



Notification of technical rules

– The Swedish National Board of Housing, Building and Planning's proposal for regu-

Title: Notification of technical rules – The Swedish National Board of Housing, Building and Planning's draft regulations on plot requirements, etc.

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Summary

The Swedish National Board of Housing, Building and Planning proposes new regulations on requirements for plots and certain facilities other than buildings on plots.

The proposed regulations specify requirements in Chapter 8, Section 9 of the Planning and Building Act (2010:900) (PBL) for unbuilt plots of land to be built as regards accessibility and usability for persons with reduced mobility and orientation, access to emergency vehicles and protection against accidents. The proposed regulations also specify the requirements in Chapter 3, Section 10 of the Planning and Building Ordinance (2011:338), PBF, concerning safety in the use for the construction of certain facilities other than buildings on plots and the requirements for design, execution and control in Chapter 10, Section 5 of the PBL in respect of these facilities.

The new regulations are to enter into force on 1 July 2025. At the same time, the corresponding rules on land and certain installations are repealed in the Swedish National Board of Housing, Building and Planning's Building Regulations (2011:6) – regulations and general advice, BBR. For a transitional period of one year, until 1 July 2026, it will be possible to choose to apply the old building regulations.

Chapter 1 of the new Constitution contains horizontal provisions on the scope, possibilities for minor deviations, definitions and construction products, and on design, execution and control.

Chapter 2 contains provisions on the availability and usability of plots.

Chapter 3 contains provisions on the accessibility of rescue vehicles on plots.

Chapter 4 contains provisions on protection against accidents on plots.

Chapter 5 contains provisions on accident protection for certain installations other than buildings on plots.

The objective of the National Board of Housing, Building and Planning's general regulatory work is that the legislative proposal should have a clear structure in which functional requirements are required and where general advice is to be provided only in exceptional cases. The legislative proposal is formulated as technical and material neutral verifiable functional requirements. When the regulations are expressed as functional requirements, without the limitation that the normative role of the General Councils may entail, it is made clear that developers are free to propose their own solutions that comply with the regula-

tions. This will promote cost-effective solutions and innovations that can, in the longer term, help improve productivity and put pressure on production costs.

The Swedish National Board of Housing, Building and Planning considers that the legislative proposal will have limited direct consequences for its application compared to how the corresponding rules are applied today. Direct cost implications for stakeholders arise mainly from learning, adapting working methods and skills development. The Swedish National Board of Housing, Building and Planning has not identified any increase in production costs as a direct consequence of the legislative proposal.

Manuals, standards, industry standards and agreements, together with the Swedish National Board of Housing, Building and Planning's guidance, will play an important role in interpreting the rules.

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1 Draft legislation

Proposal for regulations on plot requirements, etc.

The Swedish National Board of Housing, Building and Planning prescribes¹ the following pursuant to Chapter 10, Sections 3(4), 9 and 24(1) of the Planning and Building Ordinance (2011:338).

Chapter 1 — Horizontal provisions

General

§ 1 This regulation lays down the following provisions:

1. Chapter 8, Section 9, first paragraph, points 3, 5 and 6, of the Planning and Building Act (2010:900) on requirements for unbuilt plots of land to be built, and
2. Chapter 3, Section 10 of the Planning and Building Ordinance (2011:338) on technical requirements for safety during use.

The Constitution also contains provisions on Chapter 10, Section 5 of the Planning and Building Act (2010:900) on controls.

Scope of the Regulations

§ 2 The provisions in Sections 4-7 and Chapters 2-4 shall apply to unbuilt plots of land to be built.

The provisions in Sections 3-14 and Chapter 5 shall apply to the construction of certain facilities other than buildings on plots.

Minor deviation from the provisions of this statute

§ 3 Minor deviation may be made from the provisions in Sections 6-14 and Chapter 5 of this Ordinance in individual cases if

1. there are special reasons,
2. the facility is nevertheless likely to be technically satisfactory, and
3. there is no significant inconvenience from another point of view.

If minor deviation under the first paragraph are applied, the reasons for this shall be documented in connection with the design provided for in Section 8.

Definitions

§ 4 Terms and expressions in this statute have the same meaning as in the Planning and Building Act (2010:900) and the Planning and Building Ordinance (2011:338).

§ 5 For the purposes of this regulation,

point of attack: the entrances of buildings or other entrances intended for use by the emergency services,

place of call: a place for short temporary parking of a car or other vehicle for embarkation and disembarkation or loading and unloading.

waste device: a fixed facility for the handling of waste; and

¹ See Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

available and usable: accessible and usable for persons with reduced mobility or orientation.

§ 6 For the purposes of this Regulation, construction products with pre-assessed characteristics are products manufactured to be permanently incorporated into construction works and which either:

1. carry CE marking,
2. have been type-approved or controlled in accordance with the provisions of Chapter 8, Sections 22-23 of the Planning and Building Act (2010:900),
3. has been certified by a certification body accredited for the task and for the product in question according to Council Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and repealing Regulation (EEC) No 339/93,² or
4. have been manufactured in a factory whose manufacture, production control and the result thereof for the construction product are continuously monitored, assessed and approved by a certification body accredited for the task and the product in accordance with Regulation (EU) No 765/2008.

As an assessment under Option 3 or Option 4, an assessment issued by a body in the European Economic Area or in Turkey will also be accepted if the body offers, by means other than accreditation for the task under Regulation (EC) No 765/2008, equivalent guarantees of technical and professional competence as well as guarantees of independence.

Construction products and materials

§ 7 Construction products and materials shall have known and documented properties in the aspects relevant to the construction works' ability to comply with the requirements of this Regulation.

Construction products with pre-assessed characteristics shall be deemed to have known and documented properties in the areas in which they are pre-assessed.

The characteristics of construction products other than construction products with pre-assessed properties shall be tested or assessed by other accepted methodology. The methodology established within the European Union shall be used where available.

Project design and execution

§ 8 The facility referred to in Chapter 5 shall be designed:

1. in a professional manner,
 2. so that the work can be carried out in such a way that the requirements of this Regulation are met, and
 3. so that maintenance can take place.
- The design shall be documented.

The first and second paragraphs shall not apply if unnecessary.

§ 9 Establishments referred to in Chapter 5 shall be carried out

1. in a professional manner, and
2. according to the documents in force.

Control

§ 10 Compliance with the requirements of Chapter 5 shall be verified

1. during design and execution in accordance with Sections 11-13,
2. in the finished facility in accordance with Section 14, or
3. with a combination of point 1 and 2.

Control shall be carried out on a technical basis.

²OJ L 218, 13.8.2008, p. 30 (Celex 32008R0765).

The result of the control shall be documented.

§ 11 Control during design shall verify that the design conditions, design methods, test methods and calculations are relevant and recorded in the documents.

§ 12 Control during performance shall verify that the work is carried out in accordance with the documents in force.

§ 13 Construction products and materials shall be checked when they are received on the construction site. The presumed properties of construction products and materials shall be verified.

For construction products with pre-assessed characteristics, the control may be limited to the identification, control of labelling and examination of the documentation of the pre-assessed properties.

§ 14 In the case of inspection of the final facility, verification shall be carried out by testing, measurement or inspection.

Chapter 2. Availability and usability

§ 1 When this chapter requires accessibility and usability for persons with reduced mobility, the following measures dimensioning:

1. the plane dimension of a wheelchair 0,70 x 1.30 metres,
2. the turning dimension of a circle of 1.50 metres in diameter, and
3. free passage opening measure at least 0.90 metres.

§ 2 A plot of land which shall be accessible and usable shall have walkways between accessible and usable entrances to buildings on the plot and other accessible and usable target points on or adjacent to the plot.

§ 3 Walkways referred to in Section 2 shall

1. be designed taking into account the intended use,
2. be smooth and firm,
3. Not tilt more than 1:12, and
4. be easy to detect and follow.

4 § When walking routes as referred to in Section 3 have a game plane to be accessible and usable, the length of the game plane shall at least allow for a wheelchair operated by an auxiliary.

§ 5 On or close to a plot of land which shall be accessible and usable, there shall be at least one entry point for vehicles within 25 metres of walking distance from an accessible and usable entrance.

The anchorage shall be designed and located in such a way that it is possible for persons with reduced mobility or orientation to use the point of call.

§ 6 On or close to a plot of land which shall be accessible and usable, it shall be possible to arrange at least one accessible and usable parking space for vehicles.

The parking space shall be designed and located in such a way that it is possible for persons with reduced mobility or orientation to use the parking space independently.

Chapter 3. Accessibility of rescue vehicles

§ 1 The distance from the rescue vehicle stand to the points of attack of a building shall be no more than 50 metres.

If there are special reasons, a distance greater than 50 metres may be applied. Special reasons are those arising from the need for a rescue operation based on the purpose of the building or difficulties in arriving at the building on plot with rescue vehicles on the basis of geographical conditions.

§ 2 A rescue road shall be arranged if, in accordance with the first paragraph of Section 1, a maximum distance of 50 metres is not possible to be reached by means of rescue vehicles within the street network or equivalent.

If a distance longer than 50 metres is applied in accordance with the second paragraph of Section 1, a rescue road shall, if necessary, be arranged if the distance is not possible by means of rescue vehicles within the street network or equivalent.

§ 3 The rescue road referred to in Section 2, including entry and exit and parking places for rescue vehicles, shall be designed and dimensioned in such a way as to ensure good access.

Chapter 4. Protection against accidents

§ 1 Walkways between the entrance to the building and parking and place of call shall be designed and dimensioned for the intended use so that they can be used safely.

§ 2 Stairways and ramps on a plot shall be provided with balance support in the form of handrails, if necessary to protect against falls.

§ 3 Openings in ground on a plot of land shall have durable devices to protect against falls. On a plot where, in view of the intended use, it can be expected that younger children will be present without constant adult supervision, the devices shall be designed so that younger children cannot open, lift or otherwise bypass them.

Chapter 5. Safety of use in the construction of certain facilities other than buildings

§ 1 Openings in waste devices on an empty plot shall have protective devices. On a plot of land where, in view of the intended use, it can be expected that younger children will be present without constant adult supervision, the protective devices shall be designed so that younger children cannot pass them.

§ 2 Fixed playground equipment on a plot of land shall be designed and positioned in such a way as to limit the risk of injury.

The surface of fixed playground equipment which may involve a risk of falling shall be anti-shock absorbing and otherwise designed to limit the risk of injury to persons.

§ 3 Fixed basins intended for baths or swimming on a plot of land shall be protected against drowning. Protection must be designed in such a way that younger children cannot pass them.

§ 4 Openings for outlets in fixed basins intended for bathing or swimming on a plot of land shall be designed to limit the risk of injury.

§ 5 Ponds, fixed wells and fixed containers on a plot of land, which are not closed and where liquid is stored, shall be protected to limit the risk of drowning. Protection must be designed to limit the risk of younger children drowning.

§ 6 Protection in the form of lids and grates on wells and solid containers shall

1. be of safe strength, and
2. be designed to limit the risk of accidents for younger children.

1. This statute shall enter into force on 1 July 2025.

2. However, older provisions in the Swedish National Board of Housing, Building and Planning's building regulations (2011:6) – regulations and general advice may be applied to the extent set out in paragraph 2 of the transitional provisions of the Swedish National Board of Housing, Building and Planning's regulations (2024:xx) amending the Swedish National Board of Housing, Building and Planning's building regulations (2011:6) – regulations and general advice.

2 Introduction

In this impact assessment, the Swedish National Board of Housing, Building and Planning sets out the draft regulations on requirements for plots and certain facilities other than buildings on plots. The impact assessment describes the legislative proposal, what has been examined by the Swedish National Board of Housing, Building and Planning and the consequences of the proposal. In the work on the impact assessment sent out for consultation, the impacts have been described in accordance with the old Ordinance (2007:1244) on regulatory impact assessment. Due to the new Ordinance (2024:183) on impact assessments, which entered into force on 6 May 2024, adjustments to the impact assessment have been made.³

The legislative proposal is intended to clarify the division of roles, which means that the state determines the levels of requirements and that the community-building sector is given more opportunities to develop solutions that meet the requirements.

The legislative proposal will continue to take the form of functional requirements, but consist of fewer rules. Moreover, the regulations shall not contain any general advice and shall not refer to standards or to regulations or general advice from other authorities or organisations.

This will put the community building sector in a better position to be more proactive and to take responsibility for developing solutions that meet the challenges it faces, for example in the field of sustainability and the economy. The sector has expertise and is better able to identify the solutions that need to be developed, compared to whether government governance is more detailed and far-reaching.

2.1 Reading instructions

The impact assessment section has the following content:

- Section 1 presents the legislative proposal, the Swedish National Board of Housing, Building and Planning's regulations on requirements for plots, etc. The Constitution specifies the requirements in Chapter 8, Section 9 of the PBL that an unbuilt plot of land to be built must be arranged in a manner appropriate to the urban or landscape and the natural and cultural values of the site. The requirements to be specified are that the overhaul shall be arranged in such a way that

³ The impacts of the proposal are also described in accordance with the Ordinance (2022:208) containing instructions for the Swedish National Board of Housing, Building and Planning.

- o it meets the requirement for the accessibility of emergency vehicles,
- o persons with reduced mobility or orientation shall be able to access construction works and use the plot by other means, provided that it is not unreasonable in the light of the terrain and conditions, and
- o the risk of accidents is limited.

The Constitution also contains provisions specifying the requirements in Chapter 3, Section 10 of the PBF on safety in use in respect of certain facilities other than buildings on land and the requirements in Chapter 10, Section 5 of the PBL on the design, execution and control of such facilities.

- Section 2 describes the problems with the current rules, the objective of the legislative proposal and the Swedish National Board of Housing, Building and Planning's working method.
- Section 3 sets out the legal conditions, the powers on which the Swedish National Board of Housing, Building and Planning's decision-making power is based, as well as positions on whether the legislative proposal is to be notified to the EU as technical rules and under the Services Directive.
- Section 4 describes the implementation problems that exist with the current regulatory framework, as well as the external environment and technological challenges that justify changes to the rules. The chapter deals with the relevant parts of the Planning and Building Act (2010:900), the PBL, the Planning and Building Ordinance (2011:338), the PBF and the Swedish National Board of Housing, Building and Planning's Building Regulations (BFS 2011:6) – regulations and general advice, BBR.
- Section 5 describes and justifies the proposals in the four sections of the new Constitution on the substance. Chapter 2, accessibility and usability, Chapter 3, accessibility of rescue vehicles, Chapter 4, protection against accidents and Chapter 5, protection against accidents during the construction of certain facilities other than buildings. There is also a selection of the consultation bodies' comments and the Swedish National Board of Housing, Building and Planning's assessment. The parts to be identical in several regulations within the Swedish National Board of Housing, Building and Planning's new building regulations have also taken into account comments made on other proposals for regulations. All comments are available in full from the Swedish National Board of Housing, Building and Planning.
- Section 6 concerns the date of entry into force, transitional provisions and information measures on the draft Constitution.

- Section 7 sets out the cost and other consequences of the legislative proposal
 - o for developers, companies (builders, installers, developers and building materials manufacturers) and building owners
 - o for the State, region and municipality
 - o in relation to the European Union and Nordic cooperation
 - o For environment and climate, cultural, architectural and natural habitat, and social sustainability.
- Section 8 describes how the Swedish National Board of Housing, Building and Planning has satisfied that the proposal does not entail more far-reaching costs or restrictions than necessary.
- Section 9 describes how and when the impact of the proposal can be evaluated.
- Section 10 sets out the constitutional commentaries for each section of the draft Constitution.

2.1.1 Abbreviations

BBR The Swedish National Board of Housing, Building and Planning's building regulations (2011:6) – regulations and general advice

EKS The Swedish National Board of Housing, Building and Planning regulations and general advice (2011:10) on the application of European design standards (Eurocodes)

PBF Planning and Building Ordinance (2011:338)

PBL Planning and Building Act (2010:900)

2.2 Description of the problems

There is criticism of the BBR that regulation is often perceived as unpredictable, extensive and cost-driven by the community construction industry. This depends, among other things, on how the rules are structured and presented. Overall, this can be a contributing factor to the problem identified by the government, that construction in Sweden is not cost-effective.⁴

According to the Swedish National Board of Housing, Building and Planning, the design of the BBR has contributed to an unclear division of roles. Although general advice is a recommendation, in practice municipalities and developers

⁴ See Government Order 2017-02-23, *Comprehensive review of the Swedish National Board of Housing, Building and Planning's building regulations etc.* Directive 2017: 22, p. 1, 4, 6 and 10. Committee for Modernising the Construction Regulations (SOU 2019:68).

often apply general advice as regulations. The general advice has therefore become largely prescriptive.⁵

2.2.1 General guidelines have been applied as they would be prescriptive

General advice is such general recommendation on the application of a statute that sets out how someone can or should act in a particular respect.⁶ If the wording of the regulation is less precise, the general guidelines may supplement the regulation by specifying what can or should be done in order to meet the requirement.

General advice to the BBR also contains extracts from laws and regulations, knowledge dissemination and guidance information, definitions of terms in the regulations, information on when certain requirements of the BBR should be applied and references to other regulations.

In many cases, the BBRs General Advice refers to standards to provide examples of solutions and verification methods such as measurement methods and calculation methods for meeting the requirements of the Regulation. When a general advice refers to a particular standard, it may become normative. It may be difficult for the developer to demonstrate compliance with the requirements in the event of non-compliance with the General Council. If the standard contains examples of accepted solutions, the incentives to apply other solutions may be weak, as there is a risk that alternative solutions will not be accepted.⁷

2.2.2 Limiting innovation and innovating thinking

If developers follow the General Council, they can rely on the solution being approved by the Planning Board. If, on the other hand, developers wish to examine any other solution, they cannot always foresee what will be required for the planning authority to accept the solution. There may therefore be discussions between municipalities and developers on how to apply or interpret the general advice. According to developers, different interpretations of how the requirements are to be met before building permits and start-up approval may also lead to changes that make a project more expensive.

The sometimes perceived unclear status of general councils weakens incentives to develop new products and production methods. This undermines the purpose of functional requirements, which is that the developer is free to find methods

⁵ The Swedish National Board of Housing, Building and Planning (2020) – New model for the Swedish National Board of Housing, Building and Planning's construction rules (report 2020:31).

⁶ Ordinance (1976:725).

⁷ Developers' residencies have repeatedly mentioned SS 914221 Construction design – Housing – Instant metrics as an example of a standard that has become normative. Industry considers the standard to be outdated and not adapted to today's needs for small apartments and flexibility. Committee for Modernising the Construction Regulations (SOU 2019:68).

and solutions to meet the requirements of the regulations. The sector is more difficult to develop solutions and practices that can increase productivity and promote cost-effective and effective solutions.

2.3 Objectives and goals of the constitutional proposal

The legislative proposal does not affect the levels of requirements laid down by law and regulation, they remain in place. The rules cover only the Swedish National Board of Housing, Building and Planning's implementing rules.

The proposal aims to clarify the division of roles between the state, the community-building sector and standardisation. In the regulations, the Swedish National Board of Housing, Building and Planning shall specify the requirements laid down in law and regulations, while the community construction sector develops solutions that meet the requirements, with standardisation as an alternative.

Following the revision, the building regulations shall:

- consist of fewer rules,
- be formulated as technology- and material-neutral functional requirements,
- contain only prescriptions – in principle no general advice and no reference to standards, rules or general advice from other authorities or organisations.

According to the legislative proposal, building rules are to take the form of a simplified, coherent and function-based technology- and material-neutral regulatory framework with an equal structure and the right level of detail in relation to the needs of a regulatory area.

Clearer requirements increase understanding of their purpose and meaning. In doing so, the rules will enable the community building sector to better develop new solutions, thereby fostering innovation. This will create better conditions for more cost-effective construction and stimulate competition.

2.4 Justification for regulating requirements for plots and certain facility other than buildings on land

The general objective of the rules in the PBL on plots which the Swedish National Board of Housing, Building and Planning is authorised to specify is that there should be no significant inconvenience to the surrounding area, that plots become available and usable for persons with mobility or orientation difficulties, the accessibility of emergency vehicles is met and that the risk of acci-

dents is limited. The latter overall objective is also the justification for the rules on safety in use contained in the PBF and specified by the Swedish National Board of Housing, Building and Planning as regards protection against accidents during the construction of certain facilities other than buildings on plots.

There are no provisions in the PBF specifying the overall requirements in Chapter 8, Section 9 of the PBL. The requirements for safety in use in Chapter 8, Section 4 of the PBL are only specified to a certain extent in the PBF. Without clear requirements and levels of requirements, there are insufficient conditions and incentives for those responsible, ultimately the developers, to comply with the requirements and for the building boards to exercise their public authority functions at the promise stage, in the PBL's construction process and in supervision. For that reason alone, there is a need to specify in the regulations the provisions of the PBL and the PBF.

Those who will use a plot of land or a facility other than a building on a plot of land are not always represented at the design or execution stage. They therefore have no influence on the fulfilment of the required requirements. For that reason too, society therefore imposes requirements on plots of land in the PBL and on facilities other than buildings on plots in PBL and PBF.

If there are only legal or regulatory requirements, it will be difficult to interpret societal requirements, which can lead to uncertainty and increase costs related to the application of the rules. The Swedish National Board of Housing, Building and Planning's regulations clarify the social requirements in order to make them practical for developers, project promoters and municipalities. The Swedish National Board of Housing, Building and Planning's regulations clarify the requirements of the PBL and the PBF and specify the minimum level of society in various respects.

The Swedish National Board of Housing, Building and Planning's regulations on requirements for plots of unbuilt plots of land that are built are mainly examined in building permits. On the other hand, the facilities included in the Swedish National Board of Housing, Building and Planning's regulations on certain facilities other than buildings on plots are rarely subject to a prior assessment by the Building Board, since they mainly concern measures which are not subject to authorisation or notification. This means that it will be up to the developer to find out more on its own how to comply with the various sections.

2.4.1 UN Convention on the Rights of Persons with Disabilities

The ability of persons with disabilities to use built environments independently is a fundamental issue. In Sweden, the UN Convention on the Rights of Persons with Disabilities has been in force since 2009, which means that laws and

public activities must comply with its articles. The overall aim is to ensure that persons with disabilities get their human rights in the same way as all other members of society. The UNCRPD does not contain new rights, but clarifies what is necessary to ensure that persons with disabilities have their rights fully met as all others. Prior to ratification in Sweden, it was considered that there were no obstacles to the approval of the Convention, and that this could be done without legislative changes⁸.

2.5 Baseline option

The baseline option means that the rules of the BBR remain unchanged. This means that all the problems described with the regulatory structure of BBRs remain.

2.6 Alternative solutions

The alternative solution to the legislative proposal is that the rules on empty and safe use are repealed and not replaced by new regulations. It entails risks and costs and therefore the option has not been chosen.

If there are only requirements at the level of laws and regulations, it may be difficult to interpret the overall social requirements of law and regulations, which may also lead to high application costs for, for example, developers and municipalities. The administrative regulations clarify societal requirements, set a minimum level and make the requirements applicable to developers, project promoters and municipalities in practice.

In other respects, the Swedish National Board of Housing, Building and Planning has analysed the effectiveness, efficiency and impact of alternative solutions for each regulation and general advice. As a result, some of the provisions of the BBR are not included in the legislative proposal and parts of the BBRs' General Council are included as regulations. Some rules have been modified to make them more accurate or more effective. The analyses are presented in Section 5.

2.7 Working method and consultation

The Swedish National Board of Housing, Building and Planning held reference group meetings with the industry, the Academy, the municipalities' building boards and other authorities. The Swedish National Board of Housing, Building and Planning has also held meetings with representatives of the Public Health Agency, including the Societal Building Regulatory Forum to get their

⁸ UN Convention on the Rights of Persons with Disabilities, Ds 2008:23.

perspective. In addition, the sub-project, which developed the proposal for land requirements and more, has also held meetings with stakeholders and reference groups.

The impact assessment with legislative proposals was consulted from 5 May to 25 August 2023. In view of the consultation response received and new considerations, the Swedish National Board of Housing, Building and Planning considered it appropriate to adjust certain parts of the proposal. The elements adjusted were out of an additional referral from the end of February to the beginning of April 2024. The proposal was then revised on the basis of the comments received and its own considerations.

2.8 Delimitations

The legislative proposal specifies the requirements in Chapter 8, Section 9, first paragraph, points 3, 5 and 6, on how unbuilt plots to be built are to be arranged, requirements in Chapter 3, Section 10(4) of the PBF on safety in use as regards protection against accidents during the construction of certain facilities other than buildings on plots, and requirements in Chapter 10, Section 5 of the PBL on the design, execution and control of the construction of certain facilities other than buildings on plots.

The Swedish National Board of Housing, Building and Planning has chosen not to continue to make use of the right to regulations in respect of paragraph 2 and parts of point 3 of Chapter 8, Section 9 of the PBL.

A starting point and delineation of the review is that the level of requirements, that is to say, social demands for plots and other facilities than buildings on plots, should not be changed.

Only comments concerning the drafting of the Constitution and the impact assessment have been raised here. However, general comments on the regulatory model have not been raised as the Swedish National Board of Housing, Building and Planning did not find reasons to call into question the previous position taken in the report to the Government.⁹

2.9 Legislation commentary

In order to be able to apply and fully understand the meaning of the Constitution, it is not always sufficient to read the Constitution alone. There are different methods and techniques for interpreting legislative and regulatory provi-

⁹ The Swedish National Board of Housing, Building and Planning (2020) – New model for the construction and construction rules of the Swedish National Board of Housing, Building and Planning (Report 2020:31)

sions in many cases. If a professional wishes to know the purpose of a particular provision, guidance is usually sought primarily in the preparatory work.

Before an administrative authority is to decide on regulations or general advice, an impact assessment must be produced and it must be documented in accordance with Ordinance (2024:183) on impact assessment. The Swedish National Board of Housing, Building and Planning's impact assessments are preparatory works and can be used as a basis for interpreting the Swedish National Board of Housing, Building and Planning's regulations and general advice.

In the impact assessment, the Swedish National Board of Housing, Building and Planning has drafted detailed constitutional commentaries on the provisions of the Constitution. In this way, the commentary can be used to support its application, judicial review and the like. The legal commentaries have therefore been drafted as a starting point,

- so that the purpose of the regulation is clear,
- explaining how the terms used are intended to be interpreted
- by example

The legal comments also form the basis for guidance that the Swedish National Board of Housing, Building and Planning intends to draw up. Such guides may also be supplemented by additional explanatory texts and, where appropriate, illustrations, tables, etc. Please note that constitutional commentaries and guides do not in themselves have a legally binding status but are only a means of understanding the rules in force.

3 Legal requirements

This chapter describes the legal conditions for the Swedish National Board of Housing, Building and Planning's proposal for new regulations and contains, inter alia, the information on regulatory authorisations referred to in Section 11 of Ordinance (2024:183) on impact assessments.

3.1 The Swedish National Board of Housing, Building and Planning's authorisation

Under Chapter 10, Section 9 of the PBF, the Swedish National Board of Housing, Building and Planning is authorised to issue regulations on Chapter 8, Section 9, paragraphs 2, 3, 5 and 6 PBL. However, the legislative proposal only specifies the requirements of Chapter 8, Section 9, paragraphs 3, 5 and 6, that plots of land must be arranged in such a way that:

- they satisfy the requirement for the accessibility of emergency vehicles,
- persons with reduced mobility or orientation shall be able to access construction works and use the plot by other means, provided that it is not unreasonable in the light of the terrain and conditions, and
- limit the risk of accident.

On the other hand, for various reasons, the Swedish National Board of Housing, Building and Planning has chosen not to make use of the authorisation in so far as it relates to the requirements of Chapter 8, Section 9, paragraph 2 and parts of 3 that plots must be arranged in such a way that there is no significant inconvenience to the surrounding environment or traffic, and that there is an appropriate exit or other exit from the plot and facilities allowing the necessary transport.

The legislative proposal also specifies the requirement in Chapter 3, Section 10 of the PBF with regard to safety during use in so far as it concerns protection against accidents during the construction of certain facilities other than buildings on plots. The Swedish National Board of Housing, Building and Planning has been authorised to issue such regulations in Chapter 10, Section 3, paragraph 4 of the PBF. As regards the requirement for safety in use in Chapter 3, Section 10 of the PBF, it is in turn a clarification of a higher-ranking requirement in Chapter 8, Section 4, first paragraph, point 4 of the PBL.

