unless it, or any part of it, is used for any purpose other than for horticulture except that this exemption does not apply to any -

- (a) controlled services or fittings installed in the glasshouse, or
- (b) disposal of surface water,

which must satisfy the requirements of H3 of Schedule 1.

(2) In this CLASS I, "**glasshouse**" means a structure made predominantly of glass or other transparent or translucent material, which is not attached to a building, and which is designed and used for growing plants.

CLASS II

Temporary buildings

A building which is not intended to remain where it is erected for more than 28 days except buildings to which the public are admitted or which are intended for use as, or

to include, sleeping accommodation.

CLASS III

Ancillary buildings

(1) A building on a site, being a building which is intended to be used only in connection with the disposal of buildings or building plots on that site.

(2) A building on the site of construction or civil engineering works which is intended to be used only during the course of those works and contains no sleeping accommodation.

CLASS IV

Small detached buildings

(1) A detached single storey building, having a floor area which does not exceed 20m², which contains no sleeping accommodation and is a building –

(a) no point of which, subject to subparagraph (2), is less than one metre from the boundary of its curtilage, or

(b) which is constructed substantially of non-combustible material.

(2) Item (a) of subparagraph (1) does not apply to a building falling within subparagraph (1) which has a floor area which does not exceed 8m².

CLASS V

Extensions

- (1) The extension of a building by the addition at ground level of –
 - (a) a single storey glasshouse, conservatory, sun lounge, porch or covered yard, which is not intended for use as sleeping accommodation, or
 - (b) a car port open on at least two sides,

where the floor area of that extension does not exceed 20m², it does not affect the ventilation of the building, the disposal of rainwater satisfies the requirements of H3 of Schedule 1 and any glazing satisfies the requirements of Part N of Schedule 1.

- (2) In this CLASS V –

"conservatory" means a structure –

- (a) which is attached to a building,
- (b) the roof of which is more than 75 per cent formed of translucent material,
- (c) the walls of which are more than 50 per cent formed of translucent material, and
- (d) which is separated from the rest of that building by a door,

"covered yard" means a structure -

- (a) which is attached to a building,
- (b) forms a roof or other shelter over an external area adjacent to that building, and
- (c) which has no wall, and

"sun lounge" means a structure –

- (a) which is attached to a building,
- (b) the walls of which are more than 75 per cent formed of translucent material, and
- (c) which is separated from the rest of that building by a door.

CLASS VI

Garden walls

(1) The erection of a free standing wall of up to 1800 mm in height within the curtilage of a dwelling or along a boundary of the curtilage of a dwelling with another dwelling or a public highway, provided that -

- (a) the structure of the wall is founded on a natural material of a suitable nature to carry the imposed loads of the wall, and
- (b) the wall is built, subject to subparagraph (2), so that -
 - (i) it meets or exceeds the minimum requirements for wall thickness shown in the Table below for

a wall of the height in question,

- (ii) the foundation width is equal to the thickness of the wall plus 300mm, and
- (iii) it is centred over the foundation.

Wall height	Minimum wall thickness
Up to 450mm	95mm
Over 450mm to 750mm	145mm
Over 750mm to 1800mm	220mm

(2) The minimum required thickness of a wall may be reduced from that required in the Table provided that -

- (a) piers are inserted at regular intervals along the wall or end restraint of the wall,
- (b) the notice of exempt works required to be submitted to the Committee under regulation 13(2) includes details of the reduced wall thickness and of the piers to be inserted, and
- (c) the size and frequency of such piers complies with any requirements relating to the same imposed in writing by the Committee following receipt of the notice referred to in item (b).

SCHEDULE 3

regulations 14(4) and 19(1)

SELF CERTIFICATION SCHEMES

Column 1-building work	Column 2-person carrying out work
<p>1. The installation of -</p> <p>(a) a heat producing gas appliance or a liquefied petroleum gas fuelled storage facility, or</p> <p>(b) a heating system or a hot water service system connected to a heat producing gas appliance or the installation of controls associated with either such a system.</p>	<p>In relation to building work falling within 1(a) or (b), a person, or an employee of a person, who is a member of a class of persons approved for the time being for the purposes of section 3(3) of the Health and Safety (Gas) (Guernsey) Ordinance, 2006¹.</p> <p>In relation to building work falling within 1(b), a person registered under -</p> <p>(a) the Competent Persons Scheme by the Oil Firing Technical Association Limited,</p> <p>(b) the Registration Scheme for Companies and Engineers involved in the Installation and Maintenance of Domestic Solid Fuel Fired Equipment by HETAS Limited, or</p> <p>(c) the relevant competent persons scheme by NAPIT Registration Limited,</p>

¹ Guernsey Ordinance, Recueil d'Ordonnances Tome XXXI, p. 319.

	in respect of that type of building work.
<p>2. The installation of -</p> <p>(a) a heat producing oil-fired appliance which has a rated heat output of 100 kilowatts or less or a fixed storage tank for the storage of fuel oil, or</p> <p>(b) a heating system or hot water service system connected to a heat producing oil-fired combustion appliance or the installation of controls associated with either such a system.</p>	<p>A person registered under -</p> <p>(a) the Competent Persons Scheme by the Oil Firing Technical Association Industry Limited,</p> <p>(b) the Registration Scheme for Companies and Engineers involved in the Installation and Maintenance of Domestic Solid Fuel Fired Equipment by HETAS Limited, or</p> <p>(c) the relevant competent persons scheme by NAPIT Registration Limited,</p> <p>in respect of that type of building work.</p>
<p>3. The installation of a hot water storage vessel which does not incorporate a vent pipe to the atmosphere.</p>	<p>(a) A person, or an employee of a person, who is a member of a class of persons approved for the time being for the purposes of section 3(3) of the Health and Safety (Gas) (Guernsey) Ordinance, 2006, or</p>

	<p>(b) a person registered under -</p> <p>(i) the Competent Persons Scheme by the Oil Firing Technical Association Limited,</p> <p>(ii) the Registration Scheme for Companies and Engineers involved in the Installation and Maintenance of Domestic Solid Fuel Fired Equipment by HETAS Limited, or</p> <p>(iii) the relevant competent persons scheme by NAPIT Registration Limited,</p> <p>in respect of that type of building work.</p>
<p>4. The installation of -</p> <p>(a) a heat producing solid fuel burning appliance which has a rated heat output of 50 kilowatts or less, or</p> <p>(b) a heating system or a hot water service system connected to a heat</p>	<p>In relation to building work falling within 4(a) or (b), a person registered under -</p> <p>(a) the Registration Scheme for Companies and Engineers involved in the Installation and Maintenance of Domestic Solid Fuel Fired Equipment by HETAS Ltd, or</p> <p>(b) the relevant competent persons scheme</p>

<p>producing solid fuel burning combustion appliance or the installation of controls associated with either such a system.</p>	<p>by NAPIT Registration Limited, in respect of that type of building work.</p> <p>In relation to building work falling within 4(b), a person registered under the Competent Persons Scheme by the Oil Firing Technical Association Limited in respect of that type of building work.</p>
<p>5. The installation, as a replacement, of a window, rooflight, roof window or door in an existing dwelling.</p>	<p>A person registered under the Fenestration Self-Assessment Scheme by FENSA limited in respect of that type of building work.</p>
<p>6. The insertion of insulating material into the cavity walls of an existing building.</p>	<p>A person qualified and accredited by the British Board of Agrément (BBA) in respect of that type of building work.</p>
<p>7. Any building work which is necessary to ensure that any appliance, service or fitting which is installed and which is described in the preceding entries in column 1, complies with the applicable requirements in Schedule 1 except that this paragraph does not apply to the provision of a masonry chimney.</p>	<p>The person who installs the appliance, service or fitting to which the building work relates and who is described in the corresponding entry in this column 2.</p>

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Building (Alderney) Regulations, 1978 (Alderney Statutory Instrument No. 1 of 1978) ("the 1978 Regulations").

These Regulations provide for modern building standards, as set out in Schedule 1 of the Regulations, to be complied with when carrying out building work on Alderney to replace those set out in the 1978 Regulations.

In particular the new Regulations -

- provide for practical guidance (Approved Documents) to be approved or issued in relation to the requirements of the Regulations; a breach of such documents may be relied upon in court proceedings as tending to establish a breach of the requirements of these Regulations (see regulations 3 and 4). It is intended that most such approved documents will be Guernsey Technical Standards issued under the Guernsey Building Regulations with modifications to reflect any differences in the requirements in Alderney,
- set out definitions of building work, change of use and demolition to which specified requirements of these Regulations apply, (see regulations 5 to 8 and Schedule 1), and
- provide for building work to be carried out with proper materials and in a workmanlike manner (see regulation 11).

Under the Regulations a person is prohibited from carrying out building work or a material change of use as defined in the Regulations unless that person has deposited full plans with the Building and Development Control Committee ("the Committee")

as required under regulations 14 and 15 and the work is carried out in accordance with the terms and conditions of a licence issued by the Committee. This is subject to exemptions for the works set out in regulation 13 and Schedule 2 and for the building work set out in Schedule 3 where it is to be carried out by a person qualified to self-certify that work because of membership of a relevant professional body (see regulations 14, 15 and 19). The Exemptions replace those set out in regulation 7 of the 1978 Regulations.

Requirements in relation to materials unsuitable for use in permanent buildings are set out in regulation 12 and replace those in regulation 10 of the 1978 Regulations.

There are also requirements to give notice of commencement and completion of additional stages of work to those set out under regulation 6 of the 1978 Regulations (see regulation 17). These requirements do not apply to exempted works and those which may be self-certified.

Part IV contains new powers for the Committee to issue completion certificates certifying that the requirements of these Regulations, specified in the certificate, have been met.

Parts VI and VII set out, respectively, new requirements relating to energy and water efficiency. Part VIII sets out powers for authorised officers to carry out tests and take samples to establish compliance with the requirements of these Regulations.

These Regulations will come into force on 10th February, 2014 and will then only apply to plans deposited with the Committee on or after that date. The requirements of the Building Regulations, 1978 will continue to apply to any plans deposited, or work carried out under plans deposited, before 10th February, 2014 as if they had not been revoked under the transitional and savings provisions in regulation 29.