

Guidance on completing this form

These additional guidance notes aim to help you complete this form. This guidance does not replace any of the legal requirements or responsibilities set out in the Building (Scotland) Act 2003.



www.midlothian.gov.uk

For Office Use	
Ref no.....
Fee.....
Date paid.....
Receipt no.....
Certificates of Design
.....

Application for Building Warrant

Building (Scotland) Act 2003 Application under section 9
Application under section 9 for a warrant to construct, demolish or convert a building, or to provide services, fittings or equipment in or in connection with a building

Guidance notes:

1) Applicant

The applicant is usually the owner of the property, for example the homeowner, or the tenant.

More than one person can be named if there are joint applicants.

2) Duly authorised agent

This will often be an architect, or other experienced building professional, who submits the Building Warrant application on behalf of the applicant.

3) Owner

If the owner is different from the applicant named in 1) above, then the name and contact details of the owner are to be provided.

The details of the owner must be provided (in either part 1) or 3)), as the owner has to be informed by Midlothian Council Building Standards if a building warrant is granted.

4) Location of buildings

Provide details of the building(s) for which the building warrant is required.

1 Applicant

Name.....
Address.....
.....
.....
Post code.....
Tel no..... Fax no.....
Email.....

2 Duly authorised agent (if any)

Name.....
Address.....
.....
.....
Post code.....
Tel no..... Fax no.....
Email.....

3 Owner (if different from applicant) (see note 1)

Name.....
Address.....
.....
.....
Post code.....
Tel no..... Fax no.....
Email.....

4 Location of building(s) or site (to which the application relates)

Address.....
.....
.....
.....
Post code.....

5 Proposed works

Please give brief description of work, and state whether it is to construct (erect, extend, or alter) and/or convert; provide services, fittings or equipment; or demolish.

6 Application for Demolition

If the application is for, or includes, the demolition of a building please state the period of time that the demolition works will be completed within..... weeks/months.

7 Staged Applications

If the application is to be staged, the stage(s) applied for should be indicated (this should be agreed with the verifier).

Construction stages (please tick relevant box)

- a) Foundations
- b) Substructure
- c) Underground drainage
- d) Structural steelwork
- e) Superstructure
- f) Fittings and services
- g) Other (please specify)

Guidance notes (continued):

5) Proposed works

Give brief details of the work, for example, to:

- a) Erect conservatory.
- b) Erect detached garage.
- c) Erect access ramp.
- d) Alter house to install 2No roof lights to rear roof.
- e) Alter house to install French doors to dining room, build up 1No kitchen window and erect conservatory.
- f) Alter house to convert roof space to form new apartment and en-suite shower room.
- g) Alter house to convert attached garage to form new apartment and unheated store.
- h) Alter and extend house to increase area of kitchen.
- i) Alter and convert 1No x 5 apt flat to form 2No x 3 apt flats.
- j) Alter educational establishment to rearrange internal layout and provide access ramp.
- k) Alter shop to provide private office to post office area.
- l) Demolish detached garage and erect light engineering workshop.

6) Application for Demolition

If the work involves demolition of a building, provide an estimate of the time to complete demolition works.

7) Staged Applications

Staged applications usually apply to large-scale projects, such as housing schemes, shops and factories. If stages apply to your application, provide details.

Guidance notes (continued):

8) Use(s) of building(s)

Provide details of proposed use of building (if new or extension), or state current and proposed use (for an existing building). Annex 1 provides guidance on conversions, including descriptions.

9) Estimated value of works

If you are unsure, see the Midlothian Cost Index to find an acceptable minimum estimated cost for your type of building work. When calculating the value of the works, you must use normal market costs rather than any discounted costs that you can achieve. For example, even if you self-build, the value of the building work should still include a fair assessment of the value of labour had professional builders undertaken the work.

10) Certificates of design and 11) Certificates of construction

Discounts apply to the Building Warrant application fee if you choose to submit certificates for either of the two schemes approved by the Scottish Government:

- a) Certification of Design - members (usually structural engineers and energy assessors) design and issue certification for the Structures and/or Energy components of your building work (see Annex 2).
- b) Certification of Construction - members (usually electricians and plumbers) undertake work and issue certification for electrical installations and/or drainage/heating/plumbing (see Annex 3).

12) Sustainability

Applies to new buildings only. Bronze is the starting level of sustainability, and you provide details only if you choose silver or gold levels (see Annex 4).

13) State of work

Detail if the work has started. If it has started, you are required to pay a higher application fee.

14) Security matters

If applies, see note 4 for genuine security concerns.

15) Limited life building

Applies only to a temporary building that is intended to have only a short life span on a site.

8 Use(s) of building(s)

(If new building or an extension) Please state proposed use:

(If existing building) Please state:

1 current use

2 proposed use

Is this a conversion in terms of the regulations? (see annex 1)

YES NO

If YES please state which description of conversion applies:

9 Estimated value of works

£

(Please note that the verifier may seek evidence for this figure, and make comparisons with established independent indices of building costs).

10 Certificates of design

Do any certificates from approved certifiers of design accompany this application?

YES NO (If YES, see annex 2)

11 Certificates of construction

Do you intend to use an approved certifier of construction and provide a certificate to accompany the completion certificate submission?

YES NO (If YES, see annex 3)

12 Sustainability

[For warrants related to construction of new buildings only] Have the proposals been designed to achieve any of the optional higher levels as contained in guidance within section 7 of the Technical Handbooks?

YES NO (If YES, see annex 4)

13 State of work

Has the work which is the subject of this application already started?

YES NO (If YES, see note 2)

Has the work which is the subject of this application been completed?

YES NO (If YES, see note 3)

14 Security matters

Do you consider any part of your proposals should not be open to public inspection on the building standards register? (See note 4)

YES NO

(If yes, the verifier will decide with you the extent of the restrictions.)

15 Limited-life building

If the intended life of the building is to be five years or less from the date of completion please state years.

(Less onerous requirements may apply. The warrant will include a condition requiring removal at the end of the stated intended life.)

16 Fire Authority

If the enforcing authority for the building (under Section 61(9) of the Fire (Scotland) Act 2005 as amended) is not the local Fire and Rescue Service please state the fire authority:

17 Planning – listed buildings

If the application concerns buildings listed as being of special architectural or historic interest or in a conservation area please state category:

(If in doubt, the planning authority can advise.)

Please state if the building has any other historical importance? (eg association with significant historical person or event)

18 Relaxation direction

If the proposed work is the subject of a relaxation direction given by the Scottish Ministers please state:

reference number

date

19 Notices

Please indicate if this application is as the result of any of the following notices, and if so give the reference number.

Building regulations compliance notice (Section 25)

Building warrant enforcement notice (Section 27)

Defective building notice (Section 28)

Is the building subject to any Dangerous building notice? (Section 29)

YES NO

If YES please state the reference number

20 Declaration

I/We* apply for a building warrant and declare:

- 1 That the work will be carried out in accordance with building regulations and in accordance with the details supplied above and any necessary accompanying information (including annexes to this application, drawings, and specifications) (see note 6)
- 2 I am/we* are the owner(s) of the building/That the owner of the building is aware of this application*
- 3 [Where the warrant involves a specified conversion] That after the conversion the building as converted will comply with building regulations.*

Signed

[applicant/duly authorised agent*] (see note 7)

Dated

*Delete as appropriate

Guidance notes (continued):

16) Fire Authority

Details are required only if the enforcing authority is not the local Fire and Rescue Service.

17) Planning – listed building

If you are unsure, please contact Midlothian Council's Planning Information Officer on 0131 271 3302.

18) Relaxation direction

A relaxation is when a person applies to Scottish Ministers to relax or dispense with a provision of the building regulations. If a relaxation is granted for your proposed work, provide details.

19) Notices

If any of these legal notices have been served on the building, provide details.

20) Declaration

Sign and date the application.

Further assistance:

If you require further assistance completing this form, please contact Midlothian Council Building Standards:

Tel: 0131 271 3320

Email: building_standards@midlothian.gov.uk

Notes.

- 1 The name and address of the owner is required as the Act requires the owner to be informed if a building warrant is granted.
- 2 If work has started without a warrant, perhaps through ignorance of the law, the standards that apply are those at the time of application, and the fee to be paid will be 25% higher to allow proper consideration of the work. **It should be noted that this is not a mechanism to allow work to start without building warrant approval but a way of regularising a situation when required.**
- 3 If the works have been completed an application for warrant is not appropriate and a completion certificate under terms of Section 17 (4) of the Building (Scotland) Act 2003 should be submitted.
- 4 Security matters. Subject to the restrictions below, details of applications are made public in accordance with the procedural regulations, with information on the application available on line, and drawings etc available for copy or inspection at local authority premises. The local authority may remove documents from the register if they are satisfied there are genuine security concerns. For those documents on the register there are also restrictions on their copying. The first restriction relates to non-residential buildings, prisons, a building where a person may be legally detained or otherwise held in custody, the Scottish Parliament or the Royal Private Estate and applies where the applicant has confirmed the disclosure or copying would raise security concerns. Details agreed between the verifier and the applicant will be withheld unless the owner of the building gives written permission for them to be released. Thus parts of applications for buildings such as banks may only be available with the owners written permission. The second restriction relates to all other residential buildings and copying is restricted to owners, occupiers or tenants, or prospective owners, occupiers or tenants of the relevant building or an adjoining building. There will thus normally be no need to further restrict access to any details in relation to residential buildings.
- 5 Guidance on certificates from approved certifiers, and the drawings and other information that should accompany this application is given in the paragraphs at 3.2 in the Procedural Handbook issued by the Building Standards Division. This is available at: www.bsda.gov.uk
- 6 Note that this includes a commitment to meet the requirements of regulations 13 to 15, which set requirements for how the public will be protected from the activities on site.
- 7 Even where signed by an agent, it is the applicant that is declaring that the work will be done in accordance with the regulations and details of application.
- 8 Where full information is not available, the verifier may decide to grant a warrant on condition that you provide further details before certain stages of work commence on site. The stages must be agreed with the verifier.
- 9 Any applicant aggrieved by the decision of a verifier to refuse a warrant may, within 21 days of the date of the decision, appeal to the sheriff by way of summary application.
- 10 Supervision of the building operations referred to in a building warrant is not the responsibility of this Authority. Applicants are advised to seek independent professional advice.

**ANNEX 1
CONVERSION**

Any change in the occupation or use of a building which falls into one of the following descriptions is considered a conversion to which the building regulations apply.

Change in the occupation or use of:

- 1 A building to create a dwelling or dwellings or a part thereof.
- 2 A building ancillary to a dwelling to increase the area of human occupation.
- 3 A building which alters the number of dwellings in a building.
- 4 A domestic building to any other type of building.
- 5 A residential building to any other type of building.
- 6 A residential building which involves a significant alteration of the characteristics of the persons who occupy, or will occupy, the building, or which significantly increase the number of people occupying, or expected to occupy, the building.
- 7 A building so that it becomes a residential building.
- 8 An exempt building (in terms of schedule 1) to a building which is not so exempt.
- 9 A building to allow access by the public where previously there was none.
- 10 A building to accommodate parts in different occupation where previously it was not so occupied.

**ANNEX 2
CERTIFICATES FROM APPROVED CERTIFIERS OF DESIGN**

Please list reference numbers of any certificates from approved certifiers of design which relate to this application, and attach the original signed certificates to this application.

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

IMPORTANT NOTE: The certificates must be original documents, signed by certifiers fully approved to issue certificates for the matters certified on the date the certificate was signed.

Address to which you should send your application:

Building Standards Manager
Midlothian Council
Building Standards
Fairfield House
8 Lothian Road
Dalkeith EH22 3ZN

Guidance notes (continued):

ANNEX 1

Conversion

Details conversions (if applicable) to assist you in answering part 8).

ANNEX 2

Certificates from approved certifiers of design

See guidance note 10) above.

Guidance notes (continued):

ANNEX 3

Certificates from approved certifiers of construction

See guidance note 11) above.

**ANNEX 3
CERTIFICATES FROM APPROVED CERTIFIERS OF
CONSTRUCTION**

Please list the certification scheme(s) for which you intend to use an approved certifier of construction and provide a certificate to accompany the completion certificate submission:

Scheme 1.....

If known, please provide certifier of construction details:

Name of certifier.....

Certifier registration number.....

Name of approved body.....

Approved body registration number.....

Include work types - if applicable to Scheme.....

Scheme 2.....

If known, please provide certifier of construction details:

Name of certifier.....

Certifier registration number.....

Name of approved body.....

Approved body registration number.....

Include work types - if applicable to Scheme.....

Annex 3 Important Notes

- 1 If the intention to provide a certificate from an approved certifier of construction is not declared on this form, this does not preclude a certificate subsequently being provided with the completion certificate submission.
- 2 Any person intending to use an approved certifier of construction should check the current status of known firms by using the Certification Register available at www.gov.scot/bsd.
- 3 Work types apply to the 'Drainage, heating and plumbing' scheme and include:
 - Above ground drainage
 - Below ground drainage
 - Biomass boiler installations
 - Gas installations up to 70kW input
 - Gas installations over 70kW output
 - Oil installations up to 45kW output
 - Solid fuel installations up to 50kW output
 - Unvented hot water cylinder
 - Solar thermal panels
 - Air source heat pumps
 - Ground source heat pumps
 - Electrical work to BS 7671 relating to drainage, heating and plumbing

**ANNEX 4
SUSTAINABILITY**

In the table below, please indicate with an "X" which aspects of the building have been designed to achieve a higher level of sustainability as defined in Section 7 of the Technical Handbooks.

Sustainability labelling for domestic buildings

	Bronze Active	Silver	Silver Active	Gold	Platinum
Carbon dioxide emissions					
Energy for space heating (domestic only)	Not applicable		Not applicable		Not applicable
Energy for water heating (domestic only)					
Water use efficiency (domestic only)					
Optimising performance (domestic only)					
Adaptability and flexibility (domestic only)					
Well-being and security (domestic only)					
Material use and waste (domestic only)					

Sustainability labelling for non domestic buildings

	Bronze Active	Silver	Silver Active	Gold	Platinum
Carbon dioxide emissions					
Energy for thermal comfort and artificial lighting (Schools only)	Not applicable		Not applicable		Not applicable
Water efficiency (Schools only)					
Biodiversity (Schools only)					
Flexibility and adaptability (Schools only)					
Well-being (Schools only)					
Material use and waste (Schools only)					
Optimising performance (Schools only)					

Where this application related to multiple buildings, please state which buildings the higher aspects relate to.....

Address of building(s).....

Annex 4 Important Note

Where this application is for multiple buildings which have been designed to achieve different levels of sustainability in Section 7, then a separate table will be needed for each building or group of buildings to which each level relates.

Data Protection Act 2018

For information on how your personal data is used by Building Standards visit our data protection page [here](#).

Guidance notes (continued):

ANNEX 4

Sustainability

See guidance note 12) above.