The legislative proposal also contains rules necessary for the application of Chapter 10, Section 5 of the PBL on the design, execution and control of measures for the construction of certain facilities other than buildings on plots. The

Swedish National Board of Housing, Building and Planning has been authorised to issue such regulations in Chapter 10, Section 24, paragraph 1 of the PBF.

3.2 Notification of technical rules

Since the legislative proposal contains technical rules as referred to in Section 2 of the Technical Rules Ordinance (1994:2029), the information procedure under this Ordinance will be carried out. Before the Swedish National Board of Housing, Building and Planning decides on the regulations, they will be notified to the Swedish National Board of Trade, which will in turn notify the draft regulations to the European Commission.

3.3 Notification of requirements under the Services Directive

The amendment to the regulations does not regulate access to or the exercise of service provision, and, therefore, the Swedish National Board of Housing, Building and Planning considers that the legislative proposal does not need to be notified under the EU Services Directive¹⁰ and Section 2 of the Ordinance (2009:1078) on services in the internal market.

3.4 Government consent

The Swedish National Board of Housing, Building and Planning considers that the legislative proposal does not have such significant effects on costs for the State, municipalities or regions that consent is required by the Government under Ordinance (2014:570) on the Government's consent to decisions on certain regulations in force until 6 May 2024. The corresponding rules are now laid down in the Ordinance (2024:183) on impact assessments.

¹⁰ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.

4 Description of the rules in force

This section describes the rules in force concerning land requirements and protection against accidents in connection with the construction of certain facilities other than buildings on plots in PBL, PBF and BBR.

The chapter also describes the problems of application and the environment and technological challenges that justify changes to the rules.

4.1 Planning and Building Act

The first paragraph of Chapter 8, Section 9 of the PBL states that an unbuilt plot to be built on must be organised in a manner appropriate to the urban or landscape and the natural and cultural values of the site. The first paragraph then contains six points with different requirements to be met.

Chapter 8, Section 4 of the PBL also lays down requirements for the technical characteristics of construction works (buildings and other facilities than buildings), including as regards safety during use.

Chapter 10, Section 5 of the PBL requires design, execution and control.

4.2 The Planning and Building Ordinance

In regards to the requirements for land in Chapter 8, Section 9 of the PBL, there is no specification in the Ordinance as to what they mean.

In regards to the requirement for safety in use in Chapter 8, Section 4 of the PBL, it is specified in Chapter 3, Section 10 of the PBF. Construction works must be designed and executed in such a way that their use or operation does not present an unacceptable risk of:

- slipping
- falling
- impact
- burns
- electric shock
- explosion damage
- other accidents.

4.3 Building regulations of the Swedish National Board of Housing, Building and Planning

The Swedish National Board of Housing, Building and Planning's Building Rules (BBR) contain regulations and general advice that specify the requirements for plots and the technical characteristics of the PBL and the PBF. The regulations and general guidance in the BBR for plots apply to unbuilt plots of land to be built and these are contained in Sections 3, 5 and 8 of the BBR and are regulations on Chapter 8, Section 9 of the PBL.

As regards regulations and general advice on the specification of the technical characteristic requirement for safety in use in Chapter 3, Section 10 of the PBF, which in turn is a clarification of the requirement in Chapter 8, Section 4 of the PBL, these are contained in Section 8 of the BBR. The provisions of the BBR apply, inter alia, to certain facilities other than buildings on plots.

Sections 3, 5 and 8 of BBR contain references to other parts of the BBR or to other public authorities and organisations. Several regulations are followed by an internal and/or external reference.

4.3.1 Section 1 BBR – Introduction

Section 1 of the BBR contains instructions on how to read and interpret the regulations of the BBR and contains regulations and general advice on alterations to buildings.

This section contains references to other authorities, other regulations from the Swedish National Board of Housing, Building and Planning and EU regulations.

Section 1:3 describes the general advice contained in the BBR and how it should be interpreted. Implementation problems followed by the general advice are described in more detail in 2.2.1.

Section 1:6 Terminology refers to publication Plan-and Construction Terms 1994, TNC 95. This publication is no longer updated with new terms. The reference is therefore not relevant for terms put into use after 1994, which increases the risk of different interpretations of concepts.

4.3.2 Section 2 BBR – General rules

In order to simplify enforcement, a common understanding of key and horizontal concepts used in several parts of the building regulations is required. Section 2 contains horizontal rules and descriptions relating to all the characteris-

tics requirements regulated in the BBR. For example, it provides support for the type of documentation that a building board can request.

The rules in Section 2 of the BBR specify the requirements of Chapter 10, Section 5 of the PBL and Chapter 3, Sections 8 and 9 of the PBF. This section contains provisions but in particular general design and verification advice, what is a technical approach to design and the responsibility of the developer to acquire the necessary skills.

4.3.3 BBR 3:12 Availability and usability on plots

The current provisions on accessibility and usability aim to enable persons with reduced mobility or orientation to use built environments independently.

Current regulation

Rules on the availability and usability of plots are set out in section 3:12 BBR. They implement Chapter 8, Section 9, paragraph 5 of the PBL, that persons with reduced mobility or orientation must be able to access construction works and otherwise use the plot. The requirement applies if it is not unreasonable in the light of the terrain and other circumstances.

The rules can be found in the same sections of the BBR as the rules on building design and technical requirements for buildings.

External conditions and technological challenges

Each sector of society shall take responsibility for its part in the implementation of disability policies. This is made clear by the Government's strategy for systematic monitoring of disability policies in 2021-2031. The Swedish National Board of Housing, Building and Planning, as one of 28 authorities, is responsible for monitoring disability policy on an annual basis in the light of the national objective within its area of responsibility.

In this context, the increasing number of older people in the population is also an important prerequisite. Life expectancy has increased significantly, one in five people in Sweden is 65 years old or older, and as of 2020 the number of people aged over 80 will increase. With age progressing, disabilities are also affected, to varying degrees. On this basis, the need for functioning accessible and useful environments is evident.

Implementation problems with the current regulation

There is therefore already a limitation in the scope of the requirement in the Act, if the conditions of the terrain make it unreasonable to meet the requirement, exceptions may be made. This assessment may be difficult to carry out in its application – when does it become unreasonable to satisfy the requirement? To a certain extent, the conditions of the plot must be assessed at the time of

the development of the development plan, but the more detailed design and examination are carried out in connection with building permits.

The current rules in accordance with 3:12 BBR contain specific requirements concerning, for example, the design of footpaths. However, even on the basis of the rules of the BBR, it may be difficult to assess how an accessible and useful design is achieved. The terrain is very different, in Sweden, but also within the same municipality. For example, there may be differences in level and other geographical conditions. Therefore, the rules need to allow for the unique situations in the individual cases. At the same time, this means that the requirements cannot be as clear as would be desirable in order to be easily applied.

4.3.4 BBR 5:72 Accessibility for rescue operations

Sections 5:72 and 5:721 of the BBR contain regulations and general advice on the requirement in Chapter 8, Section 9, Paragraph 3 of the PBL that unbuilt plots of land to be built with buildings must be arranged in such a way as to be accessible to emergency vehicles.

Current regulation

The rules in Section 5:72 BBR specify the requirements of Chapter 8, Section 9, Paragraph 3 of the PBL. This section contains regulations and general advice on accessibility for rescue operations and routes. The regulation states that:

- buildings shall be accessible for rescue efforts,
- a special rescue route shall be arranged if it is not available from the street network or equivalent, and
- the rescue route shall be signposted and have parking spaces for the requisite vehicles.

General guidance to the regulations specifies how a rescue road and stand should be designed in terms of, for example, clear height, ground excursion, width, turnaround and buoyancy of the large vehicles of the rescue service. The general advice refers to the rules on carrying capacity for beams contained in Section C, Chapter 1.1.1, Section 11 of the Swedish National Board of Housing, Building and Planning's regulations and general advice (2011:10) on the application of European design standards (Eurocodes), EKS.

The general advice also contains some specified dimensions that should be observed. It is indicated that the distance between the parking area of the rescue vehicles and the point of attack of the building should be less than 50 metres. It is also stated that if evacuation is assumed to take place by means of a machine ladder or stretcher, the distance from the street, the escape route or the parking area to the housing wall should be no more than 9 metres. Finally, it should be

noted that other conditions may be set out in the municipality's action programme and states that the ground should be adapted for evacuation outside windows where a portable ladder is intended to be used.

External conditions and technological challenges

The emergency services' equipment and procedures for rescue operations, the construction of buildings and the way in which they are built, staying and living are constantly changing and developing. The provisions on access to emergency services must be designed so as to take this into account as far as possible and do not prevent an appropriate change and development or need to be amended too often. For this reason, new rules should not, as far as possible, be too detailed or contain concrete solutions or measures.

Implementation problems with the current regulation

To the knowledge of the Swedish National Board of Housing, Building and Planning, the provisions on access for the rescue services in Section 5:72 BBR have not been more problematic in terms of content than other regulations in the BBR. On the other hand, there has been a lack of clarity as to the stage at which the specific rescue route requirement in section 5:721 BBR should be applied in the PBL's various processes.

The rules on access for rescue services in Chapter 8, Section 9, first paragraph, point 3 of the PBL are closely linked to the fire protection requirement in Chapter 8, Section 4, first paragraph, point 2, of the PBL and Chapter 3, Section 8, paragraph 4 of the PBF to the fact that persons must be able to leave construction works or be rescued by other means (in the event of) fire by means of evacuation via windows or balcony. The requirement, which is specified in section 5:323 of the BBR, is a technical characteristic requirement which the planning authority shall not examine in the building permit. Instead, the Board shall assess whether the requirement is likely to be met only later in the context of a start-up decision. The reason why the requirement is to be assessed first before starting notice is, inter alia, that the building can be designed internally in different ways to meet the requirements for evacuation. For example, specially designed stairway enclosures may be used (Tr1, Tr2) which means that escape by ladder is not required. Depending on whether the apartments have a continuous layout or not, a ladder stand may only be needed on one side of the building and not at an internal yard and so on. This type of design conditions for the technical design of the fire protection is not included in the construction permit test. However, since the evacuation strategy is normally known at an early stage and is essential for the possibility of a later start notification, nothing prevents the planning authority from informing about and discussing these issues with the developer in connection with the building permit.

The Land and Environment Court of Appeal has recently confirmed in a decision the Swedish National Board of Housing, Building and Planning's interpretation of how the requirements of the BBR on special rescue routes should be dealt with in the PBL's various processes (MÖD 2023-03-08, Case No P 12528-21). If, at the time of the application for a building permit, it appears that alternative evacuation is intended to take place from windows using the rescue service's height vehicle and the rescue service does not have that capability, this is therefore not a reason for refusing the building permit. The planning committee should nevertheless inform the developer that a start-up notice may not be granted for the design chosen. If, on the other hand, it appears in the building permit application that the building will not be available at all for emergency vehicles, it is a ground for refusing a building permit. The Swedish National Board of Housing, Building and Planning has described this in more detail in guidance at the PBL's knowledge bank.

4.3.5 BBR 8:9 Protection against accidents on plots

The aim of the current provisions on accident protection in the BBR is to limit the occurrence and outcomes of both injuries and child accidents.

Current regulation

The current rules on protection against accidents on plots are set out in Section 8:9 BBR. Section 8:9 is divided into different sub-sections by accident risk:

- 8:91 Protection against falls on plots
- 8:92 Protection of openings in the ground and of throw-ins
- 8:93 Protection against accidents in the case of fixed playground equipment on plots
- 8:94 Protection against accidents in the case of mobile devices on plots
- 8:95 Protection against drowning on plots

The rules in this section deal with protection against accidents and limiting personal injuries. In some cases, the rules specifically aim at protection against child accidents, either outside buildings where children under the age of six can be present or linked to facilities other than buildings.

A relatively large proportion of the content of Section 8:9 is general advice. The general advice contains in several respects details, dimensions and values that define a level of safety – or examples of protective devices – and give concrete expression to the functional requirement itself. Examples of this are the provisions on stairways, rails and handrails for falling protection (Section 8:91 BBR) and examples of suitable protection devices for basins (Section 8:951). Reference is made to standards as a means of meeting the requirements of the

Regulations concerning protection against accidents in the case of fixed playground equipment on plots (Section 8:93 BBR) and protection against accidents in the case of mobile devices on plots (Section 8:94).

External conditions and technological challenges

Falls and drowning accidents each year account for a relatively high cost to society. The cost to society in specialised care, as well as for care in municipalities, of falling accidents was more than SEK 10 billion in 2014. For drowning accidents, the corresponding cost is just over SEK 300 million annually, based on calculations for 2020¹¹. In addition to this is the loss of production of the injured individual, as well as physical and psychological suffering.

In addition, the number of older people in the population is increasing, one in five people are aged 65 or over. From 2020, the share of people aged over 80 has increased. With age progressing, disabled people will also be affected, including an increased risk of falling accidents. Although statistics do not make it possible to conclude with certainty the total number of falls or drowning accidents occurring outdoors on plots, it appears that the need for protection against accidents will not in any event be reduced.

Implementation problems with the current regulation

The Swedish National Board of Housing, Building and Planning has previously stated that the rules in their current form, with regulations and general advice, hamper the use of alternative solutions, and thus development and innovation. Section 8:9 BBR contains examples and lists in both regulations and general guidance, which may seem restrictive both in what a regulation is to apply and how the developer can meet the requirements.

Furthermore, there is a confusion between the requirements to be examined in permits and those which must be assessed first before a start notice. While Section 8:9 BBR is clearly referred to as protection against accidents on plots, most of the section is devoted to what is in fact safety requirements for the use of facilities other than buildings on plots, such as playgrounds and fixed basins. The latter requirements, unlike the other requirements for protection against accidents on plots, are to be regarded as technical characteristics.

Section 8:9 BBR also contains provisions on accident protection applicable to mobile devices on plots. Such devices are covered by the safety requirements of the Machinery Directive, which have been transposed into Swedish law by the Swedish Work Environment Authority's regulations on machinery and general advice on the application of the regulations (AFS 2008:3). The provisions of the BBR therefore constitute double regulation.

¹¹ Swedish Civil Contingencies Agency (2022): The cost to society of drowning accidents in 2020, p. 14.

4.4 Other rules relating to plots

It describes other relevant regulations in the area of availability and usability of plots. This approach is chosen as it has become clear from the comments received that the description is needed to help understand the context of accessibility and usability.

Other accessibility rules

Requirements for accessibility for workplaces are set out in the Work Environment Authority's statutes on workplace design¹². The requirements apply in and in connection with construction works, that is to say, also to plots of land. In some cases, both the Swedish National Board of Housing, Building and Planning's rules apply at the same time and both must be complied with.

In order to adapt their housing, persons with disabilities may receive benefits under the Housing Adaptation Allowance Act (2018:222). The allowance is intended to enable individuals to adapt their housing and the area closest to it with the measures necessary for their disability. The grant complements the general accessibility and usability requirements of building legislation.

According to the Discrimination Act (2008:567), lack of accessibility is one of six forms of discrimination. Lack of accessibility is when a person with a disability is disadvantaged because an activity in one of the areas of society covered by the Discrimination Act has not implemented reasonable accessibility measures to put a person in a comparable situation with persons without this disability. The starting point for what is a reasonable measure in an individual case is the accessibility requirements that may be laid down by law or regulation for the activity in question. For example, the assessment may involve taking into account, for example, the rules on accessibility and usability for persons with reduced mobility or orientation in the PBL. However, the prohibition of inaccessibility laid down in the Discrimination Act does not apply, for example, to housing.

¹² Swedish Work Environment Authority's regulations and general advice on workplace design (AFS 2020:1)

5 Description of the proposal

This section gives a general account of the proposal for a new regulation on plot requirements etc., the considerations made and the changes in relation to the rules in the BBR. The section begins with an overall description of how the new regulatory model has been applied and then sets out the provisions in the five chapters of the Constitution. A selection of the consultation bodies' comments and the Swedish National Board of Housing, Building and Planning's assessment are presented under the respective sub-headings.

In addition to this explanation, see Section 10, which contains constitutional commentaries for each section of the legislative proposal. Annex 1 contains two different types of correlation tables in which the reader can see which section(s) of the BBR corresponds to which section of the Swedish National Board of Housing, Building and Planning's proposal for new regulations on plot requirements, etc.

5.1 Drafting of the legislative proposal

The Swedish National Board of Housing, Building and Planning has analysed each regulation and general advice in the BBR which regulates plots and facilities other than buildings on plots and took a position on the rules to be included in the new Constitution.

The legislative proposal has five chapters:

- Chapter 1 Horizontal provisions
- Chapter 2 Availability and usability
- Chapter 3 Accessibility of rescue vehicles
- Chapter 4 Protection against accidents
- Chapter 5 Safety of use in the construction of certain facilities other than buildings

Chapter 1 contains proposals for regulations on design, inspection and documentation, which correspond to general advice in the BBR. The legislative proposal is general and does not contain detailed requirements on how design and control should be carried out.

Chapters 2 to 5 contain functional requirements that allow for different solutions. The requirements are technology-neutral, methodological and material neutral. Several of the general advice of the BBR may be seen as detailed regulation and are not included in the legislative proposal.

The legislative proposal may, in certain situations, lead to an upward or downward revision of the requirement value in relation to the BBR, but the overall assessment is that the overall level of requirements does not change. The Swedish National Board of Housing, Building and Planning considers that the legislative proposal remains within the requirements decided by the Parliament and the Government.

The fact that proposals for specific solutions, contained in the General Advice of the BBR, are not included in the legislative proposal should not be interpreted as a reduction in the level of requirements.

Certain structures other than buildings on plots are to be designed and carried out in a technical manner, in accordance with Chapter 1. This means that developers need to be able to demonstrate, for example in the design documents, which technical solutions have been chosen to counteract the risks identified in Chapter 1, Sections 8 and 9 of the draft Constitution. The solutions and working methods applied by the construction sector today, which meet current requirements, will continue to be applicable. However, the legislative proposal makes it clear that other solutions can also be accepted.

Three levels of precision

Under the new regulatory model, the rules may have three different levels of precision: A, B or C.¹³ Different provisions in the same field can be formulated with different levels of precision.

The Swedish National Board of Housing, Building and Planning has formulated requirements with the lower level of precision, in which it considers that there is the possibility, willingness and initiative of the industry to develop its own solutions and verification methods.¹⁴

Several of the provisions in the relevant parts of Sections 3, 5 and 8 of the BBR may already be considered purely qualitative (Level A precision). They express the characteristics to be taken into account and what is to be achieved without indicating dimensions or other quantities. However, many provisions specify dimensions or values, in regulations or general advice, in order to clarify, in various respects, what the requirement entails. The Swedish National Board of Housing, Building and Planning considers that most of the measures and values in general advice should not be included in the legislative proposal. A quantitative requirement may be too strong for the individual situation with its unique characteristics.¹⁵ In another situation, a quantitative minimum requirement may

¹³ Report 2020:31 of the Swedish National Board of Housing, Building and Planning – New model for the Swedish National Board of Housing, Building and Planning's construction rules, p. 25 et seq.

¹⁴ Ibid, p. 26.

¹⁵ For example, the general guidance to Section 8:232 BBR, with dimensions of minimum step depth in staircases (0.25 m) and minimum width dimensions for the safe transport of a stretcher (1.20 m), have

be insufficient for the individual situation. In order to maximise the effectiveness of the level of requirements, the level of qualitative precision is preferable as it allows for a case-by-case adjustment.

However, in some cases, the Swedish National Board of Housing, Building and Planning has assessed that there is a continued need for measures in the legislative proposal (level of precision C). One such example is the distance between the parking area of the rescue vehicles and the point of attack of the building and the slope of a walkway.

According to the regulatory model, a lower level of precision in the new rules can be chosen if there is a willingness and possibility on the part of the industry to develop tools with solutions and verification methods.¹⁶ As part of the process of change, SIS has started work on the development of new national standards on stairs, including stairways and handrails, ramps and pools protection devices.

Through the industry's initiatives in these areas, the Swedish National Board of Housing, Building and Planning considers that the regulation can be formulated with a lower degree of precision.

Verification criteria

The Swedish National Board of Housing, Building and Planning has worked from several perspectives to ensure that the requirements are verifiable. The Swedish National Board of Housing, Building and Planning has also carried out a general control that it is possible to verify each functional requirement. However, since the industry is to be responsible for how verification is to be carried out in detail, the Swedish National Board of Housing, Building and Planning has not carried out a deeper analysis of the development needs arising from the legislative proposal in order to achieve a fully operational verification.

5.2 Horizontal provisions

5.2.1 The Portal Section

The Swedish National Board of Housing, Building and Planning wishes to link the proposed regulations to the requirement for plots in Chapter 8, Section 9 of the PBL, the technical characteristic requirement for safety when used in Chapter 3, Section 10 of the PBF in so far as it concerns facilities other than buildings on plots and the requirement for design, execution and control in Chapter 10, Section 5 of the PBL.

been deemed unsuitable for prescribing all types of stairways in all environments, indoors as on plots.

¹⁶ Report 2020:31 of the Swedish National Board of Housing, Building and Planning – New model for the Swedish National Board of Housing, Building and Planning's construction rules, p. 26

As regards the plot requirement, unbuilt plots of land to be built must be arranged in a manner appropriate to the urban or landscape and the natural and cultural values of the site. The plot must also be arranged on the basis of certain conditions set out in points 1 to 6. The Swedish National Board of Housing, Building and Planning writes the provisions of the proposal on the basis of points 3, 5 and 6. In the regulations, the Swedish National Board of Housing, Building and Planning clarifies their link with the requirement in the Act. The term ‘plot’ is defined in Chapter 1, Section 4 of the PBL. The Swedish National Board of Housing, Building and Planning also has the power to write regulations on paragraph 2, significant inconvenience to the environment or traffic does not arise, but has chosen not to use that part of the regulatory right at present.

As regards the technical characteristic requirement for facilities other than buildings on plots, the PBF specifies, in order to meet the requirement in Chapter 8, Section 4, first paragraph, point 4 of the PBL, that a construction work must be designed and executed in such a way that, during use or operation, it does not present an unacceptable risk of slipping, falling, impact, burns, electrical shock, damage to explosions or other accidents. In the proposal, the Swedish National Board of Housing, Building and Planning has chosen to lay down requirements for protection against accidents only in respect of certain facilities other than buildings on plots. Regulations on requirements for protection against accidents during the construction and modification of buildings are laid down in the Swedish National Board of Housing, Building and Planning’s statute ‘Safety in the use of buildings’. With this reference, the Swedish National Board of Housing, Building and Planning wishes to clarify the link between the provisions and the precise requirement in the Regulation.

5.2.2 Minor Deviation

It describes how the minor deviation provision should be dealt with in relation to the other provisions. It also describes how the need for a minor deviation rule is changed by the fact that the Constitution has some general advice.

There are rules on minor deviation in BBR 1:21 and only refers to deviation from those regulations. According to this rule, it is the building committee which may allow a minor deviation. The wording of the BBR could give the impression that the Planning Board can exempt the developer from full responsibility for meeting the technical characteristics requirements in Chapter 8, Section 4 of the PBL. The fact that the planning authority could do so is not supported by the PBL.

It also assigns a role to the Planning Board in addition to that provided for in the PBL. Instead, the Board may, in the overall assessment of whether the

building is likely to comply with Chapter 8, Section 4, paragraph 5 of the PBL, include an assessment of whether the developer has correctly applied the provision on minor deviations. Therefore, the provision on minor deviation has been reworded, compared to the wording in BBR 1:21, even if the aim is the same.

The amendment makes it clear that it is the developer who is responsible for ensuring that a measure meets all the requirements of the Constitution. At the same time, it is the Swedish National Board of Housing, Building and Planning's assessment that it is the developer who must decide, in a responsible manner, whether there is reason to make a minor deviation from a provision in Chapter 1, Sections 14-6 and Chapter 5. It is therefore appropriate to also introduce a requirement that minor deviations be documented in connection with the design. There is no formal requirement as to how the documentation is to be carried out, for example by means of a clear record of a relevant document. The requirement is not considered to be a burdensome task for the developer but rather a simplification.

It is then the task of the Building Board to assess whether the developer has applied the technical characteristics and the possibility of making minor deviations correctly before the start or final clearance or in a supervisory case.

As the legislative proposal contains only provisions and no general advice, the regulations may also become more rigid. Therefore, the need to make minor deviations from the regulations may increase. This possibility exists, provided that the solution achieves the objective pursued by the provisions, even though it is formally contrary to the wording.

Views of the consultation bodies

Many bodies consulted still question the fact that the planning authority should no longer take a specific decision on a minor deviation. It appears from a number of comments that they consider that it is unclear how the Planning Board should deal with the minor deviations of the developer from the new building regulations.

Several consultation bodies find it positive to have a documentation requirement when minor discrepancies are made. However, some consultation bodies consider that it should be a clearer formal requirement for documentation.

A consultation body points out that the requirement for the accessibility and usability of plots applies only if it is not unreasonable in the light of the terrain and conditions, and asks for the possibility of derogating from the regulations in this regard. Some other bodies request that there should be a wording allowing for the construction of plots with greater topographical challenges, in order to increase the availability of building land.

The Swedish National Board of Housing, Building and Planning's assessment

It is clear from the description of the provision on minor deviations that the planning authority must assess whether the developer has made correct deviations from the building rules. The Swedish National Board of Housing, Building and Planning considers that no legislative amendments are necessary in view of the views expressed by the consultation bodies with regard to specific decisions and requirements for documentation.

As regards comments on terrain and topographical conditions on plots of land, the Swedish National Board of Housing, Building and Planning wishes to clarify that the exception in Chapter 8, Section 9, first paragraph, point 5 of the PBL always applies, irrespective of what it regulates in the individual sections. Therefore, there is no need to provide for an explicit exception in this respect also in the proposed regulations or introduce a possibility for minor deviations. This means that if the Building Board considers that if, in the individual case, it is not reasonable in the light of the terrain and other circumstances, then Chapter 2 of the Constitution does not apply at all.

5.2.3 Construction products

The term 'construction products with assessed properties' is changed to 'construction products with pre-assessed properties'. It becomes clearer that the rules specifically dealing with pre-assessed characteristics apply precisely to those covered by the definition in Chapter 1, Section 6 of the draft Constitution. Construction products shall have known and documented characteristics in the aspects that are relevant for meeting the requirements of the Constitution in accordance with Chapter 1, Section 7 of the draft Constitution. This is necessary to enable the developer to assess that the products are suitable for incorporation into the construction works. In the case of specific construction products linked to a plot of land, this could include, for example, stand-alone ramps and stairways and different types of pavement. For example, in the case of facilities on plot, these may include basins, playground equipment and waste disposal devices.

When recycled or reused, products may have changed properties through age, wear and tear or other impacts. Circular construction issues have highlighted the need for the industry to develop standardised verification methods for products to be recycled or reused.

Find out more about the implications for circular construction in 7.6.1.

5.2.4 The term ‘specialisation’

The provisions on design, execution and control contain requirements for specialisation and execution to ensure that the finished plant can be assumed to meet the requirements of the legislative proposal.

The requirement of specialisation normally means that the person planning or performing work must have a level of competence equivalent to that which may be required of a professional in the profession in question. The knowledge and skills needed depend on the subject matter and the complexity of the action. Specialisation is not linked to any formal training or certification, even if the persons employed can be expected to have equivalent skills. If the developer does not possess the knowledge and skills required to design or carry out the work in a specialised manner, the developer shall be responsible for ensuring that such competence exists in the organisation.

Specialisation here is related to the ability to design, perform and control actions in relation to compliance with the requirements of the Constitution. The developer is the person responsible for specialisation requirements. This applies regardless of who, within the developer’s organisation, actually carries out the works. The requirement of specialisation against the public authorities cannot be derogated from in the sense that someone else can assume responsibility.

The developer may also have claims in civil law contracts against the person who is to carry out the works. Such claims are governed by the agreements between the parties and are not subject to the specialisation requirements of this Constitution.

Specialisation can be achieved, for example, by using science-based methods, appropriate industry standards, industry codes or other accepted methods to perform operations professionally. Methods shall be reliable. Anyone wishing to depart from a standard needs to demonstrate that the requirements of the legislative proposal can still be assumed to be met. This calls for transparency and traceability.

Specialisation with design may be designed to assess which calculation methods are relevant and to be able to apply them.

Specialisation with execution may, for example, mean that footpaths get the right slope.

Specialisation with control may be designed to deal with the type of instrument required, such as a balancing instrument.

The person who designs in a specialised way, prepares evidence and carries out work to enable other professionals to form an opinion on the content, for example through the use of accepted concepts and devices, as well as by design and structure.

The requirement of specialisation may, for example, be used by the planning authority to request clearer documents or to reject design and execution which are not sufficiently qualified for the measure in question to be assumed to meet the technical characteristics at the time of completion and over time. The provision thus reinforces the mandate of the Building Board to request the documents required for such an assessment. Imposing specialisation requirements therefore also helps to clarify the division of roles in the community-building sector.

The term ‘specialisation’ can be found in EKS and it is also found in older building regulations. The social construction sector therefore has a long experience in dealing with constitutional specialisation requirements.

What the term specialisation means changes in line with new knowledge. It must always be assessed on a case-by-case basis which knowledge and skills are required to meet the specialisation requirement.

The Swedish National Board of Housing, Building and Planning considers that the requirement of specialisation, that is to say, an explicit specialisation requirement, will have little economic impact in terms of application.

Reliable methods

A prerequisite for technical design and execution is that the methods used are reliable, so that a building can be assumed to meet the technical characteristics at the time of completion and over time. Such methods are based on knowledge and experience, and may, for example, be developed in research or industry. The document drawn up shall indicate the method and the manner in which it has been applied.

The legislative proposal does not point to any particular method. In contrast to BBR, the legislative proposal also does not refer to any standard from the SIS.¹⁷ SEK¹⁸ or any trade association. As usual, the organisation that has developed a standard, manual or similar supporting document is responsible for the content and relationship with the building regulations. The responsibility for the compliance of construction works with the land requirements and technical characteristics lies with the developer.

Views of the consultation bodies

¹⁷ Swedish Institute for Standards (SIS).

¹⁸ SEK Svensk Elstandard.

Several consultation bodies have indicated that there is a lack of clarity as to the concept of specialisation. One of the referrals points out that it may be difficult to assess the specialisation of new and innovative solutions that are not based on previously accepted methods.

The Swedish National Board of Housing, Building and Planning's assessment

The Swedish National Board of Housing, Building and Planning has developed the text in Section 5.2.4. The Swedish National Board of Housing, Building and Planning considers that no adjustments to the legislative proposal are necessary.

5.2.5 Design requirements

Section 2 of the BBR provides general advice on design, preliminary investigation and execution. In the legislative proposal, the corresponding rules instead require that certain structures other than buildings on plots shall be designed and carried out with specialisation. This means that when the design involves operations where dimensioning is made by calculations, tests or measurements, this design shall be based on reliable methods. However, controls carried out by means of testing, measurement or inspection in the final facility shall be based on reliable methods. The design shall be documented unless unnecessary.

Main comments from the consultation bodies

Several consultation bodies consider it positive that the criterion for exemption from the planning requirement has been changed from manifestly unnecessary to unnecessary. However, a majority considers that it is still unclear and that the meaning of unnecessary needs to be exemplified.

The Swedish National Board of Housing, Building and Planning's assessment

The Swedish National Board of Housing, Building and Planning has developed the text in Section 5.2.5. The Swedish National Board of Housing, Building and Planning considers that no adjustments to the legislative proposal are necessary.

5.2.6 Control by developer

In order to ensure the quality of the construction process, provision is made for controls to be carried out, the results recorded, how the controls are to be carried out depending on when in the construction process they are carried out and how different types of controls can be combined to ensure compliance with the requirements. Requirements for controls apply independently of the checks set out in the control plan in accordance with Chapter 10, Section 6 of the PBL.

Controls can be carried out at three different stages: during the design, during the execution and in the finished facility. It may be sufficient to carry out controls during design and execution or only in the finished facility. The stage at which it is appropriate to carry out controls needs to be assessed on a case-by-case basis. In the opinion of the Swedish National Board of Housing, Building and Planning, it is part of a specialisation assessment to determine when controls are to be carried out. It should continue to be possible to choose when to carry out controls to suit different situations.

Control during design shall ensure that design conditions, such as the loads for which the facility has been dimensioned, design methods, test methods and calculations are relevant and recorded in the documentation.

Control during execution shall ensure that the work is carried out in accordance with the design documents. The aim is, inter alia, to ensure that the right construction products are used and that the right work operations are carried out in the right place and at the right time, so that the design solution can be carried out.

The controls carried out by means of testing, measurement or inspection in the finished building and plot shall be based on reliable methods.

The controls regulated here must be carried out by the developer regardless of the controls that are regulated in the control plan.

In addition to the controls mentioned above, there are a variety of checks that the developer and the developer's contractors need to carry out in order to make clear that the quality, scope, execution, function, etc. are fulfilled under the agreement between the parties. The latter controls are not covered by the PBL, the PBF or the legislative proposal. most often governed by civil law agreements between parties.

Views of the consultation bodies

Several consultation bodies consider that it should not be possible to opt out of the control of the finished building. One reason is that, in several cases, it is not sufficient that control is carried out only during design and execution and not in the finished building.

Some bodies consider that there is a lack of clarity as to the concept of specialisation, which in turn affects the controls to be carried out.

The Swedish National Board of Housing, Building and Planning's assessment

The Swedish National Board of Housing, Building and Planning has developed the text in Section 5.2.6. The Swedish National Board of Housing, Building

and Planning considers that no adjustments to the legislative proposal are necessary.

The concept of technical competence is discussed in more detail in section 5.2.4.

5.2.7 Design documentation

Before construction, the developer must produce documentation of the design of the facility. The documentation shall describe the conditions and layout of the facility, taking into account the need for protection against accidents in the various aspects covered by the rules. It shall contain:

1. Description of the intended use of the facility.
2. The requirements for protection against accidents required by the intended use.

5.2.8 Lifespan rules

Chapter 8, Section 5 of the PBL states that the requirements for the building must be able to be maintained with normal maintenance over an economically reasonable lifespan and the general guidance in Section 2:2 BBR clarifies what is meant by economically reasonable lifespan.

The legislative proposal does not contain corresponding provisions specifying these requirements. It is therefore left to the developer to determine what is included in the concepts of normal maintenance and economically reasonable lifespan.

5.2.9 Rules on care are laid down in another regulation.

Section 2 of the BBR lays down rules on care in construction, demolition and ground works. The corresponding rules will be laid down in a specific statute.

5.3 Availability and usability of plots

This section describes Chapter 2 of the draft Constitution. It contains provisions implementing the requirement under Chapter 8, Section 9, paragraph 5 of the PBL that persons with reduced mobility or orientation must be able to access construction works and otherwise use the plot. The requirement applies if it is not unreasonable in the light of the terrain and other circumstances.

Terrain and other conditions

It is already clear from the text of Chapter 8, Section 9, paragraph 5 of the PBL that the requirement of availability and usability of plots applies only if it is not unreasonable in view of the terrain and conditions in other respects. This means that the requirements of Chapter 2 of this statute need not be met at all if

the terrain and conditions make it impossible to do so within reasonable limits. It may be, for example, whether there are significant natural differences in levels or other natural conditions which, for example, are not suitable to adapt.

When drawing up a detailed development plan, the suitability of a plot of land and the possible use(s) is (are) examined. Although the plot requirement itself is not assessed in the context of planning, the planning process and, ultimately, the plan allows the plot requirement to be met on the individual plot in a permit assessment. This is done, for example, by planning regulations on land heights and entry and exit points. When examining permits in development plans that are older, difficulties may sometimes arise in their application, as what is being examined in the planning process has varied over time.

The requirements of Chapter 2 of the Constitution also do not apply to plots of buildings which are exempted from accessibility and usability requirements under Chapter 8, Section 6 of the PBL.

The rules on plot requirements are separated from rules on buildings

Rules on the availability and usability of plots are set out in Section 3:12 of the BBR. They are part of a section that also contains requirements on the accessibility and usability of buildings, such as design and technical characteristics requirements. This has a certain impact on how the proposed rules have been structured and formulated, where conditions applicable to buildings have been partly applied also to the rules on plots. The proposed new rules on the accessibility and usability of plots are contained in a regulation that only applies to land and facilities other than buildings on plots, which does not include rules on buildings. This means that the conditions for the accessibility and usability of plots of land have been regulated more comprehensively and consistently in the proposal.

Views of the consultation bodies

Several consultation bodies consider it difficult to interpret which plots of land are covered by the requirements. Design companies, some county administrative boards, municipalities and a state authority comment on this. Some consider that it is unclear how the regulations relate to the exemption under the PBL concerning the terrain and other conditions of plot. Some of these consultation bodies have not understood that the amended building regulations do not affect the exemption contained in the PBL.

The Swedish National Board of Housing, Building and Planning's assessment

Guidance from the Swedish National Board of Housing, Building and Planning can clarify the provisions, including those contained in the PDB. The uncer-

tainties that may exist as to how the exemption under the PBL applies can also be clarified.

5.3.1 Reduced mobility or orientation

Accessibility and usability requirements include persons with reduced mobility or orientation. The terms have the same meaning as described in the 3:112 BBR General Advice. In order to clarify what is meant by “accessible and usable”, a definition is introduced in Chapter 1, Section 5.

The concept of reduced mobility refers, for example, to impairment of function in arms, hands, torso and legs, as well as poor equilibrium. Persons with reduced mobility may be users of, for example, wheelchairs, rollers or canes.

The notion of orientation impairment refers, for example, to visual impairment, hearing impairment or cognitive ability (developmental disorder, brain damage).

Views of the consultation bodies

Some consultation bodies, an organisation and a construction company, consider that there is a lack of clarity in the terms used. It mainly calls for more explanatory definitions of the concepts of “accessible and usable” and “reduced mobility or orientation”.

The Swedish National Board of Housing, Building and Planning’s assessment

The Swedish National Board of Housing, Building and Planning considers that further explanations of concepts are appropriate in future guidance, no more explanatory definitions or additional definitions in Chapter 1 are included.

5.3.2 Main changes

The main changes in the proposed Constitution are that the rules are not broken down according to the different parts of the plot, as they are in Section 3:12 BBR. The provisions are based on the function and allow for different designs according to the circumstances of the situation, as long as the required function can be achieved. Furthermore, the proposed provisions have been formulated taking into account that it is rules that must be examined in the building permit and are not dealt with in the construction process.

The proposed provisions contain specific provisions on the following elements:

- dimensioning measurements,
- footpaths,
- rest levels,

- place of call, and
- parking spaces.

There are no intended substantive changes in the proposal.

BBR rules not introduced:

- design of lighting and signs (3:1224 and 3:1225).

Provisions in the BBR with measurement indications and detailed rules that are not introduced and therefore there are more case-by-case assessments for the developer:

- accessible and usable walking routes (part of 3:122 BBR),
- design of tilting footpaths (Ramps on plots, 3:1222 BBR),
- maximum distance to parking space (part of 3:122).

Framework rules

The BBR specifies maximum slope specifically for ramps, while the slope of a walking road is regulated by a requirement that an unavoidable difference in level should be offset with a ramp. The rules of the BBR do not make it clear when a sloping path turns to a ramp. The proposed provisions do not contain specific rules on the design of ramps, but are included in the functional requirement for walkway design. Footpaths are further dealt with in section 5.3.4.

Rules on signs and lighting

The provisions of 3:1224, Land orientation, and 3:1225, Orientative signs on plots, BBR, are not requiring **that** lighting and signs shall be provided. Requirements are made for lighting and signs to comply with certain requirements, where they exist. However, the need for guiding signs is often not already examined before the building permit, and the same applies to lighting. It is therefore not appropriate for those elements to be examined in the building permit. The draft Constitution therefore does not contain any provisions specifically addressing requirements for lighting or signs. When applying the functional requirements of the proposal that plots of land, which should be accessible and usable, take into account their use and extent of use, may include assessing the need for orientation lighting and signposting.

5.3.3 Dimensioning measurements

In order to meet the proposed functional requirements on accessibility and usability for persons with reduced mobility, the dimensioning measurements are set out in Section 2. The dimensioning measurements replace the dimensions specified in the general guidelines of the BBR for certain designs. By setting the dimensioning as a prerequisite, instead of indicating measurements for cer-

tain situations, the proposed rules allow designs to be adapted to the individual case.

The measurements of the design relate to a smaller outdoor wheelchair, which is also indicated in the BBR as the design for plots. The measurements refer to the distribution of the wheelchair defined as a plane measurements, the area for turning 360° and the free measurements of a short passage, for example by means of an aperture. Design by application of these measurements is a requirement.

Views of the consultation bodies

A few consultation bodies, an organisation and a municipality, comment on the provision setting out the measurements. They are in favour of the existence of measurements in binding rules, but it appears that there is some uncertainty as to how they are to be used in the application.

The Swedish National Board of Housing, Building and Planning's assessment

The Swedish National Board of Housing, Building and Planning considers that the measurements indicated are relevant in order to be able to regulate functionally what minimum level of accessibility applies to plots. Constitutional commentaries and guidance may elaborate on how the provision is intended to be applied. The wording of the provision is adjusted to clarify the requirement according to the user of a wheelchair, not the wheelchair itself.

5.3.4 Movement on plots

Accessible and usable movement on the plot is regulated by a functional requirement to provide walkways between accessible and usable entrances to buildings on the plot and other accessible and useful target points on or adjacent to the plot. Persons with reduced mobility or orientation shall be able to move independently on these walkways. A plot of land may also have other walkways, and such other paths may be designed without requirements of accessibility and usability. It may be, for example, whether the topography of the plot is such that the footpaths become steeper than the maximum permitted slope of an accessible and usable walkway.

The Swedish National Board of Housing, Building and Planning's proposal for regulations on the accessibility and usability of buildings contains requirements for main entrances to buildings to be accessible and usable. If necessary to meet the requirement of availability and usability on plots, other entrances may also be subject to the accessibility and usability requirement. This may be the case, for example, if the requirement for a place of call within 25 m walking

distance cannot be met to the main entrance. In this case, the entrance within the distance needs to be accessible and usable.

The proposal also contains a provision specifying requirements for the design of walkways. Footpaths include the ground or other surfaces on which pedestrians are moved. A walkway may consist of, for example, sealed surfaces of various kinds, staircases and inclined surfaces. Gradients in the direction of walking make it difficult to access and usability, which means that the creation of slopes may have a negative impact in particular for persons with reduced mobility. Long inclined walkways need to have resting levels in order to be accessible and usable. The length of the resting level shall be sufficient to accommodate a wheelchair and a person assisting behind.

The sloping part of a walkway may constitute a ramp. The gradient of a walkway may be at least 1:12, regardless of whether the slope is part of, for example, a sealed surface or whether it is made as a ramp. If there is one staircase, there is also a need for an alternative route without the staircase, with no more than the maximum slope. However, it may be difficult for some people to walk on an inclined level, so if there are both stairways and inclined walkways/ramp, the walking path becomes more accessible and usable.

Footpaths shall also be smooth and fixed. This is necessary for persons using wheelchairs or rollers to be able to move independently. Moreover, it has an impact on whether a walkway is safe to use, but this is regulated in Chapter 4 of the draft Constitution.

People with reduced orientation shall also be able to use walking paths independently. This means that walkways need to be clear in their disposition and design. With the support of visual and tactile contrasts, walking paths can be detected and followed. A visual contrast may be that different soil coatings differ in brightness (dark or light plates, for example), and a tactile contrast may be the difference between a hard material and the surrounding softer coating, such as a sealed walkway with surrounding grass surfaces.

Views of the consultation bodies

Most of the consultation bodies that have commented on Chapter 2 consider that it is generally unclear what requirements are imposed on the design of plots. The functional requirements are considered to be too imprecise. Comments are also made on the provisions governing accessible and usable movement on plots. They are also perceived as difficult to apply. It is the design companies, expert TIL, some county administrative boards, municipalities and the Work Environment Authority that comment on this.

Several consultation bodies have commented on the lack of specification of ramp in the proposal. Some also consider that the maximum permitted slope is too steep.

Many mention the lack of limitation of walkway length and this is linked to the regulation of resting levels. Several of them are of the opinion that a requirement should be made when a resting level is required.

The Swedish National Board of Housing, Building and Planning's assessment

The Swedish National Board of Housing, Building and Planning considers that an overall requirement for the design of plots should not be laid down in a provision, and the preliminary paragraph of the consultation is therefore deleted. The other provisions in the chapter which regulate the design of plots of land are more precise, are of the opinion that the Swedish National Board of Housing, Building and Planning is fit for purpose. In order to also deal with the overall provision of the consultation, some of the other provisions are reformulated.

Furthermore, the Swedish National Board of Housing, Building and Planning considers that there is a need to make it clear that resting levels may be necessary to ensure that a tilting footpath is available and usable. A provision is added, which also imposes functional requirements on the design of a resting level. However, it is not considered appropriate to require a resting level in certain specified situations.

No provision specifying in particular ramps is included. This is because the Swedish National Board of Housing, Building and Planning considers that the level of precision is appropriate as a requirement for the design of a plot of land. The maximum permitted slope, 1:12, is the same as in the BBR and remains unchanged.

5.3.5 Entry and parking areas

In order for persons with disabilities to be able to access a building in an accessible and useful way, it must be possible to get sufficiently close, that is to say call, by a car. In order for a point of call to be able to fulfil its function, it is crucial that the distance of the movement to the entrance of a building is not too long. The Swedish National Board of Housing, Building and Planning has considered that the risk is that the distance will be too long in the application of the rules, and that the place of call therefore does not fulfil its function. Therefore, the proposal includes a requirement with a precise measure of maximum walking distance. It is essential, in particular for persons with reduced mobility, to be able to move independently. The dimension, 25 metres, is the same as in

the BBR. In order to clarify what is meant by ‘point of call’, a definition is introduced in Chapter 1, Section 5.

The BBR also applies to the same maximum dimensions of walking distance to parking spaces from an accessible and usable entrance to public, workplaces and residential buildings, which shall be arranged according to needs. The legislative proposal does not contain any specified maximum dimensions for parking spaces, but includes the functional requirement for autonomous movement on the plot of land, Section 2. It is important that the distance is not excessive, in particular to enable persons with reduced mobility to move independently. However, by not indicating a specific maximum distance measure, the design of the plot can be adapted to the current situation, taking into account the nature of the plot as a whole. For example, differences in level may also affect the disposition, as long as the functional requirement is still met. If a walking road with only small differences in level is slightly longer than a road with larger differences in level, then it can be more flat in terms of accessibility and usability. Thus, replacing the maximum distance to a parking space with a functional requirement may lead to a slightly longer distance in some cases. However, in order to meet the requirement, it is essential that the function is achieved, that is to say, persons with reduced mobility or orientation capacity, shall be able to move **independently**.

Views of the consultation bodies

Several consultation bodies consider that there is still a need for a precise measure of maximum walking distance also in relation to available and useful parking spaces. This point of view has been raised by municipalities, some county administrative boards, user organisations and some design company. This involves both difficulties in the assessment of application and the risk that a provision with only one functional requirement could lead to too long walking distances.

One design company has pointed out that the term “in direct connection” in the provisions should be modified to allow for some additional flexibility in the application provided that the requirements are nevertheless met.

The Swedish National Board of Housing, Building and Planning’s assessment

The Swedish National Board of Housing, Building and Planning has chosen not to make any changes regarding the introduction of a maximum dimension in relation to parking spaces as well. The assessment continues to be that the most important element in applying the provision is that the functional requirement of being able to move independently must be met.

The Swedish National Board of Housing, Building and Planning has also chosen to process the sections linguistically. The term ‘in direct connected’ has been replaced by ‘in close proximity’ and the singular form of the word ‘plot’ has been consistently chosen. It is considered that this does not involve any tightening of the BBR.

5.4 Accessibility of emergency vehicles on plots

This chapter describes Chapter 3 of the draft Constitution. It contains provisions implementing the requirement in Chapter 8, Section 9, paragraph 3 of the PBL.

Chapter 8, Section 9, paragraph 3 of the PBL states that unbuilt plots of land to be built must be arranged in such a way as to provide facilities that meet the requirement for access to emergency vehicles. Chapter 3 of the draft Constitution specifies what is required for design and execution in order to meet that requirement. The legislative proposal requires distances between rescue vehicle stands and points of attack to buildings on plots, as well as on land rescue routes. The corresponding provision can be found in Section 5:721 BBR.

The starting point of the proposal is that the new rules should not lead to any tightening or easing of the level of requirements compared to the BBR. The rules in the BBR represent knowledge and experience on various aspects of the accessibility needs of emergency vehicles on plots. The rules have been in place for many years with the aim of ensuring good access to rescue operations.

5.4.1 Main changes

The aim of the new regulations is to specify the minimum distance between the parking areas for rescue vehicles and the possibility of adapting the distance requirement, if there are special reasons. Another aim is to use the rescue road requirement and their design as purely functional requirements.

The proposed regulations differ in several ways from the corresponding rules in Section 5:721 BBR. The content is divided into three different provisions and the metre distance in the former General Council becomes a regulation. The other general guidelines have not been included in the proposed Constitution because they are either judged to be too prescriptive or because they are considered to be part of the technical characteristic of safety in the event of fire and are instead regulated in that Constitution. It is general advice on:

- design of rescue road and stand in terms of free height, ground excursion, turnaround and carrying capacity,

- the application of European design standards (Eurocodes) in EKS,
- distance when evacuating by a machine ladder or lifter,
- reference to municipal action programmes; and
- adaptation of land for evacuation outside windows where ladders are intended to be used.

A tightening of the legislative proposal is that the General Council of the BBR on the minimum distance between a rescue vehicle stand and the points of attack to be reached from the stand becomes a regulation. In order to clarify what is meant by ‘point of attack’, a definition is introduced in Chapter 1, Section 5. As the distance rule becomes binding, and as the current possibility to make minor derogations in Chapter 1, Section 3 of the proposal will not apply to design requirements on plots, a possibility to adjust from the distance requirement is introduced if there are special reasons having regard to the purpose of the building or geographical conditions.

The purpose of the division over three provisions is to lay down requirements for parking areas, requirements as to when a rescue road has to be built and – finally – requirements for the design and dimensioning of the rescue road.

The requirement for escape road signs in Section 5:721 BBR is not included in the proposed regulations. This is because it is a technical characteristic requirement that should not be examined in building permits. Instead, the requirement is included in the Swedish National Board of Housing, Building and Planning’s proposal for regulations and general advice on safety in the event of fire in buildings.

Views of the consultation bodies

A couple of consultation bodies raise concerns about the lack of clarity and problems surrounding the part of the planning and construction process in which the various requirements relating to the accessibility of emergency vehicles must be met, that is to say, who are to be dealt with in connection with the examination of the building permit and who are dealt with in connection with a start-up decision. One county administrative board considers that all requirements concerning the accessibility of rescue vehicles should be examined in the building permit, as the requirements are interlinked and should therefore not be divided into design and property requirements. The County Administrative Board is therefore of the opinion that design requirements should also apply to the accessibility of the rescue vehicles needed to meet the technical characteristic requirement for evacuation through windows.

Some consultation bodies have commented that there is a need for clarification on the possibility of departing from it if there are special reasons. More de-

tailed reasoning is sought as to the characteristics of buildings when it reads ‘in the light of the purpose of the building’. One county administrative board considers that the possibility of derogation for specific reasons is illogical, since if a construction works are located in a location where rescue vehicles are not closer than 50 metres because of the geographical conditions, the new building may not be appropriate and building permits should not be granted.

A couple of consultation bodies consider that the requirement to sign a special escape route should be included in the regulations. A municipality states that it should be possible to consider signs of rescue road to be a design requirement and that if it is considered to be a property requirement imposed on buildings, it can be interpreted as not applying to plots of land. A number of consultation bodies also comment on the need to specify in the regulations the specific requirements to be met by a special rescue route with regard to their design, such as free height, ground excursion, turnaround and carrying capacity, etc.

The Swedish National Board of Housing, Building and Planning’s assessment

The Swedish National Board of Housing, Building and Planning considers that the existing breakdown of what is being examined in the permit and what requirements should be assumed to be met at the time of the initial decision on access to rescue vehicles should remain in the respective statutes. The same applies to the requirement to display a special rescue road.

As regards the possibility of departing from the requirements in cases where there are special reasons, the Swedish National Board of Housing, Building and Planning, like some of the bodies consulted, considers that there is a need to develop the reasoning concerning reasons relating to the purpose of the building. The legislative commentary and guidance may clarify how the provision is intended to be applied in this assessment and the demarcation of which buildings are covered.

The Swedish National Board of Housing, Building and Planning also considers that the details of the design of a special rescue route should not be subject to the provisions on good access, as the content of previous general advice in the BBR is considered to be too prescriptive.

In order to clarify how the application is to be made, the sections on the accessibility of emergency vehicles have been processed linguistically and editorially, in order to seek better to highlight the difference between the situations in which the main rules are to be complied with and those where there are particular reasons to apply a longer distance, and to make it clear that, in these latter situations, a special rescue route should be provided only if necessary.

5.5 Protection against accidents on plots

This section describes Chapter 4 of the draft Constitution. It lays down detailed rules for the application of the requirement under Chapter 8, Section 9, paragraph 6 of the PBL, that the plot shall be arranged in such a way that the risk of accidents is limited.

Rules on protection against accidents on plots can be found in Section 8:9 of the BBR. They form part of a section which also contains rules on protection against accidents in buildings and protection against accidents in respect of certain facilities other than buildings on plots. This has a certain impact on how the rules have been structured and formulated, where the conditions applicable to buildings and non-buildings have been partly applied to the rules on plots. The proposed new rules on protection against accidents on plots are included in a statute that only applies to plots and certain facilities other than buildings on plots, which does not include rules on buildings. In addition, a distinction is made between protection against accidents on plots and protection against accidents in the case of the construction of certain facilities other than buildings on plots. The provisions are included in the fourth and fifth chapters of the proposal, respectively.

5.5.1 Main changes

The provisions on Chapter 8, Section 9 of the PBL on protection against accidents on plots are included in the legislative proposal, unlike in the BBR, in a separate chapter which does not contain provisions on accident protection as regards the construction of certain facilities other than buildings on plots. It is also new that the provisions are based on functionality, which allows for different designs according to the circumstances of the current situation, as long as the required function can be achieved. A new term is also introduced in the relevant paragraph, “younger children”, but with the same meaning as previous rules. Only children under six years of age are concerned with regard to the design of certain protective devices. Furthermore, the proposed provisions have been formulated on the basis that the requirements must be met when examining an application for a building permit and are therefore not considered for assessment prior to a start-up decision.

The proposal contains provisions on protection against accidents concerning pedestrian paths and openings in land on plots.

The following rules in the BBR on protection against accidents on plots correspond to those set out in Chapter 5 of the draft Constitution,

- protection of throw-ins,
- protection in the case of fixed playground equipment, and

- protection against drowning.

The following general advice of the BBR will be included in the draft regulation.

- Requirements for balancing support in the form of handrails if necessary to protect against falls.

The following rules in the BBR with some detailed rules are not included in the proposal.

- The example of the protective devices for openings in the ground,
- design of lighting and signs (3:1224 and 3:1225).

5.5.2 Walkways

Accessible and usable movement on the plot is regulated by a functional requirement in Chapter 2, Sections 2-3 of the proposed Constitution and further described in Section 5.3.4. In addition to the requirements on accessibility and usability, Chapter 4 requires these footpaths to be designed and dimensioned in such a way that they can be used safely. The proposed provision also requires pedestrians to have balancing support in the form of handrails if needed to protect against falls.

General guidance on handrails in stairways on land is available in BBR in Section 8:91. They aim to increase safety and also improve accessibility for persons with reduced mobility or orientation. The proposed Constitution introduces an explicit requirement for handrail, which applies not only to stairways and ramps, but to all walkways that should be accessible and usable on plots.

