

2012 consultation on changes to the Building Regulations in Wales

Part L (Conservation of fuel and power)

Consultation Response Form

Your name: Building Research Establishment

Organisation (if applicable): 





(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) Please tick the one box that best describes your organisation:

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"/>	

<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 type="checkbox"/></p> <p>Professional body or institution <input type="checkbox"/></p> <p>Research/ academic organisation <input checked="" type="checkbox"/></p>

Manufacturer/ Supply Chain <input type="checkbox"/>	Other (please specify) <input style="width: 100%; height: 20px;" type="text"/>
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(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

1. In support of Point 38 (3.1.1). A 25% reduction will be more expensive for the economy and will steer developers and supply chains in the wrong direction.
2. The higher target set out in the consultation takes positive steps for ensuring that the burden of new homes do not continue to add additional burden to the existing stock in a costlier manner over time
3. The use of renewable energy in the standard is welcomed and makes significant steps towards the implementation of the Nearly Zero Energy requirement under the recast EPBD. It is also thought that WG should maintain a watching brief on the introduction or invention of new materials that meet higher standards in a more cost effective way to ensure that the fabric is performing in the most cost optimal manner.
4. It is viewed imperative that steps need to be taken as soon as practicable by the WG to inform industry where the remaining carbon reduction savings will be realised in order to achieve the 2018 recast EPBD and that a clear vision is published shortly on their interpretation of both the Nearly Zero Energy definition and the Allowable Solutions mechanism. This communication on the future directions of standards will do much to prepare industry to meet the challenges, which lay ahead in the most cost effective way.
5. In support of Point 38 (3.1.1). A 25% reduction will be more expensive for the economy and will steer developers and supply chains in the wrong direction.
6. The higher target set out in the consultation takes positive steps for ensuring that the burden of new homes do not continue to add additional burden to the existing stock in a costlier manner over time
7. The use of renewable energy in the standard is welcomed and makes significant steps towards the implementation of the Nearly Zero Energy requirement under the recast EPBD. It is also thought that WG should maintain a watching brief on the introduction or invention of new materials that meet higher standards in a more cost effective way to ensure that the fabric is performing in the most cost optimal manner.
8. It is viewed imperative that steps need to be taken as soon as practicable by the WG to inform industry where the remaining carbon reduction savings will be realised in order to achieve the 2018 recast EPBD and that a clear vision is published shortly on their interpretation of both the Nearly Zero Energy definition and the Allowable Solutions mechanism. This communication on the future directions of standards will do much to prepare industry to meet the challenges, which lay ahead in the most cost effective way.

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

1. The implementation of an aggregated approach that recognises different targets for different build types is both sensible and supported by the BRE as it assists in achieving the cost optimal performance for any given development and acknowledges the limitations of build types such as mid terrace and apartments.
2. Monitoring of the predicted build mix is important if WG is to deliver the CO₂ savings predicted within this consultation. It is recommended that robust data on future build mix and types of construction used is collated by the WG to inform any future direction of standards.

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

1. Although it remains difficult to perceive whether or not this is the most cost effective methodology; in principle we agree with the recipe approach. However, the use of solar PV as the main renewable technology solution at the micro technology level within Wales will result in unnecessary additional costs for sites that are more susceptible to rain and shading. Therefore taking into consideration both the micro climate element and the increase in demand for solar PV occurring mainly within the South of England, it is extremely important to provide clear guidance to accompany the Approved Documents that expresses a range of renewable technologies and recipes suitable for both the Welsh climate and rural areas, which in addition, clearly defines maintenance issues and projected maintenance costs.
2. A simpler approach to compliance is welcomed especially in relation to the smaller contractors who are susceptible to higher build costs compared to their national counterparts who benefit from a range of in-house energy and renewable technology experts. SME sector in Wales will need significant support and guidance on the most cost effective route to delivering low carbon housing and is therefore vital the information is produced in a clear, simple to understand format.
3. The rolling out of further engagement sessions should be undertaken with specific target audiences.

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

Although we acknowledge the need for a recipe approach for each individual fuel type, we must express concerns that the removal of the fuel factor and the setting of challenging standards at the same time will reduce the options for delivering the higher standards, and without clear direction on the most cost effective manner in which the standard should be delivered could be both challenging and costly to the industry. The use of fuel factors in the past has delivered solutions of low carbon housing which are neither “low carbon” or user friendly and the need to level the playing field for all technologies is welcomed as a principle.

