

2012 consultation on changes to the Building Regulations in Wales

Part L (Conservation of fuel and power)

Minor amendments indicated in red

Consultation

Response Form

Your name: DOUGLAS HAIG

Organisation (if applicable):

RESIDENTIAL LANDLORDS ASSOCIATION

[Redacted]

[Redacted]

[Redacted]

(i) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational Personal Views

(ii) Are your views expressed on this consultation in connection with your membership or support of any group? If yes please state name of group:

Yes No

Name of group:

(iii) RESIDENTIAL LANDLORDS ASSOCIATION

Builders/Developers:	Property Management:
Builder / Main contractor: <input type="checkbox"/>	Housing association (registered social landlord) <input type="checkbox"/>
Builder/ Small builder: (extensions/repairs/maintenance, etc) <input type="checkbox"/>	Residential landlord, private sector <input type="checkbox"/>
Installer/ special sub-contractor <input type="checkbox"/>	Commercial <input type="checkbox"/>
Commercial developer <input type="checkbox"/>	Public sector <input type="checkbox"/>
House builder <input type="checkbox"/>	

Your Ref:

Our Ref: 10/DB/39492/DB

Dated: 23 October 2012



RESIDENTIAL LANDLORDS
ASSOCIATION

1 Roebuck Lane,
Sale, Manchester M33 7SY
Tel: 0845 666 5000
Fax: 0845 665 1845
e-mail: info@rla.org.uk
Website: www.rla.org.uk

Building Regulations Consultation
Construction Unit
Environment and Sustainable Development Directorate
Welsh Government
Rhyd y Car Offices
Merthyr Tydfil
CF48 1UZ

By email: enquiries.brconstruction@wales.gsi.gov.uk

Dear Sirs,

Welsh Government – Consultation on Part L of the Building Regulations - New Dwelling

Please find attached the Response of the Residential Landlords Association to the above consultation.

Yours faithfully

R. O. JONES
POLICY DIRECTOR

rojones@rla.org.uk

<p>Building occupier:</p> <p>Home owner <input type="checkbox"/></p> <p>Tenant (residential) <input type="checkbox"/></p> <p>Commercial Building <input type="checkbox"/></p>	<p>Building Control Bodies:</p> <p>Local authority building control <input type="checkbox"/></p> <p>Approved Inspector <input type="checkbox"/></p>
<p>Energy Sector <input type="checkbox"/></p>	<p>Fire and Rescue Authority <input type="checkbox"/></p>
<p>Designers/Engineers/Surveyors:</p> <p>Architect <input type="checkbox"/></p> <p>Civil/Structural engineer <input type="checkbox"/></p> <p>Building services engineer <input type="checkbox"/></p> <p>Surveyor <input type="checkbox"/></p>	<p>Specific Interest:</p> <p>Competent person scheme operator <input type="checkbox"/></p> <p>National representative or trade body <input checked="" type="checkbox"/></p> <p>Professional body or institution <input type="checkbox"/></p> <p>Research/ academic organisation <input type="checkbox"/></p>

Manufacturer/ Supply Chain <input type="checkbox"/>	Other (<i>please specify</i>) <input type="text"/>
--	--

(iv) Please tick the *one* box which best describes the size of your or your organisation's business?

- Micro – typically 0 to 9 full-time or equivalent employees (incl. sole traders)
- Small – typically 10 to 49 full-time or equivalent employees
- Medium – typically 50 to 249 full-time or equivalent employees
- Large – typically 250+ full-time or equivalent employees
- None of the above (please specify)

(vi) Are you or your organisation a member of a competent person scheme?

Yes No

Name of scheme:

(vii) Would you be happy for us to contact you again in relation to this consultation?

Yes No

WG will process any personal information that you provide us with in accordance with the data protection principles in the Data Protection Act 1998. In particular, we shall protect all responses containing personal information by means of all appropriate technical security measures and ensure that they are only accessible to those with an operational need to see them. You should, however, be aware that as a public body, the Welsh Government is subject to the requirements of the Freedom of Information Act 2000, and may receive requests for all responses to this consultation. If such requests are received we shall take all steps to anonymise responses that we disclose, by stripping them of the specifically personal data – name and e-mail address – you supply in responding to this consultation. If, however, you consider that any of the responses that you provide to this survey would be likely to identify you irrespective of the removal of your overt

personal data, then we should be grateful if you would indicate that, and the likely reasons, in your response, for example in the relevant comments box.

Questions:

New homes

1. Do you agree with the Government's preference for a CO₂ saving of 40% reduction in carbon dioxide emissions compared to Part L 2010.