Overall, Chapter 4, Section 1, paragraph 2 of the proposed Constitution reinforces the provision in comparison with the wording of Section 8:91 of the BBR. However, compared to the other parts of the General Council in Section 8:91 BBR, the proposed provision has a lower level of detail. For example, it is not proposed to regulate in detail the relationship between step height and step depth in a stairway.

The introduction of an explicit requirement for handrail is justified by the cost of handrail in relation to the cost of falling accidents to society. The Swedish National Board of Housing, Building and Planning also considers that, in many cases, the requirement in Section 8:91 BBR has been applied as stated by the General Council, so that the inclusion of the requirement in the proposed Constitution is not considered to have significant cost implications in practice. This compares with the cost to society of casualties, which were more than SEK

10 billion in 2014 in specialised care, as well as for care in municipalities.¹⁹ Although statistics do not make it possible to derive how many fall accidents occur inside and outdoors, or to what extent handrails prevent falls, the cost of the requirement for a handrail appears to be justifiable from a societal perspective.

Views of the consultation bodies

Several consultation bodies consider that there should be requirements for protection against falls in the event of large differences in levels and sites with a high risk of falling. Many also call for contrast marking requirements for stairways that are part of walkways. There are also some views on the lack of clarity when there is a risk of falls and how safe design looks like. It is also suggested that more detailed requirements for the design of stairs and ramps should exist.

The Swedish National Board of Housing, Building and Planning's assessment

The Swedish National Board of Housing, Building and Planning considers that the section has been interpreted in such a way as to require handrail along a full walkway. It was not the Swedish National Board of Housing, Building and Planning's intention to extend the scope of the requirement, but, like the provisions in the BBR, that handrails should be built on parts of a walkway where there are stairs and ramps, where the need for balance support is greatest. Some drafting of the section has therefore been done in order for it to have the same meaning as before.

The Swedish National Board of Housing, Building and Planning also considers that further, more detailed requirements for stairs and ramps should not be introduced. This is because the Swedish National Board of Housing, Building and Planning considers that the level of precision is appropriate as a requirement for the design of a plot of land.

Comments on the plan for consultation are addressed in 5.3.4.

5.5.3 Openings in ground

The provision on openings in land is contained in Section 8:92 BBR and has a new wording in the proposed Constitution which does not cover throw-ins. This is because most often refers to openings in waste facilities. Instead, such devices were subject to protection against accidents during the construction of certain installations other than buildings on plot. The provision on throw-ins has therefore been included in Chapter 5 of the draft Constitution.

¹⁹ Board of Health and Welfare. Open comparisons 2017: *Good care?* Horizontal follow-up based on six questions on health outcomes. Stockholm: Board of Health and Welfare, 2018. Accessed 2023-03-07.

The BBR states that openings must be covered by hatches, grates, trays or other appropriate protective devices. According to the BBR, the openings may also be bounded by guard rails or similar. In the proposed provision, the list of examples in the BBR is replaced by the concept of durable devices. The purpose is not to alter the substance of the functional requirement, but to avoid the excessively narrow application which may result from the fact that the list of protective devices is perceived as an exhaustive list. The use of devices as a term means the likely need for some form of protection similar to those listed in the corresponding provision of the BBR. 'Fixed' means that they must withstand dynamic pressure on a human being. It should be noted that this part of the functional requirement is not limited only to younger children under the age of six, but applies to all human beings, children as adults.

On plots of land where it is expected that children will be able to stay in view of their use, the proposed provision requires that younger children are not able to open, lift or pass them. The corresponding provision in the BBR is framed in a slightly different way. The BBR specifies that outside buildings where children can be present, hatches, grates, trays, etc. must be designed so that they cannot be lifted or opened by children and that the risk of injury is limited. The proposed wording does not seek to change the substance but to simplify and clarify the functional requirement of the provision.

The fact that the proposed provision states that it applies to plots, where, in view of the intended use, it is expected that children will be able to stay, is to be regarded as essentially semantic and a clarification that the provision in the proposed Constitution refers only to plots where children may normally occur. Such plots include, for example, dwellings, nursery, school and healthcare facilities, but also plots of centre use, that is to say, plots in urban areas where there may be both trade, offices and dwellings with vague or no boundaries between the different uses. The fact that children do not normally or occasionally stay on a plot of land, for example if the plot is owned or used by persons who do not live with or know any children, is irrelevant as long as the intended use means that children can be expected to stay on the plot.

Plots where it can be assumed that children are not present there may be industrial sites and plots for similar activities. For example, additional plots of land where the presence of children cannot be expected from the point of view of use are certain activities involving heavier machinery or dangerous activities, such as the freight terminals at ports and airports. However, the parts of the plot of land belonging to passenger terminals at airports or ports shall be considered as allowing children to stay there.

The restriction to younger children is to be seen in the context of accident statistics and the difficulty of writing effective rules for older children which do not also restrict adults.

Views of the consultation bodies

A couple of municipalities and a planning company have put forward the view that the provision does not require protection against falls in the case of differences in the level of hilly plots. These may include differences in levels next to footpaths, outdoor areas, parking spaces or other outdoor areas on the plot.

One municipality has commented that the word ‘opening’ creates a lack of clarity as to what types of openings it is on a plot of land covered and whether they are naturally present in the terrain.

One design company considers that the wording ‘on plots where it is expected that children can stay without constant adult supervision in view of their use’ should be clarified, as it is difficult to interpret with regard to which plots of land are covered.

The Swedish National Board of Housing, Building and Planning’s assessment

The Swedish National Board of Housing, Building and Planning does not intend to interpret and apply the word “openings” in any other way or to extend beyond what has been done in the application of the same word in the BBR. It has therefore been chosen not to extend or strengthen the requirements of the provision. The Swedish National Board of Housing, Building and Planning does not consider that the meaning has become more difficult to interpret than before with regard to the cases covered by the provision. The corresponding provision of the BBR uses only the term ‘outside buildings where children may be present’. The paragraph has therefore been drafted linguistically and given concrete expression in order to increase clarity in relation to the previous wording. Further clarifications on the situations covered can be made in future guidance from the Swedish National Board of Housing, Building and Planning.

5.6 Protection against accidents in facilities other than buildings

This section describes Chapter 5 of the draft Constitution. It contains provisions implementing the requirement under Chapter 8, Section 4, paragraph 4 of the PBL, safety in use. The provisions only apply to protection against accidents during the construction of certain facilities other than buildings on plots.

The current rules on protection against accidents on plots can be found in Section 8:9 BBR. The proposal contains these provisions both in this chapter and in Chapter 4, which deals with protection against accidents on plots.

Rules on protection against accidents in and in connection with buildings are laid down in another statute, the Swedish National Board of Housing, Building and Planning's regulations on safety in the use of buildings.

5.6.1 Main changes

The main changes are that the rules in Section 8:9 BBR of the proposal are divided into two chapters. A new term, “younger child”, is also introduced in the relevant paragraphs, but with the same meaning as previous rules using the term “child”. Only children under six years of age are concerned with regard to the design of certain protective devices. Chapter 4 contains provisions on protection against accidents that apply to the plot itself. These are design requirements that are examined in permits. Chapter 5 contains provisions on accident protection applicable to certain facilities other than buildings on plots. These are technical characteristics requirements that are not tested in permits. The provisions of Chapter 5 are primarily aimed at those who set up, for example, a pool, pond, playground equipment, well, etc. These are measures that are generally neither promised nor subject to notification and are therefore assessed by the Planning Board only in the context of any supervision. Certain provisions require special design of protective devices in the case of plots of land where it can be expected that younger children will be able to stay in view of their use.

The provisions themselves are based on the function and allow for different forms depending on the circumstances of the situation, as long as the required function can be achieved.

The legislative proposal contains provisions on the following installations:

- openings in waste disposal devices,
- fixed playground equipment and its substrate,
- fixed pools for bathing or swimming,
- openings for drainage in fixed basins,
- ponds, fixed wells and fixed containers on plots which are not closed and where liquids are stored, and
- covers and grates on wells and fixed containers.

BBR rules not introduced:

- The provision in Section 8:94 BBR on protection against accidents in the case of mobile devices on plots.

The following wording and words in the corresponding rules of the BBR have been changed or have not been introduced:

- the concept of fixed paddling pool has been removed,
- rules on the openings for drainage of the basins have been introduced as a separate provision, and
- the list of examples of guards at openings has been removed.

The following general advice of the BBR is taken up in the proposed level of regulation.

- The general advice on the design of protection for child casualties on ponds, fixed wells and fixed containers.

Drowning risk for children

When reviewing the section on protective devices against drowning in the case of fixed basins, the Swedish National Board of Housing, Building and Planning has taken note of the National Board of Health and Welfare's statistics on deaths from drowning in the age of 0-14 years. A comparison has been made between two different five-year periods, on the one hand, 2008-2012 and, on the other hand, 2018-2022.²⁰ Statistics cover three statistical age groups: 0-4 years, 5-9 years and 10-14 years and correlates with the conclusions of the aforementioned studies. A selection has also been made, with data points limited to the statistical codes W67-W68 and W73-W74, respectively. This means that the selection includes swimming pool drowning and drowning incidents, drowning and drowning incidents following falls into swimming pool, other specified drowning and other specified drowning incidents, and unspecified drowning and drowning incidents. Drowning and drowning incidents in lakes and seas are not included, on the one hand, because it is not as certain that such accidents or incidents occur on a plot of land and, on the other hand, those data points do not relate to facilities other than buildings on which the Swedish National Board of Housing, Building and Planning is authorised to issue regulations.

The statistics show that from the first measurement period to the second, the number of deaths due to drowning aged 0-4 years has increased from an average of twice a year to three times a year. In the age group 5-9 years, deaths from drowning have remained unchanged and are on average one case annually. And in the age group 10-14 years there has been a decrease in deaths due to drowning from one death per year to less than one case annually. It should be said that there is a large variation from year to year.

²⁰ [National Board of Health and Welfare's statistical database: Death causation statistics, Number of deaths, W65-W74 drowning and accidental drowning incidents, Riket, Age: 0-14, Both sexes](#), Accessed 2023-11-14.

As statistics are broken down by age groups, the number of deaths up to the age of 6 has been interpolated to 3,55 deaths annually. In the case of corresponding interpolation up to the age of 12, the number of deaths rises annually to 4,51. Thus, if the proposed provisions were to include children up to and including the age of 12, there would be a statistical potential to protect an additional 0,96 children from drowning annually.

It is not possible to say to what extent that potential is ensured, on the one hand, the actual number of deaths is relatively few and fluctuates significantly from year to year and, on the other hand, there is not necessarily a correlation between the Swedish National Board of Housing, Building and Planning's regulations and the number of fatalities prevented. In this context, however, it should be noted that the rules have remained largely unchanged during the two measurement periods.

If, for example, provisions intended to protect children were to include persons up to and including the age of 12, there would also be greater and more far-reaching requirements on the necessary protective devices. A gate or fence that cannot be opened or climbed by a six-year-old, is easily forged by a 12-year-old. Similarly, a 12-year-old could relatively easily manoeuvre, lift or pick off a pool guard, while in most cases a six-year-old does not have the required strength or ability. It is therefore also a question of what the rules really aim to protect against. There is a significant difference in limiting the neglect of the younger child compared to limiting the negligence of the older child.

The Swedish National Board of Housing, Building and Planning considers that the provisions aim to limit accidents primarily on the basis of the imprudent behaviour of younger children. The Swedish National Board of Housing, Building and Planning took note of the comments of the consultation bodies, interviewed the relevant authorities and the above statistics from the National Board of Health and Welfare and concluded that the age of children in terms of protection against drowning should not be raised. The term 'younger children' is used in the Constitution and, in this context, 'younger children' means children under the age of six.

Deletion of provisions for power-driven facilities

The rules in Section 8:94 BBR on power-driven devices, doors, gates etc. opened or closure with engine power is not included in the legislative proposal. Such devices are covered by the Machinery Directive²¹ safety requirements transposed into Swedish law by the Swedish Work Environment Authority's regulations on machinery and general advice on the application of the regulations (AFS 2008:3) and therefore do not need to be further regulated. The last

²¹ Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC

part of the provision of the BBR also covers manual swing gates and these are not covered by the Machinery Directive. The Swedish National Board of Housing, Building and Planning has chosen not to specify the requirements for such facilities. This is because, on the one hand, it is very rare that there are independent manual swing gates on a plot of land and, on the other hand, that there are insufficient reasons to regulate these facilities in detail in comparison with many other facilities which are not regulated in the Swedish National Board of Housing, Building and Planning's regulations. In addition, they are subject to the overall requirements of the PBL and PBF.

They are often part of a building and are subject to security requirements linked to the building. However, they are a device that can cause significant injuries to persons and would arise when protection is required when use in an individual case is required, so there is still support to impose such requirements on the basis of the specification in Chapter 3, Section 10 of the PBF, that a construction work must be designed and executed in such a way that, during use or operation, it does not present an unacceptable risk of accidents by, for example, crushing or other accidents. The Swedish National Board of Housing, Building and Planning has also considered whether it is appropriate to extend the requirement from manual swing gates to a function-based requirement that applies to all fixed mobile devices instead. However, the Swedish National Board of Housing, Building and Planning does not consider this appropriate because it is difficult to predict what kind of devices the requirement would meet and not what it has investigated in more detail.

5.6.2 Openings in waste devices

Section 8:92 BBR lays down rules for openings and throw-ins to be covered or protected by other appropriate protective devices. They are divided into two separate provisions in the legislative proposal. Openings in land are regulated in Chapter 4, while openings and throw-ins in waste devices are regulated in Chapter 5.

The provision in Chapter 5 does not alter the substance and the aim is the same as in the BBR, to prevent children from becoming trapped or falling into a waste opening. The General Council of Section 8:92 BBR does not provide solutions on how to comply with the regulation, but states that protection may be in the form of hatches, grates, plates or the like. The proposal does not include this list of examples, but rather takes the form of a purely functional requirement. In order to clarify what is meant by 'waste device', a definition is introduced in Chapter 1, Section 5.

The proposed provision on when protective devices are to be provided applies to facilities on plots where it is expected that younger children will be able to

stay in view of their use. This wording has been chosen in order to make it clear that the method of use is of decisive importance for the validity of the provision.

With the wording “on plots for which it is expected that children will be able to stay”, the Swedish National Board of Housing, Building and Planning intends to consider that children can be expected to be present on most of the plots of land in our environment. “Younger children” means less than six years of age. This means that protection must be designed in such a way that children under the age of six cannot pass through the protection. This means that the provision does not cover all children up to the age of 18, but only those younger children.

Plots where it can be assumed that children are not present there may be industrial or similar activities. For example, additional plots of land where, due to their use, children can be expected to be present are certain activities involving heavier machinery or dangerous activities, such as freight terminals at ports and airports. However, the parts of the plot of land belonging to passenger terminals at airports or ports shall be considered as allowing children to stay there.

Views of the consultation bodies

One design company considers that the wording ‘on plots where it is expected that children can stay without constant adult supervision in view of their use’ should be clarified, as it is difficult to interpret with regard to which plots of land are covered by the provision.

The Swedish National Board of Housing, Building and Planning’s assessment

The corresponding provision of the BBR uses only the term ‘outside buildings where children may be present’. The paragraph has been drafted linguistically and concretely in order to increase clarity in relation to the previous wording. The Swedish National Board of Housing, Building and Planning does not consider that the meaning has become more difficult to interpret than before with regard to the cases covered by the provision. However, further clarifications on the situations covered can be made in future guidance.

5.6.3 Fixed playground equipment and other fixed devices

Section 8:93 BBR lays down rules on fixed playground equipment and their design to prevent accidents by, inter alia, requirements for shock absorbing surfaces. The provision contains a general advice with references to various standards on design of playground equipment and on substrates and test methods for shock absorbing surfaces. The purpose of the provision is to reduce the risk of injury to people. The provision is twofold. It concerns both the design of the

playground equipment itself and the design of the substrate in the event of a fall.

The Swedish National Board of Housing, Building and Planning considers that the current provision is clear, necessary and balanced as regards the level of requirements and therefore proposes to maintain it. In the case of children, they are particularly exposed to risks of accidents in their home environment and leisure situations where they are particularly vulnerable due to obscure, higher sensitivity and limited perception. More than half of all child casualties occur at home or its vicinity. For children aged 4-6 years, outdoor cases from various playground equipment are a common cause of accidents.²² On this basis, the Swedish National Board of Housing, Building and Planning considers that requirements for playground equipment and its supporting material continue to be justified. The Swedish National Board of Housing, Building and Planning makes only minor editorial changes to the provision and therefore no consequences are deemed to arise. In the case of the General Council with reference to different verification methods removed in the proposal, the individual developer who will construct spawning gear may need to spend more time to verify compliance. The requirement in the provision is linked to the fact that the playground equipment is built on a plot of land and not to who is responsible for the playground equipment. The regulations apply to plots and land are defined in Chapter 1, Section 4 of the PBL. This means that all playgrounds built in public spaces, often under the authority of the municipality, are not covered by the proposal.

Views of the consultation bodies

Some consultation bodies have doubts about the application of this section and whether it also covers similar facilities such as outdoor gyms and whether playground equipment is to be understood as something to be used only by children. They also consider that it is not clear whether the section is aimed solely at children of a certain age group.

A number of consultation bodies have doubts as to what requirements apply to playgrounds in public spaces and whether these are requirements other than those on land and what lack of clarity would entail.

The Swedish National Board of Housing, Building and Planning's assessment

The Swedish National Board of Housing, Building and Planning has chosen to delete the definition of a child in Chapter 1 and instead to print the term 'younger children' in certain relevant paragraphs. When using the term 'younger children', the Swedish National Board of Housing, Building and

²² The Swedish National Board of Housing, Building and Planning (2011). Build child-safe – in buildings, on plots and in the outdoor environment, p. 16.

Planning refers to children under six years of age. However, the term ‘younger child’ does not apply to playgrounds as it may also be older children. The Swedish National Board of Housing, Building and Planning has clarified in its constitutional commentaries that these are children in the broader sense when it comes to playgrounds, or the children of the age range to be expected to use playgrounds. The Swedish National Board of Housing, Building and Planning has also clarified, on the basis of the questions raised by the consultation bodies, that it is a playground for children with playground equipment intended for children. The section is not so applicable to other installations such as outdoor gyms. The Swedish National Board of Housing, Building and Planning has also clarified in Section 5.6.2 what applies to playgrounds in public spaces.

5.6.4 Fixed basins on plots intended for bathing or swimming

Section 8:951 BBR lays down rules that fixed basins and fixed paddling pools shall be adequately protected against child accidents if the water depth is 0.2 m or more.

The provision also states that the openings for drainage of the basins must be designed in such a way as to limit the risk of accidents. The provision contains a general advice proposing how such protection for basins can be designed and also when the openings for drainage should be fitted with guards.

The purpose of the provision is to reduce the risk of younger children drowning. The Swedish National Board of Housing, Building and Planning considers that the current provision is clear and still much needed. Over the last 100 years, the number of children drowning has decreased by 90 %.²³ However, drowning is the second most common cause of death for children aged 0-17 and the leading cause of death among children aged 1-6 years.²⁴ Twenty percent are pre-school children who have died in nearby shallow ponds, pools or watercourses.²⁵ It is therefore more common for pre-school children to drown in pools, garden ponds and other ponds than in bathing areas. The reasons why younger children drowned are often lack of supervision by adults. In almost all cases, the pond or pool has been on a neighbouring plot or a temporary visit site, and less rarely on its own plot.²⁶ A meta-analysis of works that studied fenced pools versus non-fenced has shown that a fencing reduces the risk of child drowning by 75 %.²⁷ Find out more about the risk of drowning for children and the Swedish National Board of Housing, Building and Planning’s reasoning in Section 5.5.1.

²³Swedish Civil Contingencies Agency (2010): Why do children drown? p. 4.

²⁴ *ibid*, p. 8.

²⁵ *ibid*, p. 5.

²⁶ *ibid*, p. 12.

²⁷ *ibid*, p. 19.

The General Council of the BBR may be understood as only two possible protections. By designing the proposed provision as a functional requirement, it provides greater opportunities and incentives for, for example, the industry to design different protections. At present, as far as the Swedish National Board of Housing, Building and Planning is aware, there are no standards on the specific design of pool protection. However, following meetings with the SIS, the Swedish National Board of Housing, Building and Planning has learned that there is a need for standardisation with regard to protection against drowning in fixed basins.

As regards the wording of the provision, the Swedish National Board of Housing, Building and Planning makes only minor changes. The Swedish National Board of Housing, Building and Planning has chosen to delete the term ‘fixed paddling pools’ as it is covered by the term ‘fixed basins’. It is therefore not a substantive change but an amendment to make the provision more functional. The BBR also states that openings for drainage of basins shall be designed in such a way as to limit the risk of accidents. This wording has been deleted in the legislative proposal and has instead become a separate paragraph. This separation clarifies the two requirements of the current provision. The Swedish National Board of Housing, Building and Planning sees a great benefit from this clarification, as our view is that the wording around the openings of drainage is often obscured by the requirement for protection to fixed basins. The amendment does not entail any substantive change.

The Swedish National Board of Housing, Building and Planning has also considered whether it is appropriate to introduce an even more detailed measure for the water depth by adding an additional decimal place. However, the Swedish National Board of Housing, Building and Planning concluded that this is not appropriate because of the difficulty in measuring water and because there are no other safety grounds for doing so.

Views of the consultation bodies

A large number of consultation bodies question and consider that the Swedish National Board of Housing, Building and Planning’s definition of child in the legislative proposal, i.e. that the constitutional definition of children under the age of six is too narrow. A large number of bodies of consultation consider that, as regards the protection of fixed basins and the protective structure, the purpose of which is to prevent drowning, these should be linked to a higher age than six years. This is because a child in Sweden can only be expected to be able to swim after the end of the sixth class. Some consultation bodies consider that the Swedish National Board of Housing, Building and Planning should not depart from the definition of the UN Convention on the Rights of the Child, namely that children are all people up to the age of 18.

Most consultation bodies are in favour of the Swedish National Board of Housing, Building and Planning removing the exemption for protective devices of 0.2 metres.

It is more appropriate that it also applies to ‘fixed or permanently constituted basins’, so that larger mobile pools are also covered.

The Swedish National Board of Housing, Building and Planning’s assessment

The Swedish National Board of Housing, Building and Planning has received a large number of comments on the proposed definition of child and drowning. The Swedish National Board of Housing, Building and Planning has therefore chosen to delete the definition of ‘child’ in Chapter 1 and instead use the words ‘younger children’ directly in section text at the places in question. However, the Swedish National Board of Housing, Building and Planning refers to the same age, i.e. children under six years of age. This is no change in substance, but the Swedish National Board of Housing, Building and Planning considers it clearer to write younger children than to define children in Chapter 1.

Despite a large number of comments on age and the need to increase it, the Swedish National Board of Housing, Building and Planning considers that the definition of children in the Constitution should be extended to persons up to and including the age of 12 would also impose greater and more far-reaching requirements on the protective devices required and are therefore not appropriate. A gate, fence or other protective device which cannot be opened or climbed by a six-year-old, is easily forged by a 12-year-old. Similarly, a 12-year-old could relatively easily manoeuvre, lift or pick off a pool guard, while in most cases a six-year-old does not have the required strength or ability. It is therefore also a question whether the provisions are really intended to protect against imprudent or gross negligence. The purpose of the provision is to prevent a sudden accident, imprudent, and to allow sufficient time for assistance to come to the child. Mandatory provisions aimed at protecting older children would, on the one hand, entail higher costs for meeting the requirements and, on the other hand, would mean that many safeguards against child accidents would prevent or restrict adults from using a facility for its intended function.

The Swedish National Board of Housing, Building and Planning has therefore sought a definition of children that better reflects the age groups most in need of protection, with a protective provision thus becoming the most effective and efficient, balanced against costs – both monetary and functional. Find out more about the risk of drowning for children and the Swedish National Board of Housing, Building and Planning’s reasoning in Section 5.5.1.

5.6.5 Openings for drainage in fixed basins on plots intended for bath or swimming

Section 8:951 BBR lays down rules on fixed basins and their protection, as well as requirements for the openings of drainage of the basins to be designed in such a way as to limit the risk of accidents.

In addition to the provision, there is general advice on the protection of the basins, in cases where speed and flow dimensioning cannot provide adequate safety against accidents, the openings of drainage should be fitted with bars or similar. The provision is clear and necessary to ensure sufficient certainty as regards the level of requirements and the Swedish National Board of Housing, Building and Planning therefore proposes to maintain the requirement. Putting in place protection against suction is a negligible cost, but provides much improved safety. The Swedish National Board of Housing, Building and Planning has chosen to divide the corresponding provision in the BBR into two separate sections in the draft Constitution. The part on outlet openings thus becomes a separate paragraph. This is mainly done in order to clarify the two requirements of the current provision with this distinction. The Swedish National Board of Housing, Building and Planning sees a great advantage of this clarification, as our view is that the wording around the openings of drainage is often obscured by the requirement for protection to fixed basins. When the provision becomes a separate section, the Swedish National Board of Housing, Building and Planning makes only minor amendments to the provision in order to make it clear that it is damage related to humans who use basins for which protection is sought. No consequences are considered to occur.

5.6.6 Ponds, fixed wells and fixed containers on plots which are not closed and where liquids are stored

Section 8:952 BBR states that ponds, fixed wells and fixed containers which are not closed must be protected to prevent injury. There is also special regulation when these guards are to consist of lids or grates. They shall then be rated and designed in such a way as to limit the risk of child accident. The proposal divides the rule into two provisions, one relating to ponds, fixed wells and fixed containers which are not closed and the other specifies the protection requirements for openings such as lids or grates. The former provision has also been tightened in relation to the corresponding rules in the BBR, since for ponds, fixed wells and fixed containers it is stated in the General Council that protection against child accidents is particularly important. The purpose of the provision is to protect people from injuries caused by falls in the liquid.

The General Council of the BBR on the design of child accident protection is in the proposed provision. This is because of the risk of drowning by children and the fact that the provision already requires protection. In any event, as

there is already a requirement for protection, the Swedish National Board of Housing, Building and Planning considers that there should be no significant negative consequences now that such protection must be designed so that children cannot pass through them. It is a tightening but also a clarification that the protection already required must be adapted to the group most in need of protection in society, namely children. Drowning is and the leading cause of death among children aged 1-6 years.²⁸ The new wording is such that the protection of these facilities must be designed to prevent children from passing through them. In general, drowning accidents in society are a major cost as the total socio-economic cost of drowning accidents that occurred in Sweden in 2005 amounted to SEK 731 million.²⁹ These costs then cover all types of drowning accidents, not only in ponds, wells and fixed containers. Find out more about the risk of drowning for children and the Swedish National Board of Housing, Building and Planning's reasoning in Section 5.5.1.

The Swedish National Board of Housing, Building and Planning has also made a minor amendment to the clarification of the content of the provision. Before writing, the wording was "falls in the water or liquid". The proposals refer only to liquid, as water is covered by this wording and no substantive change is envisaged.

Views of the consultation bodies

A design company has questioned what is covered by the term 'ponds' and whether, for example, planned storm water sinks, open reservoirs and temporary water bodies are covered. If so, the company considers that it is not reasonable for all these types of water bodies to have to be designed with safeguards that limit the risk of child accidents.

A county administrative board considers that there should reasonably be a significant risk of accident even in ponds, fixed wells and fixed containers on plots which are not closed and do not store liquids, and that it is therefore questionable whether the criterion 'where liquid is stored' should not be based on the provision.

The Swedish National Board of Housing, Building and Planning's assessment

The Swedish National Board of Housing, Building and Planning does not intend the word 'ponds' to be interpreted and applied differently or to extend beyond what has been done in the application of the same word in the BBR. It has therefore been chosen not to extend or strengthen the requirements of the provision in that regard. The provision in the BBR refers to injuries caused by falls in the water or liquid. The Swedish National Board of Housing, Building

²⁸ Swedish Civil Contingencies Agency (2010): Why do children drown? p. 8.

²⁹ Swedish Civil Contingencies Agency (2022): The cost to society of drowning accidents in 2020, p. 14.

and Planning therefore considers that it is essential to have requirements and design protection in relation to the risk of drowning incidents and their consequences. Moreover, the section was only linguistic in order to increase clarity.