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

1. Even though the recipe approach will deliver a solution for all fuel types and it is most likely that PV will be deemed the most popular solution, research indicates that when any particular technology is referred to within the Approved Documents, it is the one most likely to be utilised. This notion of being approved must therefore be delivered carefully with clear guidance, which recognises that other solutions are viable and acceptable. This practice is predominantly evident when discussing various options with planning and building control bodies.
2. We feel that language and its correct usage must be a prime consideration with any supporting guidance documentation that the WG will be considering.
3. It is also important that the WG engage with the manufacturers to help indicate how their products and technologies fit smoothly with the recipe approach.

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

1. It is paramount that before any consideration is taken to determine the selection of the amount of PV/renewable technology to be installed on dwellings, that the fabric first approach is a mandatory part of the design solution. This approach will drastically reduce the need for additional floor space and over specified supply and demand, renewable technology solutions, that require additional maintenance.
2. If the foundation area was principle, this would limit the design and configuration of larger properties resulting in a standardisation of design. The consequence of this would be featureless developments, encouraging further conflict with the Planning Authorities.
3. It is therefore also important that the Planning system, at both National and Local level is engaged at the earliest date to ensure that they recognise and allow good orientation and build form. The current focus is set on "Place and Build Line" all of which cause early conflict. The systems do not currently align, and it is recommended that the 'updated' Building Control Bodies should be consulted with at the earliest opportune time to ensure that good design of low carbon buildings is not compromised by restrictive Planning requirements. A common example of this might be the installation of a wind turbine.

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

1. We agree fully that the backstop values should be mandatory.
2. In support of Point 54 (3.1.3) focusing efforts on the comparatively long-lived building fabric helps to 'future proof' the homes and through reducing the energy demand, this helps wider policy issues of security of energy supply and fuel poverty.
3. If the WG is to deliver a truly fabric first approach then setting one element off against another must be curtailed. Other steps must be put in place to ensure that the U-values and original design submitted is actually delivered on site, with rigorous checks and validation of the "As built" standards. The current system is both lax and open to abuse. It should become a requirement that the Building Control Bodies and the SAP Assessors should have as part of their remit a requirement to check the construction details submitted against those that are used on site. There is little evidence that this is the current state of play.
4. The Building Regulation process should be both robust and targeted on effective measures to close the gap between 'design' and 'in-use' performance.
5. We agree fully that the backstop values should be mandatory.
6. In support of Point 54 (3.1.3) focusing efforts on the comparatively long-lived building fabric helps to 'future proof' the homes and through reducing the energy demand, this helps wider policy issues of security of energy supply and fuel poverty.
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8. The Building Regulation process should be both robust and targeted on effective measures to close the gap between 'design' and 'in-use' performance.
9. We agree fully that the backstop values should be mandatory.
10. In support of Point 54 (3.1.3) focusing efforts on the comparatively long-lived building fabric helps to 'future proof' the homes and through reducing the energy demand, this helps wider policy issues of security of energy supply and fuel poverty.
11. If the WG is to deliver a truly fabric first approach then setting one element off against another must be curtailed. Other steps must be put in place to ensure that the U-values and original design submitted is actually delivered on site, with rigorous checks and validation of the "As built" standards. The current system is both lax and open to abuse. It should become a requirement that the Building Control Bodies and the SAP Assessors should have as part of their remit a requirement to check the construction details submitted against those that are used on site. There is little evidence that this is the current state of play.

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

Yes No Don't know

Comments

1. With existing technologies and materials the values proposed represent a sensible and cost effective level. Steps should be made however to encourage manufacturers to provide more energy efficient materials at a more realistic price. Should the backstops be reduced further, current manufacturers in the future will have the monopoly. We feel this would neither be healthy for the industry or the economy.

2. WG should keep a watching brief on any new technologies or materials, which help to deliver low carbon buildings that as a prime function reduce the energy consumption at source and restrict the use of inefficient technologies and solutions.

