

# 2012 consultation on changes to the Building Regulations in Wales

## Part L (Conservation of fuel and power)

### Consultation Response Form

Your name: **Paul Davis**

Organisation (if applicable): **Neath Port Talbot CBC**



(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:

<p><b>Builders/Developers:</b></p> <p>Builder / Main contractor: <input type="checkbox"/></p> <p>Builder/ Small builder: <input type="checkbox"/> (extensions/repairs/maintenance, etc)</p> <p>Installer/ special sub-contractor <input type="checkbox"/></p> <p>Commercial developer <input type="checkbox"/></p> <p>House builder <input type="checkbox"/></p>	<p><b>Property Management:</b></p> <p>Housing association (registered social landlord) <input type="checkbox"/></p> <p>Residential landlord, private sector <input type="checkbox"/></p> <p>Commercial <input type="checkbox"/></p> <p>Public sector <input type="checkbox"/></p>
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<p><b>Building occupier:</b></p> <p>Home owner <input type="checkbox"/></p> <p>Tenant (residential) <input type="checkbox"/></p> <p>Commercial Building <input type="checkbox"/></p>	<p><b>Building Control Bodies:</b></p> <p>Local authority building control <input checked="" type="checkbox"/></p> <p>Approved Inspector <input type="checkbox"/></p>
<p><b>Energy Sector</b> <input type="checkbox"/></p>	<p><b>Fire and Rescue Authority</b> <input type="checkbox"/></p>
<p><b>Designers/Engineers/Surveyors:</b></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><b>Specific Interest:</b></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 type="checkbox"/></p>

<p><b>Manufacturer/ Supply Chain</b> <input type="checkbox"/></p>	<p><b>Other</b> <i>(please specify)</i></p> <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>
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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 CO<sub>2</sub> saving of 40% reduction in carbon dioxide emissions compared to Part L 2010.

- No change to 2010
- 40% CO<sub>2</sub> saving
- 25% CO<sub>2</sub> saving
- Something else (please explain below)
- Don't know

Comments

Reservations relating to the knock on cost to the construction industry and developers in the currently fragile economic climate.

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

Yes  No  Don't know

Comments

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 CO<sub>2</sub> saving equivalent to an amount of photovoltaic (PV). Please justify your choice.

Yes  No  Don't know

Comments

Much simpler for self builds and smaller developers to achieve compliance

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

Assures that developers in remote locations are not penalised.

5. For the CO<sub>2</sub> savings proposed, are the recipe specifications a sensible way of achieving them? Please justify your choice.

Yes  No  Don't know

Comments

Industry needs to catch up to achieve new U values

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

More practical and simpler way of being able to achieve desired area.

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

Will cease the abuse of the current system.

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

Yes  No  Don't know

Comments

Will bring more in line with proposed standards.

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

Compliance with the Building Regulations should ensure CSH compliance.

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

It is based an an average. Self build projects would be different.

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

See 10

## 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

Low carbon technology should not excuse or compensate for poor construction.

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

Only initially, possibly reviewed at a later date when construction has caught up.

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

Yes  No  Don't know

Comments

Industrial & Storage.

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.CO<sub>2</sub>/m<sup>2</sup>/year)

Percentage of roof area of PV

Other

Don't know

Please give reasons for your choice

Multi story developments should save as much energy as single story developments.

16. The proposals explain the Government's preference for a 20% aggregate improvement in CO<sub>2</sub> 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

Overall contribution to target, but relies on adequate maintenance and replacement programme to be sustainable.

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 250m<sup>2</sup> 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



Ease of compliance for smaller developers thereby reducing up front costs.

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

Yes  No  Don't know

Comments

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

Comments

Should be tied into National Planning Policy to avoid need for different standards.

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

As for 10

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

As for 10

### 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

Not our field to comment.

### National Planning Policy Review (24 – 31 are the response of DC Manager)

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

The role can only be in allocating strategic sites whose energy aspirations are higher, however the reality of viability needs to be taken into account as the current economic climate doesn't make higher level achievable in this LA. Experience suggests that the majority of developers only aim for minimum standards (unless it's a condition imposed by funding. Developers are only looking short term rather than long term.

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

Views

This could be picked up in development briefs for individual sites or SPG for strategic sites in general.

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

It depends on whether you factor in the long term savings in terms of energy efficiency / generation.

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

Views

Viability is the main consideration, See 24

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 need to submit certification post consent to demonstrate the development has achieved the necessary level will reduce the individual involvement of planners post consent, speeding up the process and increasing the capacity of planning departments.

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

No suggestions

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

Definitely, for the reasons stated previously.

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

Views

See 24 & 27

## 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

Overall contribution to target

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

Yes  No  Don't know

Comments

As for 32, but industry needs to develop new products to avoid very thick walls.

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

As for 33

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 conservatory loophole has been exploited for far too long. The majority of conservatories are conditioned living spaces.

36. Do you agree with the proposal to require consequential improvements upon extensions or increases in habitable space in existing homes below 1000m<sup>2</sup>? Please explain your view.

Yes  No  Don't know

Comments

Overall contribution to targets.

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

Look at heating system controls and energy usage monitoring systems.

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

Proposals are reasonable

39. Do you agree with the proposal to introduce consequential improvements upon extensions or increases in habitable space in non-domestic buildings under 1000m<sup>2</sup>? Please explain your view.

Yes  No  Don't know

Comments

Existing 1000m2 threshold too high

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

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

Different interpretation of regulations. Needs to a POLICED level playing field.

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

We are still experiencing difficulties with Renovation of Thermal Elements that came in during 2006. WG should have publicity campaign for proposed changes.

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

As 42

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

Yes  No  Don't know

Comments

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

Yes  No  Don't know

Comments

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

Yes  No  Don't know

Comments

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

Yes  No  Don't know

Comments

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

Comments

Fabric, thermal bridging, heating controls, low carbons, end user guide.

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

Comments

BRACW, LABC Cymru, AI body.

50. Would any other approach be likely to prove more effective instead (such as a PAS<sup>1</sup> type approach).

Yes  No  Don't know

Comments

Doubts if PAS would be a stand alone solution

- 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

Simpler for smaller developments.

<sup>1</sup> 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

FOR – Simplicity  
AGAINST – Open to abuse

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

Comments

None

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

Yes  No  Don't know

Comments

Good in some areas but too wordy in others

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

BCB will have to allocate more time to projects and resources will be taken up dealing with public backlash.

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:

**Comments from Highways Development Control Manager.**

The only issue that I have got regarding moving towards Zero Carbon is the knock on effect the additional costs have on other elements of developments.

We have developers now stating they cannot afford to undertake works that would make the development more a sense of place due to the costs of the buildings increasing, Additional cost to buildings will make it difficult to achieve SUDS schemes in the future as developers are already viewing ways of getting out of providing these schemes to deal with possible future flooding which would impact the Flood and Water Management Act 2010 and in turn would cause issues under the Water Framework Directive due to water quality.

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:

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