

Number: WG19037



Llywodraeth Cymru
Welsh Government

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Welsh Government Response

2012 Consultation on Changes to the Building Regulations in Wales Part L (Conservation of fuel and power)

July 2013

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Chapter 1 - Consultation responses - Overview

Introduction

1.1. The Welsh Government issued a consultation paper entitled “2012 consultation on changes to the Building Regulations in Wales” on 31 July 2012. The consultation set out the proposed changes to Part L (Conservation of Fuel and Power) in Wales with details for when the changes to Building Regulations would come into force. The consultation also proposed a range of measures designed to further improve the levels of compliance and performance in buildings. Responses were invited by 23 October 2012. Respondents were encouraged to complete and return the response form, either by email or as hard copy.

1.2. This response document gives details about the responses and the way in which responses have been treated within the Consultation Report. It also outlines the subsequent Ministerial decision and next steps.

1.3. This analysis of the responses to the consultation, including those pertaining to the Regulatory Impact Assessment, has been prepared by AECOM. The views reported in this summary are those expressed by the respondents to the consultation and do not necessarily reflect those of the Welsh Government or the authors of the analysis.

The respondents

1.4. Overall there were 91 written responses to the consultation, 76 on the standard consultation form, 9 in the form of letters, 4 provided general comments, 1 responded in the form of a full report to the Welsh Government and 1 was a set of meeting minutes.

1.5. Respondents who completed the consultation response form were asked to assign their organisation to one of 25 types identified on the form (with ‘other’ as an additional option). For the purpose of our analysis, each category was assigned to

one of nine industry sectors, (with 'other' as an additional option). Table 1 shows the number of response forms received from each sector.

Respondent Industry Sectors	No	% of total
Manufacturer/Supply chain	28	31
Specific interest	16	18
Other	8	9
Building Control Bodies	11	12
Blank (Response separate to consultation questionnaire)	8	9
Designers/Engineers/Surveyors	8	9
Builders/Developers	7	8
Energy Sector	3	3
Property Management	2	2
Total	91	100

Table 1

1.6. The largest number of responses (28) was from those classified as from the “Manufacturer/Supply Chain” sector. The second largest number of responses (16) came from those classified as “Specific Interest”. Less than 5 responses each were Manufacturer/Supply chain received from those classifying themselves as from “Energy Sector” and “Property Management” sectors

1.7. There was several response ‘campaigns’ whereby groups of respondents returned identical or very similar response forms. Campaigns were treated as a single response to minimise distortion of the analysis, with the effect that the number of different response forms analysed fell to 84. The final changes to the regulations and guidance documents took account of the views of the different stakeholder groups, comments on the response forms and in letters, as well as a quantitative and qualitative analysis of the response forms.

1.8. Some respondents submitted responses in a document that did not follow in a precise way the consultation response proforma. Where we have been able to

allocate responses to organisations / sectors (i.e. where no significant interpretation was required) the response is recorded in a chart, as 'Blank (separate response)'. This equates to 4 No. responses from 1 No. organisation. Where the form of response prevented this treatment, responses are not incorporated into charts but included in our qualitative analyses (the text summarising responses to each question).

1.9. Overview of responses. Most respondents answered each of the 56 main questions asked in the consultation. Some respondents provided additional supporting information on key topics referred to in the individual chapters of the consultation, or suggested detailed drafting changes.

1.10. Annexe A of this document presents a summary of the consultation responses. Each section contains:

- a. A bar chart showing how the different sectors responded in percentages on the horizontal axis and actual number of responses on the bars themselves.
- b. A summary of key comments taken from the response forms and letters.
- c. Responses to Q56 'general comments' and any responses in forms other than the response proforma have been incorporated into the qualitative analysis for the appropriate question addressed.

Chapter 2 - New homes

2.1. The consultation covered the proposed reduction targets for new dwellings, the approach taken to setting such targets and the coming into force date and other issues.

2.2. Q1 asked whether the respondents agreed with the Government's preference for a CO₂ saving of 40% compared to Part L 2010.

- a. Whilst the majority (60%) of respondents agreed with the proposal, most of those agreeing were interest groups, manufacturers and building control bodies. All of the housebuilders as well as the Home Builders Federation (HBF) responded that their preference was for no change to the current standards.
- b. The principle argument for no change was one of viability and the impact on the Welsh housebuilding industry and the provision of new homes and new affordable homes.
- c. Concerns were also raised that limited homes had been built to 2010 and so there is as yet limited learning.
- d. The topography of Wales was cited as a limitation on the applicability of photovoltaics (PV) and so the cost effective ease of meeting the recipe target. Respondents in favour of the lesser 25% saving in CO₂ (15% of respondents) considered that the 40% target was unachievable in terms of current knowledge, understanding, manufacturers and the current economy.

2.3. Q2 asked whether the respondents agreed with the proposal for an aggregate approach to CO₂ target setting.

- a. A large majority approved the proposal. Even where respondents had indicated in Q1 that they preferred no change to the current Part L 2010 they generally indicated that, were changes to the regulations to be implemented, they preferred an aggregate approach.
- b. Key supporting reasons were that of simplification, of having a single elemental recipe to achieve compliance, and of levelling the field for different dwelling types.

- c. It was noted that the aggregate approach is based on an assumed future build mix and the build mix assumed in the consultation was questioned. It was suggested that the sensitivity build mix which featured a greater proportion of houses and fewer apartments would be more representative on the likely future build mix.

2.4. Q3 asked whether the respondents agreed with the proposal to base compliance with Part L1A upon a consistent recipe specification.

- a. A majority agreed with the proposal citing simplicity of compliance particularly for SMEs and self build. It was suggested that the approach will allow builders to become familiar with a smaller number of products leading to improved build quality.
- b. Some concerns were raised that the recipe approach will not be the cheapest route to low carbon housing.
- c. Many respondents cited concerns with the need for further CO₂ saving through the provision of renewable energy (shown as PV equivalent) including: the topography of rural Wales and proportion of sites not suitable for PV and the requirement for maintenance and replacement of PV over a 60 year lifespan.
- d. Respondents requested further guidance on constructing to limit thermal bridging and to achieve good air tight fabric.

2.5. Q4 asked whether the respondents agreed with the proposed removal of fuel factors (a move to 'full fuel factors') that the recipe approach features.

- a. Overall about three quarters of respondents approved of this element of the recipe citing simplicity and the removal of penalties for off gas grid development.
- b. The proposal to include a heat pump in the electric fuel recipe met strong resistance from the affected industries and the residential landlord representative bodies due to the increased cost on development, concerns with in use heat pump performance and the potential to be a back door ban on electric heating.

- 2.6. Q5 asked whether the consultees agreed that the proposed recipe specifications offered a sensible way of meeting the targeted CO₂ savings.
- a. Most agreed and welcomed the greater simplicity and certainty that the recipe would bring.
 - b. It was felt understanding could be further enhanced through provision of further examples of construction detail for U values and for thermal bridging as well as a simplified approach to the calculation of thermal bridging (as when done properly adds significantly to the cost of the SAP assessment).
 - c. Some comments were received on the actual recipe values used citing concern that with the wall u-value of 0.15 was too low as it would require very thick wall construction.
 - i. the flexibility is retained to diverge from the recipe to find a more cost optimal solution
 - ii. potentially there would be more impetus for the homeowner from a 40% reduction
 - d. An insulation manufacturer suggested there was scope for improvement in the floor U value.
- 2.7. Q6 asked whether the consultees preferred the PV area in the recipe to be based on a percentage of foundation area or on gross internal floor area with a cap.
- a. Responses were mixed with around 50% preferring the percentage of foundation area. In general Building Control Bodies were all in favour of the fixed percentage building foundation area citing ease of calculation and administration, whereas the Designers, Engineers and Surveyors were all in favour of the alternative GIFA citing a concern that requirement should be related to potential energy demand (better indicated by internal floor than foundation area)
- 2.8. Q7 asked if consultees agreed that backstops should be changed from reasonable provision to mandatory.
- a. With the removal of Fabric Energy Efficiency Standard (FEES) as a metric to ensure good fabric, the majority of respondents supported the introduction of mandatory backstops citing the need to follow a fabric first approach, to ensure carbon savings are locked in.

- 2.9. Q8 asked whether consultees agreed with the proposed backstop U values.
- a. Just over half of respondents agreed with the proposed values, citing their support of fabric first as a first principle and that whilst the proposal indicates a large leap in values, it is one that is readily achievable and is necessary if improvements are to be made.
 - b. Backstops were felt to offer a useful degree of flexibility for circumstances where the design struggles to comply with the recipe specification, without unduly compromising the objective of ensuring good fabric insulation levels.
 - c. Five respondents noted that the air tightness value of $10 \text{ m}^3/\text{hr}/\text{m}^2$ seemed too high/conservative.
 - d. Respondents answering 'No' to the question cited a limited level of flexibility in design, with one recommendation to strengthen the air tightness and linear bridge values, rather than main fabric U values.

2.10. Q9 asked for any further comments on the proposed changes. Where appropriate, comments were redistributed to/from other sections. Key comments not included elsewhere included:

- a. a concern over the risk of overheating
- b. concern with the variation between the adequacy and accuracy of SAP;
- c. a query regarding the calculation of the γ value of 0.09, and;
- d. a need to improve transitional arrangements to reduce the spike in registrations under the current regulations just prior to the introduction of the new regulations.

2.11. Q10 asks whether the assumptions on costs in the impact assessment are fair and reasonable.

- a. The majority of respondents felt they did not know.
- b. Builders/Developers felt the assumptions were not fair and reasonable.

Developers commented that:

- i. the forecast number of dwelling constructed is too high;
- ii. the phase in assumptions were too quick, and;
- iii. assumptions seemed too Cardiff-centric.

2.12. Q11 asks whether the impact assessment is a fair and reasonable assessment of the potential costs and benefits of the proposed options for new homes.

- a. Similar to Q10 the majority of respondents were uncertain.
- b. It was suggested that the Regulatory Impact Assessment (RIA) needs to factor in the full costs of less homes being built from the proposals, including lost jobs in construction and manufacturing.
- c. The HBF provided a detailed report assessing the cost assumptions as well as considering in detail the cumulative cost of legislation. They concluded that the proposed changes would make development in large areas of Wales unviable.

Chapter 3 - New non-domestic buildings

3.1. The consultation covered the proposed reduction targets for new non-domestic buildings and the approach taken to setting such targets, including the introduction of Target Primary Energy Consumption (TPEC).

3.2. Overall appraisal of the consultation responses. In general, the new-build non-domestic (Part L2A) proposals received favourable responses with:

- a. a majority (53%) supporting the introduction of primary energy targets, and;
- b. 54% supporting a 20% reduction in the carbon target in Wales.

3.3. In reply to Q13, many of the respondents emphasised their desire to see Welsh regulations pushing fabric performance, in preference to the introduction of renewables into policy. This contradicts slightly the majority support for a 20% reduction in the carbon target which can only be achieved with renewables in the policy. This may indicate that the consultation did not highlight sufficiently how far advanced the fabric standard is currently in England and Wales.

3.4. Conversely, there were a large number of responses expressing the view that policy should be the same between England and Wales.

3.5. Primary Energy Target (Q12)

- a. There was overall support for a primary energy target in Welsh policy with the majority of support coming from those that wish to promote fabric energy efficiency in Wales.
- b. Those that did not agree did so generally because they do not want to see inconsistency with England.

3.6. The majority support was for a 10% improvement in primary energy over 2010 levels though a commonly cited reason was that the only Target CO₂ Emissions Rate (TER) offered without PV included a primary energy target of 10%.

3.7. Issues with fabric and services targets (Q14)

- a. It appeared that the most vociferous technical-responses were from the warehouse and modular buildings industries. The warehouse industry would like to see further dispensations given to 'small' sheds.
- b. Given that England have agreed three gradations of air-tightness for three different levels of warehouse size the analysis suggested granting the same dispensation in Wales. Warehouses less than 3,000 m² would have an air-permeability of 7 m³/m²/hr. Those between 3,000 m² and 10,000 m² would have an air-permeability of 5 m³/m²/hr. Those greater than 10,000 m² would have an air-permeability of 3 m³/m²/hr.
- c. The modular and portable building industry wants us to address certain technical aspects of SBEM that have been resolved with them since the publication of the consultations in England and Wales.

3.8. Carbon Target (Q16)

- a. Majority support was for a 20% carbon reduction on 2010 levels mainly so that the reduction is carried out in "one hit" rather than having to reduce further in 2016.
- b. However, a significant minority (26%) favoured 11% mainly because this involves no PV. In some cases this is because:
 - i. respondents were against building integrated renewables generally
 - ii. the introduction of PV to the notional was sometimes perceived to mean that PV would be mandatory in the actual building, a misconception that needs to be dispelled.
- c. Those preferring lesser targets (including no change) generally cited the fragile state of the economy as reason for caution.

3.9. Small buildings and buildings of a domestic nature (Q18)

- a. The question of whether Wales should explicitly regulate for small buildings and buildings of a domestic nature was addressed in both the section on L2A and also the section on compliance.
- b. Compliance was given as a common reason for the majority support in favour of separately regulating with many respondents citing reduced burdens on SMEs.

3.10. It was suggested that because 'small buildings' and 'buildings of a domestic nature' were both addressed by the consultation the two were somewhat conflated in responses.

3.11. This may pose some issues for policy:

- a. Many respondents felt that buildings of a domestic nature should come under the auspices of Part L1A despite the fact that:
 - i. the proposed recipe for domestic is significantly more onerous than for non-domestic – and hence more onerous on SMEs.
 - ii. In addition, SAP is not set up to model non-domestic buildings such as hotels and student halls of residence. In particular SAP would seem unsuitable to model very large hotels that might be caught under a definition such as "of a domestic nature".
- b. It is possible to separately legislate for small buildings under, say, 250m² regardless of their use. This was proposed in a small way in the consultation with these small buildings having a less onerous air-tightness specification.

3.12. How any renewables target might be set (Q15)

- a. As a result of respondents' desire to emphasise energy efficiency, and not give undue weight to PV, the majority support was for any renewables target to be expressed in carbon rather than % roof or floor area of PV.
- b. The analysis suggested that there are potential benefits and drawback to adopting the view expressed in a):
 - i. On the one hand this distracts from the principle of a recipe which can be helpful to designers looking for a starting specification.

- ii. On the other hand it might encourage designers to review other renewable technologies.
- iii. An additional consideration is that a fixed carbon target cannot take into consideration feasibility (i.e. the area of roof available).

3.13. Mixed Mode Notional Building (Q19, Q17)

- a. The majority of respondents did not feel competent to answer whether the notional building should always be mixed mode.
- b. However a significant minority (32%) were in favour and of those that “did not know” may said they supported the principle of encouraging the uptake of natural and mixed mode ventilation.

Chapter 4 - Cumulative impact of policies

4.1 The RIA, published as part of the consultation, covered the life cycle cost of implementing proposed measures for new dwellings, new non-domestic buildings and all existing buildings and the approach taken to assessment.

4.2. Q23 asked whether respondents thought the assessment of the impact on development is broadly fair and reasonable.

- a. Most respondents (36 No.) felt that they did not know.
- b. Of those whose answered 'Yes' or 'No', a slight majority thought it was fair and reasonable
- c. Those most in disagreement were Builders/Developers and 'Property Management'.