No change to 2010

40% CO₂ saving

25% CO₂ saving

Something else (please explain below)

Don't know

Comments

The proposed changes are unaffordable and will decimate the housing building industry in Wales - see accompanying submission.

2. Do you agree with the proposal for an 'aggregate' approach to CO₂ target setting for new homes in 2015? The CO₂ target for any individual dwelling varies depending on the ease with which the building can achieve the target, with the overall required CO₂ saving achieved when aggregated over the build mix.

Yes No Don't know

Comments

The impact of the proposal would be to skew house types towards those which are more cost effective to provide – see accompanying submission.

3. Do you agree with the proposal for a compliant option based on a consistent recipe of elemental specifications for fabric, services plus an additional CO₂ saving equivalent to an amount of photovoltaic (PV). Please justify your choice.

Yes No Don't know

Comments

These proposals are unaffordable – see accompanying submission.

4. The main difference between the recipes is the required system efficiency for each fuel, which is appropriate for the heating system type. By adopting this approach to different fuel types, there is no need for a separate fuel factor. Do you agree with the proposed approach?

Yes No Don't know

Comments

If a different approach to different fuel types were to be adopted it would make Off Gas properties especially in rural areas even more unaffordable. This would be a disaster for poor areas in Wales especially because of lower earnings levels on average in many rural areas.

5. For the CO₂ savings proposed, are the recipe specifications a sensible way of achieving them? Please justify your choice.

Yes No Don't know

Comments

Discriminating against electrically heated properties is of particular concern and again makes the unaffordable yet more unaffordable. In particular, in flats for safety reasons gas is often not installed. In the private rented sector many landlords prefer to install electric heating e.g. storage radiators etc., even where properties are on the gas grid. This avoids the trouble and cost of gas safety checks with all their usual problems (e.g. giving access to properties). In the longer term there is no guarantee that the cost of gas will be less than that for electricity. There are issues over the security of gas supplies and their availability particularly as North Sea Gas is depleted. Also having electric heating only in properties is much more safer and reduces the risk for landlords of incidences of carbon monoxide poisoning.

6. In approaching the selection of the amount of PV to be installed on dwellings, do you prefer?

Fixed percentage of building foundation area

Proportion of gross internal floor area with a practical cap

Don't know

Comments

Building foundation size bears little relationship sometimes to overall floor area, e.g. a four storey house on a small plot, so gross internal floor area seems more appropriate.

7. Do you agree that the limits on design flexibility 'backstop' values for fabric elements in new homes should be changed from the current reasonable provision in the technical guidance to become mandatory?

Yes No Don't know

Comments

In isolation it seems more feasible to ensure that the fabric of new build properties secures the greater improvements. However, overall, this is very much subject to what we say in our accompanying statement in answer to Questions 1 and 3. It is simply unaffordable and will decimate house building.

8. Do you agree with the changes to the 'backstop' values proposed? Please explain your decision.

Yes No Don't know

Comments

9. Do you have any other comments on the proposed changes to Approved Document L1A or the domestic National Calculation Methodology? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

None

10. The Impact Assessment makes a number of assumptions on fabric/services/ renewables costs, new build rates, phase-in rates, learning rates, etc for new homes. Do you think these assumptions are fair and reasonable? Please justify your views.

Yes No Don't know

Comments

11. Overall, do you think the impact assessment is a fair and reasonable assessment of the potential costs and benefits of the proposed options for new homes? Please justify your view and provide alternative evidence if necessary.

Yes No Don't know

Comments

Please see accompanying submission in answer to Questions 1 and 3 where we give an alternative calculation/methodology.

New non-domestic buildings

12. Do you agree with the proposal for 2013 2014 for non-domestic buildings to explicitly regulate energy efficiency separately from low carbon technologies through the assessment of primary energy consumption (PEC)? Does PEC seem like a reasonable basis for standard setting?

Yes No Don't know

Comments

Our response is confined to domestic buildings 12 to 22 are not answered.

13. Which package of fabric and services should be selected: 7% or 10%? Please give reasons for your choice.

7%

10%

Don't know

Comments

14. Do you foresee any particular issues for certain categories of building to meet the TPEC or TER?

Yes No Don't know

Comments

15. Which approach should be utilized to incorporate the contribution of low carbon technologies into the setting of the Target Emission Rate (TER), for non domestic buildings?

- Fixed carbon reduction (in kg.CO₂/m²/year)
- Percentage of roof area of PV
- Percentage of floor area of PV
- Other
- Don't know

Please give reasons for your choice

16. The proposals explain the Government's preference for a 20% aggregate improvement in CO₂ performance standards for new non-domestic buildings from ~~October 2013~~ June 2014. Which option do you prefer and why?

- No change
- Target A: 10% aggregate improvement (1% PV)
- Target B: 11% aggregate improvement (No PV)
- Target C: 20% aggregate improvement (5% PV)
- Don't know

Please give reasons for your choice

17. Do the proposed ~~2013~~ 2014 notional buildings as set out in the changes to the National Calculation Methodology seem like a reasonable basis for standards setting? Please provide comments on the method used to develop the notional buildings and particular elements of one or more of the notional buildings, if relevant.

Yes No Don't know

Comments

18. Do you think that a further recipe should be created for buildings under 250m² and aligned with the proposed domestic recipe? Are there particular reasons why smaller buildings find compliance with the non-domestic recipes difficult? Please justify your views.

Yes No Don't know

Comments

19. Although we recognise that some buildings may need to be serviced in a particular way for legitimate functional or environmental reasons, should Part L incentivise a lower carbon servicing strategy (as with the current Energy Performance Certificate methodology), by basing the notional building on mixed-mode ventilation?

Yes No Don't know

Comments

20. Do you have any other comments on the proposed changes to Approved Document L2A or the non-domestic National Calculation Methodology? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

21. The Impact Assessment makes a number of assumptions on the costs of fabric/services/renewables, new build rates, etc for new non-domestic buildings. Do you think these assumptions are fair and reasonable? Please justify your views.

Yes No Don't know

Comments

22. Overall, do you think the impact assessment is a fair and reasonable assessment of the potential costs and benefits of the proposed options for new non-domestic buildings?

Please justify your view and provide alternative evidence if necessary.

Yes No Don't know

Comments

Cumulative impact of policies

23. Overall, do you think the assessment of the impact on development is broadly fair and reasonable? Please justify your view and provide alternative evidence if necessary.

Yes No Don't know

Comments

Please see accompanying submission in relation to Questions 1 and 3.

National Planning Policy Review

24. What role should planning play in facilitating higher carbon standards? Should it focus on facilitating site wide energy opportunities that will be needed as we move towards zero or near zero carbon buildings?

Views

None. This should be for Building Regulations only.

25. What are the implications from future (and regular) changes to the Code for Sustainable Homes and BREEAM on the implementation of the policy?

Views

This is yet another Government attempt to destroy the house building industry in Wales. Please see the accompanying statement.

26. Are the costs of assessment and certification now disproportionate to the costs and benefits of achieving a minimum sustainable buildings standard level?

Yes No Don't know

Comments

With the calculations involved the assessment and certification procedures are disproportionate due to the cost and complexities involved in carrying them out.

27. What should be the role of local planning authorities in setting local standards above and beyond Building Regulations? How can we ensure there is a level playing field of standards across Wales?

Views

None – they are positively dangerous. Again, you will end up having local authorities gold plating standards therefore increasing costs and making new homes even more unaffordable.

28. What do you see as the positive/negative impacts of removing Part B of the policy expecting buildings to be certified against Code/BREEAM?

Views

It is essential that this is done as the Code of Sustainable Homes provisions are wholly unaffordable – see accompanying statement.

29. Is there a better, alternative, way to reward and secure sustainable buildings (above the regulatory minimum) other than using national planning policy? What opportunities are there for future changes to Building Regulations?

Views

There is no place for National Planning Policy in this context.

30. To what extent are duplication of standard and approval systems an issue? Would the removal of the PfSB policy assist in reducing duplication?

Views

Duplication always leads to extra burdens and the possibility that there are conflicts and uncertainty because of different requirements.

31. What opportunities are there for higher standards to be delivered on strategic sites identified as part of the Local Development Plan?

Views

This is a wrong headed approach. It will make key developments even more unaffordable. Large sites have additional costs very often so loading more costs onto them means that they are even less likely to be developed out.

Existing buildings

32. Do you agree with the proposal to raise performance standards for domestic replacement windows? Please explain your answer.

Yes No Don't know

Comments

33. Do you agree with the proposal to raise performance standards for domestic extensions? Please explain your answer.

Yes No Don't know

Comments

We believe that the proposed measures are modest and realistic. They will make extensions warmer provide the cost ratio is within 10%.

34. Do you agree with the proposal to raise performance standards for non-domestic extensions? Please explain your answer.

Yes No Don't know

Comments

Our response is confined to domestic buildings.

35. Do you agree that the exemption for conservatories or porches should be removed where an individual room heat or air conditioning unit is installed? How effective would this change be in limiting energy use/emissions, or are there other ways by which energy performance might be improved where conservatories or porches are installed?

Yes No Don't know

Comments

We consider that this will reduce heat loss from such conservatories and as a modest measure is acceptable. For example, double glazing is viewed by private landlords as being a beneficial improvement which reflects in better rents being achieved. They are not a hidden improvement like insulation.

