

2012 consultation on changes to the Building Regulations in Wales

Part L (Conservation of fuel and power)

Consultation Response Form

Your name: Kate Cabbage

Organisation: Royal Society of Architects in Wales



(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 checked="" type="checkbox"/></p> <p>Research/ academic organisation <input type="checkbox"/></p>

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

Our feeling is that a standard that requires the use of Renewables is not acceptable. The mechanism of delivering energy should be undertaken at the macro level, the use of small energy generation is uneconomic and in efficient.

The standard should be set that requires the reduction of energy consumption through good design and energy efficient fabric, leaving energy generation to more efficient large scale generation. In addition the current planning system does nothing to encourage good design orientation and build form, and needs to be improved to complement the low carbon building agenda.

Whilst the requirement of onsite renewables is not desirable we would support encouraging the use of renewables where appropriate.

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

Any standard should be set with a clear understanding of the limitations on build form and encourage the use of energy efficient design, by setting too high a standard it will remove the flexibility on site and result in a build mix that is set by Government rather than by demand and good design.

Although we recognise the requirements of the recast EPBD we question the manner in which they are being interpreted by the Welsh Government, renewable energy generation is best delivered at the macro scale, or utilised and connected to at the local level. The setting of a requirement at the micro level encourages inefficient design and a lack of focus on reducing energy demand by good built form.

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

Setting a standard that relies on micro generation is fundamentally a flawed option. We recognise the requirements in the EPBD to reduce energy demand and include renewable energy creation, but the principle of micro generation is ineffective and inefficient, with the most likely outcome being that home owners or residents will not replace the units when broken or will not maintain them as required resulting in an either short term or nonexistent energy saving and subsequent carbon reduction policy

However, we agree with the fabric recipe method in the broadest sense excluding renewables.

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

The introduction of any simplification of achieving compliance is to be welcomed, but we do question whether the standard is cost effective, and could therefore result in additional costs by following this route.

Although at its simplest interpretation the recipe can deliver a simpler route to compliance, it does little to guarantee optimisation of orientation and build form, without a simpler form of overheating analysis the recipe is in danger of delivering a more costly and potentially inefficient end result.

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

It is, in our opinion, reasonable to produce an elemental type approach to solutions for the smaller contractors, but we must express concern that this approach will be neither cost effective or potentially, in many cases, the most appropriate method of delivering a good building. By effectively producing a recipe approach it is reasonable to assume that once a solution is identified, then it will be replicated, this has the potential to result in "standard featureless, housetypes" this does nothing to stimulate a vibrant design culture and reward innovation and flair.

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

None of the above. In our view it would be more appropriate if this question included a box that allows us to indicate our view that **the use of renewables at the micro level is inappropriate**. As this question is phrased respondents are given no option to question whether micro generation is fundamentally acceptable. We are concerned that the wording will implicitly result in any response affirming that the micro level of energy generation is the inevitable outcome and is acceptable in some form or shape.

A financial contribution towards off site renewables based on gross internal floor area would be preferable.

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

We would support the setting of the backstops as mandatory; this step is the most logical approach to delivering a fabric first approach to low carbon buildings, without the complexity of introducing an energy metrics such as FEES.

The setting of mandatory standards as a principle is in line with those set out in TAN22, it also places this requirement into the mechanism that is best suited to setting energy reduction targets, namely the Building Regulations.

The standards set out in the consultation documentation still allows sufficient flexibility to leave room for a good design and best use of orientation and build form to be utilised in the low carbon building agenda.

The standards offer a reasonable level of performance with currently available materials and technologies.

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

Yes No Don't know

Comments

The levels set out in the consultation documentation are reasonable and not too overly restrictive with the availability of current materials on the market.

To set the standard any higher would preclude the use of any non polymer based materials, any such restrictive standard would not be healthy for either the construction industry or the Welsh manufacturing base.

We do however recognise that should the design v as built performance gap not be closed, there may be a requirement in future years to improve further on these values. The Welsh Government should take necessary steps to identify the issues between design and in use performance of buildings to identify and undertake the research and monitoring to close the gap.

The Welsh Government should take the opportunity of being in total control of its own Built Environment to stimulate research and investigation into the issues that hinder its challenging carbon reduction aspirations. We would welcome the opportunity to assist the Welsh Government with any deliberations it may have on closing this performance gap.

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 further comments

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

The RIA demonstrates little evidence on how the learning rates have been ascertained, and does little to recognise the difference between the challenges facing the SME sector in Wales.