4.3. According to some respondents, the RIA gives evidence for the lack of viability leading to outcomes that directly contradict other Welsh Government policy. It is suggested that the assessment omitted consideration of the following Welsh and other Government policies:

- a. S42 of the Flood and Water Management Act 2010 (adopted sewers and lateral drains for developments of <5 houses).
- b. S106 agreements that are demanding pre-recession contribution levels (particularly affordable housing with a Welsh Government target of 7,500, 30% over 4 years)
- c. Proposed new rules on fire sprinklers if introduced
- d. Logistics and administration of different Part Ls in England and Wales will be more difficult and add cost to the supply chain
- e. Choices made in England in respect of Part L and planning
- f. A slower, more costly planning system in Wales, with the additional cost of Planning for Sustainable Buildings (PfSB)

4.4. Some respondents suggested the assessment is based on over optimistic assumptions and projections, specifically in relation to:

- a. Affordable Housing and assumptions made in Tables 3.5 - 3.7, especially the zero affordable provision assumed for the higher land value areas

- b. One respondent suggested that the illustrative impacts in Table 3.4 under-represented the costs to their business as a result of the house type mix they employ (details supplied): it was suggested the assumed mix (based on 2010 National House-Building Council (NHBC) data) may not reflect actual
 - c. Figures used within the RIA in relation to Section 106 costs are on the low side, based on current policy and requirements
 - d. Allowance has been made for remedial costs within the RIA, substantially lower than actual (data provided in support)
 - e. Viability sample has concentrated on areas where most development is likely at the expense of the rural areas where development will be severely affected
 - f. Proposals significantly underestimate the areas with very low or negative land values.
 - g. Assumptions provided within the viability test generalise viability. Viability differs across authorities, with the lower levels of viability tending to be found in the areas of greatest affordable housing need.
- 4.5. It was suggested that the impacts of the proposals would be:
- a. The Welsh market is unable to absorb additional costs
 - b. Additional capital costs cannot be passed on through higher property prices meaning the burden lies with the building contractors.
 - c. The proposed measures would increase disparities of housing need within Wales as a whole
 - d. Land values will not reduce in the short term since there will not be any increase in land availability whilst pressure to create extensive amounts of new housing and supporting infrastructure will remain. The net effect will be increased development costs and reduced social housing contributions until such time that land values adjust.
- 4.6. Recommendations from respondents included:
- a. The Welsh Government should adopt 'one-in one-out' (Confederation of British Industry: Wales (CBI))
 - b. It was suggested that the RIA needs to factor in the full costs of less homes being built from the proposals, including policies omitted, accurate costs and assumptions, and the lost jobs in construction and manufacturing.

- c. The HBF provided a detailed report assessing the cost assumptions as well as considering the cumulative cost of legislation. They concluded that the proposed changes would make development in large areas of Wales unviable.
- d. Re-assess economic impact in light of the need to provide more affordable housing and develop employment sites, particularly in marginal areas
- e. Consider demand-side incentives (as in England / Scotland)

Chapter 5 - National planning review

5.1 Questions were included as part of the consultation pertaining to the proposed national planning policy review. Responses were invited in relation to the current 'Planning for Sustainable Buildings' (PfSB) policy and the future role of the planning authorities in securing low carbon development.

5.2. Q24 asked about the role for planning in facilitating higher carbon standards and whether the focus should be on facilitating site wide energy opportunities.

5.3. There was a broad split of responses, with a perceived majority in favour of a role for planning. Within this, suggestions about the role were varied as follows:

- a. focus on Local Development Plan (LDP) policies (e.g. minimum percentage of development area to achieve higher targets) and REAs informing analysis of strategic sites
- b. facilitate site-wide and inter-site opportunities for renewable energy and a range of infrastructure
- c. early embedding of sustainability within design (e.g. TAN12/DAS)
- d. retention of PfSB

5.4. Those opposed cited Part L as the more appropriate vehicle and mentioned the avoidance of duplication, complexity and cost. There was also a view that planners lacked technical understanding and sufficient resources

5.5. There was concern by all to minimise:

- a. inter-authority variation
- b. prescriptive energy solutions
- c. s106 contributions
- d. involvement of planners in technical detail associated with meeting energy/carbon performance targets
- e. bureaucracy for buildings built to low or zero carbon standards
- f. incompatibility of compliance routes

5.6. Q25 asked about the implications of policy of changes to PfSB methods where there was a broad split between:

- a. those who viewed changes as a necessary part of a valuable process
- b. changes as a more disruptive, complex and costly intervention

5.7. The implications suggested were:

- a. simple amendment to policy wording
- b. burden to re-align if iterations become less relative to previous versions
- c. important to retain, but potential need for Welsh versions
- d. generally greater confusion, uncertainty and increased cost
- e. policy should confine itself to utilising rating bands (not individual credits)
- f. increased overlapping of Planning & Building Control legislation
- g. inability to plan, develop, establish and improve standard solutions

5.8. Q26 requested views as to whether PfSB incurred disproportionate costs. The majority of respondents didn't know but, of those who expressed preference, there was a slight majority who felt costs were not disproportionate:

- a. costs are minimal compared to the benefits delivered (minimising poor design and construction at early stage)
- b. life cycle benefits of displaced energy consumed and Low-Zero Carbon (LZC) energy generation
- c. un-measurable benefits (marketing value, etc)
- d. supply chain now geared up to deliver

5.9. Those who believed that cost is now disproportionate, cited:

- a. Cost of additional bureaucracy / unnecessary duplication
- b. PfSB now incorporated into standard practice (so no need for certification)
- c. Avoidance of up-front and at risk costs whilst still securing the benefits
- d. PfSB unrecognised by valuers or customers, so developers and customers do not secure any or full potential return on investment

5.10. Other responses included the answer that it would depend on the size of scheme

5.11. Q27 asked about the role of Local Planning Authorities (LPA) setting higher standards and how to ensure level playing field

5.12. A slight majority of respondents seemed to be against LPAs setting higher targets & preferred having national standards to ensure level playing field. Reasons for opposing target setting were:

- a. Target setting not part of planning remit and don't have expertise or resource
- b. Greater consistency; avoids one upmanship such as created by Merton
- c. Uplifted targets inappropriate in less wealthy areas, planning not subject to Impact Assessments

5.13. Those in favour of planners setting targets wished the flexibility to do so but within a national framework (one respondent suggested a national cap).

5.14. Others suggested LDP/ Supplementary Planning Guidance (SPG) as the mechanism, with targets accounting for local development types / needs of a particular area) and set at a Master Plan and macro level to ensure that developments are linked to existing infrastructure and facilities.

5.15. In respect of the specific planners role, suggestions included:

- a. unlocking the potential for district energy schemes through strategic planning and cross border co-operation
- b. working with Government to aid enforcement and to trial new standards
- c. enforcement; site review of standards, during and after build

5.16. Respondents made the following suggestions:

- a. investigate use of Section 7 of Scottish Building Standards
- b. planning authorities to demand additional measures, perhaps selected from a standardised scale

5.17. Q28 asked about the positive/negative impacts of removing Part B of the PfSB policy. There was roughly equal mix of positive and negative impacts as follows:

5.18. Impacts viewed as positive included:

- a. reduces administration and demand on planning resource, speeding up the planning process (less delays)
- b. reduces duplication and simplifies the design and on site process
- c. clarity improves industry confidence and ability to plan, incentivising site starts and increased housing output through improved viability of marginal sites
- d. reduces conflict with other statutory demands
- e. removes questionable / inappropriate requirements i.e. cycle sheds
- f. removes PfSB which is not fully understood or recognized by customers, valuers, lending institutions, or in many instances, local planning authorities

5.19. Impacts viewed as negative included:

- a. alternative robust framework for enforcement of regulatory requirements will need to replace certification framework
- b. will lead to different authorities having different requirements from one area to another, resulting in more inconsistency, uncertainty and higher costs
- c. less sustainable standards e.g. no water efficiency within design of new builds
- d. perception of Welsh Government sustainable aspirations taking a step backwards
- e. increasing differential standards between private and public sector e.g. Housing Authorities (HA). In order to receive grant aid all HA properties have to be built to Code Level 4
- f. resources wasted on training officers to deal with Code for Sustainable Homes (CfSH) / BREEAM
- g. serious negative impact on environmental building standards
- h. loss of industry including; assessors, ecologists, acousticians
- i. Welsh businesses that have resourced themselves for delivery of PfSB compliance will undoubtedly lose a large chunk of local demand
- j. some aspects of design, e.g. orientation of buildings are best considered at the planning application stage whilst corrections are able to be made

5.20. Actions suggested by respondents:

- a. One respondent suggested strengthening the requirement of DAS (Appendix 3, apart 3.2 of TAN12) to further incorporate sustainable building issues.
- b. One respondent suggested that the Welsh Government produce a comparison chart outlining which sustainable buildings issues are required under PfSB and which issues are already picked up by existing Building Regulations and which are 'left over'.

5.21. Q29 asked if there was a better way than national planning policy to secure higher standards or whether there was an opportunity to change Regulations.

5.22. Again there was a broad range of responses, with a roughly equal mix of those who wanted regulations to be altered (or wished for removal of PfSB) and those in support of planning mechanisms (or believed regulations could not replace PfSB).

5.23. For those in support of altering regulations, removing PfSB or other mechanisms, suggestions included:

- a. Market forces will drive sustainable buildings via increased utility costs;
- b. Provision of support to educate the user marketplace to reward exemplars by favouring their efforts
- c. A “labelling” scheme along the lines of the Scottish “Section 7”.
- d. Combine Building Regulations with voluntary approaches.
- e. Incentives such as relaxing taxation, setting VAT at 5% for all building RMI/energy conservation work (one respondent suggested basing this on bandings for CO₂/m²/year). Other fiscal measures proposed included a ‘Fee for Intervention’ regime whereby administrative costs are ranged against the duty holder if there are material breaches of Building Regulations.
- f. Better enforcement and improved on-site standards.
- g. Post occupancy monitoring was suggested, involving receipt of returns of energy meter readings for 3 years reviewed against “design”.
- h. Adapt the Welsh Housing Quality Standard (WHQS) and/or incorporate sustainability within the ‘Proposed Duty to Co-operate (Housing Associations)’

5.24. Specific opportunities for future changes to Building Regulations included:

- a. Incorporation of climate change adaptation measures;
- b. An elemental approach to Part G – water efficiency enforced by Building Control Bodies (BCB)
- c. Increased use of Self-Certification Competent Persons Schemes
- d. Green guide (bespoke Welsh 'MAT 1' type calculator), building user guides.
- e. Update Part J and F to allow for efficient pellet stoves, etc
- f. Phase out HFC with natural gases such as CO₂ (e.g. for heat pumps)
- g. Capturing carbon in construction (assume this relates to the use of timber)
- h. Include such issues as construction waste and product specification
- i. Inclusion of Lifetime Homes standard in to Part M;
- j. More guidance on permitted developments

5.25. For those in support of planning mechanisms (i.e. those that thought regulation could not replace PfSB), most respondents were in favour of retaining PfSB, citing:

- a. A framework such as PfSB is needed due to covering wider sustainability issues, clarity and ease of approach
- b. PfSB and regulations play different roles (one is a minimum standard, the other attempts to raise standards) and the timing of input is different
- c. Removal of PfSB will increase the demand on Building Control Body (BCB) resource and impact detrimentally on levels of compliance. PfSB Assessors are more partners in terms of design, a very different role to that of the Building Inspector. Changing the approach will reduce innovation of the construction industry.

5.26. Some favoured use of strategic plans to enable community schemes, but still felt that consistent standards must be applied across Wales.

5.27. Some respondents highlighted negatives associated with regulation delivering sustainability:

- a. planning has greater flexibility to respond to change than regulation;
- b. The Scottish example clearly shows the ineffectiveness of the regulations mechanism, resulting in an ineffective, weak, prescriptive standard.

5.28. Q30 asks about the extent that duplication is an issue and whether removal of PfSB would help. An extensive range of responses called for “no duplication” to “complete removal of PfSB and regulations only”, with various stances in between

5.29. Respondents that saw no duplication mentioned that PfSB were the only ‘holistic’ sustainable assessment methods currently available

5.30. Several respondents identified aspects of the energy requirements (e.g. Ene1) as the only overlap but others contested this view in that PfSB only uses the output from the SAP process/SBEM modelling (required by Building Regulations), and does not require additional calculations to be prepared.

5.31. The June 2012 report of the Local Housing Delivery Group (Standards Working Group) suggested standards beyond Building Regulations are unnecessary. Some respondents suggested removal of PfSB would remove duplication citing:

- a. Part L and CSH will require two types of SAP/SBEM
- b. The standards and approval systems are not mutually supportive and cause confusion, particularly around obtaining planning permission
- c. Planners do not have sufficient understanding of issues
- d. PfSB should be a mechanism for requiring above regulatory minimums

5.32. Q31 asked about opportunities for higher standards to be delivered on strategic sites identified as part of the Local Development Plan. An extensive range of responses was received, ranging from “no higher targets” to “allow higher targets on all sites” – with various stances in between

5.33. Many respondents agreed with LPAs having the potential to introduce higher targets for strategic sites. One thought a set minimum percentage of development to be delivered to recognised higher standards, with improvement at Local Authority discretion.

5.34. The differences in development scale was stressed and therefore no restriction of innovation to very large sites.

- 5.35. It was suggested that there is a lack of robust LDP policies to secure LCD.
- 5.36. The LDP policy evidence base (viability testing) will mean that only minimum standards would be delivered in most cases with key less likely to be developed out.
- 5.37. Many respondents suggested community scale renewables (e.g. district heating and CHP) but only for those at a large enough scale
- 5.38. It was suggested that greater support for implementation of site wide solutions could be provided to planners and developers, via development of energy mapping.
- 5.39. Adoption of enhanced LDPs that give guidance on acceptable scale / massing, energy use targets, would allow a more practical application of presumed consent.
- 5.40. Some respondents preferred higher standards for strategic sites achieved through a consistent national policy option (e.g. PfSB), citing greater inter-authority consistency and preventing developers opting to build in areas with lower standards.
- 5.41. BREEAM Communities to pursue sustainability on strategic sites was suggested.
- 5.42. A recommendations of the 3rd meeting of the Cross Party Group On Construction (26 June 2012), supplied by Construction Skills in Wales, was that the Welsh Government could amend TAN12 to ensure that developers understand the implications of the Building Regulations at the design stage of development

Chapter 6 - Existing buildings

6.1. The consultation covered the proposals for existing dwellings and non-domestic buildings, including raising standards for extensions and consequential improvements.

6.2. Q32 asked whether the respondents agreed with the proposal to raise performance standards for domestic replacement windows.

- a. This question was written in error; however, many people responded and there appeared to be an overall wish to raise the standards, potentially as high as new-build, and interest for them to be in line with whatever was decided in England to aid those working on both sides of the border.
- b. There was also a request for guidance to installers to minimise thermal bridging and air leakage.

6.3. Q33 asked whether the respondents agreed with the proposal to raise performance standards for domestic extensions.

- a. A large majority approved the proposal.
- b. Common requests to align with new-build standards / English Part L changes.
- c. Ensure care is taken to avoid significant thermal bridging.
- d. The National Association of Rooflight Manufacturers (NARM) recommended that the U-value standards for rooflights should be less stringent than for windows.
- e. Two trade associations suggested that there may be some difficulties in matching the existing building to the extension.

6.4. Q34 asked whether the respondents agreed with the proposal to raise performance standards for non-domestic extensions.

- a. A large majority approved the proposal to save energy.
- b. There was a common request to align with new-build standards.
- c. There was a slight difference between standards for buildings domestic in character and those in ADL1B.
- d. Two respondents suggested that buildings that are essentially domestic in character should come under the scope of ADL1b.

- e. Two trade associations suggested that there may be some difficulties in matching the existing building to the extension.

6.5. Q35 asked whether the exemption for conservatories and porches should be removed when an individual room heater or air conditioning unit is installed.

- a. Overall, there was approval for this proposal but some respondents felt that as conservatories are typically conditioned in practice, the exemption should be removed completely or the floor threshold reduced. This aligned with the concern that it would be difficult in practice to stop occupants subsequently conditioning the extension.
- b. There was also a concern that where the BCB issues an exemption certificate, the property is rarely visited and no confirmation that the space had not been conditioned. There were also a number of requests for a definition of a conservatory (the Glass & Glazing Federation (GGF) proposed one in their response).

6.6. Q36 asked whether the consultees approved the introduction of consequential improvements for extensions/conversions in homes below 1000m².