6 Entry into force and information initiatives

This section describes, inter alia, the entry into force and information measures, which are specifically regulated in Section 6, paragraph 7 of the Ordinance on regulatory impact assessment.

6.1 Entry into force and transitional provisions

The new Constitution is proposed to enter into force on 1 July 2025. At the same time, the corresponding provisions of the BBR will be repealed by another statute.³⁰

The transitional provisions of the new Constitution refer to transitional provisions in the statute which repeals the older provisions. The latter is proposed to have a transitional period of one year, i.e. until 1 July 2026. During this transitional period, it will be possible for developers to choose whether to apply the new rules or to apply the old repealed provisions of the BBR.

The duration of the application of these transitional measures depends on whether the measure carried out requires a building permit or notification. The old provisions of the BBR may be applied if the application for a building permit is made before 1 July 2026. For notifiable measures, the BBR may be applied if the notification is made before 1 July 2026. For measures which do not require either planning permission or notification, the BBR may be applied if the works start before 1 July 2026.

The date of entry into force and the transitional period are justified by the fact that the developers and municipalities should be given sufficient time to adapt the work to the new conditions.

6.2 Information initiatives

In order for the regulations to have the intended effect at the time of entry into force, information measures should be targeted at the practitioners of the rules. This can be done through the Swedish National Board of Housing, Building and Planning's regular channels – such as the knowledge bank and guidance documents – but also through more targeted training courses and seminars.

³⁰ See the Swedish National Board of Housing, Building and Planning's draft regulations amending the Swedish National Board of Housing, Building and Planning's building regulations (2011:6) – regulations and general advice, ref. 6640/2022.

7 Impacts

This section contains an impact assessment of the legislative proposal on requirements for plots of land and certain facilities other than buildings on land. The legislative proposal affects most actors in the community construction sector who come into contact with building regulations, including developers, design companies of various kinds, works contractors, architects, construction product manufacturers, property owners, building owners, occupants and users of buildings, non-building structures and plots and municipalities, county administrative boards, courts, and the Swedish National Board of Housing, Building and Planning.

The section begins with a description of the consequences based on the purpose and objective of the draft Constitution. Then, a report on the impacts to be taken into account under Sections 7–9 of the Impact Assessment Ordinance is presented. The Swedish National Board of Housing, Building and Planning also describes the impact on other stakeholders affected by the legislative proposal, as well as the impact on the social objectives which the Board is required to take into particular account in accordance with the instructions.³¹

7.1 Overall impact

The aim of the Swedish National Board of Housing, Building and Planning's regulatory work is that the legislative proposal must have a clear structure in which functional requirements are required. The legislative proposal is formulated as technology- and material-neutral verifiable functional requirements where elements of what is currently available as general advice will be contained in regulations. The legislative proposal provides better conditions for equal application as it makes clearer what requirements are to be met, rather than how to do or should be.

When the regulations are expressed as functional requirements, without the limitation that the normative role of the General Councils may entail, it is made clear that developers are free to propose their own solutions that comply with the regulations. It makes it easier for those who want to apply and introduce solutions that many have experienced difficult to accept because they are not mentioned in the General Councils. This will promote cost-effective solutions and innovations that can help improve productivity and put pressure on construction costs in the longer term.

³¹ Ordinance (2024:183) on impact assessments, and Ordinance (2022:208) containing instructions for the Swedish National Board of Housing, Building and Planning.

The Swedish National Board of Housing, Building and Planning considers that the legislative proposal will have limited direct consequences for its application compared to how the current general advice is applied. The legislative proposal is based on an unchanged level of requirements.

Direct cost implications for stakeholders arise mainly from learning, adaptation and working time.

The Swedish National Board of Housing, Building and Planning considers that the legislative proposal will not have a direct impact on human safety. The legislative proposal essentially regulates the same risk situations as the BBR and contains few amendments with regard to the requirements imposed on plots of land and facilities other than buildings on plots. Where there is no specification of requirements, developers need to work on risk analysis in individual situations, which may require skills other than the current rules.

7.1.1 Pure rules facilitate understanding

The objective of the legislative proposal is to make the regulations clearer and, for example, all the provisions on plots have now been brought together in one place. Separate regulations for different requirements clarify the purpose of the rules and facilitate understanding. The proposal for a Constitution can thus provide developers with a better incentive to comply with the rules and develop their own solutions.

The proposal contains only provisions, which makes it clear what is the demands of society. The status of the General Councils has been perceived as unclear. Someone has interpreted general advice as binding requirements, while others have interpreted them as an optional recommendation. This uncertainty is removed. The possibility of proposing solutions other than those in the General Council of BBRs can provide a better understanding of societal requirements, which should contribute to better compliance with building rules.

An example that a general advice has been made a clear binding rule is the accessibility of emergency vehicles on the ground. In the BBR there is a general advice that the distance between rescue vehicle stands and points of attack should be no more than 50 metres. It is now a constitutional provision.

7.1.2 Reduced granularity increases flexibility

Some provisions that may seem restrictive have been removed, such as references to specific technical solutions. It creates the conditions for a more flexible application of building rules than at present and improves the possibilities for technology development.

The general advice that has been removed is considered, in principle, to contribute to the simplification of the Constitution and at the same time to increase the conditions for innovation, which are two important objectives of the draft Constitution. The influence of a General Council on behaviour and innovation opportunities varies with the nature of the General Council. For example, the General Council pointing to a particular standard may have the unintended consequence that the designated standard becomes normative. If the standard contains solutions, the rationale for applying other solutions in the individual case is hampered. Under the current rules, there is a risk that the alternative solution will not be accepted with, inter alia, additional costs.

There are several examples of the removal of details of general advice or regulation, allowing for more situational assessments and solutions, see, for example, requirements for pedestrian paths and fixed basins.

7.1.3 Reducing the scope of the Constitution

The removal of the general advice reduces the overall scope of rules that need to be consulted by practitioners. Fewer rules make the regulatory framework more transparent.

References to regulations, standards and manuals of other authorities and most details general Councils are not included in the draft Constitution. Some provisions are also removed. For example, the requirement to protect against accidents in power-driven facilities as it is regulated by other legislation.

7.1.4 Knowledge and guidance needs to be provided in other ways

The general advice has played a knowledge-transferring role in that project promoters and developers have been informed of historical experience from incorrect designs, in order to prevent construction errors. The purpose of the general advice has been not only to understand where the level of requirements should be, but also to understand the level of ambition. Taken together, this has made it possible to compare and value other possible solutions against each other. This function does not exist in the new legislative proposal. The social construction sector therefore needs to take advantage of the knowledge in other ways.

Manuals, standards, industry standards and agreements will play an important role in interpreting building codes. Much of this development work and management of existing knowledge is expected to take place through, for example, professional organisations. The Swedish National Board of Housing, Building and Planning considers that the need for guidance will increase initially. The need for guidance is likely to increase initially and the Swedish National Board

of Housing, Building and Planning will therefore provide guidance on the Constitution.

7.2 Companies

The impact assessment will include an analysis of the impact of the proposal on companies.³²

The legislative proposal may concern all companies in the community-building sector that are, or may become, a practitioner of building regulations.

Different industries and companies have different conditions for interpreting requirements, developing solutions that meet them and developing verification methods. This section describes how different categories of companies’ working conditions, competitiveness or other conditions may be affected.

7.2.1 Developers

Developers are responsible for ensuring that the requirements for land and facilities other than buildings on plots meet the requirements of the building regulations. A developer may be a legal or natural person, such as a company, a municipality, a housing association or a private individual. The impact assessment in this section is based on companies, but the impact can be generalised to all operators who build an unbuilt plot of land or construct a site other than a building on a plot of land. However, the importance of impacts may vary depending on the size and professionalism of the organisation and a the prerequisites of an individual project.

Between 2021 and 2023, developers carried out an average of around 11 200 construction projects in which new buildings were constructed.³³ Table 1 provides an overview of the total population of enterprises that may act as developers and clients.

Table 1. Number of companies that can act as developer and client by size range

| Company size (number of employees) | Number of companies* | Dispensation % |
|---------------------------------------|----------------------|----------------|
| 0 | 76,017 | 90.1 |
| 1–4 | 6,504 | 7.7 |
| 5–9 | 849 | 1.0 |
| 10–19 | 429 | 0.5 |
| 20–49 | 314 | 0.4 |
| 50–99 | 134 | 0.2 |
| 100–199 | 66 | 0.1 |

³² Section 7 of the Ordinance (2024:183) on impact assessments.

³³ SCB, Statistics Database, Building permit for new building by region, type of house, table content and quarter (taken on 22 April 2024) The data for residential buildings includes both multi-dwelling buildings and single-family houses, with the exception of holiday homes.

| Company size (number of employees) | Number of companies* | Dispensation % |
|---------------------------------------|----------------------|----------------|
| 200–499 | 41 | 0.0 |
| 500+ | 6 | 0.0 |
| Grand total | 84,360 | 100 |

* SCB SNI 2007. 68 100 trading of own real estate, 68 201 property companies, dwellings, 68.202 real estate companies, industrial premises, 68.203 property companies, other premises, 68.209 other real estate companies, 68.320 property managers on behalf.³⁴

Emphasis is placed on the responsibility of the developer

The legislative proposal does not change the developer's responsibility, but the division of roles between the developer and the Planning Board is clarified when the developer's responsibility is emphasised.

As regards the requirements for protection against accidents in connection with the construction of certain facilities other than buildings on plots, the question of technical characteristics is by definition not examined in building permits. Depending on whether they are part of a promised or notifiable measure, they are assessed either with a starting notice whether they are likely to be met or in the context of a possible supervisory review. The responsibility for meeting these requirements lies with the developer.

Legislative proposal **Horizontal provisions** makes it clear that the developer is responsible for ensuring that a measure meets all the requirements of the Constitution. At the same time, the Swedish National Board of Housing, Building and Planning considers that the developer's design must also determine whether a minor deviation from a regulation can be made.

Impact of activities and production costs

The legislative proposal makes it clear that developers should be allowed to propose solutions other than those presented in the General Council of BBRs. By not referring to any specific standard, the proposal increases the possibility for developers to use technical methods and solutions other than those contained in the standards set out in the BBR.

Tightening the requirement for balancing support in the form of handrails, from general advice in BBR to functional requirements in the proposed regulation, will in theory lead to an increase in the cost of production. However, the majority of developers already appear to follow the General Council as if it were a regulation, so the impact of the tightening is considered to be negligible. Furthermore, the Swedish National Board of Housing, Building and Planning has not identified any increase in production costs as a direct consequence of the legislative proposal.

³⁴ SCB, Statistics Database, Business Database (FDB), Enterprises by economic activity SNI2007 and size class. Accessed 2023-02-20.

The extent of a potential change in demand for solutions – and thus a change in cost – is not quantifiable as the developer's future on-demand behaviour cannot be predicted. In the short term, however, it is considered that the difference in demand change on alternative solutions is not very wide, as the regulatory changes are essentially the removal or regulation of provisions in general advice, such as metrics. In other words, the changes in substance are small. It is therefore estimated that in the short term only marginal cost impact as a result of the proposal.

In long term is a qualitative assessment that a gradual change in demand will occur as a result of rules becoming less granular. The legislative proposal can therefore indirectly contribute to more innovation and new solutions, which in turn can reduce production costs and increase cost efficiency. As such effects are due to uncertain – and voluntary – behavioural changes in the future, they are not possible to calculate.

Certain rules in the proposal have been made purely functional requirements, which are considered to create more possibilities for designing solutions that meet the requirements. However, operating rules, especially if they do not provide a level of precision, may become less clear, which in the short term may lead to higher costs for the application of rules as the time needed for interpreting work will be increased. However, as a result of functional requirements, the developer can more easily plan its activities and dispose of its resources in a way that suits the individual developer, rather than being guided by general advice. Economically, it means a more efficient use of resources by companies and, ultimately, the possibility of more efficient and thus more cost-effective solutions, which can also benefit clients and tenants of developers.

Administrative costs

According to the legislative proposal **Chapter 1 – Horizontal provisions** the developer shall document his design and self-checks, unless this is unnecessary. The corresponding provisions of the BBR are set out in a General Council. The requirement applies to all technical characteristics. As a matter of principle, this can be seen as a tightening of requirements which may lead to higher costs for documentation.

According to the Swedish Board of Housing, Building and Planning, general advice is widely applied to the construction of a new building and to major changes, such as alterations. It is difficult to take promised or notifiable measures without documentation that the requirements are met in any way, so generally the Swedish National Board of Housing, Building and Planning considers that the legislative proposal entails small increases in documentation costs.

The level of knowledge is raised with precise requirements and draws the building committees' attention to the submission of documentation.

In the few cases where there may be an increase in costs, this is mainly the case for those companies which currently do not document their design and the results of the controls carried out. It has not been possible to calculate the cost of documentation, inter alia because the complexity of construction projects is very diverse and that the cost is affected by all property requirements, not only for plots and safety in use.

The Swedish National Board of Housing, Building and Planning considers that both developers and building boards already apply the principle that documentation does not need to be drawn up if this is unnecessary. The economic impact is therefore estimated to be small.

Time needed for the application of rules

The legislative proposal contains fewer provisions than the BBR and, in many respects, simplifies the time.

In the short term, working on a new regulatory structure may take longer than the old one that is well understood. The information currently available in general advice is spread across several sources and search for information may take longer initially. For professional developers and their subcontractors, this should not cause any additional cost as they already use standards, industry guides and internal guidelines and are familiar with the PBL and PBF requirements.

In the longer term, time gains are possible as the legislative proposal will include: transparency increases when unnecessary rules are repealed and the number of texts is reduced, where the general advice to regulations clarifies the level of requirements, the availability of regulatory commentaries, together with guidance, will help the applicator to understand the content more quickly and apply the regulations, clearer requirements for documentation and design will help to shorten the processing times of building boards, and increase the conditions for efficient operation and maintenance.

The Swedish National Board of Housing, Building and Planning will produce guidance texts for the regulations. The primary aim is to promote quality and compliance, but the guidance should also speed up and become more effective in the use and interpretation of the regulations.

It has not been possible to calculate the time needed to apply rules in real terms, either for the baseline option – that is to say, the current rules or for the legislative proposal. This is because it is not possible to isolate the impact of the building and safety requirements on time from other factors affecting time,

such as the application of other requirements and technical characteristics. The time taken is also influenced by the complexity of a building and the competence of the designer. A qualitative assessment is that there is likely to be significant variation as a developer can range from an individual who uses the rules for the first time, to a large building developer with its own or procured experts. There is also a significant difference in time depending on whether it is a smaller construction measure that is only met by some technical requirements compared to a larger project that meets building, design and technical characteristics requirements.

Skills development

Developers will need to develop skills in the way the new regulatory framework works, not just for the regulations on plot, etc. The cost of skills development cannot be calculated because developers are a heterogeneous group with different needs, see Table 1. However, an example is presented based on the need for at least half a day of training per employee for those working in the application of the rules.³⁵

Anyone who wants to work in the same way as with the BBR will be able to do so also with the new legislative proposal. The new rules make it easier for those who, for example, do not want to comply with a certain standard referred to by BBR. Those who wish to use solutions and methods other than those set out in general advice and standards need to develop their skills.

In addition to formal skills development, there will be a period of gradual learning of the new rules, which for a limited period may entail a loss of productivity. The effect cannot be calculated as it is explained by several unknown factors. However, the Swedish National Board of Housing, Building and Planning considers that the total cost of skills development and learning for the collective developer does not lead to negative net consequences, since the proposal in the long term creates opportunities for companies to increase their productivity in a way that is hampered by the current constitutional model.

Impacts on small and medium companies

Building companies are to a large extent small as shown in Table 1 above. The table shows an overview of the size of companies developing construction projects and managing real estate.

³⁵ Annual working time is about 1 900 hours and half a day's training suggests that the cost per company in relative terms is not burdensome. However, the cost to the employer may be higher than the actual wage cost because the production value of an hour worked is normally higher than the wage cost. If, by way of example, an employed architect costs SEK 500 per hour for total wage costs, but the company can invoice SEK 1 100 per hour of work, the company's opportunity cost, i.e. lost revenue, for half a day's training is SEK 4 400 compared to the wage cost of SEK 2 000.

The legislative proposal provides for clearer and more formal requirements to document the construction process and a slightly higher administrative burden on developers. In small businesses, the same person is more responsible for managing administration, such as sales or other activities with higher added value. Therefore, the opportunity cost, of additional administrative costs, is relatively higher for small developers.

Small developers need to rely more on external competence – both at the design and execution stage – to carry out and document controls. The Swedish National Board of Housing, Building and Planning considers that the new Constitution may mean that more tasks during the design phase will have to be carried out by an expert. Small companies will therefore have to buy expertise more than in the past from, for example, architects. This entails a certain increase in costs for the collective of small businesses.

Private individuals as developers

Many buildings, in particular single-family houses, are constructed by private individuals for their own account and use. On average, around 3 700 unit built single-family houses have been constructed in 2021-2023, calculated on the basis of the number of building permits applied for.³⁶

Private individuals have the same responsibilities as other developers in complying with building regulations. Private individuals often lack professional skills and many need to hire professional promoters when they need to project. The Swedish National Board of Housing, Building and Planning considers that the reduction of detailed rules risks having a greater impact on private individuals who are developers in comparison with professional operators.

Housing associations as developers

There are around 23 000 housing associations in Sweden. The consequences of the legislative proposal described for developers, also apply to housing associations such as developers.

Municipality and region as developer

The consequences of the legislative proposal described for developers also apply to the municipality and the region as developer.

The State as developer

The consequences of the legislative proposal described for developers also apply to the State as developer.

³⁶ Wood and Furniture Companies, <https://www.tmf.se/bransch-naringspolitik/branschutveckling/statistik/trahus/smahus/> (Accessed 22 April 2024).

7.2.2 Builders and installers

Cost changes that may occur mainly affect the developer. The impact on developers and installers is determined by the behaviour of developers when the new regulations enter into force.

Table 2 below shows the size distribution among the companies active in the field of construction and installation.

Table 2. Number of companies that can act as builders or installers by size range

| Company size (number of employees) | Number of companies: contractors and installers* | Dispensation % |
|---------------------------------------|---|----------------|
| 0 | 49,662 | 59.1 |
| 1–4 | 23,620 | 28.1 |
| 5–9 | 5,550 | 6.6 |
| 10–19 | 3,082 | 3.7 |
| 20–49 | 1,680 | 2.0 |
| 50–99 | 341 | 0.4 |
| 100–199 | 97 | 0.1 |
| 200–499 | 43 | 0.1 |
| 500+ | 21 | 0.0 |
| Grand total | 84,096 | 100 |

*Data for 2022 SNI2007 refers to 41 200 contractors for residential and non-residential buildings, 43.210 electrical installation firms, 43.221 tube and pipe firms, 43.222 ventilation firms, 43.229 other vven firms, 43.290 other construction firms, 43.320 companies for building carpentry work, 43.390 other companies for final treatment of buildings, 43.911 building sheet warehouses, 43.912 other contractors for roofing work, 43.999 various other specialized construction and civil engineering contractors.

It is common for turnaround contracts to be used as a form of works. In the case of a turnaround contract, the contractor is responsible for ensuring that what is planned and carried out performs the functions agreed between the developer (often as well as the client) and the contractor. In the case of turnkey contracts, the legislative proposal may therefore have an impact on the total contractor's costs in terms of choice of method, technology, materials, working arrangements and time.

In the case of execution contracts, there should be no major differences for the contractor, since the developer (often also the client) has already designed and developed the solution which the contractor then offers and carries out.

Administrative costs

To the extent that contractors are given more administrative tasks, it is necessary for the developer to entrust them through contracts, such as documenting checks. The administrative costs, as in the case of BBR, will burden the developers.

Skills development

Where contractors are instructed by the contractor to propose, model or design new methods and solutions, they need to use working time to familiarise themselves with the regulations and learn how to apply them. More skills development may be needed if developers request new methods and solutions, which is an indirect consequence of the legislative proposal.

Impacts on small and medium companies

Table 2 above shows the size distribution among the companies active in the field of construction and installation.

The impact on small and medium-sized contractors and installers should be limited compared to larger companies. However, small businesses are less able to offer skills development, as training time represents a loss of revenue that is more of relative importance for these companies.

7.2.3 Designers and inspectors

Table 3 below shows the size of the companies involved in building design, i.e. developers of construction projects, architects and technical consultants.

Table 3. Number of companies that can act as project promoters by size range

| Company size (number of employees) | Developer of construction projects | Dispensation % | Architect of office | Dispensation % | Other designers* | Dispensation % |
|---------------------------------------|------------------------------------|----------------|---------------------|----------------|------------------|----------------|
| 0 | 666 | 79 | 2,995 | 70 | 14,627 | 63 |
| 1–4 | 138 | 16 | 973 | 23 | 7,136 | 31 |
| 5–9 | 19 | 2 | 138 | 3 | 715 | 3 |
| 10–19 | 15 | 2 | 91 | 2 | 470 | 2 |
| 20–49 | 4 | 0 | 62 | 1 | 275 | 1 |
| 50–99 | 1 | 0 | 15 | 0 | 65 | 0 |
| 100–199 | 2 | 0 | 6 | 0 | 27 | 0 |
| 200–499 | 1 | 0 | 2 | 0 | 20 | 0 |
| 500+ | 0 | 0 | 1 | 0 | 13 | 0 |
| Grand total | 846 | 100 | 4,283 | 100 | 23,348 | 100 |

* 71.121 engineering consultancy firms, 71.124 engineering consultancies in energy, environment and plumbing technology, 71.129 other engineering consultancies, 71.200 technical testing and analysis firms.³⁷

Legislative proposal results in higher skill requirements and more responsibility for developers. For example, requirements for capabilities in risk analysis are increasing. The publisher has a clear requirement for the developer to apply only technical design methods. This may lead to an increased need and thus in-

³⁷ Refers to 2022, SNI 2007 codes.

creased demand for external expertise in the design of plots and the protection against accidents in certain facilities other than buildings on plots. The authorised agents can play a more extensive role in developing and presenting new solutions to the Building Board for the technical consultation in those cases where this is required.

In the longer term, the working methods of the inspectors will need to be adapted to the new conditions, given that the developer wishes to deviate from the current solutions.

Administrative costs

The Swedish National Board of Housing, Building and Planning considers that professional operators already document in a structured way that the legislative proposal is not expected to entail any increase in administrative costs.

Skills development

Designers and inspectors need to familiarise themselves with and learn how to apply the new regulations. They may also need skills development if developers request new methods and solutions. See 7.2.1 for a more detailed description of the need for skills development.

Inspectors need training in order to be able to certify. Inspectors who are already certified may need to be trained in the new regulations in order to be able to cope more easily with the new regulations. Training companies are likely to see increased demand for their services in the short and medium term.

Impacts on small and medium companies

Table 3 shows the size of the companies involved in building design, i.e. developers of construction projects, architects and technical consultants.

The legislative proposal may lead to an increased demand for architects and technical consultants, in particular from smaller developers who are not competent in building regulations. If there is a behavioural change that increases the use of methods that deviate from those set out in the BBR General Advice and Standards, this may increase demand for developers and architects developing methods that can be used in a more cost-effective way to meet safety requirements. As a result, the operating conditions of a large number of smaller developers of construction projects, architects and technical consultants may change.

Participation in standardisation can bring a competitive advantage to a company. In developing and managing standards, small design companies are at a disadvantage compared to large companies. Small enterprises have a higher op-

portunity cost of participating in standardisation work. As a result, the cost in relative terms is higher for small companies than for large companies.

7.2.4 Building materials manufacturers and single-family house manufacturers

Construction materials consist of a large number of product markets, which can be raw materials (e.g. gravel and aggregates), more refined raw materials (concrete and cement), composite products with a certain degree of value added (windows and prefabricated concrete elements), and more processed components and construction systems (technical building materials, facade systems and prefabricated systems).

The construction sector in Sweden uses approximately 50 000 individual construction products. In addition to a large number of construction products, they also generate considerable value.³⁸ Building materials represent, according to the factor price index, between 31 % and 34 % of total construction costs.

There are around 4 000 construction materials manufacturing companies in Sweden. These range from bulk products (e.g. aggregates) to entire design systems (e.g. prefabricated building parts) and have different production conditions. Building materials manufacturers can be small local companies as well as large international companies.

It is not possible to estimate meaningfully the number of companies that may be affected in different construction materials markets. However, according to SCB's corporate database, there are around 500 companies in the category of prefabricated wooden houses, of which approximately 300 have no employees. The trade association TMF has around 100 member companies which produce, inter alia, small and multi-dwelling buildings in wood. These companies employ just under 7 800 employees.³⁹

The Swedish National Board of Housing, Building and Planning considers that the direct impact of the proposal will be limited for manufacturers of building materials and single-family houses. The reason for this is that buildings must essentially meet the same social requirements as under the current rules. The impact is mainly indirect if the demand of developers for products and materials changes as an effect of the legislative proposal. Individual metrics contained in the BBR but not included in the legislative proposal may have an impact on how single-family house manufacturers can design their products.

³⁸ The total supply of construction materials to the Swedish market amounted to approximately SEK 225 billion in 2016, including installations and the maintenance and purchase of construction materials by consumers in the building materials trade. Committee for Modernising Building Regulations (SOU 2018:51), Resource efficient use of construction materials.

³⁹ Refers to the year 2022.

Impact of activities and financial consequences

In the long term, the legislative proposal can contribute to changing developer demand. Manufacturers of construction products then need to meet a change in demand if they want to maintain or improve their market position. The demand for new solutions may mean that products need to be adapted to meet the requirements of the developer. In such a case, this may result in higher incomes for the producers of products able to meet demand. More effective solutions may involve more specialised products with higher added value, which is beneficial for a product manufacturer. One example is the rules for fixed pools that become less detailed, creating greater possibilities for adaptation in the individual case. The extent to which this will happen in the future cannot be estimated and therefore cannot be quantified.

Skills development

In the short term, the needs of construction materials manufacturers and single-family manufacturers are not affected by skills development. In the longer term, the need may increase. This depends on whether the developer's demand for alternative solutions changes and as a result of the demand for products and single-family houses with different characteristics.

Impacts on small and medium companies

The impact of the proposal does not differ significantly depending on the size of the building material or single-family house company. However, like other sectors, small operators have a higher opportunity cost than large companies, which can affect competition. To the extent that, as a result of the proposal, customers change behaviour and, for example, want more detailed product specifications, smaller material manufacturers will have a higher relative cost of adapting.

7.2.5 Insurance corporations

According to the Swedish Insurance Agency's statistical report 2023, there are 206 non-life insurance companies in Sweden.⁴⁰ If these companies insure construction projects and buildings with plots, they are affected by what is regulated in the building regulations. The direct impact of changes to building regulations means that companies need to take note of the changes and understand what changes are being made. As with other stakeholders, it initially takes some working time, but is likely to be less extensive than for, for example, designers who apply the rules on a continuous basis. Employees of insurance companies may need to attend information meetings and courses organised by the Swedish National Board of Housing, Building and Planning or other stakeholders. The Swedish National Board of Housing, Building and Planning's in-

⁴⁰ Swedish insurance, Insurance in Sweden 2013-2022. Accessed 2024-05-06

formation sessions and training courses are free of charge, while other courses may have a course fee.

The aim of the Swedish National Board of Housing, Building and Planning's new building regulations is to stimulate behavioural changes in, inter alia, developers and designers, which may lead to a wider spread in the choice of technical solutions and how buildings are designed than in the case of BBR. This may lead to the need for insurance companies to adapt their methods of insurance design. Among other things, there may be an impact on how damage costs are calculated. Depending on the extent of behavioural changes, the design and cost level of insurance may also be affected, which ultimately affects the building owner. The Swedish National Board of Housing, Building and Planning considers that over time there are likely to be behavioural changes, but it is not possible to assess whether costs and revenues are higher or lower than those of the BBR, as it is not possible to estimate the extent of future behavioural changes.

7.2.6 Other cost changes

Total construction investment in housing and premises was around SEK 500 billion in 2021 or just under 10 % of GDP.⁴¹ Except The Swedish National Board of Housing, Building and Planning's building regulations have many factors affecting construction investments and production costs, such as other social requirements, material prices, land prices, market conditions, and interest rates. As the community-building sector is a significant part of the economy, behavioural changes in the sector as an indirect effect of the legislative proposal can have a major impact on the development of the Swedish economy.