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

The RIA is limited in the factors that it considers on any possible benefits or costs, the learning rates are unclear and not representative of the solutions used to form the starting point of any up lift.

The use of any Renewable energy solution has little learning to be undertaken, the technology and its use has been in existence for a considerable time and in our opinion has little learning left to be undertaken, the introduction of additional insulation can be easily over come and obviated with the production of guidance and manufacturers literature indicating the best use and location of any such insulation.

The Welsh Government should be taking measures to quantify the gaps in performance it has inherited with the lack of a robust mechanism for evaluating thermal bridging and air tightness regimes as set out in Part L 2010.

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 requirement to set standards based on PEC is clearly set out in the EPBD standard, it would appear logical to introduce its use in the non domestic sector, where typically there is the professionalism and expertise to understand the best mechanism for delivering the standard.

If the use if PEC is not used, then there are few other mechanisms open to the Welsh Government to meets its requirements under the recast EPBD.

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

As with the domestic requirement of implicit use of renewable energy, we must question the use of micro generation as a minimum regulatory standard, although other changes referred to in the consultation document sets out a limiting effect of green washing buildings, to set the standard which requires the use of PV is a dichotomy, it simply results in a stance that the regulatory body can decide when the use of micro renewable is acceptable, but the design team cannot?

The primary function of the Building Regulations and Planning should be to ensure the most efficient mechanism for the reduction of energy demand is reduced, rather than implying that if a building generates its own energy it can continue to use in the same inefficient manner as before.

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

Yes No Don't know

Comments

Any high energy demand building that is off the gas main and effectively off orientation will find it problematic to meet the setting of any TPEC target, the introduction of too challenging a target has the potential to make whole swathes of Wales undevelopable in a cost effective manner.

The requirement of the recast EPBD clearly sets out the need for member states to ensure that a cost optimal solution is considered when setting standards, there is little evidence to suggest that this topic of debate has been considered in the developing of the non domestic standards up for consultation, without clearer guidance and explanation it is difficult to understand if this element of the requirement had been considered.

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 sector that delivers many non domestic buildings in Wales will no doubt work both sides of the border; the use of an energy metrics (FEES) and the fixed carbon reduction referred to in the consultation is compatible.

It must be recognised the difficulties and challenges that differing standards of building performance will have in the future will two countries in close proximity who effectively may share a workforce and delivery mechanism.

The use of an energy metric should ensure that the design team work within given energy demand limits, it will also help to reduce the likelihood of inappropriate green washing.

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

As stated previously the setting of a standard that requires PV without any other mechanism to ensure that it is used or stored at the point of generation is not one we could support.

It is well documented and understood how ineffective and inefficient the grid network in the UK is at distributing energy, the requirement as consulted on does little to ensure that the usage and storage of the generated energy is paramount in the design and implementation of the new building. It encourages green washing and the use of micro technologies.

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

No further comment

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

We recognise that some buildings may benefit from a recipe type approach, such as those that are more domestic in character, but we do not believe that the recipe adds anything to the design process, does little to encourage good build form, or enhances the opportunities for natural cooling, and ventilation.

The recipe approach would in many circumstances result in a more expensive solution being delivered, and result in standardisation of buildings, this we feel would again remove an incentive for innovation and design skill in delivering the low carbon agenda.

Regarding the split between Domestic and Non-Domestic in the consultation documents, we feel it would be more realistic if the documents were divided along constructional and use types i.e. domestic style construction and use and non-domestic style construction and use.

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

We would support the use of a mixed mode notional building in the Building Regulations, artificially loading the notional building to allow for mechanical cooling and ventilation does little to encourage this method to be considered at a sufficiently early stage, buildings have historically been designed with mechanical cooling and ventilation as a given, rather than a more appropriately designed building which makes best use of the local environment by means of night cooling, deep building light penetration and the use of passive measures to mitigate over heating risk such as exposed thermal mass, shades, blinds, and trombe walls.

The principle of passive measures to encourage energy reduction would be enhanced by using a mixed approach to the notional building.

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

No further comment

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

No further comment

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

We feel that the RIA is not reasonable as there is little evidence of the methodology used to calculate the learning rates, and additional costs predicted

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

We would note our concern that the cumulative impact of the policies has the potential to lead to buildings being designed from the roof down, loaded with inefficiently maintained renewable technologies.