- a. Most respondents agreed with the proposal as a means of mitigating the increased energy use and help future-proof the building.
- b. One BCB suggested that works should be fully exempt below 10m² as disproportionate disruption and cost.
- c. One respondent suggested that an extension could result in very little energy increase – with the space heating load being lower than for the main house and the fact that you are replacing a poorly insulated external wall with a well insulated extension. There were some concerns expressed that it would result in a significant reduction in constructing extensions/conversions or such works not being notified to BCBs to avoid undertaking consequential improvements.

6.7. Q37 asked whether the consultees approved the list of measures for domestic consequential improvements.

- a. Respondents supported the measures as being practical and cost-effective.

- b. There were alternative measures proposed – many by those involved in the manufacture or supply of these measures – and suggested linkages to Green Deal Assessments.
- c. Several highlighted the importance of clear guidance on when cavity walls should be filled given the risks where high external exposure.
- d. A couple of respondents questioned that the amount of loft insulation should be increased to either 270mm or 300mm.

6.8. Q38 asked how the requirements of consequential improvements would impact on the demand for repair, maintenance and improvement (RMI) activity.

- a. Uncertainty if RMI activity included the extension/conversions themselves.
- b. Similar numbers thought that demand would stay the same / reduce.
- c. One comment was that consequential improvements are open to interpretation and financial manipulation and does not have the intended impact.

6.9. Q39 asked about introducing consequential improvement for extensions/conversions for non-domestic buildings below 1000m².

- a. Majority of respondents agreed with the proposal.
- b. One BCB suggested that it should apply only to buildings greater than 250m².
- c. There could be a reduction in the amount of extensions/conversions, builders may avoid notifying BCBs to save implementing consequential improvements and the system for consequential improvements is too open to manipulation.

6.10. Q40 asks whether consultees agreed with the proposed set of lists for smaller non-domestic consequential improvements.

- a. The majority of consultees agreed with the proposal.
- b. There was a suggestion that in addition to the lists, the respondent could do energy calculations before and after the buildings to demonstrate no additional CO₂ emissions.
- c. Alternatives to the lists should be allowed – this is already allowed for.

6.11. Q41 asks whether there would be a problem for the building control process in extending the requirement for consequential improvements.

- a. A similar proportion said that there would and would not be an issue.
- b. Those that suggested that it would not be an issue highlighted that competent person schemes cover many consequential measures and processes already exist for >1000m².
- c. Two BCBs raised concerns of different interpretations of the regulations and the need to police a level playing field.
- d. One BCB raised the need for media coverage before coming-into-force.
- e. Concern that BCBs would not have the resource to implement the proposal

6.12. Respondents to Q42 provided other comments to the proposed changes to ADL1B:

- a. A respondent highlighted an issue in knowing the current U-value when assessing the improvement to a retained wall. This is not related to a change in ADL1B.
- b. The British Electrotechnical and Allied Manufacturers' Association (BEAMA) have raised an issue regarding the domestic building service compliance guide.

6.13. Respondents to Q43 provided other comments to the proposed changes to ADL2B:

- a. There was a question regarding the competency level for Energy Assessors undertaking design flexibility calculations.
- b. There was a suggestion from the Council of Aluminium Buildings for the U-value of windows for buildings that are domestic in character to be retained at 1.8.

6.14. Qs 44 to 46 asked whether the RIA was fair and reasonable for the various changes. In the main, the significant majority of respondents responded 'don't know' principally due to the lack of knowledge or expertise. The main comments were that information was not sufficiently broken down for the consultees to assess their component.

6.15. Q56 – General comments

- a. The Farmers' Union of Wales (FUW) was concerned that retro fitting insulation, for example on older houses, can significantly reduce the lifespan of roofs, due to the build -up of condensation in the eaves and increases potential fire risks due to electric cables heating up under insulation.

Chapter 7 - Compliance and performance

7.1. This consultation covered proposals for improving compliance and building performance. This section presents views on various approaches and their likely effectiveness, including the need for a checklist / PAS, responses to the suggested recipe for buildings “domestic in nature”, thoughts on re-formatted Approved Documents, and the comments made in response to the more open questions regarding ways to improve compliance.

7.2. Q47 asked whether a Welsh Government developed compliance checklist for new homes would be used sufficiently to warrant its development?

- a. The majority of respondents (53%) thought that such a checklist would be used sufficiently to warrant its development against 11% of respondents who did not think it would be sufficiently used
- b. All 11 No. responses from the ‘Building Control Bodies’ sector thought the checklist would be used sufficiently to warrant its development and the ‘Specific Interest’ group was also in favour (considering ‘yes’ and ‘no’ responses).

7.3. Respondents interpreted the scope of the checklist in different ways and, therefore, several checklists could be developed, but scope requires better definition.

7.4. Q48 asked, if such a checklist was developed, what it should cover

- a. Range of responses from those requiring a very broad and all-encompassing list to those who wished to list to be very focused on particular areas.
- b. Checklist should concentrate on energy matters e.g. thermal performance
- c. Existing checklists were identified by respondents as being similar or useful to refer to and / or adapt, including the 2006 Part L checklist.

7.5. Q49: asked if the checklist was taken forward, who should be involved in its development?

- a. Wide range of responses was received.
- b. Building Control Bodies were frequently mentioned, as were SAP Assessors, architects and developers.

- c. Some trade bodies also offered to be involved.

7.6. Q50: asked whether any other approach would be likely to prove more effective (e.g. PAS)?

- a. Similar numbers of respondents answered “yes” (20%) and “no” (22%) to this question
- b. Almost 60% did not express a view either way.
- c. No clear majority calling for an alternative approach.

7.7. Q51a & 51b asked whether it would 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

- a. Most of the respondents (60% of 55) thought it would be preferable to achieve compliance through applying the recipe in AD L1A for “buildings of a domestic nature”. In comparison, 15% did not think it was preferable and the remaining 25% were uncertain. Building control bodies were the highest proportion of respondents in favour of applying the recipe in AD L1A.
- b. Compliance was given as a common reason for the majority support in favour of applying the AD L1A recipe for buildings of a domestic nature, with many respondents citing reduced burdens on SMEs and expressing the view that AD L1A is a simpler policy than AD L2A.
- c. Those that replied ‘No’ (and a proportion of those that replied ‘Yes’) expressed concern that the policy might be used as a loophole. How would the policy deal with very large buildings of a domestic nature and buildings with complex systems (air-conditioning for example) that are not expressly dealt with by L1A? What about essentially non-domestic buildings that feature a single bedroom?
- d. A number of the ‘No’ respondents also felt that applying AD L1A to buildings of a domestic nature would not be as cost effective as applying AD L2A.

7.8. Q52 asked for additional views and suggestions for addressing compliance and performance issues in new non-domestic buildings. This question prompted a wide range of comments encompassing:

- a. Comments regarding particular elements/aspects of a building.
 - b. Comments regarding the Approved Documents and guidance.
 - c. References to SBEM and its scope of use.
 - d. A re-iteration of the desire for sufficient evidence to prove that as built performance is not being achieved.
 - e. The need for more detailed training of those working in Building Control.
 - f. The increased complexity for the industry of different Part L requirements in England and Wales, potentially leading to poorer levels of compliance.
 - g. An inconsistency in compliance and a need for better enforcement.
 - h. A suggestion to review the Department for Communities & Local Government (DCLG) Working Group report on compliance and performance as part of 2013 Part L work, for comparison.
- 7.9. Q53 asked if the newly formatted ADL1B was easier to understand and use
- a. Although equal numbers answered 'Yes' and 'Don't Know', very few respondents said No (only 6%). This implies that the suggested format change should be adopted, but there is a call for still more diagrams and pictures, and a reduction in the wordiness. Replication of the approach in the updated ADL 1A was also requested.
- 7.10. Q54 asked for any further amendments to the newly formatted ADL1B
- a. Some specific comments were made around the inclusion of definitions – conservatories, porches and foundation area, and there was a call for the addition of curtain walling to the table of compliance (in terms of the overall U-value) as it is increasingly being used for in domestic replacements.
 - b. There was also a request for a “quick start guide” to be provided for existing homes as well as new builds, with the scope extended beyond solely the building services to cover all energy efficiency measures (e.g. retrofitting of insulation).
 - c. A comment was also made about having the AD available as a “smart electronic document” enabling easy navigation.
 - d. Finally, there was a request to make further simplifications to improve the suitability of the ADL for SMEs/small builders, so that they could understand

the requirements and ensure consistent delivery across all of their construction projects.

7.11. Q55 asked for how the consultation proposals would impact on the work of Local Authorities (LA) and Approved Inspectors (AI). The responses to this question were wide-ranging:

- a. The additional resources that LA BCBs and AIs would need to devote to determining compliance (both in terms of initial training, and on a project by project basis) – workload, time and costs.
- b. Concerns that an increase in inspection fees, driven by additional and more detailed inspections will increase the cost of implementation and land viability.
- c. The need for development control planners to buy in to the new processes and recipe solutions.
- d. The risk of a greater proportion of unauthorised works.
- e. The need to ensure a consistency of approach to compliance across the country.
- f. The need for clear communication to customers regarding the transitional provisions.
- g. Support for the approach which has been proposed to deliver simplification for SMEs / small builders. However, some potential drawbacks were also noted.
- h. A potential new role for Self-Certification Competent Persons Schemes was identified.
- i. Concerns regarding the proposed different Part L requirements applying in England and in Wales, for those operating in both countries - customers (developers), designers, and supply chains - leading to higher costs both for training and for the final built product . Designers, building control bodies and warranty bodies will need to understand the difference in Part L requirements, and the differences in the format of the ADs will make it harder to understand them.
- j. A request that the results of post-occupancy evaluation of buildings should be made more widely available.
- k. A review of the overall operation BCBs in Wales was requested, particularly in respect of the differences between the operating regimes for LA BCBs and

Als, and a point was made that Als may operate cross-border (and should have a Welsh expert) whilst LA BCBs may primarily operate in Wales.

7.12. Q56 asked for general comments on proposals. Responses have been combined and allocated to appropriate questions. In some cases the difference between questions is quite subtle and not fully picked up by the readers. To be discussed. Topics included:

- a. Suggestions for improvements to the building services compliance guides
- b. Definition of a “zero-carbon home” and several requests for embodied carbon and whole-life carbon impacts of building materials.
- c. Concerns regarding the use of PV panels.
- d. Concerns regarding the historic building stock:
 - i. The need for more research – noting already identified gaps.
 - ii. Links to useful documents were provided by EST.
 - iii. Cavity Wall Insulation as a retrofit measure for existing buildings.
- e. Concerns relating to the supply chain and the removal of a harmonised market in England and Wales if the Part L requirements differ across the border; the need to brief manufacturers and developers about proposed changes, the need for different Parts of the regulations to be harmonised and for buildings themselves to be looked at more holistically.
- f. There was a suggestion that continually increasing standards supports innovation, and;
- g. That future heating by electricity (from a decarbonised grid) should not be discouraged now.

Chapter 8 - Government Response and Next Steps

8.1 The Welsh Government would like to thank all those who responded to the consultation and contributed to the evidence collected.

CO₂ Reduction

8.2 In July 2013, the Minister for Housing & Regeneration released a statement confirming that we would be legislating for an 8% reduction in CO₂ emissions for new housing, compared to Part L 2010 levels.

8.3 The Minister decided upon the 8% value after considering the social, economic and environmental impacts of the submitted evidence, much of which came as responses to this consultation.

8.4 It was decided that a greater improvement and cost would, at this time, have negative consequences, impacting on house building, employment and the economic position of Wales. 8% was judged to be a sensible step between the current requirements and the 25% to 40% consulted upon.

8.5 In September, the Minister released a further statement that outlined plans to legislate for a 20% reduction in CO₂ emissions for new non-domestic buildings and that 'consequential improvements' to existing buildings will be required where they are being extended, to mitigate the increase in carbon footprint.

Consequential Improvements

8.6 The changes will require all homeowners undertaking extensions or improvements, such as a loft or garage conversion, to meet improved fabric standards for walls, roofs and floors, whilst windows will remain at the current standard.

8.7 In addition, 'consequential' energy efficiency improvements to the original building will also be required.

8.8 These improvements would be based on three cost effective solutions where suitable:

- a. •Minimum standard of loft insulation;
- b. •Cavity wall insulation; and
- c. •Minimum standard of hot water cylinder insulation

8.9 We will introduce requirements that conservatories should not be heated or cooled - by fixed appliances - if they are to be considered exempt from the Building Regulations. If a conservatory is heated or cooled in this way it will be deemed an extension, meaning that the relevant fabric and fixed building services requirements will apply.

TAN22 / BREEAM

8.10 It was noted that there is a significant amount of duplication of the requirements of TAN22 / BREEAM in the Building Regulations. Therefore, to minimise duplication, future emphasis will be now be on making greater use of the Building Regulations to ensure that environmental / energy considerations are taken into account by designers, developers and building clients when planning building operations.

Next Steps

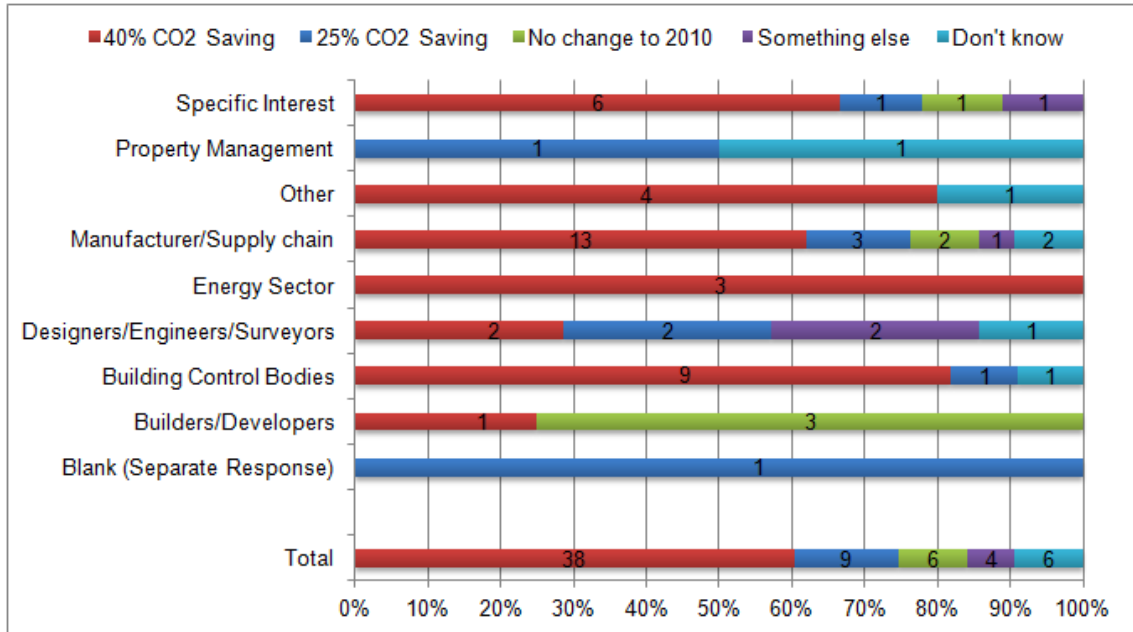
8.11 The regulations are due to be made by the Welsh Ministers in January 2014, for coming into force in July 2014.

8.12 In 2016 a further review of Part L will commence aimed at taking the next step towards 'zero carbon' new buildings (and nearly zero energy new buildings) as required by the Recast European Directive on the Energy Performance of Buildings 2010. The Directive requires this by 2019 for public buildings and 2021 for all other remaining buildings.

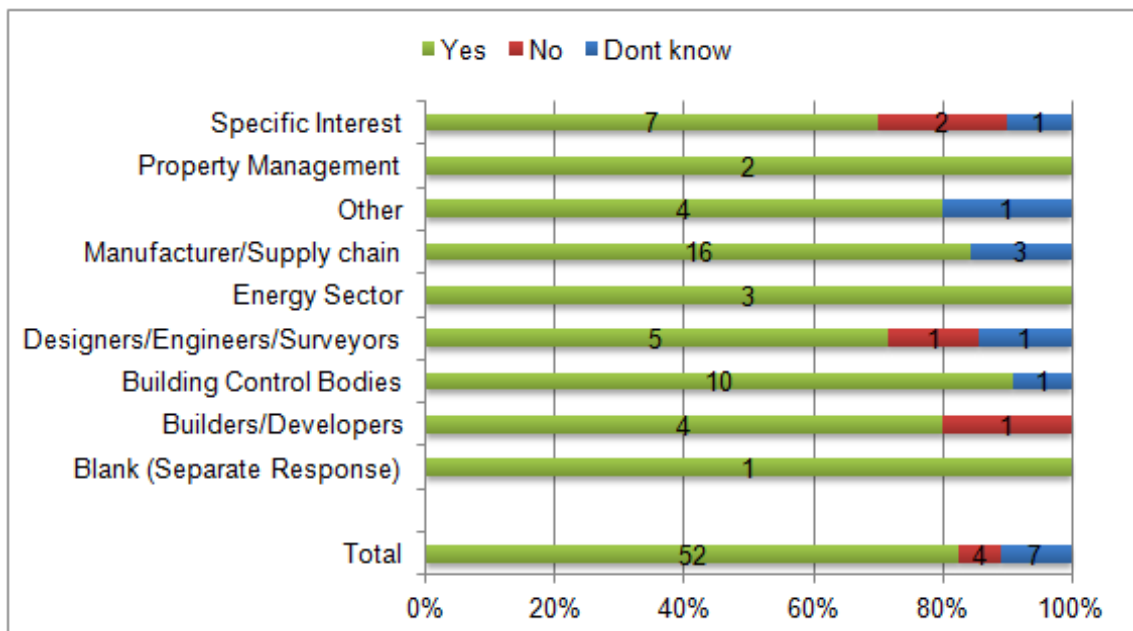
8.13 The removal of TAN22 is currently under review. This review will look at ensuring that none of its benefits are lost and are catered for elsewhere in the regulations.

Annex A - Brief summary of responses

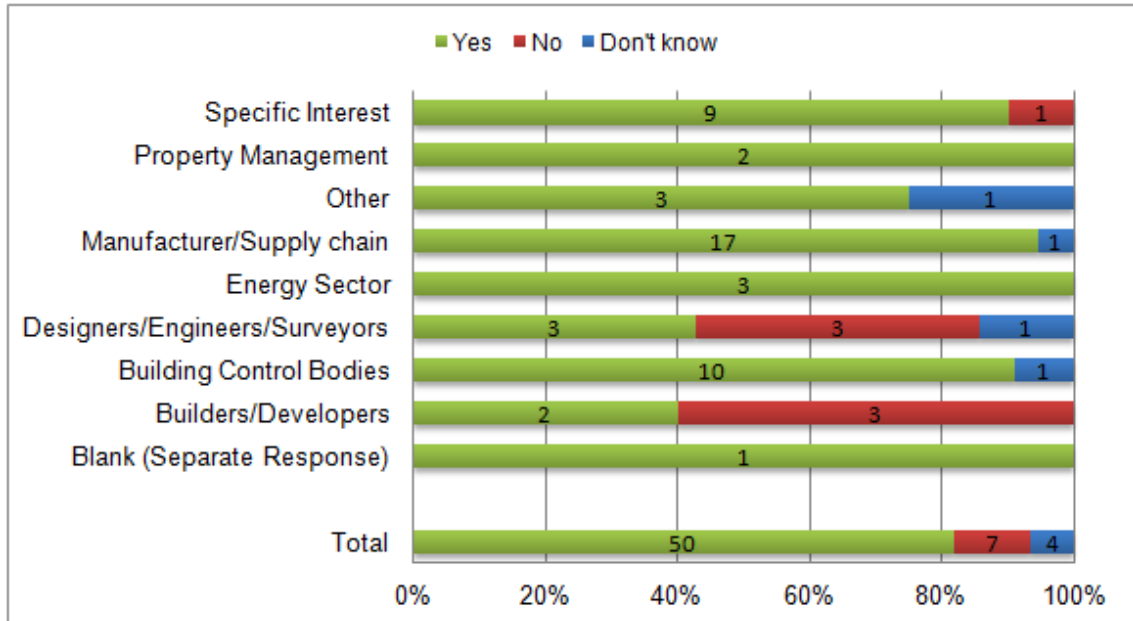
Question 1: Do you agree with the Government's preference for a CO₂ saving of 40% reduction in carbon dioxide emissions compared to Part L 2010?



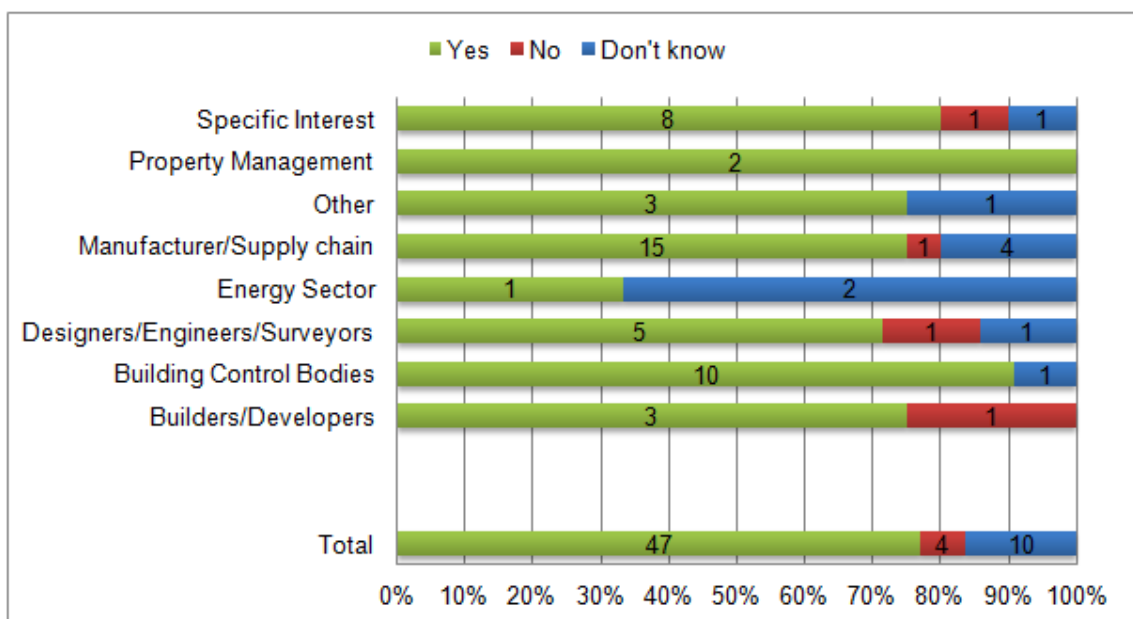
Question 2: Do you agree with the proposal for an 'aggregate' approach to CO₂ target setting for new homes in 2015? The CO₂ target for any individual dwelling varies depending on the ease with which the building can achieve the target, with the overall required CO₂ saving achieved when aggregated over the build mix.



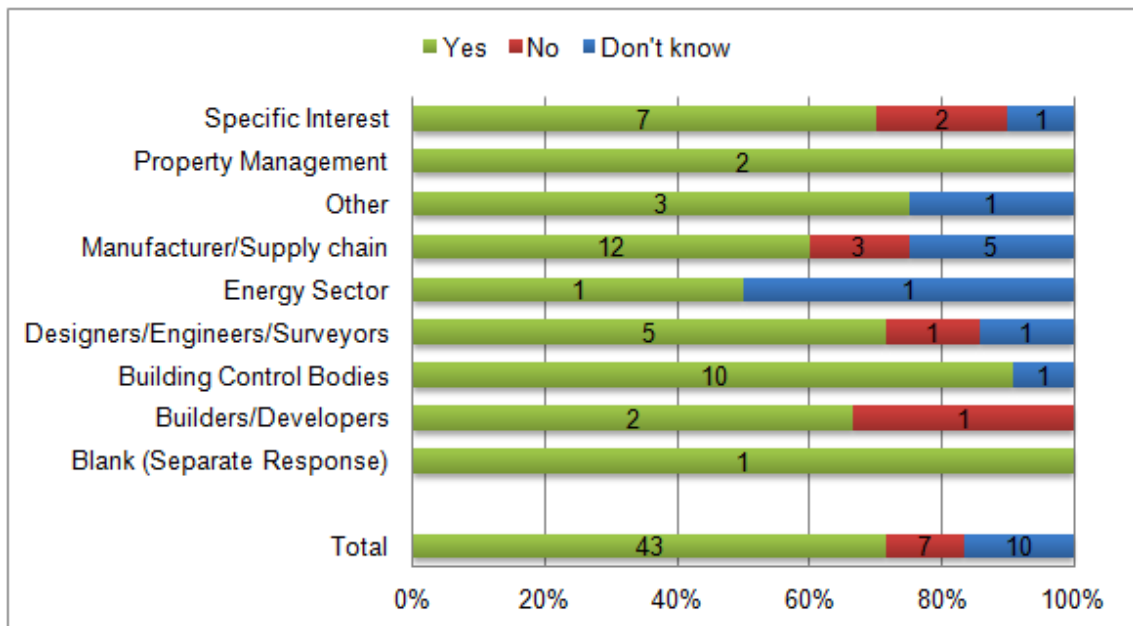
Question 3: Do you agree with the proposal for a compliant option based on a consistent recipe of elemental specifications for fabric, services plus an additional CO₂ saving equivalent to an amount of photovoltaic (PV)?



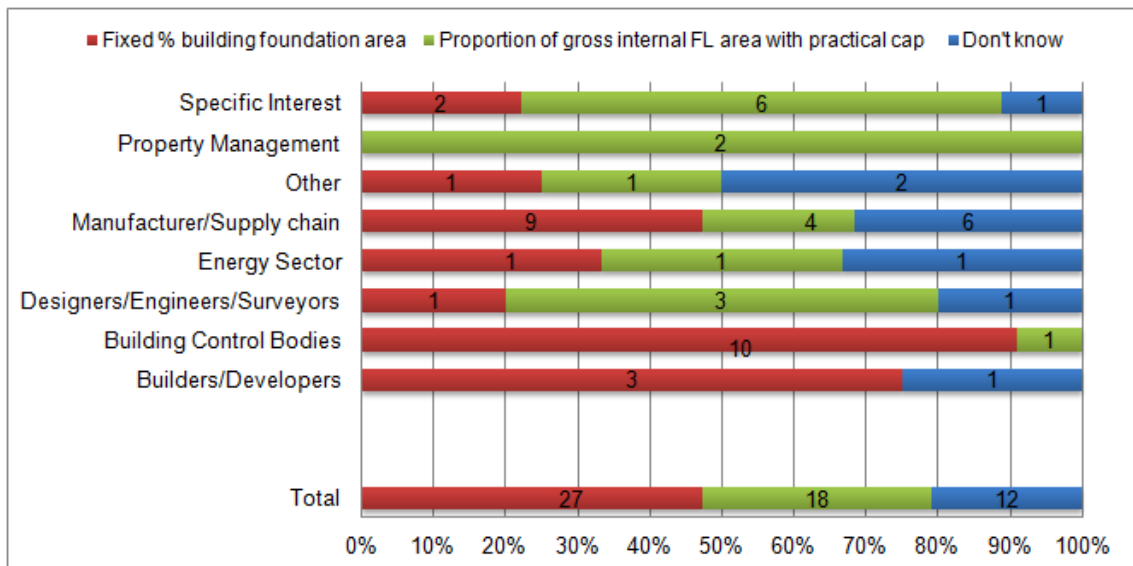
Question 4: The main difference between the recipes is the required system efficiency for each fuel, which is appropriate for the heating system type. By adopting this approach to different fuel types, there is no need for a separate fuel factor. Do you agree with the proposed approach?



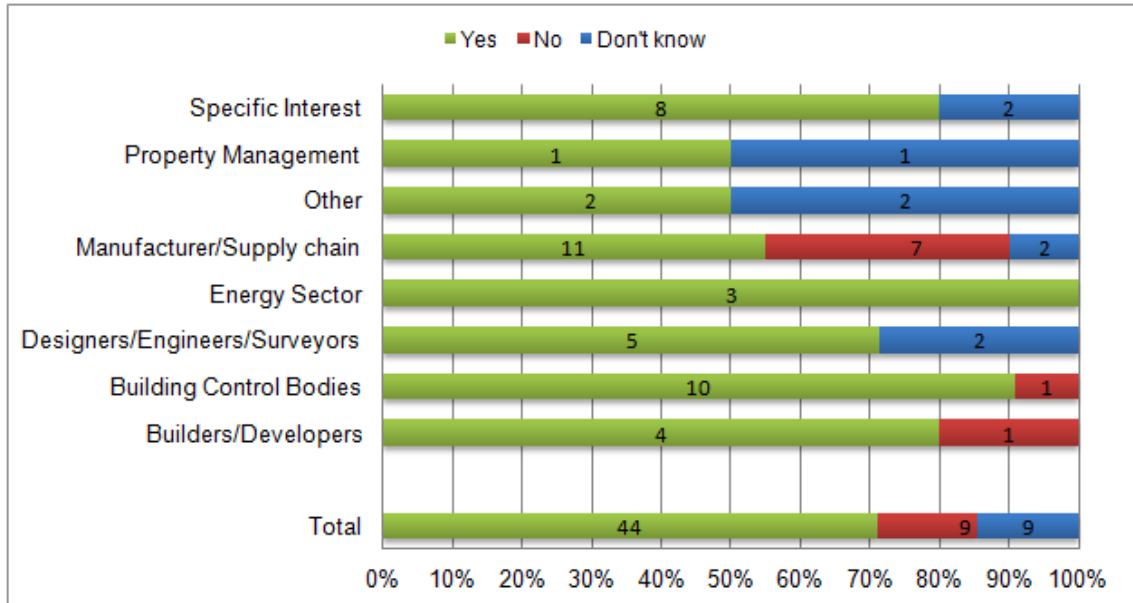
Question 5: For the CO₂ savings proposed, are the recipe specifications a sensible way of achieving them?



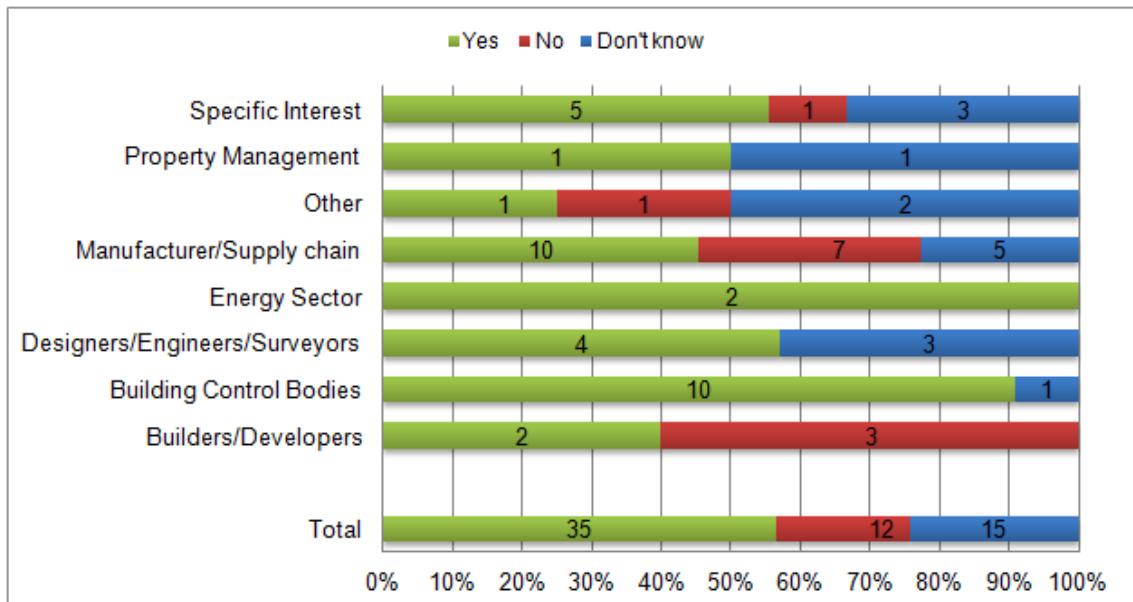
Question 6: In approaching the selection of the amount of PV to be installed on dwellings, which do you prefer?