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

No Comment

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

1. Some of the figures seem a little optimistic. The Construction Products Association suggests that the construction industry will decline in 2012 and 2013 before returning to growth in 2014. CPA figures come from "Construction Industry Forecasts 2012-2016, Summer 2012" Construction Products Association.
2. The quoted figures for GDP growth seem too high. The Office of Budget Responsibility suggested on 16.10.12 that the austerity policy has harmed the economy more than they expected thus making the economic growth figures quoted in the RIA too high.
3. The Economist is forecasting the UK economy to shrink by 0.2% in 2012 rather than grow at 0.8% as has been quoted in the RIA. "The Economist poll or Economist Intelligence Unit estimate/forecast", The Economist, pg 104, 20th-26th October 2012.
4. Due to slower build rates, learning rates will also be effected by the reduction in FiTs.
5. Point 1,3 and 4 are hypothetical.

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

1. The RIA doesn't take into consideration the wider social benefits that better performing homes contribute to society. Concentrating on CO₂ emissions and economic costs eliminates the scope for the regulation to tackle broader society issues such as fuel poverty. Even though the document recognises this within the document, failure to quantify and measure its impacts results in lost opportunities to reduce the negative impact upon occupiers health and therefore the negative impacts on the costs to health services across the country.
2. The RIA seems to question both the Code and BREEAM standards as though their only focus is Energy. Although both standards do include energy issues, because the standards deliver much more than improved energy and carbon mitigation, such as water, waste, ecology, materials, etc. the built environment as a whole has much to lose if they continue to recognise this.

New non-domestic buildings

12. Do you agree with the proposal for 2013 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

The use of PEC is required by the EPBD and the non domestic market is the most logical starting point for industry to accept its use.

The changes to Part L 2010 resulted in there being little room for improvement in the fabric of non domestic buildings, it is therefore more appropriate that the use of energy efficient services and generation is the only method of any subsequent improvement, the fact that the buildings are in use when energy generation is likely makes its use more appropriate.

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

The setting of the standard at 10% above Part L 2010 will help to ensure that this change to the Building Regulations is the last and will allow industry and manufacturers to spend more time designing energy efficient buildings.

Although we support the use of Renewable Energy on non- domestic buildings we will feel it should introduced with the need to demonstrate that it will be both used or /and stored at the point of generation through either energy stores or batteries to obviate the need to export to an inefficient grid system.

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

- Yes No Don't know

Comments

The setting of TPEC is required as part of the EPBD, but coupled with any removal of the fuel factors could pose significant problems with the introduction of the proposed standards.

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
- Other
- Don't know

Please give reasons for your choice

The use of the kg.CO₂/m²/year metric keeps the target in line with the approach of using FEES. To set a primary energy use based on floor area sets the standard for the future and allows incremental improvements should they be deemed to be required in the future.

The complexity of FEES and the energy metric usage is more in line with the non domestic market as these buildings are historically delivered by professional consultants and design teams.

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. 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

To set the 20% aggregate improvement should hopefully deliver this change being the last change to Part L with current technologies, understanding and materials, this should be welcomed.

With the revised introduction of the proposed measures by the Welsh Ministers, to set a standard other than the 20% is not logical. If a lower standard was set as the requirement the WG and Industry would have to consider another change almost as soon as the requirement is bought in during 2015 to meet the long stop date set out in the re cast EPBD, the monies that would have to be spent by the WG to undertake this process again would be better used providing guidance and help to industry to deliver low carbon buildings in a more efficient way.

17. Do the proposed 2013 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

To set a recipe for a building given a notional size is not in our opinion the most sensible approach; a more reasonable approach would be set the recipe based on activity and function of that building. Just because a building is small does not mean in reality that it is simple, but the complexity of any building is set by its function and activities undertaken within it.

The recipe approach does however have difficulties with the use of FEES, the balance of u values, size, bridging, air tightness and build forms is not easily proscribed, and would potentially result in bland featureless structures, in the desire to be simpler.

We would also express concern that the recipe approach is not potentially the most cost effective or efficient approach to delivering low carbon buildings.

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

The use of mixed mode in the Notional Building would help to ensure that the design teams and consultants do not as a first stop use mechanical cooling and ventilation, this approach will encourage designers and engineers to evaluate the potential for appropriate night time cooling, and natural ventilation before opting for a purely mechanical approach.

The use of mixed mode will also help to reduce the potential for green washing buildings from the outset.

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

N/A

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

1. Some of the figures seem a little optimistic. The Construction Products Association suggests that the construction industry will decline in 2012 and 2013 before returning to growth in 2014. CPA figures come from "Construction Industry Forecasts 2012-2016, Summer 2012" Construction Products Association.
2. The quoted figures for GDP growth seem too high. The Office of Budget Responsibility suggested on 16.10.12 that the austerity policy has harmed the economy more than they expected thus making the economic growth figures quoted in the RIA too high.
3. The Economist is forecasting the UK economy to shrink by 0.2% in 2012 rather than grow at 0.8% as has been quoted in the RIA. "The Economist poll or Economist Intelligence Unit estimate/forecast", The Economist, pg 104, 20th-26th October 2012.
4. Due to slower build rates, learning rates will also be effected by the reduction in FiTs.
5. Point 1,3 and 4 are hypothetical.

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

1. The RIA doesn't take into consideration the wider social benefits that better performing homes contribute to society. Concentrating on CO₂ emissions and economic costs eliminates the scope for the regulation to tackle broader society issues such as fuel poverty. Even though the document recognises this within the document, failure to quantify and measure its impacts results in lost opportunities to reduce the negative impact upon occupiers health and therefore the negative impacts on the costs to health services across the country.
2. The RIA seems to question both the Code and BREEAM standards as though their only focus is Energy. Although both standards do include energy issues, because the standards deliver much more than improved energy and carbon mitigation, such as water, waste, ecology, materials, etc. the built environment as a whole has much to lose if they continue to recognise this.

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

BRE are mindful of all the issues picked up within the RIA and the questions posed in Q10, 11, 21, 22 and 23. We would therefore like to take the opportunity to comment in a separate document and provide further information, which is supported by research and conducted with various stakeholders who are currently working within the sustainable built environment. This information will follow shortly after the consultation closing date.

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

See attached information included at section 56

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

See attached information included at section 56

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

See attached information included at section 56

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?
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Views

See attached information included at section 56

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

See attached information included at section 56

29. Is there a better, alternative, way to rewards 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

The Building Regulations should focus on the role it is designed to deliver, sustainability can be delivered in a number of ways taking a more holistic approach than any prescription in the Building Regulations, the Scottish example is a clear indication of the ineffectiveness of trying to use a mechanism that was designed for one function, subsequently trying to deliver another function. It clearly results in an ineffective prescriptive standard which does little deliver sustainability or guidance.

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

See attached information included at section 56

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

Views

This mechanism has always been in place, and is not seen to be anything new, the delivery of higher standards at the strategic level is welcomed, but it has only been delayed by the lack of progress at local level to deliver robust UDP's and LDP policies.

The LA's should concentrate on ensuring opportunities for site wide solutions in the energy reduction delivery sector are not lost, and that guidance is produced for Planning Officers on the principles of low carbon buildings and how these principles affect the build form and orientation of any new buildings.

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

The existing stock is the main opportunity in Wales to tackle climate change and deliver carbon reduction targets; data suggests that the delivery of replacement windows is undertaken at a significant level in Wales. The added advantage of this increased standard is that the demand for replacement windows is customer driven rather than regulatory enforced, and will ensure over a relatively short period that reductions in carbon will be delivered across Wales.

It should also be noted that currently within the replacement window market there is no requirement or standard to improve the thermal bridging at the connection of the window frame to the existing building, this lack of a standard or requirement results in a significant drop in the performance of a window, and it is a clear recommendation from this body that the WG takes urgent steps to start the process for introducing this requirement, discussions with FENSA and other glazing organisations should commence as soon as practicable.

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

Yes No Don't know

Comments

The improvement to the standards for extension in Wales is essential if Wales is to deliver its carbon reduction targets.

As many extensions are constructed in Wales as new build properties, and with the current economic situation residents are more likely to stay in their properties and extend rather than move on.

Any requirement for improved standards to extensions should reflect the capabilities of the industry that will deliver them and the ability or typical construction in Wales to achieve them, which we feel is demonstrated in the consultation document, should the standards be set any higher then we feel that this would significantly increase costs and reduce the number of extensions constructed, with the additional outcome of downturn in construction activity affecting an already under pressure industry.

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

Extension in the non domestic sector are more widespread than new build non domestic buildings in Wales and offer a one off chance to improve standards.

Data analysis indicates that in many cases extensions to non domestic buildings are often larger than the original buildings and therefore this significant increase in energy demand must be tackled and improved if the WG is to meet its carbon reduction targets.

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

This is an area of the industry that is historically difficult to legislate for, the current system of exempting a conservatory as it will not be heated results in the BCB issuing an exemption certificate without ever visiting the property, this results in relying on the accuracy of the information provided at submission and the successful delivery of the original intention not to heat or cool the space.

In the eventuality of there being no fixed heating or cooling in the extension at the point of construction, there is no mechanism for ensuring that any future heating system expansion is not considered for the extension or the use of portable heating or cooling units.

This body feels that a mechanism for checking this anomaly is considered, that is along the lines of an occupation certificate being required for all extensions regardless of heating or cooling and that there is a mechanism for a 1 year on inspection of extensions to ascertain actual performance. Although we recognise that this may be problematic, this area of construction is one of the most difficult areas to regulate, but must however be tackled.

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

The threshold for CI has always been set too high and has resulted in significant opportunities for improvement being lost in the past. As referred to previously many extensions are larger than the initial building and this increase in energy demand offers a one off opportunity to be addressed,

The mechanism proposed in the consultation is both reasonable and practical and should deliver significant reductions in energy demand over a period of time.

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

The list of measures proposed offers a pragmatic and reasonable solution, we do however feel that given the issues in Wales regarding high exposure and the risks of inappropriate cavity filling well document, clearer guidance should be set out in the requirements for when and how a cavity should be declared suitable for filling.

The current situation is open for abuse and incorrect assessment, as the surveyors undertaking the decisions are linked to the installers and suppliers of the measures, and the correct level of independence is not always evident.

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

With the introduction of any new requirement there are two likely scenarios, there will either be a rush before legislation to get in before the new rules or there will be an initial down turn in activity. It is important that the WG produce guidance and support on the reasoning for the need for CI and the mechanisms that exist to support the cost of the additional requirements, (ECO, Green Deal or other).

As the setting of the CI will fall on the BCB this the is the mechanism best suited to deliver the advice and guidance, therefore before any new standard is introduced the WG should take steps to ensure that then right support mechanism is in place to deliver the requirement.

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

For reasons previously discussed due to the historic size of extensions in Wales, this mechanism offers a one off opportunity to deliver carbon reduction to the existing stock.

The use of the Building Regulations to trigger improvements to the existing stock is limited and any carbon reduction that is delivered in this sector is down to incentives and grants, therefore this one off opportunity must be taken full advantage of, as only a subsequent change of use or further extension will offer the same opportunity again.

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

An independent assessment of the eligible improvements is essential to meet the requirements of the re cast EPBD (cost optimal approach), without this mechanism there are two likely outcomes, either buildings that could be improved will not, or buildings that shouldn't be improved due to inappropriate and non cost effective solutions being proposed. Either of these outcomes is fundamentally flawed, and it is the responsibility of the WG to ensure that the measures proposed by any of the assessment methods meets the requirements of the cost optimal approach.

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

The main issue in this area is one of notification rather than difficulty in implementing the process, there is a risk that should the standard be set too high then the works will either not happen or be subsequently driven underground and be subject to non notification.

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

No comments

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

No comments

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

The impact assessment is fair and reasonable, the situation in Wales is quite different from other UK nations with a high percentage of extensions being constructed, this area of the market we feel offers a good opportunity to deliver the carbon reductions targets set by the WG.

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

We feel that the impact assessment is fair and reasonable, we also agree with the benefits indicated in the documentation. The measures set out are practical and reasonable.

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

We feel that the impact assessment is fair and reasonable, we also agree with the benefits indicated in the documentation. The measures set out are practical and reasonable.

We also feel that the opportunity to undertake CI in this sector gives the greatest opportunity for carbon reduction in the non domestic sector, as historically there is little new build commercial construction in Wales

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

There is no evidence that checklists on developments actually work and would no doubt result in additional administrative burden without the delivery of any improvements or benefits.

The National House builders will benefit from a design team and the SME sector will not in our opinion use one.

If BCB see the benefit of a checklist there is no reason why they could not produce one themselves.

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

Comments

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

Comments

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

Yes No Don't know

Comments

The production of a PAS may prove useful but it would be necessary to ensure that it was SME friendly, in the past standards such as these have been produced that are difficult to implement or follow.

As England are in the process of delivering such a standard and the CPA are currently working on a similar approach it would be beneficial for the WG to be part of these discussions and adopt a process that is suited to the SME and self build market in Wales.

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

We feel that there is no real benefit to the domestic in character non domestic buildings taking this approach, as we do not feel it is the most cost effective or appropriate mechanism for delivering a low carbon building where there is the presence of a design team.

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

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

Comments

As stated previously the recipe is neither cost effective or the most efficient process for deliver low carbon buildings, but in its defence it is simpler and easier to understand.

It does however not remove the requirement to assess over heating risk so the benefits are limited to the small house builder. We feel that the WG should be very clear in its guidance that the recipe approach is neither the cheapest or probably the most cost effective way of meeting the requirements,

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

Comments

The use of SBEM as a design tool is inappropriate and it is not the most effective way of demonstrating compliance, it should be a requirements that only simple form buildings, and non complex buildings should be assessed using SBEM, any building that is either complex in form or function should be designed with the use of a Dynamic Simulation Model, there should be a clear rule of thumb, simple building SBEM, complex building DSM

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

Yes No Don't know

Comments

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

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

Comments

The whole issue of BCB in Wales needs reviewing and the level of service provided by both considered. At the moment there is one set of Building Regulations but the bodies responsible for delivering compliance have in equitable requirements set upon them, the rules covering both bodies should be aligned and levelled.

The service provision from both bodies should be equitable with the level of fees allowed published by both or neither. There needs to be a root and branch review of how the Building Regulations are implemented in Wales as currently the level of service and expertise is not equitable.

The role of BCB's has been inherited, and there now is the opportunity to assess the relevance or the need for AI's in Wales.

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:

- The Welsh Government has gained huge credit in the approach it has taken towards sustainability. In doing so it has differentiated itself from the approach being taken in Westminster, and gained plaudits for it from the likes of the Town and Country Planning Association (see for example Hugh Ellis's article in the May edition of Town and Country Planning (pp 223-4)). In contrast, the approach which the UK Government is taking towards planning in England has raised major concerns that the social and environmental elements of sustainability are taking second place to a very narrow and ultimately self-defeating interpretation of the economic aspects.
- Sustainable design and construction is about much more than energy/carbon. As TAN 22 states "While Building Regulations are generally concerned with the technical performance of a building's structure and services, there are wider aspects of sustainability that are not currently considered, but affect the delivery of sustainable development. These wider aspects are material to the broader remit of the planning regime in relation to sustainability. The Code and BREEAM provides an opportunity to consider these issues within a recognised standard."
- While the Code for Sustainable Homes and BREEAM cover a far wider range of subjects than energy, it is the energy improvements required by Building Regulations that account for the lion's share of any additional costs involved in meeting Code and BREEAM standards. As has been found elsewhere (e.g. the Inspector who reported on the West Berkshire core strategy in July) any increases in costs arising from the non-energy costs are unlikely to have a significant impact on viability
- Moreover, drawing back on sustainable building standards is likely to be counter-productive from the point of view of the economy. Work connected with sustainable design and construction has been one of the very few areas where both jobs and exports have increased during the recession, and because of the Welsh policy to date the country has built up considerable expertise and capacity in assessment, with significant numbers of companies and individuals within Wales involved in this work. There is also the risk that such policy changes will undermine investment certainty. As the CBI has recognised there is a need for consistency of Government policy in promoting a more sustainable economy.
- There is major risk in abandoning the Code/BREEAM requirements in TAN 22 without having something to put in their place, which appears to be what the consultation is suggesting. Even if the Welsh Government were to go ahead with the proposal, which we suggest would be ill-advised, they should do so only if there are clear and well-mapped transitional arrangements in place beforehand. The problems over the introduction of the NPPF and associated changes in England have produced a huge amount of uncertainty for precisely this reason, and such uncertainty is likely to be far more damaging to investor confidence than the relatively small cost of sustainable building standards. As research by Glenigan for the LGA has shown, by far the most important factor holding back development is the lack of finance for both construction companies and purchasers, and there are currently permissions for 400,000 dwellings which have not been built.
- Partly in response to the vacuum left in this area in England a range of organisations have come together to produce good practice guidance on sustainable design and construction.
- One unintended consequence of abandoning the approach in TAN22 and replacing it with a reliance on Building Regulations for energy alone could be the emergence of a plethora of local standards/schemes, as not all LPAs in Wales will accept lower standards.
- The recently released BREEAM Communities 2012, which has been very positively received both within the UK and internationally (Scandinavian countries in particular are adopting its use enthusiastically) is ideally suited to the Welsh government's wish to pursue wider sustainability gains on strategic sites. However, this scheme makes most sense when combined with sustainability standards that operate at the building level.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential, please tick here: