

09

# 2012 consultation on changes to the Building Regulations in Wales

## Part L (Conservation of fuel and power)

### Consultation Response Form

Your name: Carmarthenshire CC Building Control

Organisation: Carmarthenshire County Council

email / telephone number: b.control@sirgar.gov.uk

Your address: Block 16, St David's Park, Jobswell Rd, Carmarthen, Carmar, SA13 3HB

(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:

Building Control Unit – Carmarthenshire CC (LABC CYMRU)

(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 checked="" type="checkbox"/>
House builder <input type="checkbox"/>	

<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>Energy Sector <input type="checkbox"/></p>	<p>Fire and Rescue Authority <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>

<b>Manufacturer/ Supply Chain</b> <input type="checkbox"/>	<b>Other (please specify)</b> <input 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 – Local Authority

(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

Providing the additional cost burdens on developers/contractors does not stifle the construction industry's recovery.

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

Elemental specifications are the preferred options of most SME's as they are recognised as providing simplified and straightforward solutions

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

Any measures that simplifies matters would be welcome.

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

The recipe specifications would simplify matters and therefore be of value/assistance to developers/builders.

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

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

This would help reduce the likelihood of future expensive retrofit upgrades.

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

Yes  No  Don't know

Comments

Again this would help reduce the likelihood of future expensive retrofit upgrades.

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

Generally it is important that the document layout/content is kept as simple and uncomplicated as possible, Developers /SME's have little or no interest in the dynamics of L1A all they require is a simple straightforward solution so they may order the material from the builders merchant and then go ahead and build. Generally they have no interest whatsoever in the science.

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

As a Building Control Unit we have no detailed involvement in construction costs and are therefore unable to offer meaningful comment.

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

As a Building Control Unit we have no detailed involvement in construction costs and are therefore unable to offer meaningful comment.

## 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

Should achieve greater impact on energy savings.

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

7%

10%

Don't know

Comments

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

Yes  No  Don't know

Comments

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

Fixed carbon reduction (in kg.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

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

Appears to be the most cost effective option and offers long term benefits to clients/businesses.

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

Buildings under 250m<sup>2</sup> if built following a 'domestic style' recipe would be far easier for regulatory bodies, builders and clients alike to understand thus reducing the risk of over specified M&E/renewable kit being incorrectly specified so that certain 'desirable boxes' are ticked. That which works on paper or a piece of PC software may not always work on site as caretakers and facilities managers do not possess the technical expertise to operate such systems. The feedback from those using such kit is that they are not fully understood and as such do not operate to their full potential. An example being new/extended schools being loaded with expensive kit with the building operator unable to maximize its potential due to the complexities involved.



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

In M&E parlance L2A is a document best suited to the likes of Building Services engineers etc. Prior to its completion kindly bear in mind that the vast majority of the regulators tasked with translating the Welsh Governments L2A aspirations into reality are not from a building services background and therefore the contents of the document should be as clear and unambiguous as possible for all to comprehend.

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 a Building control unit we have no detailed knowledge of construction/material costs and are therefore unable to offer meaningful comment. New build rates for ne non-domestic buildings are very difficult to predict as evidenced by the 'boom and bust' periods over the last 20-30 years.

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

A question perhaps for the quantity surveying and facilities management fraternity.

## 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

Any impact on development in the current and indeed the foreseeable economic climate must be carefully scrutinised and balanced against the need to re-energise what is a deflated construction industry. Overburdening clients and developers with regulation will only stifle economic growth.

## 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

In principle yes

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

Likelyhood of increased complexity with the overlapping of Planning & Building Control legislation.

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

Since the advent of CfSH legislation in Wales this has significantly impacted housing development.

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

To adopt an holistic approach which coordinates the future aspirations of the WG to ensure delivery through minimising what may be perceived as confusing and complicated overlaps in two sets of legislation.

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

[Empty response box for question 28]

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

[Empty response box for question 29]

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

[Empty response box for question 30]

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

Views

[Empty response box for question 31]

## 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

Providing the costs are not too onerous as it is a relatively simple method of improving the thermal efficiency of existing buildings.

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

Yes  No  Don't know

Comments

Providing the costs are not too onerous as it is a relatively simple method of improving the thermal efficiency.

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

Providing the costs are not too onerous and that the smaller extensions are able to adopt elemental recipes and accredited details so as to simplify buildability.

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

Whilst in principle the proposal makes sense however the reality is quite different in that the home owner would then simply use portable heaters etc. It is time therefore to remove the exemption?

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

It would make sense to undertake these improvements whilst the builder/contractor is on site. Furthermore the proposed package of energy efficiency measure would be relatively simple and cost effective to introduce.

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

You could also consider more efficient boilers along with the introduction of TVR's to individual radiators.

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

If the work is done correctly improving the existing housing stock by introducing CI's should reduce the demand for maintenance and repair as evidenced by Local Authority housing with the introduction of loft insulation thus reducing the demand on heating. Similarly LA's are replacing boilers and therefore reducing maintenance cost

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

Providing the proposals are technically, functional and economically feasible then the measures would help future proof the building.

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

Whilst it is logical to do so it will nevertheless add to the build cost. Consideration should be given to introducing a VAT rate of say 5% for such work.

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

General comment- simplification.

43. Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

General Comment - simplification.

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

As a Building control unit we have no detailed involvement in construction costs and are therefore unable to offer meaningful comment.

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

As a Building control unit we have no involvement in detailed construction costs and are therefore unable to offer meaningful comment.

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

As a Building control unit we have no detailed involvement in construction costs and are therefore unable to offer meaningful comment.

## 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

This would reduce the technical risk involved and act as an aid memoir to the developer/buildier.

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

Comments

Accredited details and good practice guidance.  
All that builders require are simple details/illustrations to follow.

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

Comments

Developers, architects, WG, BRE, BRAC, manufacturers, LABC / LABC CYMRU

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

<sup>1</sup> A PAS is a Publically Available Specification, and the PAS would set out a quality assurance approach.



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

This would simplify matters for SME's as they often don't have the specialist resources of the larger construction companies.

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

Comments

**For** - Simpler compliance routes for SME's who don't carry specialist M&E personnel.

**Against** -

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

Comments

Simplify the guidance and reduce the reliance on second/third tier supporting documentation.

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

Yes  No  Don't know

Comments

It is offered that the AD is easier to understand than its 2010 predecessor however its remains a convoluted document. The ADL's of old were far easier for all to decipher. All the new ADL's appear to have become a farrago of obscurities.

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

Simplify them. SME's/small builders are tasked with laying one brick next to another and are by and large creatures of habit. Once they have the measure on simple good practice details at a reasonable cost then better more energy efficient and airtight buildings will emerge.

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

Comments

The proposals would equate to increased plan vetting time, educational efforts i.e seminars for staff/partners etc and also increase in time spent on site. However the residual effect of the proposals would result in a more sustainable and energy efficient zero or near carbon zero built environment.

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:

Reduce the rate of VAT for all related work to cushion the blow of increased costs and kick start the construction sector on related work.

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: