



Llywodraeth Cymru
Welsh Government

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Rheoliadau Adeiladu (Cymru)

Cylchlythyr

Rhif y Cylchlythyr:	WGC 001/2017	Dyddiad cyhoeddi:	27 / 01M / 2017
Statws:	Er gwybodaeth		
Teitl:	Newidiadau i Safonau Perfformiad Rheoli Adeiladu		
Cyhoeddwyd gan:			
Francois Samuel, Pennaeth Rheoliadau Adeiladu			
Cyfeiriwyd at:		Anfonwch ymlaen at:	
Prif Weithredwyr Awdurdodau Lleol Cymdeithas Llywodraeth Leol Cymru Cymdeithas Arolygwyr Cymeradwy Corfforaethol Cyngor y Diwydiant Adeiladu Fforwm Personau Cymwys		Swyddogion Rheoli Adeiladu'r Awdurdodau Lleol Aelodau Cynulliad	
Crynodeb:			
Mae'r cylchlythyr hwn yn rhoi gwybodaeth am y newidiadau i Safon 6 a Safon 7 y Safonau Perfformiad Rheoli Adeiladu.			
I gael rhagor o wybodaeth cysylltwch â:			
Colin Blick Rheoliadau Adeiladu Llywodraeth Cymru Merthyr Tudful		Llinell Uniongyrchol: 0300 062 8144 E-bost: enquiries.brconstruction@wales.gsi.gov.uk Gwefan: http://gov.wales/topics/planning/buildingregs/?skip=1&l	

Cyflwyniad

Mae'r cylchlythyr hwn yn eich hysbysu o newidiadau i'r Safonau Perfformiad Rheoli Adeiladu. Mae'r Safonau yn gyfres o safonau perfformiad ar gyfer pob corff sy'n rheoli adeiladu, yr awdurdodau lleol a'r Arolygwyr Cymeradwy, i helpu iddynt ddarparu gwasanaeth cynhwysfawr a chyson wrth gyflawni eu swyddogaethau ym maes rheoli adeiladu.

Cwmpas

Mae'r Cylchlythyr hwn yn berthnasol i bob gwaith adeiladu sy'n cael ei gynnal yng Nghymru, ar wahân i waith ar *adeiladau ynni a eithrir*¹ yng Nghymru.

Statws y Safonau Perfformiad Rheoli Adeiladu

Atgoffir cyrff rheoli adeiladu ei bod yn ofynnol o dan y cod ymddygiad CICAIR i arolygwyr cymeradwy cadw at safonau perfformiad rheoli adeiladu; mae awdurdodau lleol wedi rhoi ymrwymiad i gydymffurfio a safonau.

Newidiadau i Safonau Perfformiad Rheoli Adeiladu

Mae gan Safon 6, sy'n cynnwys arolygu safleoedd, ofyniad ychwanegol ar gyfer Cyrff Rheoli Adeiladu i gynnwys, fel safon gofynnol, gwybodaeth benodol yn eu cofnodion archwilio safle.

Mae gan Safon 7 sy'n cynnwys cyfathrebu a chofnodion, ddau ofyniad ychwanegol:

- I Gyrff Rheoli Adeiladu ddarparu cofnodion archwilio safle i berchnnog yr adeilad, ar gais, am yr holl waith adeiladu sydd wedi derbyn tystysgrif terfynol/cwblhau neu pan fo rhybudd cychwynnol wedi ei ganslo. Gallai Cyrff Rheoli Adeiladu godi tâl am hyn er mwyn ad-ennill costau.
- I Gyrff Rheoli Adeiladu, ble nad yw'r cleient yn berchen ar yr adeilad, i gymeryd pob cam rhesymol i sicrhau a yw perchennog yr adeilad yn ymwybodol fod yr awdurdod lleol neu Arolygwr Cymeradwy yn cyflawni swyddogaethau Rheoli Adeiladu ar gyfer y gwaith ar eu safle.

Mae rhagor o ganllawiau ar sut y gellid cyflawni'r gofynion hyn hefyd wedi eu cynnwys yn y Safonau diwygiedig.

Mae copi o'r Safonau diwygiedig i'w cael yn yr Atodiad i'r Cylchlythyr hwn a bydd ar gael ar wefan Llywodraeth Cymru ar:

<http://gov.wales/topics/planning/buildingregs/bracw/building-control-performance-standards-advisory-group/?skip=1&lang=cy>

Dyddiad dod i rym

Daw Safonau Perfformiad Rheoli Adeiladu 6 a 7 i rym ar 1 Ebrill 2017 o ran y gwaith adeiladu ble y mae hysbysiad cychwynnol, hysbysiad adeiladu neu gais cynllunio llawn wedi ei roi ar 1 Ebrill 2017 neu yn fuan wedi hynny.

Ffyrdd o Apelio

Mae awdurdodau lleol wedi eu rhwymo gan y Ddeddf Rhyddid Gwybodaeth. Bydd unrhyw gwynion ynghylch awdurdod lleol yn gwrthod rhyddhau cofnodion archwilio safle yn cael eu codi gyda Swyddfa'r Comisiynydd Gwybodaeth. Ceir rhagor o fanylion ar wefan Swyddfa ICO Cymru ar:

<https://ico.org.uk/about-the-ico/who-we-are/wales-office/>

Nid yw Arolygwyr Cymeradwy wedi eu cynnwys yn y Ddedd Rhyddid Gwybodaeth. Fodd bynnag, mae'n bosib delio gydag unrhyw gwynion ynghylch Arolygwr Cymeradwy yn gwrthod rhyddhau cofnodion archwilio safle i berchennog adeilad gyda CICAIR Limited. Mae rhagor o fanylion i'w cael ar wefan Cyngor y Diwydiant Adeiladu ar:

<http://cic.org.uk/services/approved-inspectors.php>

Os bydd perchennog adeilad, wedi derbyn copïau o gofnodion archwilio safle, yn teimlo nad yw y Corff Rheoli Adeilad wedi cyflawni ei swyddogaethau o reoli adeilad, gellir gwneud cŵyn am awdurdod lleol i'r Ombudsman Llywodraeth Leol yng Nghymru (<http://www.ombudsman-wales.org.uk/en/Making%20a%20complaint.aspx>) ac am Arolygwr Cymeradwy i CICAIR Limited (<http://cic.org.uk/services/approved-inspectors.php>).

YMHOLIADAU

5. Dylid anfon unrhyw ymholiadau am y Cylchlythyr hwn at:

Colin Blick, Rheoliadau Adeiladu, Llywodraeth Cymru, Rhydycar, Merthyr Tudful, CF48 1UZ.

Rhif ffôn: 03000 628144.

E bost: enquiries.brconstruction@wales.gsi.gov.uk

Yn gywir,



Francois Samuel
Pennaeth Rheoliadau Adeiladu

Annex: Revised Building Control Performance Standards 6 and 7

6. Site inspection

Standard

Site inspection regime: Building Control Bodies shall deliver a site inspection plan matched to client and project needs.

Relevant factors should be assessed at the outset and regularly reviewed so that effective control is maintained for the duration of each project, with adequate site inspections and sufficient records, to demonstrate the application of reasonable skill and care by the Building Control Body.

Site inspection records: records of each inspection, including the information required in the guidance below, shall be maintained. Records shall identify the work inspected and any non-compliance together with any re-inspection. Where plans are not available for the work, these records will be more detailed.

Contraventions: details of non-compliant work (contraventions) should be communicated promptly and clearly to the responsible person, identifying the contravention(s) and indicating any measure(s) believed to be necessary. Any mechanisms for appealing against or disputing a decision of the Building Control Body shall be clearly made known to the responsible person.

Notification of consultees: During the inspection phase, the Building Control Body shall ensure that all statutory consultees are notified of any significant departures from plans.

Guidance

Building Control Bodies develop and maintain Inspection Plans and many provide guides for their clients. In Wales although the statutory notifications still apply to local authorities, site inspection plans can be used where the building work is outside the scope of the statutory notifications. LABC have produced guidance² in the form of 'Inspection Service Plans' which provides consistency in the way Local Authorities risk assess inspection requirements.

Approved Inspectors have applied the Risk Assessment model for many years based primarily on the guidance in this document.

It is good practice for Local Authorities to be notified of commencement and completion of projects constructed under Initial Notice's.

² <http://www.labc.uk.com>

Building control bodies use professional skill and judgement in their selection of priorities for inspection.

The inspection regime considered necessary will be dependent on many factors including:

- type, scale and complexity of work proposed
- ground conditions
- the extent of prior assessment of plans
- how complicated or relatively straightforward the method of construction is
- whether experience indicates problems with builders/contractors interpreting and/or achieving compliance with certain requirements
- whether the builder is in need of a greater degree of inspection, requested or otherwise
- how serious the consequences of a particular contravention might be
- the impracticability or impossibility of subsequent inspection of hidden work
- speed of build, or methods of fast track construction.

Inspection frequency: the scope and frequency of inspection should be determined, and incorporated in a formal written plan. This plan should be kept under review as the project proceeds. It should take into account the inspection regime factors above.

All sites should be inspected at sufficient frequency to ensure compliance with the Building Regulations.

Remote inspection techniques such as the use of photographs, video or other remote media should not be relied upon as a complete alternative method of ascertaining the compliance of work on site.

Effective follow up procedures are essential to ensure that previously noted errors have been corrected.

Tests at completion: at completion, certain tests may need to be witnessed by Building Control Bodies, in order to demonstrate compliance e.g. drainage, air tightness, flue spillage tests. The Building Control Body should consider the need for such tests at the earliest possible stage, include them in the inspection plan, and inform the client of its requirements as far in advance as possible.

Site inspection records: adequate records should be maintained to show what work was inspected, the results of the inspection and any remedial action considered necessary. Records should be as specific as circumstances require but should include, as a minimum, the following information:

Core Information

- Name of Building Control Body
- Project Number/Site reference
- Site Address
- Client name and Reference Number
- Person(s) carrying out the work and contact address (e.g. primary contractor, sub contractor)
- Date initial notice given or building notice/full plans received
- Date final or completion certificate given

Note: This inspection report is restricted to requirements covered by Building Regulations current at that time. It does not constitute evidence that the Building Regulations have been satisfied until a Completion/Final Certificate has been issued for the project. It remains the responsibility of the person carrying out the work to ensure that the work complies with the Building Regulations.

Site Specific Inspection Information for Each Inspection

- Date and time of inspection
- Inspection Items (For each inspection please indicate what was inspected, using the list below. If not included in list please specify under 'Other'):

Excavations	Foundations	Underground Drainage
Damp proofing	Sound insulation	Superstructure
Thermal Insulation	Fire safety	Accessibility
Building Services	Protection from falling, collision and impact	
Completion	Other [specify]	

- Certificates or Notices Received: Yes/No. If Yes provide details
- Photographs: Yes/No

- Inspection made with Builder or Contractor: Yes/No
- Observations/Comments including any non-compliance or possible non-compliance found? Yes/No. If Yes provide details.
- If 'Yes' in previous point, action taken, is non-compliance resolved? Yes/No, date inspected

Contraventions of Building Regulations shall be clearly and promptly communicated in writing, identifying the problem to the client and included in the site inspection records. Building Control Bodies should where appropriate discuss with clients measures which may need to be taken to achieve compliance. Decisions regarding Building Regulations compliance, especially formal notices, shall be clearly communicated to the responsible person, observing any statutory time periods.

The Building Control Body should provide the recipient(s) of the decision with details of any remedies available to them in the event of disagreement with interpretation or procedure.

In the event of a Building Regulation dispute, the Building Control Body shall observe any statutory procedures and shall furnish the client with any information regarding available avenues for resolution of the dispute.

7. Communications and records

Standard

Building Control Bodies should communicate with clients, consultees and others in writing.

Where the client is not the building owner the Building Control Body should take reasonable steps to ensure that the building owner is aware of whether the local authority or an Approved Inspector is carrying out the Building Control function for the building work to their property.

Building Control Bodies are required to provide site inspection records to the building owner on request for all building work that has been issued with a final/completion certificate or where an initial notice has been cancelled. The request must be in writing and made within 15 years of the final/completion certificate being issued.

All records relating to the building control service provided to individual projects shall be stored in a retrievable format and wherever practicable electronically by every Building Control Body for a minimum period of 15 years. Arrangements shall be made for their transfer into safe keeping in the event of a Building Control Body ceasing trading.

Guidance

If the client is not the building owner the Building Control Body shall communicate in writing to the building owner that it is the Building Control Body being used for their building work, or be satisfied, e.g. has seen correspondence between the client and building owner, that the client has informed the building owner of which Building Control Body is being used.

Records relating to each building control project should be retained for at least 15 years as they may be needed in the case of legal action or warranty disputes. Records should if practical be stored electronically. Building Control Bodies must make all records available in the case of court action, warranty disputes, a complaint to the Local Government Ombudsman or a complaint to CICAIR Limited.

In addition, Building Control Bodies shall make available full records of site inspections for building work that has been issued with a final/completion certificate or where an initial notice was cancelled to the building owner where a request is made for them in writing within 15 years of the final/completion certificate being issued or the initial notice cancelled. However, such parts of records that contain personal information covered by the Data Protection Act and/or where there are security considerations may be redacted or withheld. A Building Control Body may charge for the provision of the records on a cost recovery basis.

Where an initial notice is cancelled and the approved inspector passes inspection records to the subsequent Building Control Body, whether a local authority or approved inspector, the subsequent Building Control Body will make these records available to the building owner. If the approved inspector does not pass on any inspection records to a subsequent Building Control Body that approved inspector shall make them available to the building owner on request.

Records kept by Building Control Bodies should include as a minimum:

- approved/accepted proposals and design principles

- records of any work carried out by professional consultants on behalf of the Building Control Body

- records of consultations

- records of site inspections

- client design and contractor details

- certificates and notices including Completion or Final certificates

If a Building Control Body ceases to trade it must ensure the safe transfer and on-going storage of its records for the above periods.