It is difficult to estimate whether changes in specific regulations may lead to increased administrative costs and time for businesses. The long-term consequences of the Swedish National Board of Housing, Building and Planning's new building regulations must be seen in a broader context. When assessing the rules and the costs they entail, it may be difficult to rank or identify individual rules as particularly problematic. There may be an acceptance that individual levels and requirements formulations are reasonable, but overall, the regulatory burden or design may be perceived as cost driving and limiting the conditions and competitiveness of the activities.

There is a socio-economic and business value in minimising administrative data and cost-driven requirements that are not objectively justified, as it, among other things, frees resources into higher value-added activities, such as product development.

⁴¹ [Construction cycle 2022:2 | Construction companies \(byggforetagen.se\)](#). Accessed 2023-03-19.

An indirect effect can be increased cost efficiency in the long term, i.e. that an equivalent level can be achieved with more cost-effective solutions than the current one. The impact is not quantifiable, but productivity developments in the sector show that there is great potential for improvement.⁴² A more productive sector means increased value added and socio-economic efficiency. In other words, the resources needed to build are used more efficiently and can therefore be freed up to other uses where they can generate more benefits.

7.2.7 Impact on conditions of competition

The legislative proposal means that the State no longer specifies which methods are deemed to comply with the regulations. This will give the community building sector more opportunities and incentives to develop its own methods and solutions. It can lead to new products and practices, and more cost-effective solutions, with higher added value for end-users. In turn, it can contribute to a better competitive environment in the long term.

7.2.8 Other impact on companies

Training materials, manuals, guides, etc. referring to BBR will need to be modified. Internal documents such as checklists, supporting documents for self-checks, quality assurance etc. will need to be rewritten with new references and new regulatory wording. This also applies to literature, digital means of calculating energy, drawing up drawings, dimensioning, etc. This is considered to be a relatively significant initial effort for the industry. Much of the necessary development work and management of the development work carried out is expected to be carried out through professional organisations.

Adjustment and updating of industry standards and practices

For some issues, it has not been possible to identify an industry association which clearly took responsibility for developing industry standards. Industry may need to organise itself more clearly and ensure clear ownership of all issues.

In order to optimise the application of the legislative proposal, alternative methods need to be developed in parallel with the needs arising from technology development and innovation. The industry is therefore expected to have to work in a more structured way on identifying, allocating resources and addressing development needs for methods and tools.

⁴² Nilsson, J.E, Nyström, J., F.J. Salomonsson (2019), Productivity in the Construction Sector, SBUF 13606, Building Competition Inquiry (SOU 2015:105), Committee for Modernising Building Regulations (SOU 2019:68).

Impact on standardisation

Information and recommendations contained in the BBRs General Council may in future be contained in standards if deemed appropriate by the sector. The legislative proposal may then lead to a more prominent role in standardisation.

The Swedish Institute for Standards (SIS) may be affected when the references to standards by the General Councils cease. SIS revenues depend on demand for standards and it is uncertain how business demand will be affected. On the one hand, developers' demand may decrease, as they are no longer obliged to buy the standards to consult the Swedish National Board of Housing, Building and Planning's requirements and recommendations. On the other hand, developers may continue to purchase standards in order to benefit from the solutions jointly developed by the industry.

SIS needs to promote broad representation in working groups and technical committees. Participation must be on the terms and conditions of all companies and organisations, not least financially. Unless working groups are representative of the industry and the public interest, there is a risk that the focus on a standard will not become desirable either from an industry or a societal perspective.

Companies can become more interested in participating in standardisation and developing standards. By participating in technical committees, they can influence, for example, what should be considered reliable methods and appropriate solutions, thus gaining a competitive advantage. Small companies are generally less able to participate in standardisation as they have less resources and a higher relative cost.

Municipalities' demand for standards may decrease as a result of the removal of references to standards. Demand for standards may also increase as developers are more proposing solutions based on standards. How it will be, what tools the industry will develop to support methodological choices and verification, and the impact on standardisation is difficult to predict.

The legislative proposal increases the need for standardisation in those areas where rules are removed, for example for security devices on plots.

The SIS has stepped up efforts to involve businesses and other stakeholders so that future standardisation work can be carried out effectively.

7.2.9 Special consideration of small companies

The legislative proposal on requirements for plots, etc. may affect small companies in particular, see under the SME sections of 7.2.1-7.2.4.

Small developers and small businesses use building regulations on a few occasions. Construction projects carried out by small enterprises shall continue to be planned by competent promoters. Therefore, as with the current rules, small businesses will need to be confident on planned drawings without having to understand the differences between the BBR and the legislative proposal. In the most simple cases, as well as measures that do not require a building permit or notification, the Swedish National Board of Housing, Building and Planning is of the opinion that village developers and small enterprises will be able to cope with the changes without specific information measures.

7.3 The State

The Swedish National Board of Housing, Building and Planning has a different role to play, involving more work on information and guidance and monitoring of the application of the rules. County Administrative Boards and courts may be affected if the building boards' decisions on building permits, start-up clearance, final clearance and supervisory intervention are appealed. The Swedish National Board of Housing, Building and Planning and the county administrative boards are also responsible for guiding the building boards in their supervisory work.

7.3.1 Contested decisions in the construction process

The County Administrative Boards, the Land and Environment Courts and the Land and Environment Court of Appeal are appeal bodies. The legislative proposal on empty details the requirements in this area, but does not specify as now how the requirements should or can be met. This initially runs the risk that the planning committee and the developer may interpret differently whether a design complies with the regulations. This could mean more decisions on building permits being appealed compared to today and an increased workload for appeal bodies.

The legislative proposal on certain facilities other than buildings on land specifies the requirements in this area, but does not specify as now how the requirements should or can be met. This initially runs the risk that the planning authority and the developer may interpret differently whether a design or solution complies with the regulations. This could mean that more decisions on start-up and final clearance and supervisory intervention could be appealed against compared to today and an increased workload for appeal bodies.

There are relatively few decisions, on start-up and final clearance, which depend on the technical characteristics requirements, which are appealed against compared to other decisions of the building committee. This does not mean that the Planning Board and the developer always agree on how to interpret a

characteristic requirement. The developer usually complies with what the planning committee considers to be correct rather than complaining because a refusal to give a start-up or final decision may significantly delay the start of the building or the putting into service of the building.

Initially, there may be a higher workload as a result of more cases under appeal, but in the long term, the Swedish National Board of Housing, Building and Planning considers that the construction permit and construction process will work better and that the effects will be limited for appeal bodies.

7.3.2 County Administrative Boards' supervisory guidance

The county administrative boards must guide building boards in their supervisory work. Initially, building boards may need more guidance when supervising the subject matter, as the amount of information in the regulations will decrease. This could increase the workload of the county administrative boards in the short term. However, in the longer term, the need is assessed as the RACs gain more knowledge of the new regulatory architecture. The workload will then correspond to what is required by the current rules.

7.3.3 Consequences for the Swedish National Board of Housing, Building and Planning

The transition from BBR to new regulations will initially lead to an increased need for information and training measures from the Swedish National Board of Housing, Building and Planning. These efforts should be addressed to all the different actors who come into contact with the regulations on requirements for plot use, etc. The aim is for everyone to understand the rules so that they can be implemented more easily.

References to manuals and standards disappear, as well as references to other parts of the building codes concerned by the requirements. They have made it easier for readers who want to deepen on the subject, pointing to the need to take into account other property requirements. The general advice also contains some valuable information that needs to be taken into account.

Information and training measures early in the process of change facilitate the transition efforts of municipalities and reduce any increase in costs that may arise during the transition phase. The aim is also to create the conditions for effective and, as far as possible, equal application of rules, both between individual cases and between municipalities.

The web-based handbook on the Planning and Building Act, PBL Knowledge Bank, needs to be reworked in the parts relating to land and safety during use. More questions can be expected and thus there is a risk of an initial increase in

workload. However, the burden will be reduced as operators learn ways of working that fit the new structure.

Finally, in the long term, the new regulations will also affect the allocation of resources of the Swedish National Board of Housing, Building and Planning. Once the general advice and references to standards are removed, the Swedish National Board of Housing, Building and Planning may devote less resources to monitoring and amending the rules as the standards are updated. With fewer rules and rules that no longer need to be amended as often, in the long term, less support and guidance on building regulations may also be needed.

The Swedish National Board of Housing, Building and Planning will have to continuously monitor the application of the regulations and, if necessary, review and amend certain parts.⁴³ It is a long-term exercise and therefore the need for resources cannot be assessed.

7.3.4 Consequences for other authorities

The legislative proposal is not expected to have any impact on central state authorities, except for the Swedish National Board of Housing, Building and Planning.

When reporting discrimination to the Equality Ombudsman (Equality Ombudsman) concerning lack of accessibility, the Equality Ombudsman first takes a position on whether the situation is covered by the Discrimination Act and then whether the complaint should be investigated. If a notification is being investigated, the DO will assess, inter alia, whether reasonable accessibility measures have been taken in the notified situation. In making such an assessment, the rules applicable to a particular activity, such as the Swedish National Board of Housing, Building and Planning's building regulations, must be taken into account in the assessment. When the requirements of the building regulations are less precise and do not recommend solutions, situations may arise when it becomes more difficult to determine whether a measure should be carried out due to the accessibility and usability requirements of building legislation.

7.4 Municipalities

The legislative proposal affects municipalities' work processes, the use of resources and the exercise of public authority.

7.4.1 Overall impact

The mandate of municipalities does not change, but the constitutional proposal may lead to changes in working methods and may also increase the need for training. The comments and replies received by the Swedish National Board of

⁴³ See section 9 Evaluation.

Housing, Building and Planning also show that the application of the current building regulations varies widely from one municipality to another and that the need for adaptation to the legislative proposal therefore varies accordingly. After a conversion period, the Swedish National Board of Housing, Building and Planning considers that the municipalities will have better conditions for a more efficient way of working.

The legislative proposal leads to higher requirements being imposed on the developer. The requirement of specialisation gives municipalities a clearer mandate to require that the developer's documents are of sufficient quality. In this way, the municipalities' need to examine the documents in detail is expected to be reduced. This is to be seen as pure cultivation of the partly contradictory information that can now be perceived when taking into account preparatory works, regulations and the Swedish National Board of Housing, Building and Planning's guidance, that is to say, that in some cases it appears that the municipality's services must examine documents and technical solutions in detail, whereas in other cases it is stated that the work of the municipality in the construction process should be more akin to an assessment or audit.⁴⁴

An increased focus on technical design, control and documentation is likely to facilitate the building committees' assessment of the developer's competence and competence, for example in a supervisory matter. This is without the need to examine the documents in detail. The Swedish National Board of Housing, Building and Planning considers that this will lead to shorter processing times over time. It also provides a better framework for the developer to calculate and maintain their construction and deployment schedule, which may eventually lead to a reduction in costs for stakeholders.

7.4.2 Current situation

In those years 2019-2022, Sweden's municipalities have ⁴⁵ on average, more than 100 000 building permits and notifications were handled and assessed about 98 000 start-up and 79 000 final clearance decisions each year. The number of start-up notifications gives an idea of how many cases the building boards will continue to have to assess against the new regulations.⁴⁶

⁴⁴ Government Bill 2009/10:170 p. 315 et seq.

⁴⁵ The data from non-responding municipalities have been estimated on the basis of their population. The reason why the number of initial and final notifications is lower is due to the fact that projects are not lost and natural backlog when decisions on start-up and final clearance are taken in relation to the building permit. After a permit is issued, a starting decision shall be issued within two years and a final decision within five years of the award decision. In the case of a notification, a decision on start-up information can only be taken once the notification is complete and final clearance must be given within two years of the initial notification for the notification case. A further explanation for the difference in the proportion of take-off and final clearance may be that these decisions are taken at the same time, for example in the case of the construction of a skyt, when final clearance is to be given when the construction works are put into service.

Statistics from the Swedish Association of Local Authorities and Regions (SKR) show that on average processing a typical single-family house case takes 25 hours.⁴⁷ The time required includes processing before building permits and assessment of all technical characteristics. The plot requirement is one of a number of requirements to be examined in a permit.

Sweden's 290 municipalities have different conditions in terms of skills and resources. Some municipalities lack their own resources for the application of building rules and have shared resources that are shared between several municipalities for the management of building permits. In 2018, 57 municipalities (around 20 %) in the country's smallest municipalities, but to a certain extent also in the Malmö region, had less than three full-time resources dealing with PBL cases.

7.4.3 Consequences for the conduct of building committees

The legislative proposal may initially give rise to some uncertainty as to how the regulations are to be applied, as guidance information previously contained in general advice has been removed. The impact on the work of building boards will vary, but is particularly noticeable in the areas where the general advice has been used to assess the level of requirements. However, the most important change is that the developer is given an increased responsibility to report a technical design, which shifts the focus of the building board from a – in some cases – self-imposed extensive detailed examination of the documents, to assessing whether the documents are of sufficient quality. The Swedish National Board of Housing, Building and Planning considers that, after a conversion period, the Board's staff will be in a better position to create a more efficient way of working.

Building boards need skills development

Skills development will be needed for administrators, inspectors, building permit managers and politicians in the building committee. During a transitional period, a reduction in productivity can be expected as a result of the implementation of adapted working methods. The impact in relative terms is likely to be greatest on the least resourced boards and those with high staff turnover.

The Swedish National Board of Housing, Building and Planning considers that the development of skills will take place gradually over time as building consent administrators and building inspectors are confronted with the changes brought about by the legislative proposal. The need for skills development will

⁴⁶ The Swedish National Board of Housing, Building and Planning, <https://www.boverket.se/sv/om-boverket/publicerat-av-boverket/oppna-data/plan--och-byggenkaten/> Accessed 2023-02-09.

⁴⁷ SKR, <https://skr.se/skr/samhallsplaneringinfrastruktur/planeringbyggandebostad/taxor/taxaplanochbygglav/tidsuppskattningarfranandrakommuner/tidsuppskattningarstatistik.66583.html> Accessed 2023-01-16. Time estimates for larger buildings are highly uncertain and are therefore not reported.

vary from one municipality to another, for example if a methodology is already applied to assess whether the developer is likely to meet the requirements or if the Board routinely examines documents in detail. In the latter case, the application of the new building regulations may result in more of a paradigm shift for the Building Board, leading to a greater need for skills development.

According to the Swedish National Board of Housing, Building and Planning's assessment, the need for skills development can, on average, be assumed to amount to one working day (course day) per administrator per year in the first three years after entry into force. This is assessed to include both skills development within the building committee, such as taking note of the Swedish National Board of Housing, Building and Planning's guidance, and participating in half-or full-day courses organised by, for example, training companies. Both building commissioners and building inspectors are affected by the legislative proposal, so that the need for skills development is also considered to apply to both types of case handlers. Supervisory officers could also be affected by the proposal, if the Board has dedicated them. On the other hand, administrative functions are not considered to be affected.

An annual working time is about 1 900 hours, so a need for eight hours of training suggests that the cost per building board in relative terms is not burdensome. Some continuous skills development may be expected to be needed in all activities, which are allocated and prioritised. There may be costs for courses organised by training companies.⁴⁸

Processing may take longer at the beginning

The Swedish National Board of Housing, Building and Planning interviewed and held dialogue meetings with representatives of municipalities in order to obtain input for the impact assessment. Representatives of the municipalities consider that detailed regulations are easier to apply and communicate to developers, compared to purely functional requirements. This is particularly true when the developer is a private individual, as is the case in most cases in many municipalities.

According to SKR, a typical single-family house case takes 25 hours to process, which gives an indication of the order of magnitude.⁴⁹ The time taken depends, among other things, on the size and complexity of the building. It is

⁴⁸ According to the Swedish National Board of Housing, Building and Planning's experience, equivalent courses held by training companies can cost SEK 30 000-40 000 for 6 hours of training. Digital education costs approximately SEK 3 000-5 000 for a 3 hour training.

⁴⁹ SKR, <https://skr.se/skr/samhallsplaneringinfrastruktur/planeringbyggandebostad/taxor/taxaplanochbyg-glov/tidsuppskattningarfranandrakommuner/tidsuppskattningarstatistik.66583.html> Accessed 2023-02-25. The assessment is based on data from 35 municipalities. Average value was 25 hours, the lowest value was 16 hours and the highest value was 34 hours.

not possible to estimate how much time can be attributed to the requirements for plot and more.

The introduction of new regulations may involve additional work in amending any internal supporting documents and other documents produced by the building boards. It may also lead to an increased variation in application across the country. This is despite the fact that in many cases the regulations do not entail any substantive change.

After a transitional period, RAC officials are assumed to be able to create better conditions for an efficient administration with processing times similar to those currently in force. The Swedish National Board of Housing, Building and Planning's overall assessment is that the legislative proposal will have little impact, in the long term, in terms of the time it will take to deal with a case.

Working methods may need to be changed

How and how much the work method is affected depends, on the one hand, on the extent to which the developers change their on-demand behaviour and, on the other hand, on how the building committee currently carries out its tasks in the concession and construction process. It is primarily when a developer chooses to deviate from well-established design methods and execution that the legislative proposal may have an impact on the working method.

Several responses to the consultation show a large variation in how building boards work on the examination today. Some already apply a methodology for testing, while others carry out a more routine detailed examination of documents. In the latter cases, the SRB will need to make further changes to its working methods.

Internal handling support

In many cases, the Planning Board has various internal documents to support the examination and assessment of the conditions to be met in order to grant a permit. The Swedish National Board of Housing, Building and Planning considers that the legislative proposal may involve additional work for the building boards to update these documents. These include, for example, amending various references to BBR regulations to new regulations, removing references to repealed regulations and assessing whether, for example, good practice is still valid. However, although there is no need to amend these documents, a review of these documents is required as a minimum. In addition to updating existing documents, there may be a need to develop new supporting documents as new regulations imply a lower level of precision of the requirements and some changes in substance.

The difference between the land and design requirements in the concession process compared to the technical characteristics requirements is that the plot and design requirements must be assessed and examined by the planning authority in the concession process. As regards the technical characteristics requirements, there is no examination, but the planning committee shall only assess whether the measure is likely to meet the technical characteristics requirements. In the context of the assessment of the concession, the responsibility for assessing whether the conditions for granting permits are met lies with the planning authority and, in many cases, complex assessments, these internal support documents of various kinds are often used to ensure uniformity within the municipality.

Consequences of the assessment of plot requirements

The impact on the assessment of plot requirements differs from the impact on the assessment of whether the measure is likely to meet the technical characteristics.

The assessment of whether the land requirements have been met is carried out with a view to a decision on a permit or a preliminary ruling. According to practice, a decision on a permit or a preliminary ruling has the force of *res judicata*, in other words, if the adopted body has made an error in the examination – for example by approving a measure in which the land requirements are not met – the planning authority cannot request a correction.

As a result, there is a risk of greater consequences for the municipalities in the examination of the plot requirements. For example, building boards may experience greater uncertainty and interpretation in the examination. In this sense, the introduction of the new building regulations may initially complicate the work of building boards and lead to longer processing times and increased costs. The Swedish National Board of Housing, Building and Planning will pay particular attention to and seek to minimise such consequences through its guidance work, but it cannot be ruled out that the correct application is only apparent in case-law through judicial decisions.

At the same time, the Swedish National Board of Housing, Building and Planning would like to underline that the legislative proposal is not intended to entail any change in the level of requirements compared to the BBR, except in the cases indicated by the Swedish National Board of Housing, Building and Planning in an impact assessment. This means, in essence, that even if a new provision lacks any clarification, such as quantitative values, or general guidance on the corresponding provision in the BBR, the same wording as previously accepted in a review against BBR is likely to be accepted under the new legisla-

tive proposal. In the case of alternative designs, it should be in the developer's interest to explain that the proposed design meets the requirements.

Such a methodology is consistent with the innovation that the building regulations are designed to promote and contribute to the Board's decision-making process. By allowing the Board to require the documents necessary for the examination, it is possible for the Board to ascertain whether the documents are of sufficient quality. This should reasonably mean that, in only a relatively small proportion of cases concerning permits or preliminary rulings, the Planning Board is at risk of uncertainty or misinterpretation of the provisions of the draft Constitution to a greater extent than is already the case with the rules in force.

However, the uncertainty surrounding the transition to new rules should not be confused, in particular as regards substantive requirements in the examination of an application for a permit or a preliminary ruling. The Swedish National Board of Housing, Building and Planning considers that, in addition to the time spent on skills development, additional time may have to be taken into account for the uncertainty and interpretative situations arising from the application of new rules for the case of administrators involved in the examination of permits and advance rulings – preferably for building consent administrators. According to the Swedish National Board of Housing, Building and Planning, such additional time could correspond to two full days per case handler in the first year after entry into force and one full day per administrator in the second year, in order to no longer influence the processing time thereafter. Over the two-year period from the entry into force, this corresponds to twelve hours per year, which, on the basis of an annual working time of 1 900 hours in relative terms, does not appear to be particularly onerous.

7.4.4 Consequences for the management of housing adjustment allowances

The need for housing adjustment allowances is not changed by the new building regulations. This is because society's level of accessibility and usability in the rules does not change. An unbuilt plot of land to be built shall continue to have the same level of accessibility and usability. However, when the requirements of the building regulations are less precise and do not recommend solutions, there may be more situations where it is difficult to determine whether the measure would already have been carried out as a result of the accessibility and usability requirements of the building legislation, as a general rule, grants should not be provided at that time. Determining that a measure will not contravene any building rule requirements may also be more difficult. This may mean that the processing requires more investigations and becomes more ex-

tensive. It also allows applicants to wait longer for a decision as to whether or not a grant will be awarded for an action.

7.5 The European Union

The legislative proposal is in line with the obligations of Sweden's membership of the European Union. Building regulations specifying the building requirement and the technical property requirement on safety in the use of buildings are national. Before deciding that the constitutional proposal is to enter into force, it needs to be notified to the Swedish National Board of Trade for further notification to the European Commission.⁵⁰ This notification procedure is required for technical regulations and is intended to ensure the free movement of goods within the EU internal market.

7.6 Environment and climate

The current regulations of the Swedish National Board of Housing and Building and Planning and the proposed regulations on land and safety in use are based on the accident risks and basic requirements set out in the PBL and the PBF. The environmental impact resulting from, for example, the use of materials therefore follows primarily from the basic requirements of the planning and building legislation.

Where regulations lay down detailed requirements: or recommendations that can only be met in a certain way, such as the need to install a specific product, can the environmental impact be derived from such a rule to regulations. The legislative proposal repeals several such rules.

However, the legislative proposal may lead to indirect environmental effects as the new rules are expected to affect the behaviour of market participants, which may have an impact on the environmental impact of buildings. One of the objectives of the proposal is to give more freedom to choose and design solutions, thus allowing environmental and climate policy instruments such as carbon tax and emissions trading to operate more freely and thus more effectively. The incentives created by carbon pricing, for example, can work better in the absence of administrative rules governing certain solutions.

The overall assessment is that the legislative proposal causes small direct environmental impacts and that indirect environmental effects are due to difficult behavioural changes that the proposal allows.

⁵⁰ Section 6 of the Ordinance (1994:2029) on technical rules and the Swedish National Board of Trade's regulations (KFS 2020:1) on technical rules, which concern enforcement.

7.6.1 Circular construction

Circular construction can simply be said to be about restoring or maintaining value in the built environment by replacing ‘take, use, deposit’ with ‘prevention, reuse, recycling’. In concrete terms, this means a number of policies and principles that can be taken to reduce the climate impact of construction and reduce the abstraction of natural resources and the generation of waste, such as measures to extend or change the use of a building after the end of the intended use period.

Another example of a measure contributing to circular construction is when reused construction products are used instead of new ones. The property requirements for reused construction products are the same as for newly manufactured construction products. The PBL requires construction products to have appropriate characteristics for their use. This requirement is complemented in the legislative proposal by requiring the characteristics to be known and documented. Having known characteristics is a prerequisite for assessing the suitability of the product. The documentation requirement exists in order to make it possible to assess the characteristics of the controls. The Swedish National Board of Housing, Building and Planning’s guidance on the reuse of carrier parts is described in the Swedish National Board of Housing, Building and Planning’s guidance on the reuse of carrier parts.⁵¹

For construction products with pre-assessed characteristics, the legislative proposal allows for less extensive checks, as the characteristics of these products are already known and documented. Reused products rarely have pre-assessed characteristics, but the developer may need to assess and document their characteristics himself.

Nowadays there is considerable spontaneous development in the implementation of reuse and there is a great interest in the industry. However, a misunderstanding that construction products must have pre-assessed properties may be a factor hampering the development of a more circular construction.

To counter this misunderstanding, the constitutional proposal makes it clear that not only construction products with pre-assessed properties are compliant, but also other construction products can do so. This is considered to facilitate the transition to a circular economy. See section 5.2.3 for more information on construction products. It is hoped that procedures will also be developed to make it easier to assess the characteristics of reused construction products.

It is not possible to impose reuse and circularity requirements in the Constitution under the current authorisation, as such a requirement is not supported by

⁵¹The Swedish National Board of Housing, Building and Planning, <https://www.boverket.se/sv/byggande/cirkular-ekonomi/vagledning/barverksdelar/> accessed 2024-02-28.

the PBL. There are also several reasons why it is not appropriate to impose requirements for re-use in the Swedish National Board of Housing, Building and Planning's building regulations. In the first place, the generation of demolition materials should be prevented by extending the useful life of existing buildings and building parts by adapting them to new uses in case of repurposing rather than being replaced by new ones. In the construction of new buildings and facilities on plot, it may also be difficult to find building materials suitable for re-use. In such a situation, requiring a certain proportion of reused material could be an incentive for demolition.

The introduction of special rules for the construction of new buildings with reduced technical characteristics for the use of reused products is not considered reasonable. The cost of exempting buildings from society's minimum requirements for buildings in those situations is considered to be greater than the benefit of increased reuse.

When changing buildings, there is a relatively large potential to adapt the requirements applicable to new buildings. At least space in terms of requirements to prevent sudden accident or death. In connection with the regulation work, the rules on alterations to buildings have been assessed on the basis that they should not constitute unjustified obstacles to the reuse of buildings.

7.7 Cultural, architectural and natural habitat

As the authority, the Swedish National Board of Housing, Building and Planning shall carry out an integrated approach to architecture and established living environment and shall at the same time act as a model to implement the objectives of the policy. Its mission includes the fact that the Swedish National Board of Housing, Building and Planning is to work on promoting measures for those who plan, build and manage them. This means that the Swedish National Board of Housing, Building and Planning, for example, must assess the impact of the proposal on the environment.

The basic requirements for plots and installations on plots are regulated in Chapter 8, Section 9 of the PBL and in Chapter 8, Section 4, of the PBL and are the minimum level of society. These requirements are not amended. The legislative proposal contains provisions that are expressed as functional requirements and specifies those requirements. Detailed rules setting out solutions or requiring certain solutions have been avoided. The rules do not regulate what is good overall, but by giving more scope for choosing different solutions, the proposed rules may also allow for different formations.

Overall, the legislative proposal is not considered to have a negative impact in terms of opportunities for carefully defining habitats.

The level of requirements in the draft regulations regarding taking care of cultural assets and other conditions is deemed to remain unchanged compared to the BBR, nor does it mean that the draft regulations have any negative consequences.

7.8 Social sustainability

The legislative proposal may affect households and individuals as developers, property owners, residents and users of buildings, plots and facilities, as well as citizens of municipalities.

7.8.1 Households and individuals

The cost and health consequences for residents and users are very limited as the proposal as a whole does not change the level of requirements and thus does not change the requirements.

If the proposal has the intended effect, i.e. more innovation, better competition and greater cost-effectiveness, it could lead to higher quality sites and facilities at the same or lower cost.

Private individuals applying building regulations are subject to the same responsibilities as all developers. Individuals rarely have professional skills and because of less precision, they are likely to be more likely than with the BBR to hire professionals when, for example, an action is to be planned in a professional way.

A more effective application of the building regulations, as mentioned in Section 7.4.1, in municipalities can bring benefits to individuals as municipal citizens. Compliance and acceptance of societal demands for buildings is also increasing for households and individuals as developers through the proposal.

7.8.2 Children and young people

Children are particularly exposed to accident risks in buildings and in their immediate surroundings as they are particularly vulnerable due to their unfinished motor skills, higher sensitivity and limited perception. More than half of all child casualties occur at home or its vicinity.⁵² The fourth and fifth chapters of the constitutional proposal contain specific wording aimed at reducing the risk of child casualties in various ways. In one of the regulations on ponds, fixed wells and fixed containers, the Swedish National Board of Housing, Building and Planning has chosen to lift the wording on the design of protection for child accidents from general advice to regulation level. This is because drowning is one of the main causes of death for smaller children.⁵³ The Swedish Na-

⁵² The Swedish National Board of Housing, Building and Planning (2011): Build child-safe – in buildings, on plots and in the outdoor environment, p. 16.

⁵³ Swedish Civil Contingencies Agency (2010): Why do children drown? p. 8.

tional Board of Housing, Building and Planning considers that the proposal has a positive impact on children compared to the BBR. This is because the level of requirements is somewhat tightened with regard to the design of protective devices to prevent child injury in accidents. The functional requirements relevant to children on a plot are fundamentally the same as in the BBR.

7.8.3 Elderly

Elderly people are generally over-represented in accident and injury statistics, except for drowning and drowning incidents. Whereas accidents caused by the elderly lead to more deaths, more hospital admissions and more visits to emergency centres than any other type of accident. Entry, parking and walking roads, together with garages, form the places on the plot where most falls occur.⁵⁴ Falls in the outdoor account for just under 30 % of falls in or near the dwelling. The existence of garages – a building – in the same data point creates some uncertainty in the base.

The legislative proposal includes requirements for footpaths to counter cases. These include rules on balancing support in the form of handrails if necessary. The Swedish National Board of Housing, Building and Planning considers that the legislative proposal does not have a direct impact on older people compared to the BBR, although the details on the design of stairs are not included in general advice. The level of requirements remains substantially unchanged and the functional requirements are essentially the same as those of the BBR.

The lifting of the handrail requirement from general advice to regulation can be seen as an improvement for older people, but as the General Council has been applied in principle as a rule, no real difference is expected.

7.8.4 Equality

The Swedish National Board of Housing, Building and Planning considers that the legislative proposal does not have direct consequences from a gender perspective compared to the rules in force. The functional requirements of the buildings that are being built or modified remain substantially unchanged. However, gender has an impact on vulnerability to accidents. Most types of accidents are more likely to affect men. Already in the age of one year, there are clear differences in the number of injuries between boys and girls.⁵⁵ However, for people aged 65 and over, women are significantly more injured in casualties than men. However, the changes proposed are small and are not considered to have a different impact on women and men.

⁵⁴ Swedish Civil Contingencies Agency (2014): Elderly injuries, p. 69 and 80.

⁵⁵ Swedish Civil Contingencies Agency (2019): Strengthening the fight against domestic and leisure accidents, p. 9 and 37.

7.8.5 Persons with disabilities

The legislative proposal contains rules on the accessibility and usability of plots in Chapter 2. Rules to limit the risk of accidents on plots are set out in Chapter 4. The legislative proposal, as well as Section 8 of the BBR, contains certain provisions based on both the safety and accessibility requirements of the PBL and the PBF. An example is handrails at stairways and tilting paths (ramps). The former General Council has been included in the proposal as a provision. This may lead to the construction of handrails in more cases, thus increasing the safety of movement. It is of particular importance for persons with reduced mobility. If more handrails are to be built, this will also lead to an increase in the cost of production. However, the overall impact is assessed by the Swedish National Board of Housing, Building and Planning as the difference compared to before should only be marginal in practice.

Otherwise, the level of requirements remains substantially unchanged and the functional requirements are essentially the same as in the BBR. The Swedish National Board of Housing, Building and Planning considers that the draft regulations on safety in use do not have any specific consequences for persons with reduced functional capacity.

7.8.6 Public health

The Swedish National Board of Housing, Building and Planning considers that the legislative proposal does not affect public health primarily because the basic requirement remains unchanged.

7.8.7 Integration and housing segregation

The Swedish National Board of Housing, Building and Planning has not identified any direct consequences with regard to integration and housing segregation, as the level of requirements remains essentially unchanged.

8 Ensuring that the proposal does not entail more far-reaching costs or restrictions than necessary

8.1 Background

Measures and decisions taken by the public authorities should be socio-economically justified, proportionate and cost-effective.⁵⁶ This means that the Swedish National Board of Housing, Building and Planning's proposals for new building regulations should be drafted in such a way that they do not entail more far-reaching costs and restrictions for the operators concerned than are necessary to achieve the objective of the measure in question.

8.2 Assessment of the impact of the proposal

The Swedish National Board of Housing, Building and Planning has ensured that the proposal does not entail more far-reaching costs and limitations than are necessary to achieve its objective, mainly by exploring alternative solutions. For each regulation and general advice, the Swedish National Board of Housing, Building and Planning has analysed the effectiveness, efficiency and impact of alternative solutions. As a result, some of the provisions of the BBR are not included in the legislative proposal and parts of the BBRs' General Council are included as regulations. Some rules have been modified to make them more accurate or more effective.

The impact of the proposal has been described in Section 7. Taking into account the consequences presented there, the Swedish National Board of Housing, Building and Planning considers that the proposal does not entail more far-reaching costs and restrictions than are necessary to achieve its objective.

⁵⁶ DS 2022:22 Better impact assessments, p. 93.

9 Evaluation

The new building regulations are proposed to enter into force on 1 July 2025. For a transitional period of one year, until 1 July 2026, it will be possible to choose to apply the old building regulations. In order to ensure the correct application of the new building rules, it is important to follow up and evaluate the rules.⁵⁷

The Swedish National Board of Housing, Building and Planning considers that an evaluation of the new building regulations can be carried out on an ongoing basis from the entry into force, particularly in connection with the management of the Building Board. The application of the new building rules should increase as the end of the transition period approaches. It should then be possible to start an evaluation of the application of the new building rules. However, there needs to be another time before it is fully possible to see the effects and evaluate the new building regulations. A normal project where it is possible to follow the whole process of the application of the building regulations takes about 1.5-3 years to design and carry out. The Swedish National Board of Housing, Building and Planning therefore considers that a first overall evaluation can only be carried out around 2028-2029.

⁵⁷ Section 7, paragraph 5 of the Ordinance (2024:183) on Impact Assessments.

10 Legislation commentary

This section contains a description of each section of the new Constitution with a statement of reasons.

Proposal for the Swedish National Board of Housing, Building and Planning regulations on plot requirements, etc.

The Swedish National Board of Housing, Building and Planning prescribes⁵⁸ pursuant to Chapter 10, Sections 3, paragraph 4, and Sections 9 and 24, paragraph 1 of the Planning and Building Ordinance (2011:338), the following.

Chapter 1 — Horizontal provisions

Content of the statute

§ 1

This regulation lays down the following provisions:

1. Chapter 8, Section 9, first paragraph, points 3, 5 and 6, of the Planning and Building Act (2010:900) on requirements for unbuilt plots of land to be built, and
2. Chapter 3, Section 10 of the Planning and Building Ordinance (2011:338) on technical requirements for safety during use.

The Constitution also contains provisions on Chapter 10, Section 5 of the Planning and Building Act (2010:900) on controls.

The corresponding provision can be found in Section 1:1 and Sections 3, 5 and 8 of the BBR.

The provision makes it clear that the Constitution regulates some of the requirements for unbuilt plots to be built in Chapter 8, Section 9 of the PBL, as well as the safety requirements for use in Chapter 3, Section 10 of the PBF and controls in Chapter 10, Section 5 of the PBL as regards the construction of certain facilities other than buildings on plots.

Further considerations can be found in 5.2.1.

The link with the legal and regulatory requirements is clarified.

⁵⁸ A notification has been made in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services

Scope of the Regulations

§ 2

The provisions in Sections 4-7 and Chapters 2-4 shall apply to an unbuilt plot of land to be built on.

The provisions in Sections 3-14 and Chapter 5 shall apply to the construction of certain facilities other than buildings on a plot of land.

The corresponding provision can be found in Section 1:2 BBR.

The purpose is to clarify the scope of the various parts of the Constitution.

Minor deviation from the provisions of this statute

§ 3

Minor deviation may be made from the provisions in Sections 6-14 and Chapter 5 of this Ordinance in individual cases if:

1. there are special reasons,
2. the facility is nevertheless likely to be technically satisfactory, and
3. there is no significant inconvenience from another point of view.

If minor deviation under the first paragraph are applied, the reasons for this shall be documented in connection with the design provided for in Section 8.

The corresponding provision can be found in Section 1:21 BBR.

If the requirements in Chapter 1, Sections 6-14 and Chapter 5 become unreasonable in the individual case, it is possible to deviate from them under certain conditions. Solutions which meet the purpose of the requirements of the provisions may then be used, even though they are formally contrary to the wording of the provisions.

Parts of general advice from the BBR are included in the Constitution as regulations. Therefore, there may be a greater need than the rules in force to apply minor deviations from the regulations in cases where the intended function or use of the building renders compliance with the requirement according to the exact wording unreasonable.

The aim is also to clarify the roles of the developer and the building committee under the PBL. Responsibility for a minor deviation lies with the developer. If the developer applies the minor deviation rule incorrectly, the Planning Board can intervene through supervision.-

The treatment of minor deviations does not differ from the way in which the rules of the Constitution are otherwise dealt with.

The developer's responsibility for its construction is clarified when the text requiring the planning authority to give its consent is removed.

If the minor deviation is applied, the reasons shall be documented in connection with the design of the facility. There is no formal requirement as to how the documentation is to be carried out, for example by means of a clear record of a relevant document.

Further considerations can be found in Section 5.2.2.

Definitions

§ 4

Terms and expressions in this statute have the same meaning as in the Planning and Building Act (2010:900) and the Planning and Building Ordinance (2011:338).

The corresponding provision can be found in Section 1:6 BBR.

Terms contained in law, ordinance and regulations have the same meaning.

The provision ensures that terms contained in law, ordinance and regulations have the same meaning.

The reference to ‘Planning and construction terms 1994, TNC 95’ (TNC) has been deleted. One reason for this is that the publication is no longer kept up to date. This means that if there are other more up-to-date and consistent definitions in other publications, such as standards and manuals, they can be used. However, it is also possible to continue using TNC.

Another reason for reference to the TNC has been deleted is that it is important that definitions that are necessary in the regulations are dealt with directly in their context. They are set out in Section 5.

§ 5

For the purposes of this regulation,

point of attack: the entrances of buildings or other entrances intended for use by the emergency services,

point of call: a place for short temporary parking of a car or other vehicle for embarkation and disembarkation or loading and unloading,

waste device: fixed facility for the management of waste,

available and usable: accessible and usable for persons with reduced mobility or orientation.

The corresponding provisions with definitions can be found in Section 3:411 (waste device) and Section 3:112 (available and usable) BBR. The definitions are in line with BBR.

Examples of ‘waste devices’ include waste cleaners and power-lifting large receptacles, buried or surface-mounted.

‘Accessible and usable’ refers to the accessibility and usability of persons with reduced mobility or orientation. Examples of impaired mobility are impaired functionality in the arms, hands, torso and legs as well as poor balance. Persons with reduced mobility may need to use, for example, wheelchairs, rollers or canes. Examples of reduced orientation are visual, hearing or cognitive impairment (developmental disorder, brain damage).

The following definitions are new:

‘Point of attack’ means the point that the emergency services enter a building during a rescue operation. The point of attack is also the part of the building where fire service cables, controls and other information for the emergency services are normally located, as appropriate. In some buildings, more than one point of attack may be required to comply with the provisions of Chapter 3 of the definition in order to be able to assess whether the provision in Chapter 3, Section 1, containing dimensions of minimum distance of 50 metres between the parking stand and the entrances intended for use by the emergency services have been met.

‘Point of call’ means a vehicle access and disembarkation space for persons with reduced mobility or orientation. A point of call shall be within 25 m of the accessible and usable entrance and shall be a space for short layout.

Terms which are not customary and which are used in the regulations need to be defined in the Constitution so that the regulations are correctly applied and have the intended effect.

The definitions of the Constitution are grouped together in one place.

Further considerations can be found in Sections 5.3.1, 5.3.5, 5.4.1 and 5.6.2.

§ 6

For the purposes of this Regulation, construction products with pre-assessed characteristics are products manufactured to be permanently incorporated into construction works and which either:

1. bears the CE marking,
2. have been type-approved or controlled in accordance with the provisions of Chapter 8, Sections 22-23 of the Planning and Building Act (2010:900),
3. has been certified by a certification body accredited for the task and for the product in question pursuant to Council Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and repealing Regulation (EEC) No 339/93, or
4. have been manufactured in a factory whose manufacture, production control and the result thereof for the construction product are continuously monitored, assessed and approved by a certification body accredited for the task and the product in accordance with Regulation (EU) No 765/2008.

As assessment under Option 3 or Option 4, an assessment issued by a body in the European Economic Area or in Turkey will also be accepted if the body offers, by means other than accreditation for the task under Regulation (EC) No 765/2008,

equivalent guarantees in terms of technical and professional performance, skills and guarantees of independence

The corresponding provision can be found in Section 1:4 BBR.

For clarification, the term ‘construction products with assessed properties’ used in BBR has been replaced by ‘construction products with pre-assessed properties’. Construction products linked to plot can include, for example, stand-alone ramps and stairways and different types of land pavement. For example, in the case of installations on plots, pools, playground equipment and waste disposal devices.

The provision clarifies what applies to construction products with pre-assessed properties.

Further considerations can be found in Section 5.2.3.

Construction products and materials

§ 7

Construction products and materials shall have known and documented properties in the aspects relevant to the construction works’ ability to comply with the requirements of this Regulation.

Construction products with pre-assessed characteristics shall be deemed to have known and documented properties in the areas in which they are pre-assessed.

The characteristics of construction products other than construction products with pre-assessed properties shall be tested or assessed by other accepted methodology. In the European Union, the methodology shall be used where available.

The corresponding provisions are set out in Sections 1:4 and 2:1 BBR.

The provision clarifies that construction products with pre-assessed characteristics, such as CE marked and type-approved construction products and related documentation, fulfil the requirement of known and documented characteristics. What applies when construction products do not have pre-assessed characteristics are also clarified.

The provision does not deal with the suitability of construction products or materials for the intended use. It is regulated in Chapter 8, Section 19, of the PBL.

Further considerations can be found in Section 5.2.3.

Project design and execution

§ 8

The facility referred to in Chapter 5 shall be designed:

1. in a professional manner,
2. so that the work can be carried out in such a way that the requirements of this Regulation are met, and
3. so that maintenance can take place.

The design shall be documented.

The first and second paragraphs shall not apply if unnecessary.

The provision is new. The corresponding provision for buildings can be found as general advice in Section 2:31 BBR.

The provision makes it clear that the developer must also design in a technical manner so that the finished facility can meet the requirements of the Constitution and that the design of the facility must be documented.

Further considerations can be found in Sections 5.2.4, 5.2.5 and 7.2.

§ 9

Establishments referred to in Chapter 5 shall be carried out

1. With specialisation and
2. according to the documents in force.

The provision is new. The corresponding provision for buildings can be found as general advice in Section 2:31 BBR.

The responsibility of the developer to ensure that a facility other than a building is carried out with specialisation and in accordance with the documents in force is clarified.

Further considerations can be found in Sections 5.2.4 and 5.2.5.

Control

§ 10

Compliance with the requirements of Chapter 5 shall be verified

1. during design and execution in accordance with Sections 11-13,
2. in the finished facility in accordance with Section 14, or
3. with a combination of point 1 and 2.

Control shall be carried out on a technical basis.

The result of the control shall be documented.

The provision is new. The corresponding provision for buildings can be found as general advice in Section 2:32 BBR.

The provision clarifies the developer's responsibility to verify that the requirements of the Constitution are met. Controls on facility can be carried out at different stages and can also be combined. The developer shall assess what is appropriate for each requirement to determine how the controls are to be carried out.

Further considerations can be found in Sections 5.2.4 and 5.2.5.

§ 11

Control during design shall verify that the design conditions, design methods, test methods and calculations are relevant and recorded in the documents.

The provision is new. The corresponding provision for buildings can be found as general advice in Section 2:32 BBR.

The provision clarifies what is to be included in the control of the design of the facility. The purpose of the control is to reduce the risk of design errors.

Further considerations can be found in Section 5.2.6.

§ 12

Control during execution shall verify that the work is carried out in accordance with the documents in force.

The provision is new. The corresponding provision for buildings can be found as general advice in Section 2:32 BBR.

The provision makes clear what controls are to be carried out during execution. The purpose of the control is to ensure that the facility is carried out as planned and documented in the documents in force.

Further considerations can be found in Section 5.2.6.

§ 13

Construction products and materials shall be controlled when they are received on the construction site. The presumed properties of construction products and materials shall be controlled.

For construction products with pre-assessed characteristics, the control may be limited to the identification, control of labelling and examination of the documentation of the pre-assessed properties.

The provision is new. The corresponding provision for buildings can be found as general advice in Section 2:32 BBR.

The provision makes it clear that construction products and materials the characteristics of which are essential in order to meet the requirements of this regulation shall be controlled on receipt at the construction site. For construction products with pre-assessed characteristics, it is sufficient that a simplified control is carried out, as the characteristics of these construction products are already tested and documented in an accepted way. However, for construction products that do not have pre-assessed characteristics, testing may be envisaged for example.

Where existing products or materials (which are not delivered to the work-place) are used, this provision does not apply. The fact that they must have known and documented characteristics is governed by Section 7.

Further considerations can be found in Section 5.2.6.

§ 14

In the case of control of the final facility, verification shall be carried out by testing, measurement or inspection.

The provision is new. The corresponding provision for buildings can be found as general advice in Section 2:32 BBR.

The provision clarifies how checks in the finished facility are to be carried out. Where testing and measurement is carried out, reliable methods shall be used and their uncertainties shall be taken into account.

The developer shall assess what is appropriate for each requirement to determine how the controls are to be carried out.

Further considerations can be found in Section 5.2.6.

Chapter 2. Availability and usability

§ 1

When this chapter requires accessibility and usability for persons with reduced mobility, the following measures dimensioning:

1. the plane dimension of a wheelchair 0,70 x 1.30 metres,
2. the turning dimension of a circle of 1.50 metres in diameter, and
3. free passage opening measure at least 0.90 metres.

The corresponding provisions are set out in Sections 3:113 and 3:122 BBR.

The provision clarifies the minimum dimensions needed to meet the accessibility and usability requirement for persons with reduced mobility. The dimensions shall be used for the application of the provisions of Chapter 2. The dimensions are based on the use of a small outdoor wheelchair, i.e. an electric wheelchair for limited outdoor use.

The plane dimensions of a wheelchair, as defined in paragraph 1, are the area occupied by the wheelchair.

The turning dimension, in accordance with paragraph 2, is given as a circle of 1.50 m diameter and constitutes the area required in terms of dimensioning to turn 360°. It is the same measure as specified in Section 3:113 BBR

The passageway, according to paragraph 3, applies to a short, straight passage, for example through openings in the fence or hedges. This is the same measure as specified in the General Advice to Section 3:122 BBR.

To support the concrete design, established and relevant standards and manuals need to be used.

Further considerations can be found in Section 5.3.3.

§ 2

A plot of land which shall be accessible and usable shall have walkways between accessible and usable entrances to buildings on the plot and other accessible and usable target points on or adjacent to the plot.

The corresponding provision can be found in the first paragraph of Section 3:122 of the BBR.

The purpose of the section is that a plot of land that is to be available and usable should have walkways and how the route of these paths is to be. The provision contains a functional requirement that includes the ability of persons with reduced mobility or orientation to access the plot, which must be capable of being carried out independently. The requirement corresponds to parts of the General Council on walkway design, such as width dimensions, which exist in Section 3:122 BBR.

The provision covers certain walkways and is a minimum requirement. Target points include, for example, entrances to housing complexes, as well as parking areas, car call areas, open areas, and any public roads directly adjacent to the land.

Walking routes other than those covered by the provision may be designed without requirements as to accessibility and usability, for example if the topography of the plot is such that the maximum slope under Section 3 cannot be maintained.

According to the Swedish National Board of Housing, Building and Planning's regulations on accessibility and usability for persons with reduced mobility or orientation in buildings, it is sufficient that a ramp for the main entrance can be arranged afterwards. However, this does not mean that the entrance is exempt from the requirement of accessibility and usability. It only allows the actual implementation of a ramp to be postponed to later when the need arises.

The appropriate dimensions for a walkway to be accessible and usable for persons with reduced mobility, such as wheelchair users, result from the dimensioning provided for in Section 1.

Further considerations can be found in Section 5.3.4.

§ 3

Walkways referred to in Section 2 shall:

1. be designed taking into account the intended use,
2. be smooth and firm,
3. not tilt more than 1:12, and
4. be easy to detect and follow.

The corresponding provisions are set out in Section 3:122, second and third paragraphs, 3:1221, 3:1222, 3:1223 and 3:1224 BBR.

The provision specifies how footpaths in accordance with Section 2 are to be designed in order to meet the requirement of accessibility and usability.

Paragraph 1 states that the design of footpaths shall take into account the intended use. This means that the design is determined by, for example, the type of building to which the plot belongs. The route shall be available and dimensioned taking into account, for example, the extent of use. The scope refers both to the number of people travelling on the footpath and to what frequency. The design dimensions referred to in Section 1 apply to the design of the footpath.

The requirement corresponds to parts of the general advice contained in the BBR.

Point 2 has its equivalent in Section 3:1221 BBR, with the difference that the requirement for a walking road to be non-slip has been assessed to be essentially a safety requirement and is therefore included in Chapter 4 of the Constitution. The requirement in point 2 means, for example, that walking surfaces must be such that persons with reduced mobility or orientation can use the footpath independently. Cross-inclination needs to be taken into account, gradient greater than that required for drainage may prevent the walking surface from being used independently. If there are edges to be passed in the direction of walking, they need to be chamfered to allow persons using wheelchairs or rollers to pass.

Paragraph 3 indicates the maximum gradient that a walkway may have in order to be available and usable. It corresponds to the requirement in Section 3:122, second paragraph, and 3:1222 BBR. It is essential that the slope is not steeper in order to move independently in a useful and even safe way. Therefore, a precise permissible maximum gradient has been set as a requirement. This applies regardless of whether the footpath is part of the ground surface or whether the gradient is carried out as a ramp. Therefore, a maximum gradient which applies generally to walking roads is indicated. The length of the sloping path also

needs to be taken into account. It may also need to have a game plan, which is regulated in Section 4. The requirement for balancing support under Chapter 4, Section 2 shall apply to footpaths between entrances and entry points and parking areas.

Point 4 corresponds to Section 3:122, third paragraph, 3:1223 and 3:1224 BBR. The requirement is a functional requirement which means that the plot of land needs to be made available in a clear way, so that people with visual impairments, for example, can find their way. Walking paths need to be designed in such a way that sufficient contrast (tactile and visual) can be achieved between different surfaces of the plot. Tactile contrast can be achieved, for example, by the difference between slabs and grass. Visual contrast can be achieved, for example, by sound contrast between surfaces. Handrails may consist of continuous rails along ground surfaces with visual and tactile contrast to each other, but also, for example, special guide bar plates may be used.

Point 4 also means that, depending on the use of the plot, lighting may be needed in order to be able to target plots, i.e. to detect and follow walkways.

In the BBR, the requirement of clause 3:1223 also applies to stairways. This has been assessed mainly as a safety requirement and is therefore dealt with in Chapter 4 of the Constitution.

The provision in Section 3:1225 BBR specifying how guiding signs are to be designed has no equivalent in the proposal.

More detailed information on the other aspects of the design is not contained in the provision, but can be found in established and relevant standards or manuals.

Further considerations can be found in Section 5.3.4.

§ 4

When walking routes as referred to in Section 3 have a resting level to be accessible and usable, the length of the resting level shall at least allow for a wheelchair operated by an helper.

The corresponding provision can be found in general advice on Section 3:1222 BBR.

The provision makes it clear that a plan may be necessary for a walkway to be accessible and usable. A requirement is also imposed on the length of the resting level. The design must otherwise meet the requirements of Section 3 because the resting level of which is part of the walkway.

The length of the resting level shall at least allow for a wheelchair operated by helpers, and it may be both an electric wheelchair and a manual wheelchair where a person assists behind. The size of the resting level also depends on how it is designed and disposed of. This means that the need for size depends on whether, for example, there is a need to change the direction of movement at the resting level. There is then a need for a wheelchair to turn or turn a wheelchair. The dimension measurements referred to in Section 1 shall be used in the design.

Further considerations can be found in Section 5.3.4.

§ 5

On or close to a plot of land which shall be accessible and usable there shall be at least one point of call for vehicles within 25 m walking distance from an accessible and usable entrance.

The point of call shall be designed and located in such a way that it is possible for persons with reduced mobility or orientation to use the point of call.

The corresponding provision can be found in Section 3:122 BBR.

The provision makes it clear that an accessible and usable point of call must be within 25 metres in order for a building to be accessible in an accessible and usable way. For the maximum walking distance, 25 metres, it is the actual walkway to be measured. The same metrics can be found in Section 3:122 BBR. The wording of “in close proximity” provides a degree of flexibility so that it does not need to be interpreted as meaning that the point of call always needs to be located on or directly adjacent to a plot of land.

The functional requirement under the second paragraph of that provision means that the layout of the point of call must be such that it is accessible and usable. These include, for example, the dimensions of the point of call and ground excavation. If there are edges, they need to be chamfered.

According to the Swedish National Board of Housing, Building and Planning’s regulations on accessibility and usability for persons with reduced mobility or orientation in buildings, it is sufficient that a ramp for the main entrance can be arranged afterwards. However, this does not mean that the entrance is exempt from the requirement of accessibility and usability. It only allows the actual implementation of a ramp to be postponed to later when the need arises.

Further considerations can be found in Section 5.3.5.

§ 6

On or close to a plot of land which shall be accessible and usable, it shall be possible to arrange at least one accessible and usable parking space for vehicles.

The parking space shall be designed and located in such a way that it is possible for persons with reduced mobility or orientation to use the parking space independently.

The corresponding provision can be found in Section 3:122 BBR.

The provision makes it clear that where parking spaces are available, at least one shall be available and usable. Requirements for **that** parking spaces shall be provided for in the PBL, but **where** and **how many** this shall not be regulated in the PBL or in these regulations, but is laid down, for example, in municipal guidelines or other guidance documents. The wording of “in close proximity” provides a degree of flexibility so that it does not need to be interpreted as meaning that the parking space always needs to be located on or directly adjacent to a plot of land.

The design of the parking space is not specified in more detail, but is governed by the functional requirement that it can be used independently by persons with reduced mobility or orientation. This means that, for example, the dimensions of the parking space and ground excursion need to be considered and assessed. The design of an accessible and usable parking space is illustrated, for example, by relevant and accepted standards or manuals.

Parking places for persons with reduced mobility where a special permit is required to park shall be subject to the signage requirements in accordance with the Swedish Transport Agency’s rules.

Further considerations can be found in Section 5.3.5.

Chapter 3. Accessibility of rescue vehicles

§ 1

The distance from the rescue vehicle stand to the points of attack of a building shall be no more than 50 metres.

If there are special reasons, a distance greater than 50 metres may be applied. Special reasons are those arising from the need for a rescue operation based on the purpose of the building or difficulties in arriving at the building on plot with rescue vehicles on the basis of geographical conditions.

The corresponding provision can be found in Section 5:721 BBR.

The provision specifies the requirements for access to rescue vehicles in Chapter 8, Section 9, first paragraph, point 3 of the PBL and is applied by the Planning Board in examining and deciding on building permits.

The purpose of the provision is to specify the minimum distance between the parking areas for rescue vehicles and the possibility of departing from the distance requirement on the basis of the need for rescue operations and geographical conditions.

The new provision makes the former General Council a regulation on the distance between a rescue vehicle stand and the points of attack to be reached from the stand. This means that the distance must not exceed 50 metres. It is important to bear in mind that the distance of 50 metres relates only to the possibility to come in sufficient proximity to the building's entrances and other points of attack with rescue vehicles in general. By contrast, parking positions and associated escape routes for evacuation with step equipment are a technical characteristic.

According to the definition in Chapter 1, Section 5 of the draft regulations, a building's point of attack means 'the entrance points of buildings or other entrances intended for use by the emergency services'. This means that a building may have several points of attack, each of which needs to be located within 50 metres of a possible stand. A typical example of this is a multi-dwelling building with different stairways, each of which is the main intervention route for the emergency services in each part of the building.

The term "stand" does not necessarily mean a specially designated and sign-posted stand. It is sufficient that there is a possible place to stop and park a fire engine or other rescue vehicle on the road or street outside the land boundary or inside the plot. The fact that fire engine can be set up within 50 metres of the points of attack in question is also normally sufficient to satisfy the requirement for the accessibility of ambulance and other emergency vehicles, which do not have the same need for carrying capacity and size on accessible roads.

If buildings are designed to be evacuated using the emergency services' step equipment, a specific analysis of the access to the respective ladder stand or portable ladder (shooting ladder) is required. This is regulated in the proposed regulation on safety in the event of fire and are provisions which do not apply to the assessment of the building permit, but which the planning authority assesses whether they can be assumed to be complied with before starting notice.

The provision provides for the possibility to derogate from the minimum distance requirement between rescue vehicle stands and different points of attack if there are special reasons taking into account geographical conditions. Such special reasons include, for example, the mountainous, archipelago environment, or other difficult terrain, which means that a proximity of 50 metres or closer cannot be achieved. On the other hand, difficult or difficult terrain limiting the access of emergency vehicles, but due to the planning and design of the

plot or associated surroundings with obstructive vegetation or other physical barriers, cannot normally be regarded as geographical conditions which constitute particular reasons for departing from the requirement of proximity to points of attack.

The provision also provides for the possibility of derogating from the minimum distance requirement between rescue vehicle parking areas and different points of attack if there are special reasons relating to the need for rescue operations based on the purpose of the building. Such special reasons include, for example, side or ancillary buildings in the form of small stores, sheds, boathouse, etc. In these cases, a longer distance for, for example, pushing hose and extinguishing equipment may be accepted as long as the main building is available within 50 metres of the stand.

In isolated cases, it may also be the activity or purpose of the main building which constitutes a specific reason for exempting the requirement of proximity to points of attack. This could include, for example, site-specific tourist or museum activities, such as natural rooms and similar buildings with such a specific use.

Further considerations can be found in Section 5.4.1.

§ 2

A rescue road shall be arranged if, in accordance with the first paragraph of Section 1, a maximum distance of 50 metres is not possible to be reached by means of rescue vehicles within the street network or equivalent.

If a distance longer than 50 metres is applied in accordance with the second paragraph of Section 1, a rescue road shall, if necessary, be arranged if the distance is not possible by means of rescue vehicles within the street network or equivalent.

The corresponding provisions are set out in Section 5:721 BBR.

The provisions specify the requirements for access to rescue vehicles in Chapter 8, Section 9, first paragraph, point 3 of the PBL and are applied by the Planning Board in examining and deciding on building permits.

The provision states that a special rescue road must be provided if the distance from the land boundary to the points of attack specified in the proposed Chapter 3, Section 1, is too large to enable the necessary rescue operations to be carried out.

Accessibility within the street or equivalent means, in addition to public streets and roads, also squares, parking areas or similar facilities which are generally available for the operation of rescue vehicles.

The requirement to organise a rescue road on the plot applies in accordance with both the first and second paragraphs of Section 1. However, if there is a derogation from the distance of 50 metres in accordance with the second paragraph, the need for a rescue route and the possibility of creating such a route need to be determined on a case-by-case basis.

If the reason why 50 metres could not be reached is that building takes place on, for example, a smaller archipelago that is accessible only by boat, it is also unlikely to have a special rescue road on the plot. On the other hand, in the case of a holiday home on a rock, it may be reasonable for a rescue road to be created on a part of the plot in order to come in sufficient proximity to the building, even if this means that the distance is still more than 50 m depending on geographical conditions.

Further considerations can be found in Section 5.4.1.

§ 3

The rescue road referred to in Section 2, including entry and exit and parking places for rescue vehicles, shall be designed and dimensioned in such a way as to ensure good access.

The corresponding provisions are set out in Section 5:721 BBR.

The provision specifies which requirements for access to rescue vehicles in accordance with Chapter 8, Section 9, first paragraph, point 3 of the PBL apply. The provision is applied by the Planning Board in examining and deciding on building permits. The proposed provision is expressed as a functional requirement and, unlike the rules of the BBR, does not contain general advice, but in principle does not imply any change in the level of requirements.

The requirement for rescue road signs contained in Section 5:721 BBR is not included in the proposal. This is because it is a fire technical requirement that does not need to be examined in building permits. In most cases, signs of escape routes on plots need to be provided in order to avoid being blocked in case of changes in the use of the plot or of parked vehicles. It may also be necessary to ensure that the required snow clearance takes place.

Where a rescue road is required on the plot, it shall allow good access. This means that it needs to be designed taking into account, inter alia, free height, ground excursion, width, turnaround and carrying capacity, so that larger rescue vehicles can move forward. Appropriate dimensions for such vehicles can normally be obtained from the municipality's rescue service and can also be found in the municipality's action programme for rescue services in accordance with the Accident Prevention Act (2003:778).

The fact that the entry and exit points of a rescue road must also be designed and dimensioned in such a way as to achieve the high level of access of rescue vehicles means that account needs to be taken of the size of the vehicles and their oscillations, etc. Entry and exit shall be able to take place in an appropriate manner without, for example, having to forge or move on traffic signs, properly parked cars or similar vehicles outside the plot adjacent to the street or road.

On the other hand, the fact that roads up to the plot have sufficient clear width and height, etc. for rescue vehicles, should have been planned and ensured at earlier stages of the planning and construction process, but no later than at the time of the development plan, if any. If there is a development plan, the suitability for access to the plot does not need to be examined instead in the context of a building permit.

Further considerations can be found in Section 5.4.1.

Chapter 4. Protection against accidents

§ 1

Walkways between the entrance to the building and parking and place of call shall be designed and dimensioned for the intended use so that they can be used safely.

The corresponding provision can be found in Section 8:91 BBR. Sections 3:1221 also correspond (in part) to this provision.

The provision regulates that footpaths under Chapter 2, Section 2 must be safe to use. This may include, for example, that the walking surface of the footpath shall be sufficiently smooth and not slippery, to avoid the risk of tripping or slipping. It also means that walking routes may require stairways and ramps to be used safely.

Further considerations can be found in Section 5.5.2.

§ 2

Stairways and ramps on a plot shall be provided with balance support in the form of handrails, if necessary to protect against falls.

The corresponding provision can be found in Section 8:91 BBR.

Where necessary to protect against falls, stairs and ramps may need balancing support in the form of handrails. The design of stairways and ramps, as well as their slope, may affect the need for balancing support.

§ 3

Openings in ground on a plot of land shall have durable devices to protect against falls. On a plot where, in view of the intended use, it can be expected that children will stay without constant adult supervision, the devices shall be designed so as to prevent younger children from opening, lifting or otherwise bypassing them.

The corresponding provision can be found in Section 8:92 BBR.

In the proposed provision, the rules on waste, for example, have been introduced in Chapter 5. Furthermore, the list of protective devices contained in Section 8:92 BBR has been replaced by the term ‘durable devices’. The provision does not alter the substance, but merely seeks to avoid detailed rules which could be interpreted as an exhaustive list of suitable protective devices. This also means that the wording used in Section 8: 92 BBR to limit the risk of personal injury has not been included in the proposed regulation.

For the purposes of this provision, the Swedish National Board of Housing, Building and Planning refers to openings organised by any person in any way. These may include, for example, ventilation wells, light shafts or underground buildings and other facilities leading to openings. The provision is not intended to cover openings due to the fact that the plot is merely hilly with differences in level or has natural hillside cuts and rocks.

Younger children of pre-school age are not constantly supervised by adults and do not yet have sufficiently developed impact thinking. This means that protection should be designed in such a way that children of pre-school age cannot pass them. This means, therefore, that the provision does not cover protective devices in relation to all children up to the age of 18, but only protection adapted with a focus on younger children up to the age of 6.

With the wording “on a plot where, in view of the intended use, it can be expected that younger children will be present”, the Swedish National Board of Housing, Building and Planning intends to assume that younger children are expected to stay without constant adult supervision on most of the plots of land in our environment. Such as plots adjacent to residential buildings and their complementary buildings. This includes plots of land adjacent to hotels, kindergartens, child care centres, child clinics, libraries, shopping centres and other similar buildings.

Plots of land on which it can be assumed that younger children are not present there without constant adult supervision may be industrial and similar activi-

ties. For example, additional plots of land where, due to their use, it is not expected that there will be younger children are certain activities involving heavier machinery or dangerous activities, such as freight terminals at ports and airports. However, the parts of the plot of land belonging to passenger terminals at ports or airports shall be considered as allowing children to stay there.

Further considerations can be found in Section 5.5.3.

Chapter 5. Safety of use in the construction of other facilities than buildings

§ 1

Openings in waste devices on an empty plot shall have protective devices. On a plot of land where, in view of the intended use, it can be expected that younger children will be present without constant adult supervision, the protective devices shall be designed so that younger children cannot pass them.

The corresponding provision can be found in Section 8:92 BBR.

The provisions on openings for waste in BBR Section 8:92 have now been included in Chapter 5 of the Constitution to make it clear that the regulation concerns safety when using facilities other than buildings on plots. They are therefore no longer related to plot requirements.

The provision clarifies the situations in which protective devices such as hatches, grates or guard rails, etc. are required at openings in devices and when these must be designed so that children cannot lift or pass them. The provision also covers waste throw-ins and similar openings in the wall where there is a risk of falling or a child being caught in the tube inside the casing. No substantive change in relation to the rules in force is intended.

With the wording “on plots where it can be expected that children will be present”, the Swedish National Board of Housing, Building and Planning intends to consider that children are expected to be present on most of the plots of land in our environment. Such as plots adjacent to residential buildings and their complementary buildings. This includes plots of land adjacent to hotels, kindergartens, child care centres, child clinics, libraries, shopping centres and other similar buildings. “Younger children” means children under six years of age. These are not constantly supervised by adults and do not yet have sufficiently developed consistency. This means that protection must be designed in such a way that these children cannot bypass them. This means that the provision does not cover all children up to the age of 18, but only those under the age of six.

Plots where it can be assumed that children are not present there may be industrial or similar activities. For example, additional plots of land where, due to their use, there are likely to be younger children are certain activities involving heavier machinery or dangerous activities, such as freight terminals at ports and airports. However, the parts of the plot of land belonging to passenger terminals at ports or airports shall be considered as allowing children to stay there.

Waste devices are defined in Chapter 1, Section 5 as a “fixed facility for the management of waste”. This means that the device must initially be firmly anchored to ground or similar in order for it to be covered by the regulation. Loose containers are therefore excluded. The device may be designed in several ways, for example in the form of a small facility with loose containers in or a rectified container in the ground with opening devices for example on the top or on the side.

Further considerations can be found in Section 5.6.2.

§ 2

Fixed playground equipment on a plot of land shall be designed and positioned in such a way as to limit the risk of injury.

The surface of fixed playground equipment which may involve a risk of falling shall be anti-shock absorbing and otherwise designed to limit the risk of injury to persons.

The corresponding provision can be found in Section 8:93 BBR.

The provision lays down functional requirements for fixed playground equipment and on the basis thereof. In the BBR, the provision is expressed as a requirement for protection against accidents on plots, whereas in the proposal it is expressed as protection against accidents in the case of certain facilities other than buildings on plot. The provision does not imply any change in the level of requirements.

Playground equipment can be, for example, climbing scaffolding, shooting boards and similar playground equipment to be used by children of the ages of which it is most common to use playgrounds, such as children between about 3 and 12 years old. This paragraph has no limitation to younger children, i.e. children up to six years of age, as it is not a requirement for protective devices but must be designed for play. Playground equipment shall be firmly anchored and this means that loose playground equipment is not subject to the regulation.

In order to be designed and placed in such a way as to limit the risk of injury, it is a question of assessing the surrounding environment and the conditions at the site, and that the direct surroundings are not uncertain. Specifically in the

case of rush accidents, that is to say, where children run out on the road while playing, they are common. Places for play therefore need to be positioned with it in mind.⁵⁹ It is also a matter of avoiding placing the device near cliffs and steep or other geographical conditions that could lead to injuries. This could include, for example, placing the playground equipment in a piece of plot or separating surfaces for example for delivery and vehicle and transport areas, thus making the use of the playground equipment safer.

The most common accident involving playground equipment is cases:²⁷. The report entitled ‘Product-related accidents in playgrounds and school yards’ states, inter alia:

“By registering injuries in hospitals in Sweden, it is estimated that there will be up to 12 000 injuries in playgrounds each year, representing around 6 % of the total number of child casualties per year. Previous regional and local registrations show that accidents in playgrounds are generally more severe than child accidents on average. According to the study, the most important injury prevention measure is to equip playgrounds with a good shock absorbing base and ensure that this is maintained.’

Examples of the design of fixed playground equipment can be found in EN 1176-1 and EN 1176-7. Examples of shock absorbing surfaces and test methods for shock absorbing surfaces can be found in EN 1177.

As regards the wording “and otherwise designed to limit the risk of injury”, this may include, for example, the location of the individual playground equipment within the playground. There should be sufficient space around, for example, swings so that there is no risk that the swinging could harm others or that the space at the end of a slide does not in the same way pose a risk of injury to others.

Further considerations can be found in Section 5.6.3.

§ 3

Fixed basins intended for baths or swimming on a plot of land shall be protected against drowning. Protection must be designed in such a way that younger children cannot pass them.

The corresponding provision is contained in Section 8:951 BBR.

The provision reinforces the substance of the requirements compared to the rules in the BBR. The provision means that the requirement for protection against drowning applies regardless of the depth of water and the requirement

⁵⁹ The Swedish National Board of Housing, Building and Planning (2011): Build child-safe – in buildings, on plots and in the outdoor environment, p. 62.

for protective devices therefore becomes applicable as soon as it is a fixed pool for bathing or swimming on a plot of land.

The wording on fixed paddling pools has been deleted as these are covered by the introductory sentence on fixed pool. The provision applies only to pools and basins which are fixed, that is to say, not to mobile pools. The basins shall be used for baths and swimming. The basins may vary in size and the regulation applies independently of this. This provision does not apply to basins designed for purposes other than bathing or swimming, for example for cultivation of various kinds, for artistic or ornamental purposes or for movement. In the case of installations similar to basins, such as ponds and containers with liquid which are not closed, these are covered by another provision.

The guards referred to in the provision may be of various kinds, such as fences, railing, protective coverage, safety nets and lockable pool roof. The provision also states that such protection must be specifically designed so that younger children cannot pass on them. For the purposes of the provision, ‘younger children’ means children up to six years of age. This age limit is also in line with the requirement for buildings, in the Swedish National Board of Housing, Building and Planning’s proposal for regulations on safety in the use of buildings. For children, drowning is now a relatively rare accident, but in the case of swimming pool accidents younger children are overrepresented and should therefore be given more care by society.⁶⁰

Further considerations can be found in Section 5.6.4.

§ 4

Openings for drainage in fixed basins intended for bathing or swimming on a plot of land shall be designed to limit the risk of injury.

The corresponding provision can be found in Section 8:951 BBR.

The provision states that the openings of drainage for basins must be designed in such a way as to limit the risk of injury. It does not change in substance compared to the rules of the BBR. The requirement concerns the installation of emptying systems that prevent accidents by, for example, suction. Ways of complying with the regulation may include, for example, the provision of grates or similar devices to prevent damage. The wording of the provision differs from that of the corresponding provision in the BBR. The phrase “limiting the risk of accidents” has been replaced by “so as to limit the risk of personal injury” to clarify that it refers to injuries related to human use of basins.

Further considerations can be found in Section 5.6.5.

⁶⁰ Swedish Civil Contingencies Agency, drowning in Sweden 2011-1997, p. 54.

§ 5

Ponds, fixed wells and fixed containers on a plot of land, which are not closed and where liquid is stored, shall be protected to limit the risk of drowning. Protection must be designed to limit the risk of younger children drowning.

The corresponding provision can be found in Section 8:952 BBR.

The provision has been reformulated and covers only the first paragraph of the corresponding provision of the BBR. The purpose of the section is to prevent drowning and not generally to protect against all accidents such as falls or the like. In substance, the Swedish National Board of Housing, Building and Planning has made the General Council on the design of protection for child accidents a regulation. This is because of the risk of drowning by children and the fact that the regulation already requires protection. This requirement also specifies that protection must be designed in such a way as to limit the risk of younger children drowning. This means that the provision does not cover all children up to the age of 18, but only children up to the age of six.

The provision contains a functional requirement and states that the regulation is applicable in the case of ponds, fixed wells and fixed containers which are not closed and where water or other liquids are stored. The Swedish National Board of Housing, Building and Planning modifies the previous wording and chooses to write only where “liquid” is stored. The word ‘water’ is therefore deleted, as this is also a liquid. What matters is that the container is storing some form of liquid.

Further considerations can be found in Section 5.6.6.

§ 6

Protection in the form of lids and grates on wells and fixed containers shall:

1. be of safe strength, and
2. be designed to limit the risk of accidents for younger children.

The corresponding provision can be found in Section 8:952 BBR.

The provision has been reformulated and covers only the second paragraph of the corresponding provision of the BBR and addresses protection in the form of lids and grates on wells.

Point 1 requires the safety of protection in the form of lids and grates on wells. This means that the guards with its fillings and attachments must withstand the dynamic influence of a human being, that is to say, the forces exerted by persons in rapid, strong movement such as jumps, springs, falls or similar. It

should be noted that this part of the functional requirement is not limited only to younger children, but applies to all human beings, children as adults.

Point 2 specifies that protection in the form of lids and grates on wells shall be designed in such a way that younger children cannot be harmed, for example by adapting the size of any openings so that children are not caught, or other similar design considerations. It should be made clear that, in the case of younger children, the provision does not cover all children up to the age of 18, but only children up to the age of six.

Further considerations can be found in Section 5.6.6.

11 List of sources

11.1 Printed sources

The Swedish National Board of Housing, Building and Planning (2011): Construct child-proof – in buildings, on plots and in the outdoor environment.

The Swedish National Board of Housing, Building and Planning (2020): The Building Rules for Opportunities – New model for the Swedish National Board of Housing, Building and Planning's Building and Construction Rules (Report 2020:31).

Building Competition Inquiry (SOU 2015:105), Location for more people who build more.

Committee for Modernising Building Regulations, SOU 2019:68, More modern building rules – predictable, flexible and simplified.

Construction companies, construction cycle 2022:2.

Better Impact Assessments, Ds 2022:22.

UN Convention on the Rights of Persons with Disabilities, Ds 2008:23.

Committee for Modernising Building Regulations (SOU 2018:51), Resource efficient use of construction materials.

Swedish Civil Contingencies Agency (2013): Drowning in Sweden 1997-2011 A compilation and review of data from the death causation register.

Swedish insurance, Insurance in Sweden 2013-2022.

Swedish Civil Contingencies Agency (2014): Injuries to elderly people.

Swedish Civil Contingencies Agency (2019): Strengthening the fight against domestic and leisure accidents.

Swedish Civil Contingencies Agency (2010): Why do children drown? A retrospective study on children drowning in Sweden in 1998-2007.

Swedish Civil Contingencies Agency (2022): The cost to society of drowning accidents in 2020.

Swedish Civil Contingencies Agency (2014): Injuries to elderly people.

Nilsson, J.E, Nyström, J., F.J. Salomonsson (2019), Productivity in the Construction Sector, SBUF 13606.

Swedish Consumer Agency, Product-related accidents in playgrounds and school yards – analysis of EHLASS data 1999-1998. Swedish Consumer Agency Report 2001:12.

Board of Health and Welfare (2018): Open comparisons 2017: *Good care?* Horizontal follow-up based on six questions on health outcomes.

Regulations and other legal acts

Ordinance (1976:725).

Government Bill 2009/10:170, Simplified Planning and Building Act.

Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC.

Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.

Ordinance (2007:1244) on Regulatory Impact Assessments.

Ordinance (2022:208) containing instructions for the Swedish National Board of Housing, Building and Planning.

OJ L 218, 13.8.2008, Celex document 32008R0765.

Ordinance (2024:183) on impact assessments.

Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

Ordinance (1994:2029) on technical rules.

The Swedish National Board of Trade's regulations (KFS 2020:1) on technical rules.

11.2 Web sources

The Swedish National Board of Housing, Building and Planning; [Home page – The Swedish National Board of Housing, Building and Planning](#)

The Swedish National Board of Housing, Planning and Building Survey, <https://www.boverket.se/sv/om-boverket/publicerat-av-boverket/oppna-data/plan--och-byggenkaten/>

The Swedish National Board of Health and Welfare's statistical database, [Statistical database on causes of death](#).

Central Statistical Office, [Statistical Database – Select table \(scb.se\)](#)

Swedish municipalities and regions, [The Swedish Association of Local Authorities and Regions \(Sveriges Kommuner och Regioner, SKR\).](#)

Swedish municipalities and regions, <https://skr.se/skr/samhallsplaneringinfrastruktur/planeringbyggandebostad/taxor/taxaplanochbygglov/tidsuppskattningarfranandrakommuner/tidsuppskattningarstatistik.66583.html>.

The Swedish National Board of Housing, Building and Planning's guidance on the reuse of carrier parts, <https://www.boverket.se/sv/byggande/cirkular-ekonomi/vagledning/barverksdelar>/accessed 2024-06-12.

Wood- and Furniture Companies, <https://www.tmf.se/bransch-naringspolitik/branschutveckling/statistik/trahus/smahus/>.

Annex 1 – Correlation tables

Abbreviations

For the purposes of this Annex, the following abbreviation shall be used:

BBR, Swedish National Board of Housing, Building and Planning's Building Rules (2011:6) – regulations and general advice.

Correlation tables between land requirements etc. and BBR

The draft regulations on land requirements, etc., have included equivalent provisions in the BBR. In the tables below, the provisions of the Constitution on land requirements, etc. are listed (a table for each chapter) with references to the corresponding provisions of the BBR. For a description of the changes in relation to the rules in the BBR, please refer to the explanatory notes for the respective section.

Table 4. Table of correspondence between Chapter 1 requirements for plots etc. and BBR

| Requirements for plots, etc. | BBR |
|--|---|
| Chapter 1 — Horizontal provisions | Sections: 1 Introduction 3:1 Accessibility and usability for persons with impaired mobility or orientation capacity. 5 Fire Protection 8 safety in use |
| § 1 | 1:1, 3, 5, 8 |
| § 2 | 1:2 |
| § 3 | 1:21 |
| § 4 | 1:6 |
| § 5 | 3:411, 3:112 |
| § 6 | 1:4 |
| § 7 | 1:4, 2:1 |
| § 8 | 2:31 |
| § 9 | 2:31 |
| § 10 | 2:32 |
| § 11 | 2:322 |
| § 12 | 2:322 |
| § 13 | 2:322 |
| § 14 | 2:32, 2:321 |

Table 5. Table of correspondence between Chapter 2 requirements for plots etc. and BBR

| Requirements for plots, etc. | BBR |
|--|---|
| Chapter 2. Availability and usability | Section 3: Accessibility and usability for persons with impaired mobility or orientation capacity. |
| § 1 | 3:113, 3:122 |
| § 2 | 3:122 |
| § 3 | 3:122, 3:1221, 3:1222, 3:1223,3:1224 |
| § 4 | 3:1222 |
| § 5 | 3:122 |
| § 6 | 3:122 |

Table 6. Table of correspondence between Chapter 3 requirements for plots etc. and BBR

| Requirements for plots, etc. | BBR |
|--|----------------------------------|
| Chapter 3. Accessibility of rescue vehicles | Section 5 Fire protection |
| § 1 | 5:721 |
| § 2 | 5:721 |
| § 3 | 5:721 |

Table 7. Table of correspondence between Chapter 4 requirements for plots etc. and BBR

| Requirements for plots, etc. | BBR |
|--|----------------------------------|
| Chapter 4. Protection against accidents | Section 8 – Safety in use |
| § 1 | 8:91, 3:1221 |
| § 2 | 8:91 |
| § 3 | 8:92 |

Table 8. Table of correspondence between Chapter 5 requirements for plots etc. and BBR

| Requirements for plots, etc. | BBR |
|--|----------------------------------|
| Chapter 5. Safety of use in the construction of certain facilities other than buildings | Section 8 – Safety in use |
| § 1 | 8:92 |
| § 2 | 8:93 |
| § 3 | 8:951 |
| § 4 | 8:951 |
| § 5 | 8:952 |
| § 6 | 8:952 |

Correlation tables between BBR and land requirements, etc.

In the tables below, the provisions of the BBR are listed (a table for each relevant section) with references to the corresponding provisions in the legislative proposal requirements for plots etc.

Table 9. Correlation table between section 1 BBR and plot requirements, etc.

| BBR | Requirements for plots, etc. |
|---------------------------------|--|
| Section 1 – Introduction | Chapter 1 — Horizontal provisions |
| 1:1 | Chapter 1, § 1 |
| 1:2 | Chapter 1, § 2 |
| 1:21 | Chapter 1, § 3 |
| 1:3 | - |
| 1:4 | Chapter 1, § 6 |
| 1:41 | - |
| 1:42 | - |
| 1:6 | Chapter 1, § 4 |
| 1:7 | - |

Table 10. Correlation table between Section 2 BBR and plot requirements, etc.

| BBR | Requirements for plots, etc. |
|--------------------------------|--|
| Section 2 General rules | Chapter 1 — Horizontal provisions |
| 2 | - |
| 2:1 | Chapter 1, § 7 |
| 2:2 | - |
| 2:3 | - |
| 2:31 | Chapter 1, §§ 8-9 |
| 2:32 | Chapter 1, §§ 10 and 14 |
| 2:321 | Chapter 1, § 14 |
| 2:322 | Chapter 1, §§ 11-13 |
| 2:4 | - |
| 2:5 | - |
| 2:51 | - |

Table 11. Correlation table between Section 3 BBR and plot requirements, etc.

| BBR | Requirements for plots, etc. |
|--|--|
| Section 3:1 Accessibility and usability for persons with reduced mobility or an impaired ability to orient themselves | Chapter 1 — Horizontal provisions Chapter 2. Availability and usability |
| 3:1 | Chapter 1, § 2 |
| 3:11 | - |
| 3:111 | - |
| 3:112 | Chapter 1, § 5 |

| BBR | Requirements for plots, etc. |
|---------------|--|
| 3:113 | Chapter 2, § 1 |
| 3:12 | Chapter 2 |
| 3:121 | - |
| 3:122 | Chapter 1, § 5, Chapter 2, §§ 1, 2, 3, 5 and 6 |
| 3:1221 | Chapter 2, § 3 |
| 3:1222 | Chapter 2, §§ 3-4 |
| 3:1223 | Chapter 2, § 3 |
| 3:1224 | - |
| 3:1225 | - |
| 3:514 | - |

Table 12. Correlation table between Section 5 BBR and plot requirements, etc.

| BBR | Requirements for plots, etc. |
|----------------------------------|--|
| Section 5 Fire protection | Chapter 3. Accessibility of rescue vehicles |
| 5 | Chapter 1, § 2 |
| 5:721 | Chapter 3, §§ 1-3 |

Table 13. Correlation table between Section 8 BBR and plot requirements, etc.

| BBR | Requirements for plots, etc. |
|----------------------------------|--|
| Section 8 – Safety in use | Chapter 4. Protection against accidents Chapter 5. Safety of use in the construction of certain facilities other than buildings |
| 8:1 | - |
| 8:11 | Chapter 1, § 2 |
| 8:91 | Chapter 4, §§ 1-2 |
| 8:92 | Chapter 4, § 3, Chapter 5, § 1 |
| 8:93 | Chapter 5, § 2 |
| 8:94 | - |
| 8:95 | - |
| 8:951 | Chapter 5, §§ 3-4 |
| 8:952 | Chapter 5, §§ 5-6 |



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