36. Do you agree with the proposal to require consequential improvements upon extensions or increases in habitable space in existing homes below 1000m²? Please explain your view.

Yes No Don't know

Comments

Provided the cost ratio of 10% is not exceeded we feel that these proposals are realistic and affordable. Recently surveying private landlords shows that they are willing to add this kind of percentage to improve energy efficiency when carrying out improvements of this kind.

37. The consultation explains that the regulatory requirement for consequential improvements upon domestic extensions or increases in habitable space would be limited to a list of measures comprising a minimum standard of loft insulation, hot water cylinder insulation and the installation of cavity wall insulation.

Do you agree with this list of measures?

Should this list be different (please explain below)?

Another approach (please explain below)

Don't know

Comments

These seem reasonable and realistic. They provide improvements without the need for extensive expenditure. This should be subject to the proposed 10% ratios in relation to overall cost.

38. What effect do you think the requirements for consequential improvements may have on the demand for repair, maintenance and improvement activity? Please use evidence to explain your answer.

Increase demand

Reduce demand

No effect

Don't know

Comments

Whilst the costs may well be acceptable to those landlords who decide to embark on improvement schemes but major extra costs of this kind can deter improvements. Landlords have to consider the likely resulting increase in rents from such projects. Experience shows that "hidden" costs for works such as improved insulation etc do not reflect in increased rents. We believe therefore that overall it will result in less improvement work being carried out.

39. Do you agree with the proposal to introduce consequential improvements upon extensions or increases in habitable space in non-domestic buildings under 1000m²? Please explain your view.

Yes No Don't know

Comments

Our response is confined to domestic buildings.

40. The consultation proposes that for non-domestic buildings, any measure from list which is used to generate Green Deal assessments, the list in SBEM used to generate Energy Performance Certificate recommendations and the existing list of typical consequential improvement measures from Approved Document L2B should be eligible to be a consequential improvement. Do you agree?

Yes

No

Prefer a different list (please specify)

Don't know

Comments

No comment on non domestic buildings.

41. Do you agree that there should not be major problems in extending the requirement for consequential improvements for the building control process? If you do foresee issues, what are they and how might these be addressed?

Yes No Don't know

Comments

So long as changes are confined to significant works such as extensions then we consider that by and large they should be enforceable. Further, builders will be aware of these so they should advise owners of the need for compliance generally.

42. Do you have any other comments on the proposed changes to Approved Document L1B? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

None

43. Do you have any other comments on the proposed changes to Approved Document L2B? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

None

44. Do you think that the Impact Assessment is a fair and reasonable assessment of the potential costs and benefits of raising the performance standards for ~~replacement domestic windows and~~ domestic/non-domestic extensions? Please justify your view and provide alternative evidence if necessary.

Yes No Don't know

Comments

45. Overall, do you think the impact assessment is a fair and reasonable assessment of the potential costs and benefits of the proposed options for consequential improvements in existing homes? Please justify your view and provide alternative evidence if necessary.

Yes No Don't know

Comments

46. Overall, do you think the impact assessment is a fair and reasonable assessment of the potential costs and benefits of the proposed options for consequential improvements in existing non-domestic buildings? Please justify your view and provide alternative evidence if necessary.

Yes No Don't know

Comments

Compliance and Performance

47. For new dwellings, Welsh Government is proposing to develop a compliance checklist. Do you think such a checklist would be used sufficiently to warrant its development?

Yes No Don't know

Comments

48. If such a checklist was developed, what should it cover?

Comments

None.

49. If the checklist was taken forward, who should be involved in its development?

Comments

None

50. Would any other approach be likely to prove more effective instead (such as a PAS¹ type approach).

Yes No Don't know

Comments

No comment.

51a. Would it be preferable for buildings of a domestic nature to be able to achieve compliance through applying the recipe in AD L1A, in acknowledgement of the domestic nature of such buildings, rather than demonstrating compliance with AD L2A?

Yes No Don't know

Comments

No comment.

51b. What are the arguments for and against this approach?

Comments

No comment.

52. Additional views and suggestions for addressing compliance and performance issues in new non domestic buildings would be welcome.

Comments

None

¹ A PAS is a Publicly Available Specification, and the PAS would set out a quality assurance approach.

53. Is the newly formatted ADL1B easier to understand and use?

Yes No Don't know

Comments

None

54. Are there any further amendments to the newly formatted ADL1B that you would recommend? If so, please provide details.

Yes No Don't know

Comments

No.

55. How do the consultation proposals impact on the work of Local Authorities and Approved Inspectors? Please give positive and negative impacts.

Comments

None.

56. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

Please refer to our accompanying statement.