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?
-

The Planning system needs to deliver the site wide issues on not only energy but infrastructure and suitability for development.

There is however an overriding need for the Planning Authorities in Wales to understand the impact of challenging energy reduction targets and how it impacts on the way buildings are designed and constructed, the planning system to date has shown little understanding or grasp of the issues facing construction in meeting the low carbon agenda.

It is the feeling of this organisation that the Planning system needs to align itself to the low carbon agenda and demonstrate a clear understanding of the issues at hand.

The planning system needs to encourage renewables where opportune and collect the 'toll' for those developments choosing to pay their contribution rather than build it. The Community Infrastructure Levy provides a good example.

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

It is important that the drive should be for appropriate, measurable standards to be set that reflect Wales' built environment, whether through working with BREEAM/Code or establishing our own measures.

It is perhaps more important to safeguard against the BREEAM/Code requirements being dropped prior to the introduction of a new metric – the absence of any requirement will do considerably more damage than any frustrations around it's applicability.

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

The cost of the assessment and registration is minimal when considering the build cost

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?

If the National Requirement as set out in TAN 22 is removed there is little evidence to suggest that one upmanship and target setting that has plagued the English planning system would not be replicated in Wales.

The setting of a reasonable standard by National Policy has helped to ensure the level playing field that is mentioned in the consultation.

The ability of LA to set higher standards as part of a local strategy has always existed, the issues lays with the National Parks and the reluctance to accept any solution other than very restrictive requirements, there is little evidence available that indicates that those bodies are in a position to understand the changes that will be required should the Building Regulation set the standards as set out in this document. The net result could be that the National parks become effectively no go areas for new developments.

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

The negative impacts on removing the requirement are that the LA's will no doubt introduce similar requirements to those already in existence with the potential for replicating the confusion and uncertainty experienced in England.

We question why, when for the first time the Welsh Government has control of the Built Environment, the first step it considers is the removal of independent sustainability certification. The focus should be on ensuring that those standards, whatever they may be are relevant and suitable for Wales, not the removal of them.

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

Building Regulations have always been intended to set uniform minimum performance standards, whereas planning can encourage site specific responses from individual buildings. By this definition, the implied question is wrong as there can be no opportunities for building regulations to set standards above the minimum regulatory standards as set by building regulations. However, the Local Authority Building Control network's expertise and construction understanding could and should be used to verify the delivery of standards above Building Regulations where these have been set by planning requirements.

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

The Code and BREEAM are mechanisms for requiring above regulatory minimums, should the Welsh Government decide to require a more relevant sustainability standard for Wales, then any ensuing duplication could be identified and removed.

There is little evidence of duplication within the standards but should any significant duplication exist then they could be removed by a more relevant Welsh standard.

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

Views

The opportunities for higher local standards has always existed, it has been hindered by the inability of LA's to deliver robust UDP's and LDP's.

The issue of opportunities is not we feel relevant to the consultation as the mechanism has always existed and is nothing new, it is just an opportunity that has not been taken.

We believe that the adoption of enhanced LDPs that give guidance on acceptable scale and massing of developments, energy use targets, materials usage, transport impacts and many other similar quantifiable elements would allow a more practical application of presumed consent and could be used to underpin sustainability aims.

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

There is a quantifiable benefit to raising the standards of windows to the one set out in the consultation document, we recognise that for the benefit to be realised the cost of any improved requirement is paramount, the Welsh Government should always consider the impact of either windows not being replaced as a resulting effect of too higher standards and the additional risk of cheaper low standard windows being purchased with no notification of any improvement.

It is important that any benefit is clearly obvious to the end user.

Current research does however indicate that a high performing window that is not correctly fixed and thermally isolated from the existing structure does not perform as the claims set out by the manufacturers, as the Building Regulations are now under the direct control of the Welsh Government steps should be taken to ensure there is a requirement for such a standard to be created and implemented by FENSA.

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

Yes No Don't know

Comments

In principle we agree with the requirement for improved standards to extensions, current data indicates that more extensions than new build properties are constructed in Wales, therefore they offer an opportunity to reduce energy demand and subsequent CO2 emissions.

It should however be considered by the Welsh Government that in the current financial climate more homeowners are being forced to stay in their current properties and extend rather than move, therefore the Welsh Government should be mindful to not set too onerous a standard that further restricts the options for homeowners, but we feel that the current standard as set out in this consultation document is about right, and demonstrates the limitations that are currently available to significantly improve above the level set out.

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

The extension of any non domestic building offers a one off opportunity to reduce the demand of this sector.

The Welsh Government needs to be mindful that the current economic situation can be helped by any increased demand in construction requirements, and when setting any new standard the resultant effect of that new standard on predicted works should be factored in.

To move out of the current economic situation an upturn in construction is essential and the careful consideration of standard setting is a vital component of this consideration.

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

The exemption of an extension with heating or cooling should be removed, a conservatory is inherently a poor energy saving structure, typically with high levels of glazing, and poor performing elements.

The only issue with the proposal is that this area is typically one of the worst areas of compliance, any application for exemptions results in the BCB never visiting the property, and subsequently there is no real evidence as to whether heating or cooling was ever installed.

In addition even if no fixed means of heating or cooling are installed at the construction stage there is no mechanism for ensuring that existing heating or cooling systems are not extended post completion or that the end user does not simply purchase in efficient portable appliances that will deliver the same heating or cooling requirement.

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

A building of 1000m2 is in Wales a reasonably substantial building and therefore the removal of this trigger is supported.

It is essential to ensure that any CI that are required are supported with a suitable mechanism to ensure that they are cost effective and effective, and as near as practicable guaranteed to deliver in use savings in energy costs.

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 proposed measures is both reasonable and practicable. It is however essential that clear guidance is given to BCB on the suitability of cavities in many locations in Wales to be insulated

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

As the implementation of CI's is one of the worst areas of compliance it is difficult to quantify any effect a widening of its scope may have, there is the danger that should the requirements be disproportionate then any repairs of improvements will either not be undertaken, or the works will not be notified to the BCB's. The resulting effect could cause significant issues and building failure in future years.

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 the same reasons as set out in Q36

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

In principle we support this measure, but the appropriateness of any recommendation is paramount, the Welsh Government must ensure that the measures offered up by which ever mechanism is both relevant and appropriate to Wales.

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 widening of the scope for CI should not offer any more of a challenge to the BCB's in Wales that is not already there, and one to which we have referred to earlier, in as much that any requirement for CI's poses a danger that any proposed works will either not go ahead or will be undertaken without the relevant permissions, resulting in one off opportunities being lost to improve on the existing building stock

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 further comment

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 further comment

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

No further comment at this time

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

No further comment at this time

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

No further comment at this time

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

We can foresee no real benefit in the introduction of any checklist, it is unclear who it would be aimed at and what additional benefits the burden of completing it would be delivered. It would appear to be another layer of red tape that is neither warranted to required. That being said a checklist aimed at homeowners directly for monitoring of refurbishment or extension works may have value.

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

Comments

No further comment at this time

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

Comments

No further comment at this time

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 creation of a PAS may be beneficial but without having a clearer indication of what that standard may be and how it would be enforced it is difficult to deliver an objective view of its benefit.

But notwithstanding this point if the standard was clearly written and easily understandable the SME contractors in Wales may realise some benefit from its introduction.

- 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

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

Comments

In principle we would support the consideration of a recipe approach but we would express concerns that any standard produced would not be the cheapest or most cost effective way of delivering a low carbon building.

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

Comments

Against the recipe approach would be the likely cost of such a method, the benefits could be that it would be simpler to deliver a simple building.

Although this approach may be supported, it is difficult to imagine how any recipe would deal with communal spaces and any subsequent landlord energy loads.

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

Comments

We would suggest that sanctions be applied as appropriate for any given case.

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

Yes No Don't know

Comments

Although the version attached to the consultation papers is very word orientated, with the introduction of details or methods of compliance in the form of drawings and images the changes proposed would be welcomed.

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 further comment at this time

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

Comments

We are concerned over the ongoing use of Approved Inspectors as an option for delivery of Building Regulations Approval. Further research should be undertaken to identify whether they provide a comparable level of enforcement, thoroughness and compliance checking to that undertaken by the Local Authority Building Control, as circumstantial evidence seems to suggest this is not the case.

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:

As the Building Regulations are now under the direct control of the Welsh Government, all efforts should be made to align the requirements set out for the BCB's. At this moment in time the requirements are inequitable and the services offered wide ranging.

The principle of AI's in Wales needs to be closely reviewed and re assessed, as a minimum the service agreements and requirements for checking and fees should be aligned, there is at this moment in time a wide ranging disparity in the level of service and advice offered by the BCB's in Wales which needs addressing.

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: