2012 consultation on changes to the Building Regulations in Wales

Part L (Conservation of fuel and power)

Minor amendments indicated in red

Consultation Response Form

Your name: Steve Webster

Organisation (if applicable): Fforwm BREEAM

[redacted]

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

Organisational [X] 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 [X] No [ ]

Name of group:

Fforwm BREEAM

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

Builders/Developers:

- Builder / Main contractor: ☐
- Builder/ Small builder: (extensions/repairs/maintenance, etc) ☐
- Installer/ special sub-contractor ☐
- Commercial developer ☐
- House builder ☐

Property Management:

- Housing association (registered social landlord) ☐
- Residential landlord, private sector ☐
- Commercial ☐
- Public sector ☐

Building occupier:

- Home owner ☐
- Tenant (residential) ☐
- Commercial Building ☐

Building Control Bodies:

- Local authority building control ☐
- Approved Inspector ☐

Energy Sector ☐

Fire and Rescue Authority ☐

Designers/Engineers/Surveyors:

- Architect ☐
- Civil/Structural engineer ☐
- Building services engineer ☐
- Surveyor ☐

Specific Interest:

- Competent person scheme operator ☐
- National representative or trade body ☐
- Professional body or institution ☐
- Research/ academic organisation ☐

Manufacturer/ Supply Chain ☐

Other *(please specify)*

Association of BREEAM/ Code Assessors in Wales

(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) ☒
- Fforwm BREEAM is the Association of Assessors in Wales

(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.

Please Note: Fforwm BREEAM have chosen to comment only on 'National Planning Policy Review' and have made further comments under Q56.

Questions:

New homes

1. Do you agree with the Government's preference for a CO_2 saving of 40% reduction in carbon dioxide emissions compared to Part L 2010.

No change to 2010	☐
40% CO_2 saving	☐
25% CO_2 saving	☐
Something else (please explain below)	☐
Don't know	☒

Comments

2. Do you agree with the proposal for an 'aggregate' approach to CO_2 target setting for new homes in 2015? The CO_2 target for any individual dwelling varies depending on the ease with which the building can achieve the target, with the overall required CO_2 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_2 saving equivalent to an amount of photovoltaic (PV). Please justify your choice.

Yes ☐ No ☐ Don't know ☒

Comments

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

5. For the CO_2 savings proposed, are the recipe specifications a sensible way of achieving them? Please justify your choice.

Yes ☐ No ☐ Don't know ☒

Comments

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

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

Yes ☐ No ☐ Don't know ☒

Comments

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

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

New non-domestic buildings

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

Yes ☐ No ☐ Don't know ☒

Comments

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_2/m^2/year) ☐

Percentage of roof area of PV ☐

Percentage of floor area of PV ☐

Other ☐

Don't know ☒

Please give reasons for your choice

16. The proposals explain the Government's preference for a 20% aggregate improvement in CO_2 performance standards for new non-domestic buildings from ~~October 2013~~ June 2014. Which option do you prefer and why?

No change ☐

Target A: 10% aggregate improvement (1% PV) ☐

Target B: 11% aggregate improvement (No PV) ☐

Target C: 20% aggregate improvement (5% PV) ☐

Don't know ☐

Please give reasons for your choice

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

Yes ☐ No ☐ Don't know ☒

Comments

18. Do you think that a further recipe should be created for buildings under 250m^2 and aligned with the proposed domestic recipe? Are there particular reasons why smaller buildings find compliance with the non-domestic recipes difficult? Please justify your views.

Yes ☐ No ☐ Don't know ☒

Comments

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

Yes ☐ No ☐ Don't know ☐

Comments

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

Comments

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

Yes ☐ No ☐ Don't know ☐

Comments

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

Please justify your view and provide alternative evidence if necessary.

Yes ☐ No ☐ Don't know ☒

Comments

Cumulative impact of policies

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

Yes ☐ No ☐ Don't know ☒

Comments

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

We feel that planning should not play a part in facilitating higher carbon standards – this should be the role of Building Regulations. However it should look at site wide options for carbon reduction if viable to the site i.e. through site wide energy generation etc.

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

Updates to the Code and BREEAM schemes have slowed over the last few years, but we feel if you are interested in implementing Best Practice, updates should be seen as beneficial. A re-wording of the planning conditions should be all that is needed. If the intention is to incorporate Best Practice into Building Regulations then any updates in BREEAM / Code will need to be consulted on before updates can be made to Building Regulations. This will result in a lag in Building Regulations compared to BREEAM / Code. An example could be where Lifetime Homes is incorporated into Building Regulations and then the Lifetime Homes scheme is changed. This may cause problems if an organisation has to build to Building Regulations but also chooses to undertake a BREEAM or a Code assessment. There is the potential for conflict where Best Practice is updated in Code / BREEAM but has not yet had the time to be implemented into Building Regulations. It is also felt that Building Regulations have never been Best Practice. Best Practice should also strive to go beyond the requirements of Building Regulations.

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 is felt that for one building being assessed under Code the costs may be disproportionate, however a full Life Cycle Cost analysis should be undertaken centrally to see what the benefit is over 20 / 30 years. A report has been carried out by Schneider Electric which concludes that over 96% of clients would use BREEAM again. This report can be downloaded from the BREEAM website http://www.breeam.org/page.jsp?id=224 The cost of a BREEAM Assessment is being driven down by more assessors in the market place. Please also see our response to Q28 for the benefits of Code / BREEAM.

It is felt that generally, for a Code assessment, the average cost is only around £300 per dwelling. This is linked however to the size and value of the scheme. It is felt that the planning condition for a Code assessment for plots of only 1-5 dwellings should be dropped, and that the Post Completion planning condition requiring a final certificate prior to moving in should be amended to ensure a suitable period of time is allowed for the collection of data and submission for Certification through one of the Certification Bodies.

The cost of BREEAM again varies depending on the size, complexity and value of a scheme but it does promote whole life standards and is cost effective on larger developments. There is an old saying we think is appropriate:
'Spend £1 on design, £5 on materials, and save £200 over the life of the project'.

We feel the uplift of undertaking a BREEAM or Code assessment is not huge with regards to the price of a building.

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

We feel there should be a minimum national standard covering Code / BREEAM but that Local Authorities should have the ability to implement local higher standards if required / where they see fit.

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

Positive impacts of removing Part B – there will be no assessment cost for developers.

Negative impacts of removing Part B – By removing Part B from the PfSB we feel that sustainability objectives will not be met. There are a number of issues covered by Code / BREEAM that would be lost from developments if Part B was removed and the focus moved to carbon emissions only. These include:

- Lifetime Homes (Lifetime Homes has many issues included that go beyond what is required by Part M, expanded below)
- Building User Guides
- The use of the Considerate Constructor's Scheme for construction sites (expanded below)
- The desire to create a healthy workforce
- The promotion of home working
- Improved security to buildings
- Benefits for disabled users with regards to access and waste storage etc.

These are issues that are not currently considered in other Welsh Government Policies but are considered Best Practice. To lose these would go against the Welsh Governments commitment to sustainable development.

The benefits of BREEAM for construction sites:

To recognise and encourage construction sites managed in an environmentally sound manner in terms of resource use, energy consumption and pollution, Code / BREEAM assessments encourage a number of sustainable measures to be taken on site. Recognition is given for setting targets, monitoring, recording and reporting on energy, water and transport consumption data resulting from all construction processes. This data is valuable as it can identify where inefficiencies occur and educate the Contractor in where energy and cost savings can be made on current and future projects. The removal of Part B from the PfSB would remove the impetus behind many contractors addressing these issues. BREEAM goes further in rewarding those contractors who go to lengths of operating a third party certified Environmental Management System (EMS) covering their main operations.

A Code / BREEAM assessment encourages Contractors to register their sites with the Considerate Constructors Scheme and work towards achieving the highest score possible by offering additional credits for improved performance on site. The Considerate Constructors Scheme national initiative, set up by the construction industry, is where sites are monitored against a Code of Considerate Practice, designed to encourage performance beyond statutory requirements. The CCS code consists of eight sections: Considerate, Environment, Appearance, Good Neighbour, Respectful, Safety, Responsible and Accountable. Since its inception, the CCS has played a big part in assisting the industry to improve its image. The CCS will be updated in 2013, and the amendments will be incorporated in to the next Code / BREEAM revision.

The benefits of the Code for Sustainable Homes for accessibility:

The Welsh Assembly Government recognises that if disabled people are to fully participate in society and live full and independent lives they require equal access to goods, services and premises, and accordingly guidelines were published in August 2006 setting out best practice[2]. The Welsh Government's own Independent Living Project has identified that there is a lack of appropriate housing that can be suitably adapted to the needs of disabled people. Furthermore the UK government in their report; Lifetime Homes, Lifetime Neighbourhoods; A National Strategy for Housing in an Ageing Society (Feb 2008) has also reiterated the point that more adaptable housing is required. The majority of CSH projects we have been involved in have achieved Lifetime Homes compliance.

For dwellings Part M of the current building regulations covers access, circulation within the dwelling, switches and WC access. The CSH goes well beyond this by including suitably designed access to bins, composting facilities & private space, including space to turn a wheelchair, level thresholds through gates plus lighting and signage for communal areas.

All in all another key policy area that is being delivered on the ground now by the CSH in Wales.

([2] WAG Accessible Venues Guidance 2006)

The benefits of BREEAM and the Code for minimising waste:
BREEAM and the CSH deal with many issues concerning material choice and waste prevention that are not covered elsewhere. All of the following issues would need to be included somewhere in whatever future legislation is planned to take to place of these environmental assessments:

1. The choice of constructions for buildings considers the embodied energy of the materials chosen for both the building and hard landscaping.
2. Materials are required to be chosen from companies with Environmental Management systems in place.
3. Buildings are required to be robust and durable.
4. Site Waste Management plans are required for buildings that are assessed in order to reduce waste and to divert waste from landfill.
5. Adequate facilities are required to enable recycling once the building is in operation.
6. The use of recycled aggregates wherever possible in place of virgin aggregates.

The consultation is asking how we could cover all these issues in a less onerous way. The answer is that this cannot be done.

There is also the feeling that Code dwellings are better quality as builders get behind the ethos of the Code.

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

We feel that currently there is no better way to reward sustainable building, although reduced council tax / stamp duty relief could be offered.
There is no other industry standard at present except BREEAM / Code. The construction industry is geared up for producing BREEAM / Code compliant buildings so why change or stop this now. Many process companies have put in place to meet these standards would be rendered defunct resulting in having to gain new understanding and putting new processes in place to meet different standards.
The PfSB was introduced with 2 objectives; the first to move towards zero carbon, and the second to provide more sustainable buildings.
The Code / BREEAM covers broad sustainability issues and it is felt there would be a long lag for Building Inspectors to get up to speed in order to be able to have the same knowledge that is currently held by Code / BREEAM assessors.
It is also felt that Code and BREEAM lead to innovation. Building regulations is a minimum standard that must be met, not Best Practice.

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

There is no duplication. Code / BREEAM simply uses the output from the SAP process / SBEM modelling to enable credits to be awarded, it does not require additional or other calculations to be prepared, and it covers a variety of other sustainability issues.
The percentage of BREEAM credits relating to Part L and the reduction in carbon emissions is small. In a typical BREEAM assessment, the total proportion of credits attributed directly to CO_2 emissions is 11%, with 8.4% for a Code assessment. This drops, if only the current requirements under PPW are required, to 4.5% for a BREEAM assessment and 0.93% for a Code assessment. Therefore it can be seen that the majority of a BREEAM or Code assessment covers wider sustainability issues than carbon.

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

Views

Please also refer to our answers for Q24 and Q27.
Code / BREEAM can help strategic sites i.e. by raising the Code / BREEAM rating required. This can be assessed on a site by site basis.

Existing buildings

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

~~Yes~~ ☐ ~~No~~ ☐ ~~Don't know~~ ☐

~~Comments~~

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

Yes ☐ No ☐ Don't know ☒

Comments

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

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

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

Yes ☐ No ☐ Don't know ☒

Comments

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

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 [X]

Comments

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

Yes ☐ No ☐ Don't know [X]

Comments

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 [X]

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

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

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

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

Yes ☐ No ☐ Don't know ☒

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

Compliance and Performance

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

Yes ☐ No ☐ Don't know ☒

Comments

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

Comments

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 PAS[1] type approach).

Yes ☐ No ☐ Don't know ☒

Comments

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

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

Comments

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

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

Comments

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

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:

We would like to raise the issue of a potential gap or time lag causes by removing Part B of the PfSB immediately. Code and BREEAM are operating now while the new Building Regulations are not due until 2015.
There are no difficulties in delivering Code or BREEAM assessments as there are a large number of assessors operating. Code and BREEAM delivers on both Carbon and wider sustainability issues therefore making it a holistic process.

We believe that you need to properly investigate the impacts of the potential removal of Part B of the PfSB. We also feel that an amendment needs to be made to the planning condition of receiving a Code / BREEAM certificate prior to occupation.

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: ☐