Question 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?



Question 8: Do you agree with the changes to the ‘backstop’ values proposed?



Question 9: Do you have any other comments on the proposed changes to Approved Document L1A or the domestic National Calculation Methodology?

Key issues:

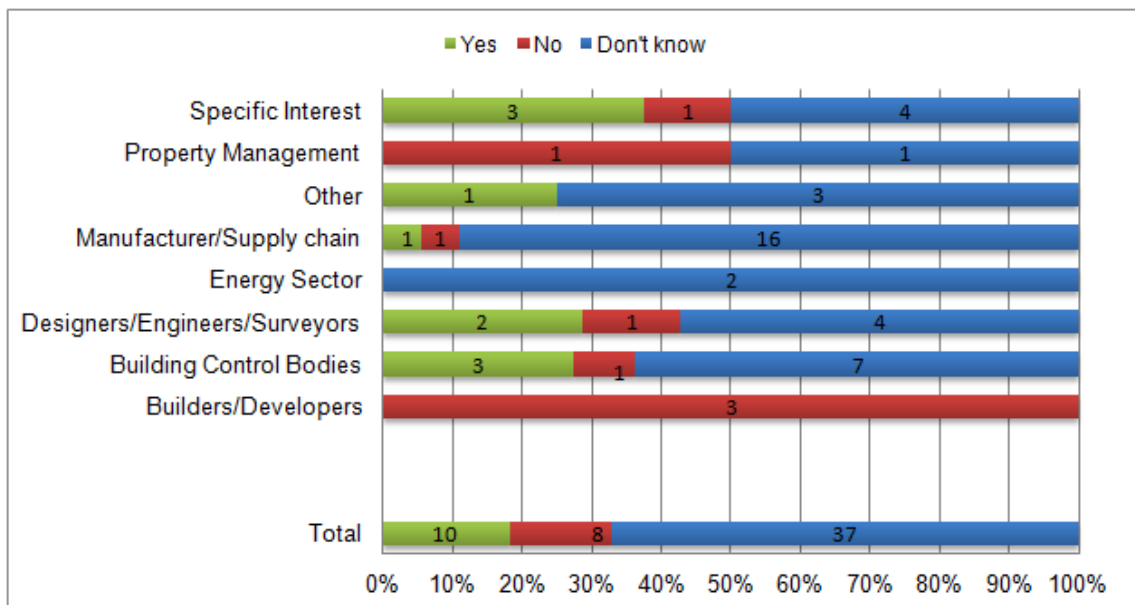
a concern over the risk of overheating

concern with the variation between the adequacy and accuracy of SAP;

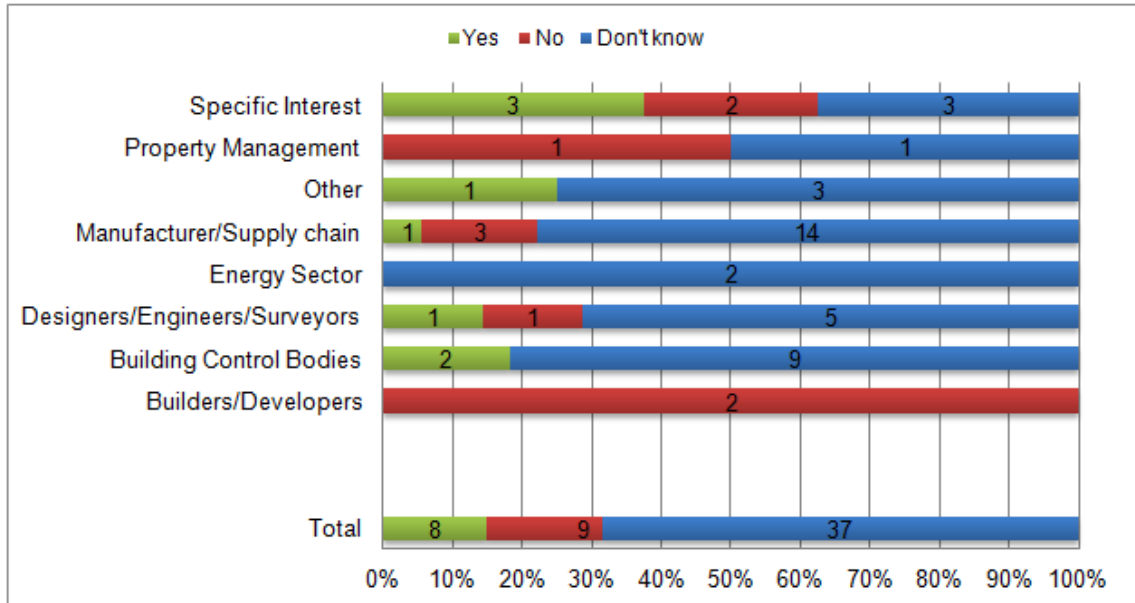
a query regarding the calculation of the y value of 0.09, and;

a need to improve transitional arrangements to reduce the spike in registrations under the current regulations just prior to the introduction of the new regulations.

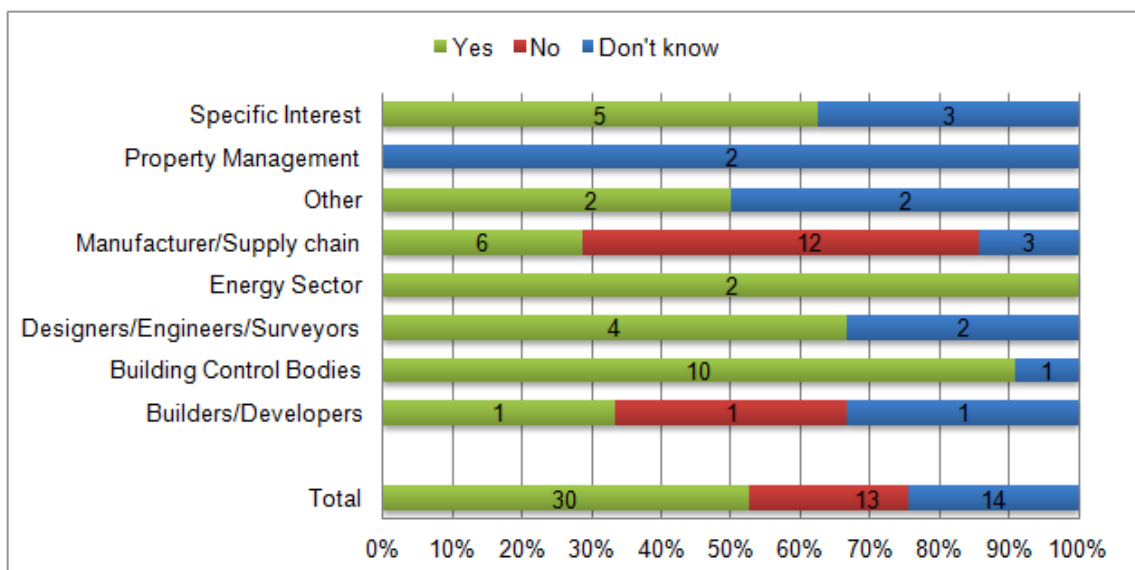
Question 10: The Impact Assessment makes a number of assumptions on fabric/services/renewable energy costs, new build rates, phase-in rates, learning rates, etc. for new homes. Do you think these assumptions are fair and reasonable?



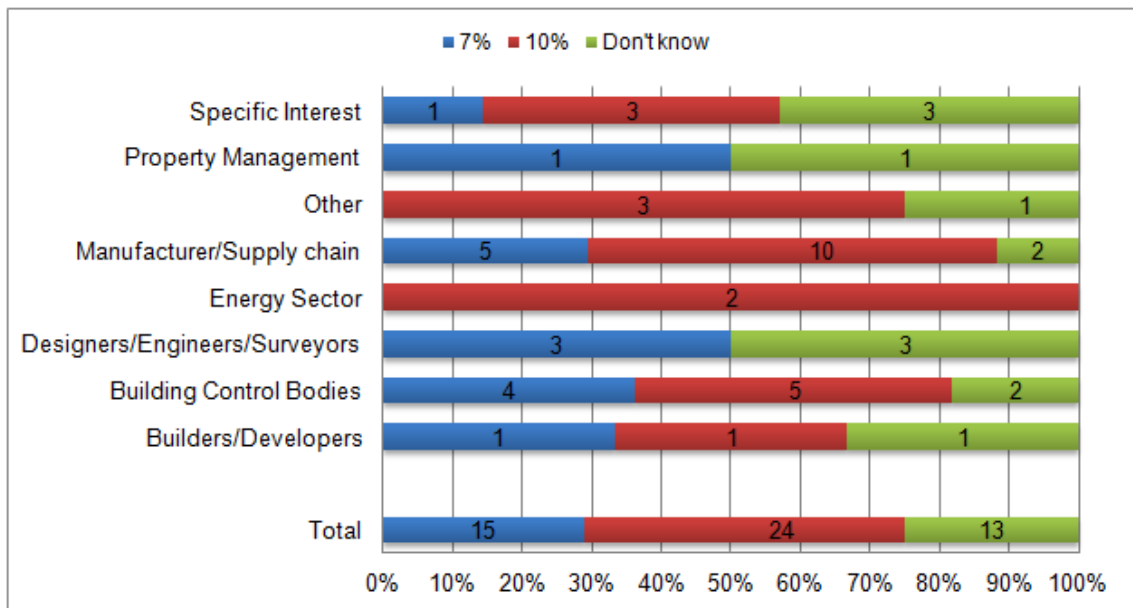
Question 11: Overall, do you think the impact assessment is a fair and reasonable assessment of the potential costs and benefits of the proposed options for new homes?



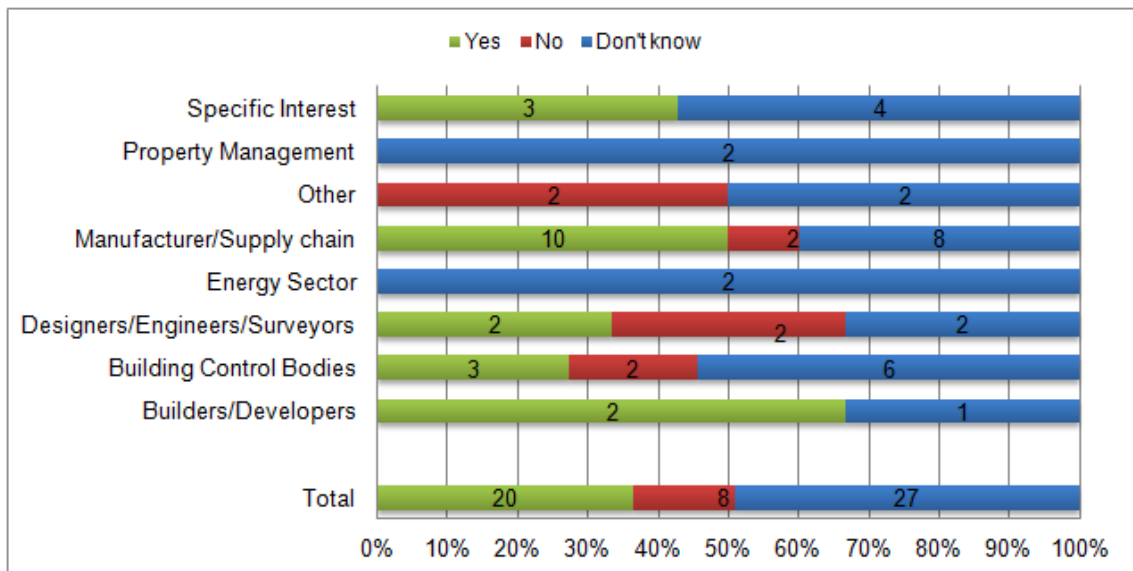
Question 12: Do you agree with the proposal for 2013 2014 for non-domestic buildings to explicitly regulate energy efficiency separately from low carbon technologies through the assessment of primary energy consumption (PEC)? Does PEC seem like a reasonable basis for standard setting?



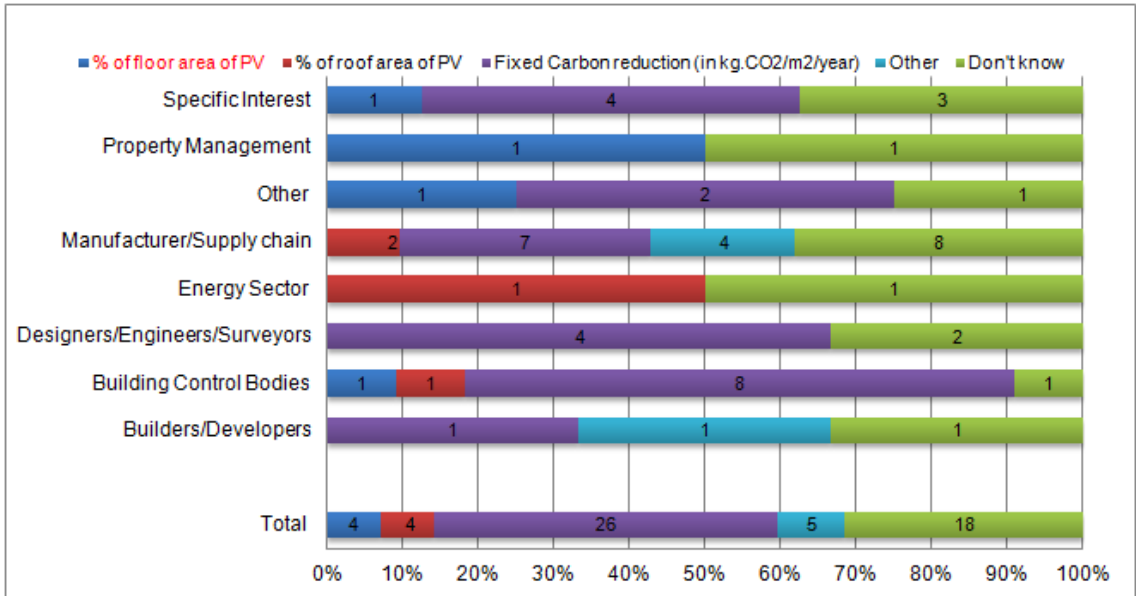
Question 13: Which package of fabric and services should be selected: 7% or 10%?



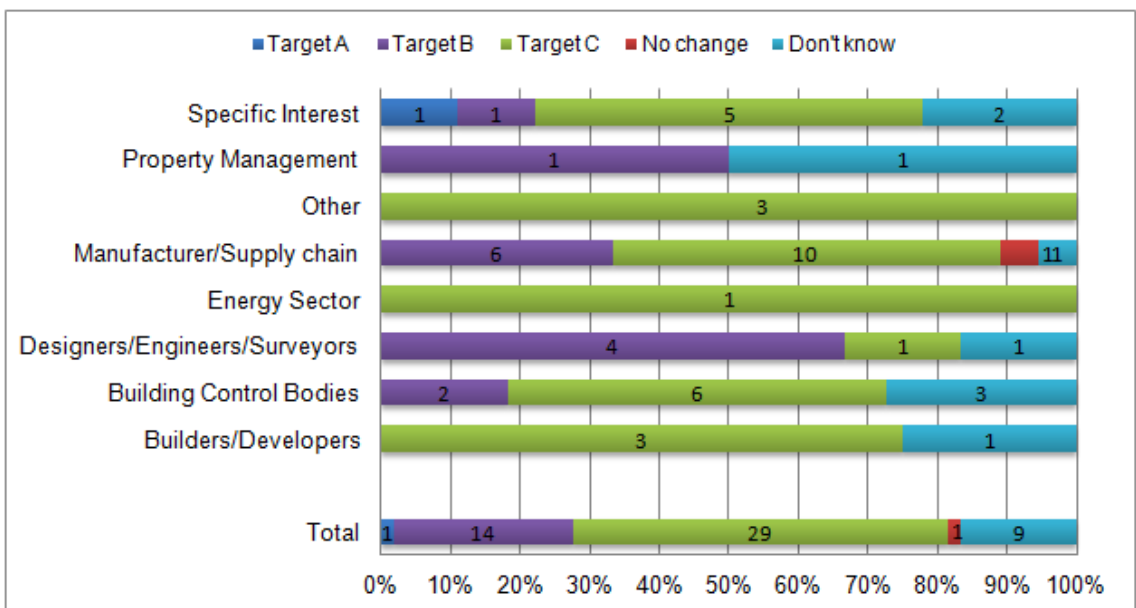
Question 14: Do you foresee any particular issues for certain categories of building to meet the TPEC or TER?



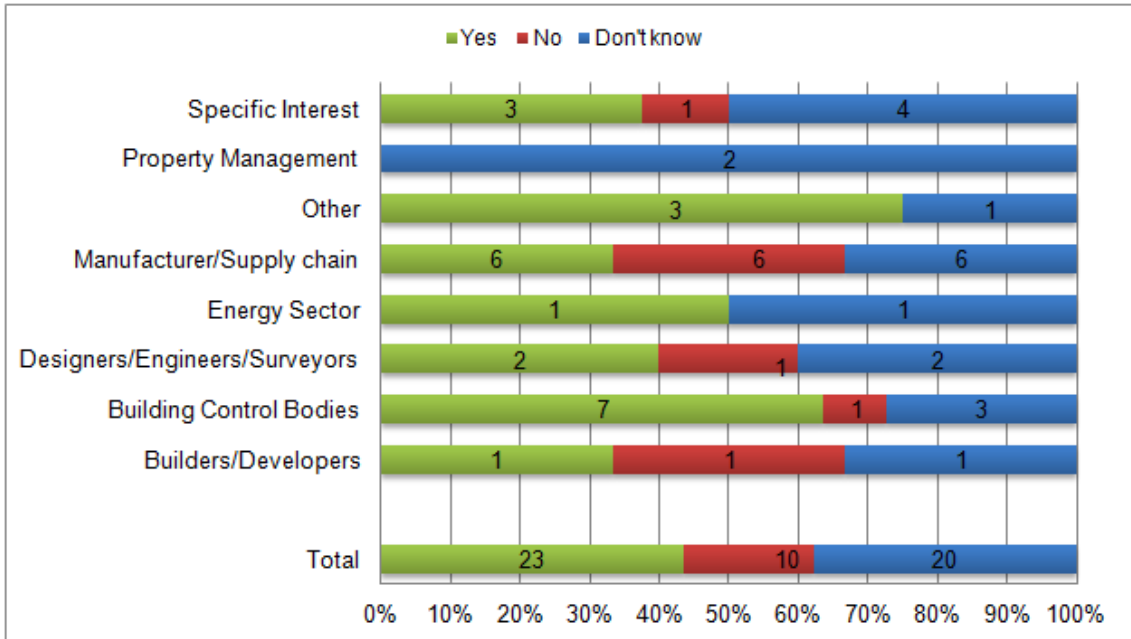
Question 15: Which approach should be utilised to incorporate the contribution of low carbon technologies into the setting of the Target Emission Rate (TER), for non domestic buildings?



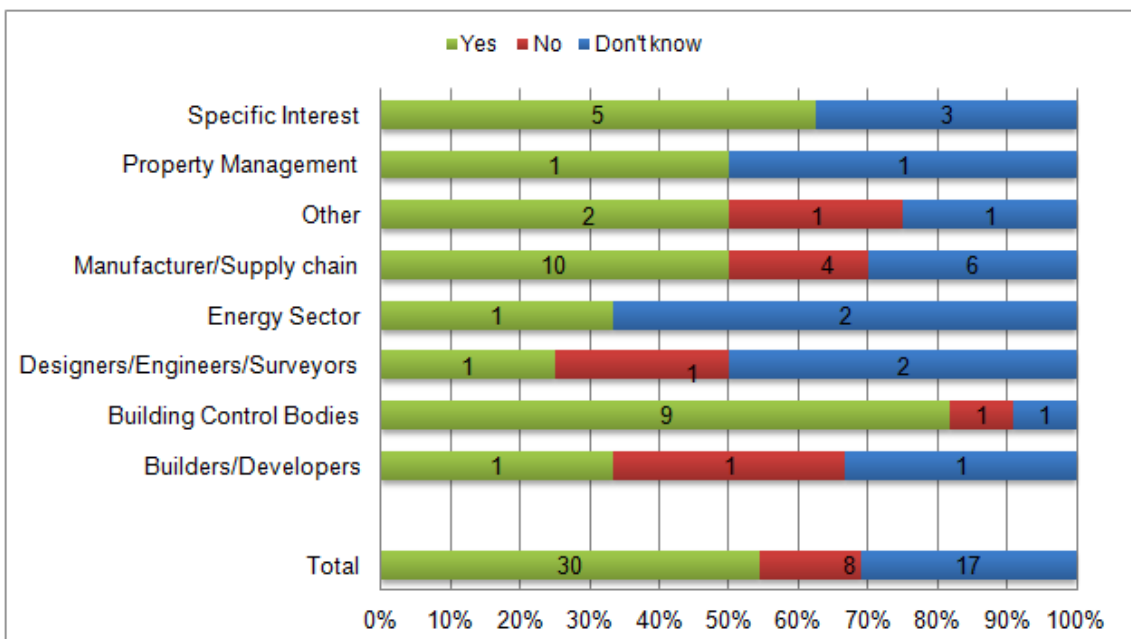
Question 16: The proposals explain the Government's preference for a 20% aggregate improvement in CO₂ performance standards for new non-domestic buildings from June 2014. Which option do you prefer and why?



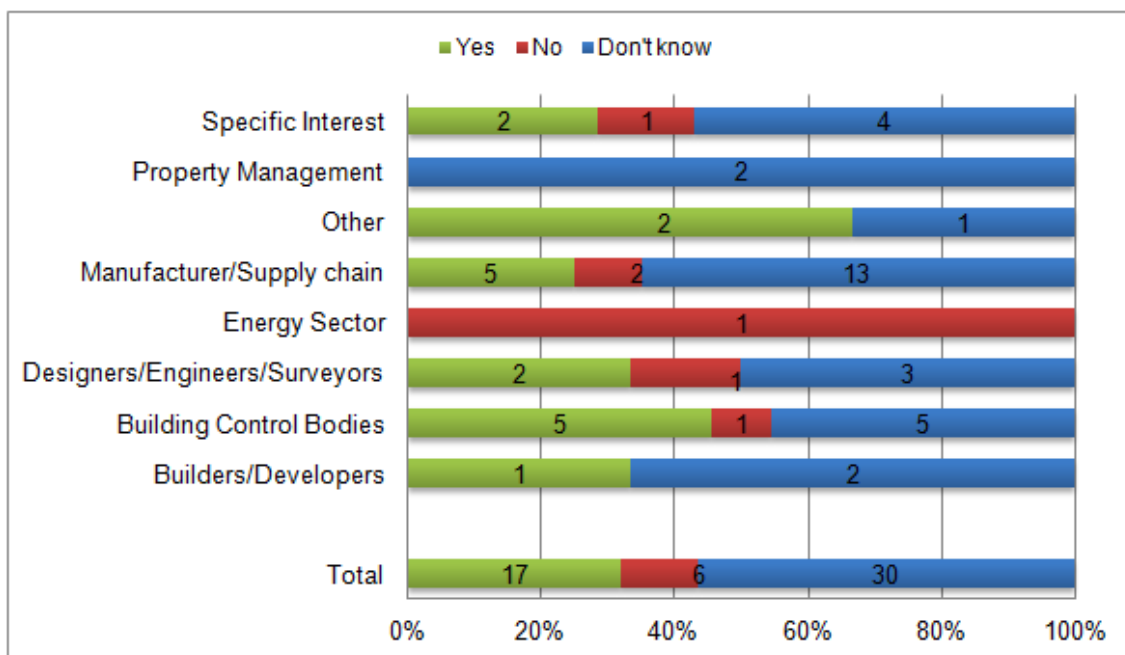
Question 17: Do the proposed 2014 notional buildings as set out in the changes to the National Calculation Methodology seem like a reasonable basis for standards setting?



Question 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?



Question 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?



Question 20: Do you have any other comments on the proposed changes to Approved Document L2A or the non-domestic National Calculation Methodology?

Key issues:

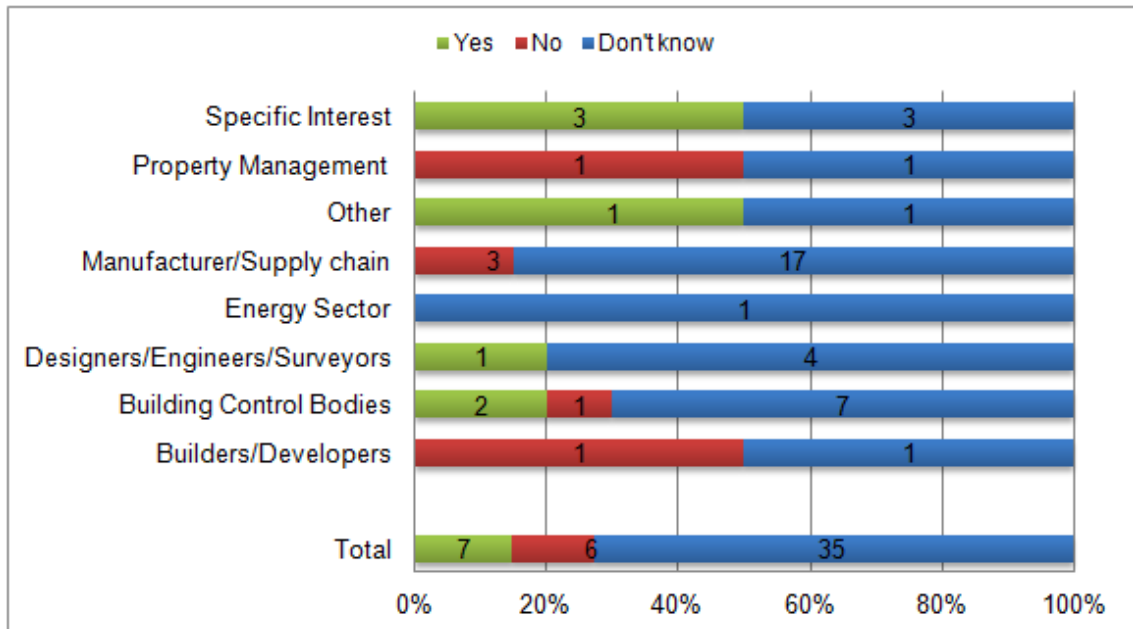
Part L2A in Wales be addressed in line with National Planning Policy.

Wales should not have different recipes to those adopted in England.

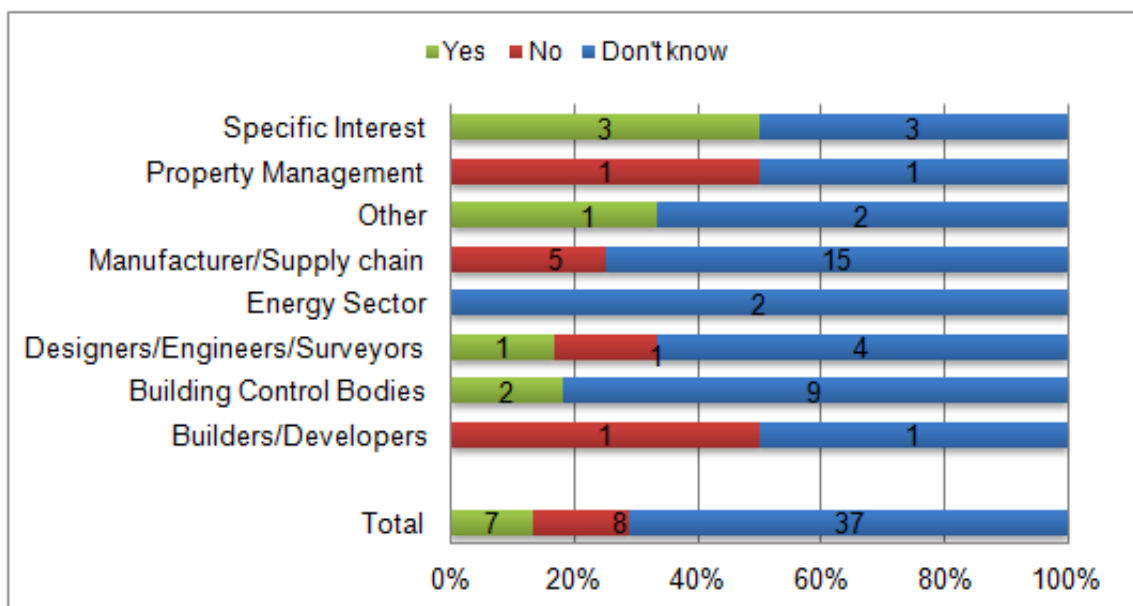
The modular and portable buildings industry gave a number of technical responses regarding treatment of their specific buildings in the regulations.

The Regulations should be made simpler and clearer, particularly for a non-technical audience.

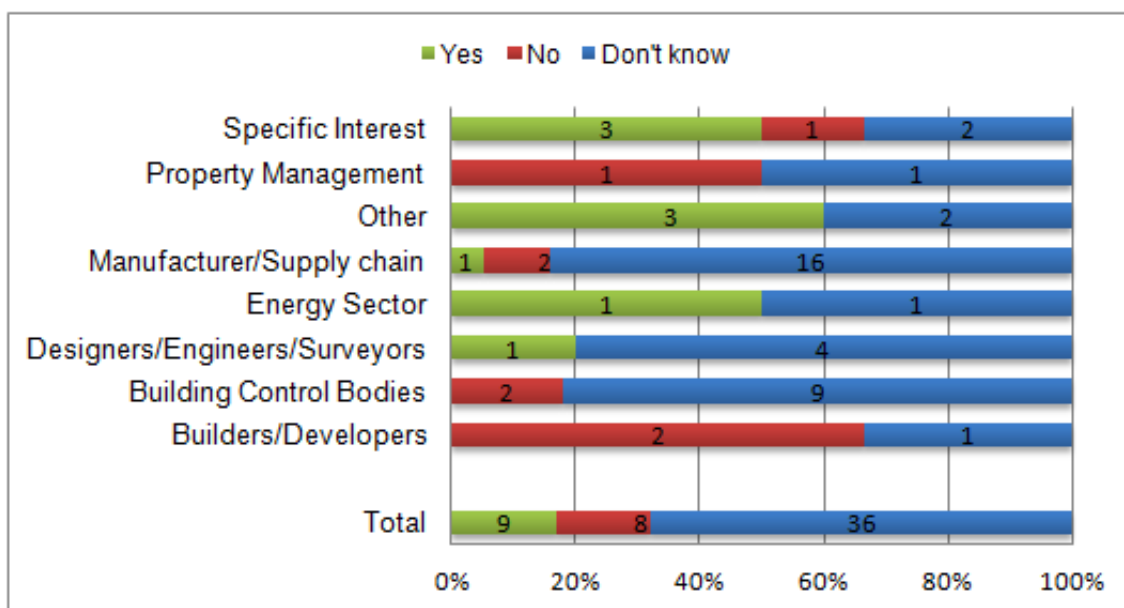
Question 21: The Impact Assessment makes a number of assumptions on the costs of fabric/services/ renewable energy, new build rates, etc. for new non-domestic buildings. Do you think these assumptions are fair and reasonable?



Question 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?



Question 23: Overall, do you think the assessment of the impact on development is broadly fair and reasonable?



Question 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?

Key issues:

There was a broad split of responses, with a perceived majority in favour of a role for planning including LDP; site wide; TAN12/DAS; PfSB

Those opposed cited Part L as the more appropriate vehicle; avoided duplication, complexity and cost; planners lacked resources & technical understanding

There was concern by all to minimise:

inter-authority variation; prescriptive energy solutions; s106 contributions; bureaucracy for buildings built to LZC standards; incompatibility of compliance routes

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

Broad split between positive/negative implications

Key Issues:

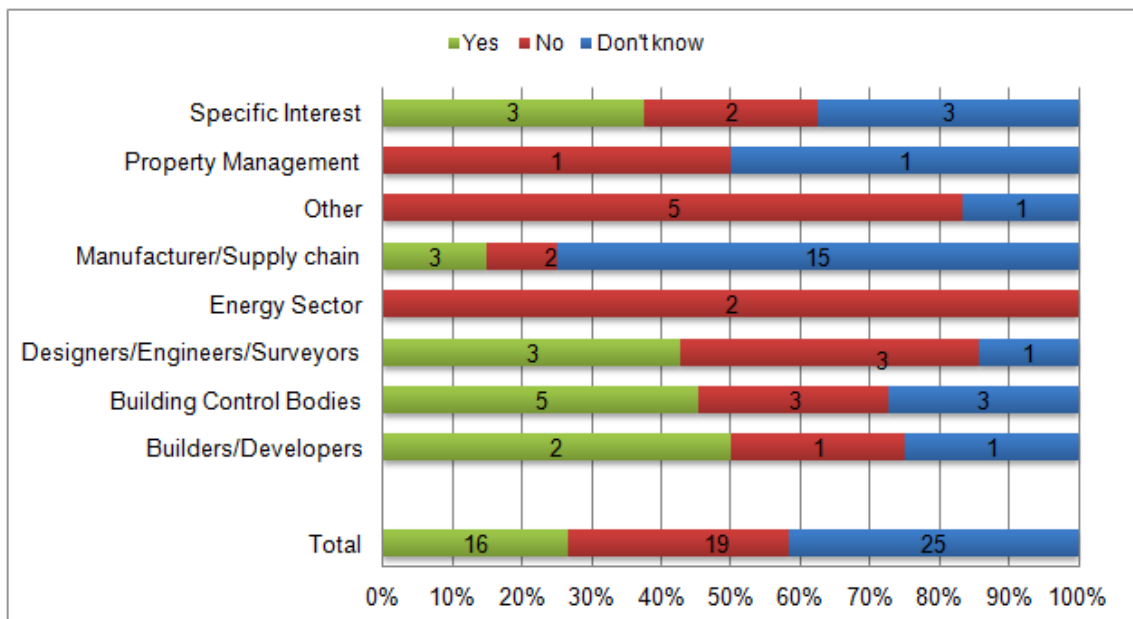
burden to re-align if iterations become less relative to previous versions – reduced through using rating bands / Welsh versions?

generally greater confusion, uncertainty and increased cost

increased overlapping of Planning & Building Control legislation

inability to plan, develop, establish and improve standard solutions

Question 26: Are the costs of assessment and certification now disproportionate to the costs and benefits of achieving a minimum sustainable buildings standard level?



Question 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? Most preferred national standards

Key issues: target setting not part of remit; don't have expertise or resource; greater consistency; avoids one upmanship such as created by Merton; not subject to IA;

Suggested roles included:

unlocking the potential for DHNs through strategic planning

working with Govt to aid enforcement and to trial new standards

site review of standards, during and after build

investigate use of s7 of Scottish Building Standards

Question 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?

Split of positive/negative impacts

Key issues:

Positive- reduced administration/duplication; speed up planning; simpler design/on-site; improved industry confidence and ability to plan, incentivise site starts; removes questionable requirements;

Negative- alternative framework for enforcement needed; greater inter-authority inconsistency, uncertainty and higher costs OR less sustainable standards e.g. no water efficiency within design of new builds; perception of Welsh Government sustainable aspirations taking a step backwards; increased differentials in standard of housing; wasted resources; loss of industry; planning provides early design input

Question 29: Is there a better, alternative, way to reward and secure sustainable buildings (above the regulatory minimum) other than using national planning policy? What opportunities are there for future changes to Building Regulations?

Equal response of yes/no

Key issues:

Broad range of responses, with a roughly equal mix of those who wanted regulations to be altered (or wished for removal of PfSB) and those in support of planning mechanisms (or believed regulations could not replace PfSB). Opportunities for Regulations included: -adaptation; water efficiency; Self-Certification Competent Persons Schemes; Green guide (bespoke Welsh 'MAT 1' type calculator); building user guides; update Part J and F to allow for efficient pellet stoves; phase out HFC with natural gases such as CO2 (e.g. for heat pumps); timber use; construction waste; Lifetime Homes standard in to Part M

Question 30: To what extent is duplication of standard and approval systems an issue? Would the removal of the PfSB policy assist in reducing duplication?

Broad mix of responses

Key issues:

No duplication: PfSB the only 'holistic' Env Sus assessment

Some duplication: Ene1- Part L & CSH require two types of SAP/SBEM

PfSB should be a mechanism for requiring above regulatory minimums

Other energy requirements required in PfSB have negligible impact

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

Broad mix of responses

Key issues:

Allow LPAs to set targets on all sites (not just strategic)

enhanced LDPs that give guidance on acceptable scale / massing, energy use targets, would allow a more practical application of presumed consent.

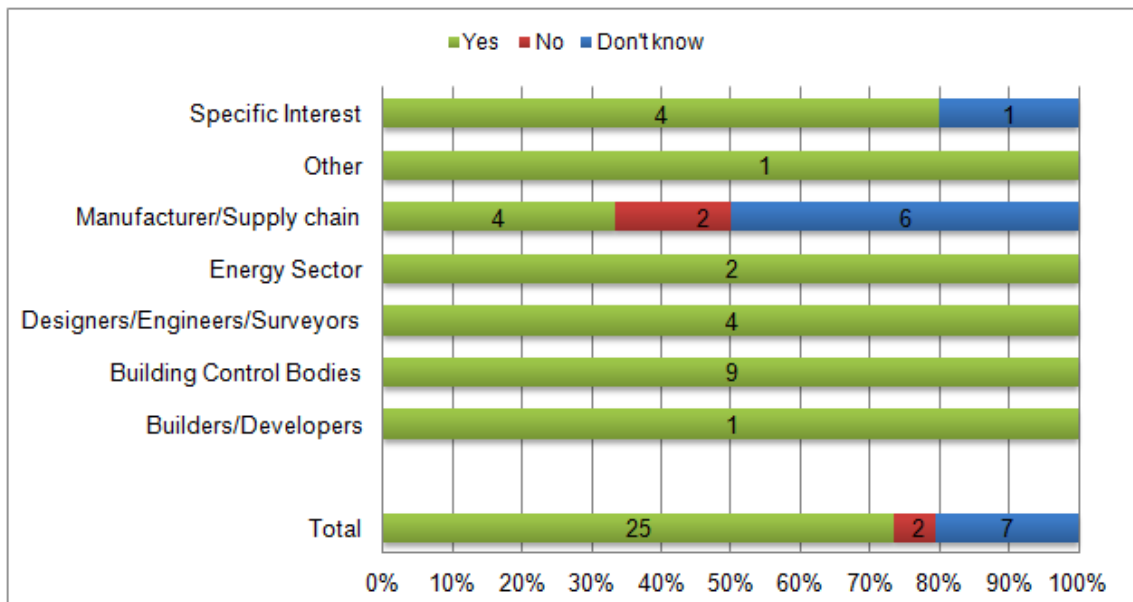
Requires robust LDP policies and know-how (viability testing)-resulting in minimum standards or no development

Community scale renewables for developments of scale – support needed from planners to implement

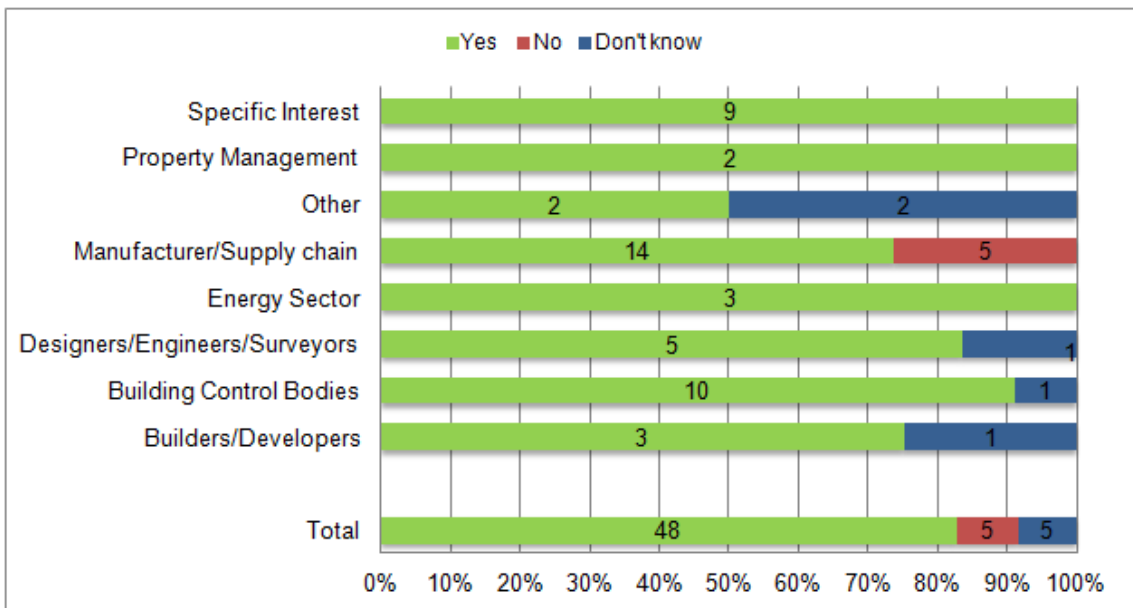
Prefer consistent national policy (PfSB / BREEAM Communities)

No higher targets (Regs / TAN12 / Advisory)

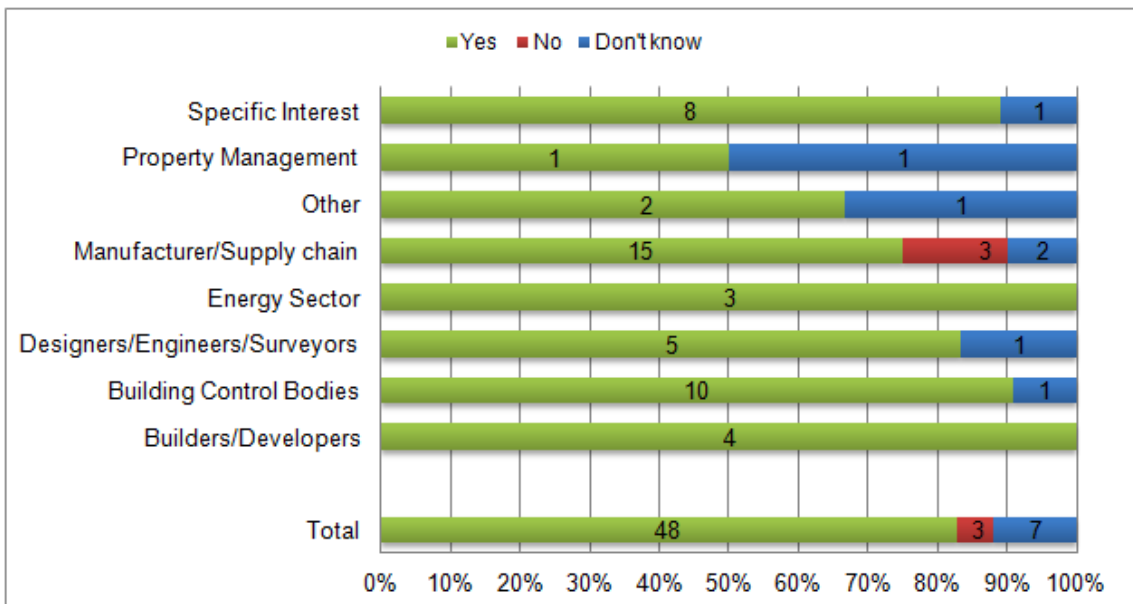
Question 32: Do you agree with the proposal to raise performance standards for domestic replacement windows?



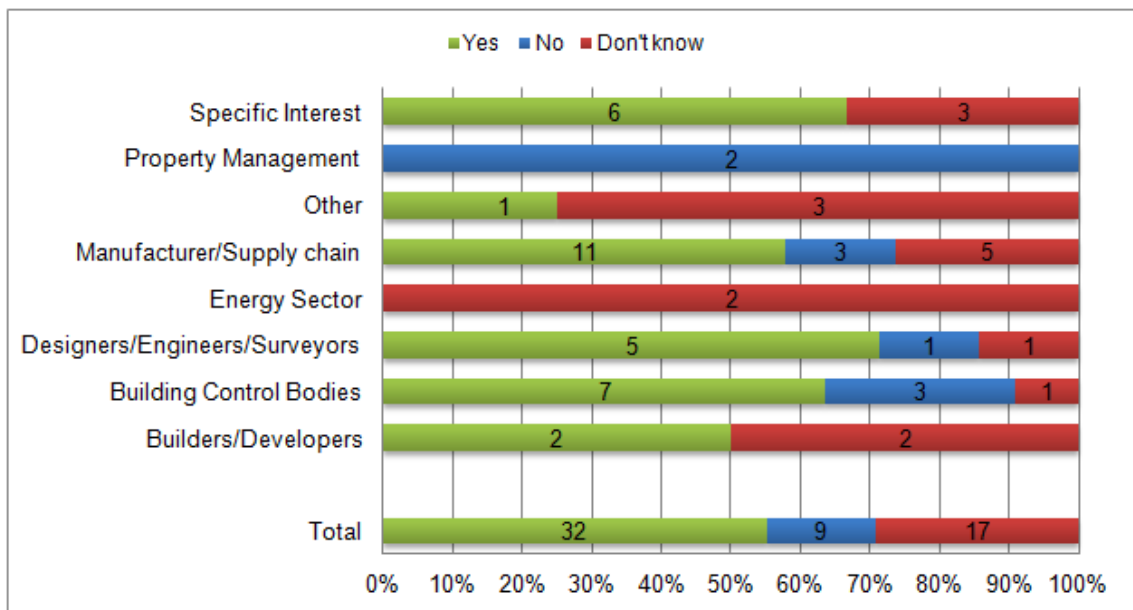
Question 33: Do you agree with the proposal to raise performance standards for domestic extensions?



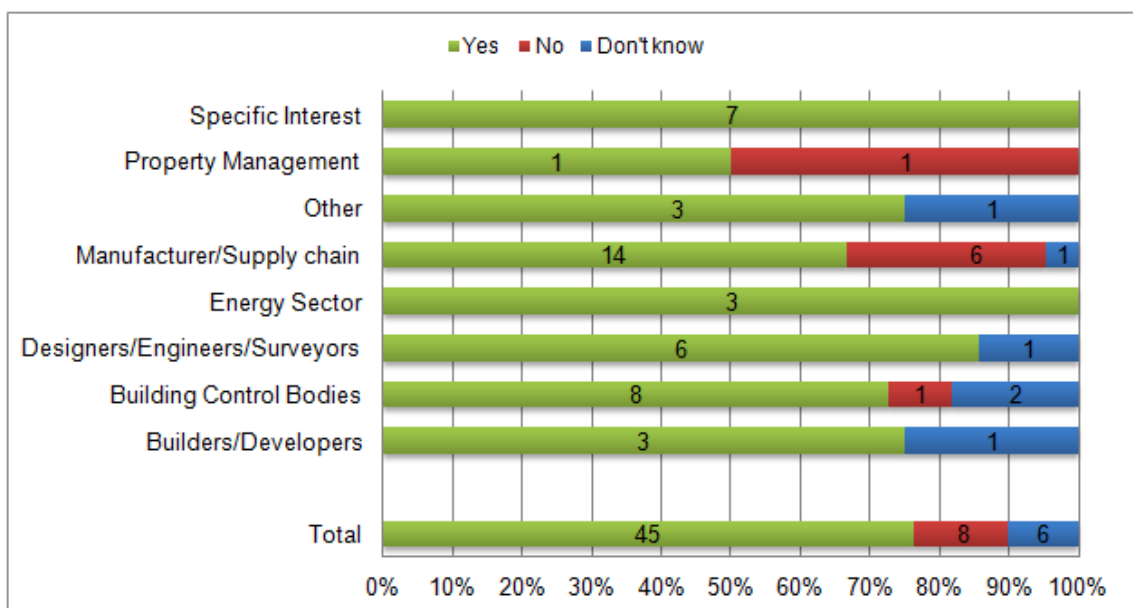
Question 34: Do you agree with the proposal to raise performance standards for non-domestic extensions?



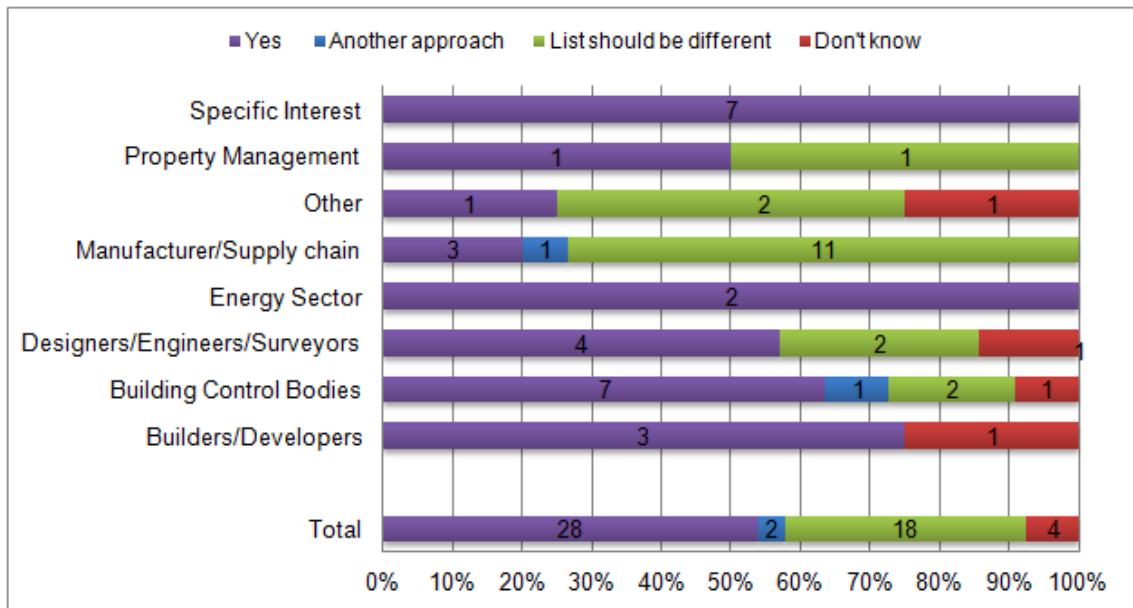
Question 35: Do you agree that the exemption for conservatories or porches should be removed where an individual room heat or air conditioning unit is installed? How effective would this change be in limiting energy use/emissions, or are there other ways by which energy performance might be improved where conservatories or porches are installed?



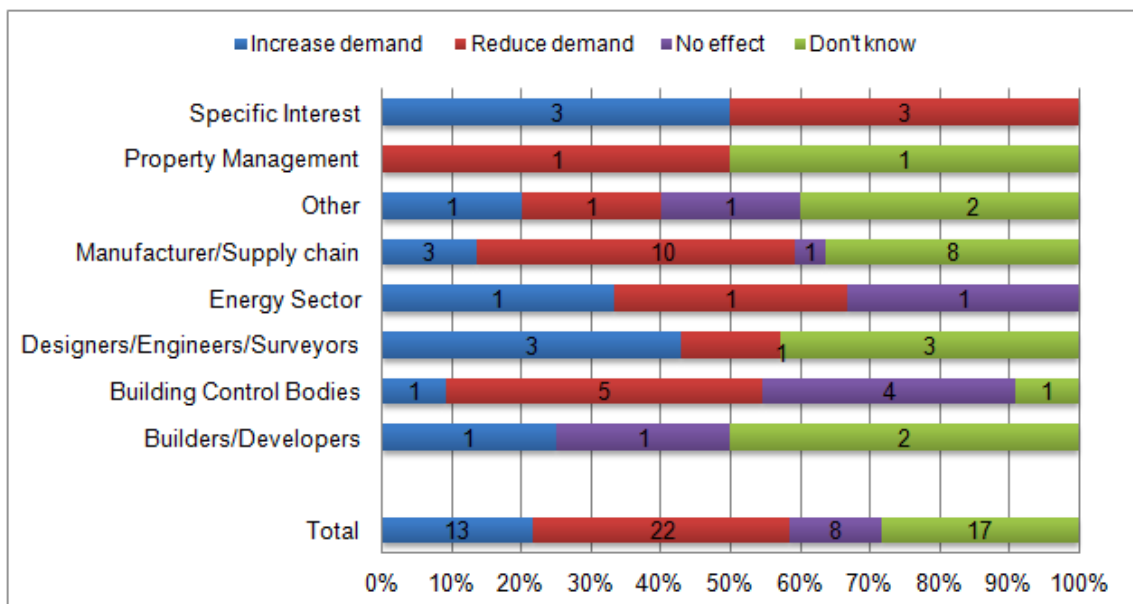
Question 36: Do you agree with the proposal to require consequential improvements upon extensions or increases in habitable space in existing homes below 1000m²?



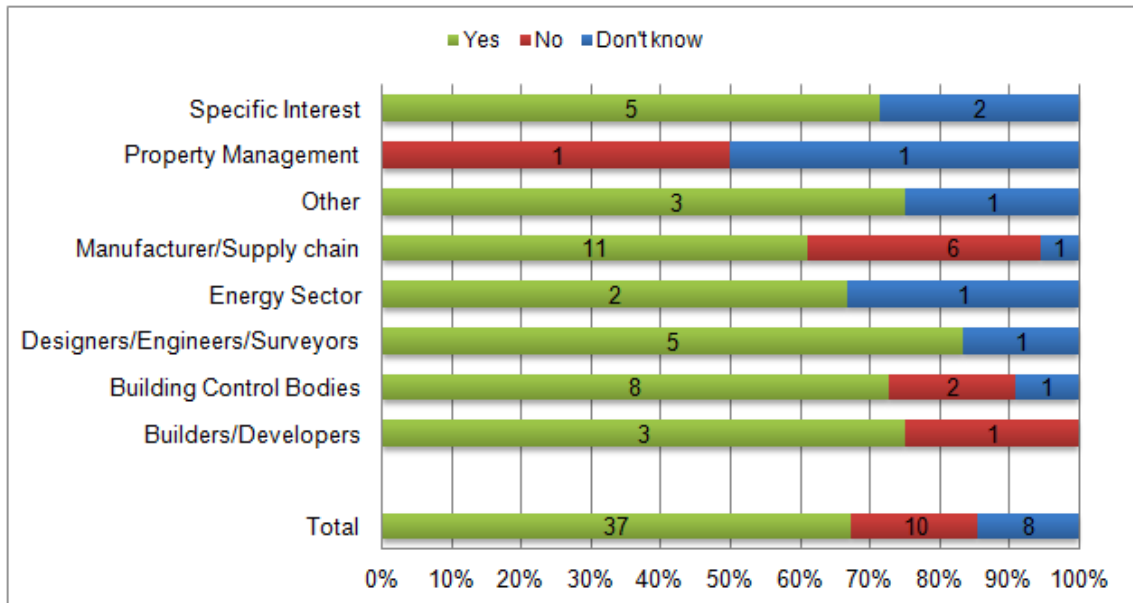
Question 37: The consultation explains that the regulatory requirement for consequential improvements upon domestic extensions or increases in habitable space would be limited to a list of measures comprising a minimum standard of loft insulation, hot water cylinder insulation and the installation of cavity wall insulation. Do you agree with this list of measures?



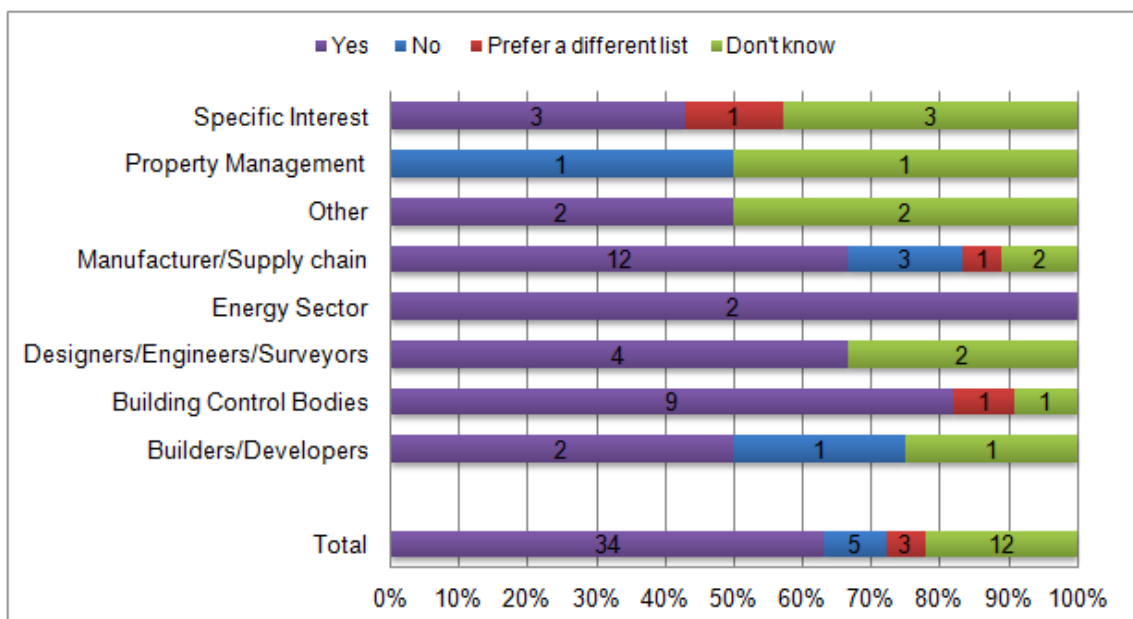
Question 38: What effect do you think the requirements for consequential improvements may have on the demand for repair, maintenance and improvement activity?



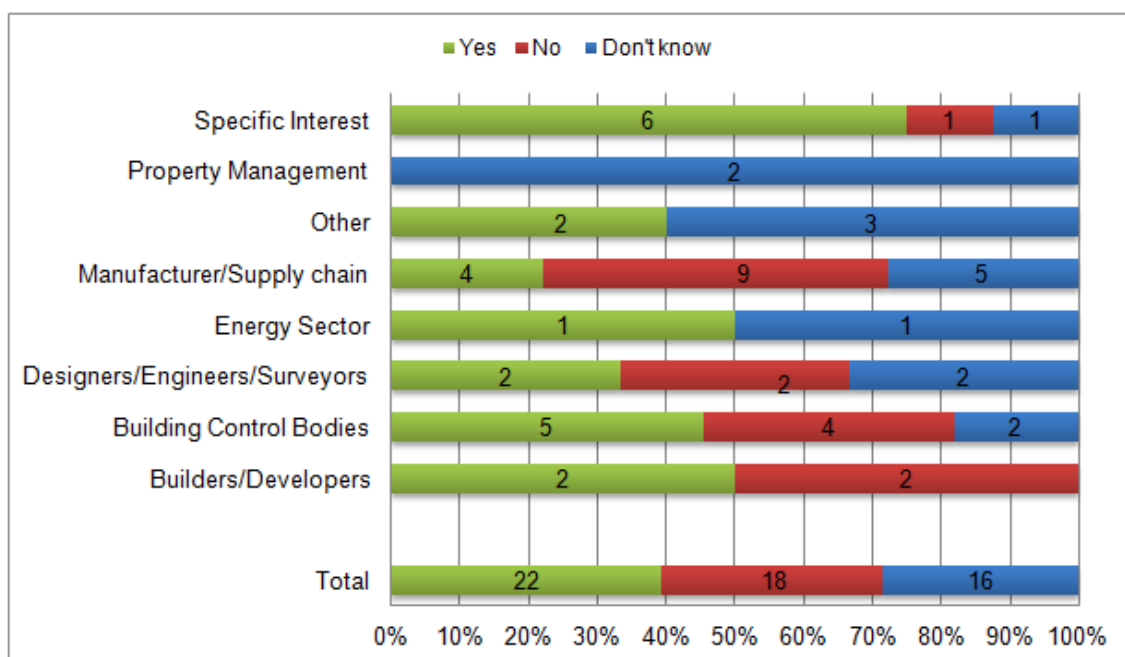
Question 39: Do you agree with the proposal to introduce consequential improvements upon extensions or increases in habitable space in non-domestic buildings under 1000m²?



Question 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?



Question 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?



Question 42: Do you have any other comments on the proposed changes to Approved Document L1B?

Key issues:

Respondent highlighted an issue in knowing the current U-value when assessing the improvement to a retained wall. This is not related to a change in ADL1b.

BEAMA have raised an issue regarding the domestic building service compliance guide. We suggest passing this to the author of the Compliance Guide to see if the comment was raised in the England Part L consultation.

Question 43: Do you have any other comments on the proposed changes to Approved Document L2B?

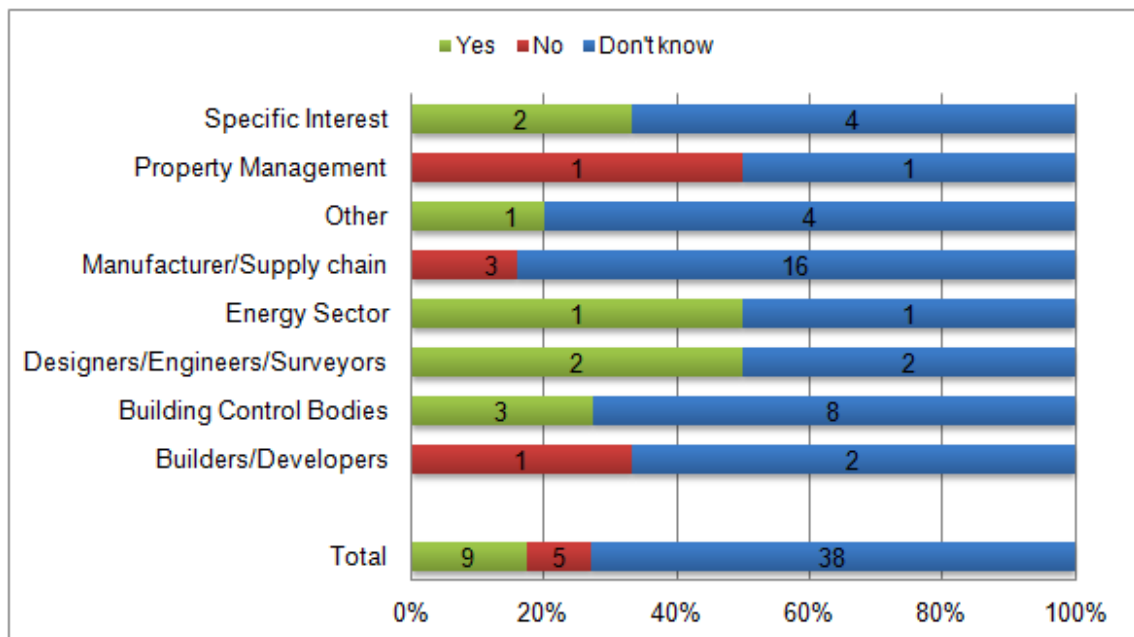
Key issues:

There is a question regarding the competency level for Energy Assessors undertaking design flexibility calculations. Is this relevant?

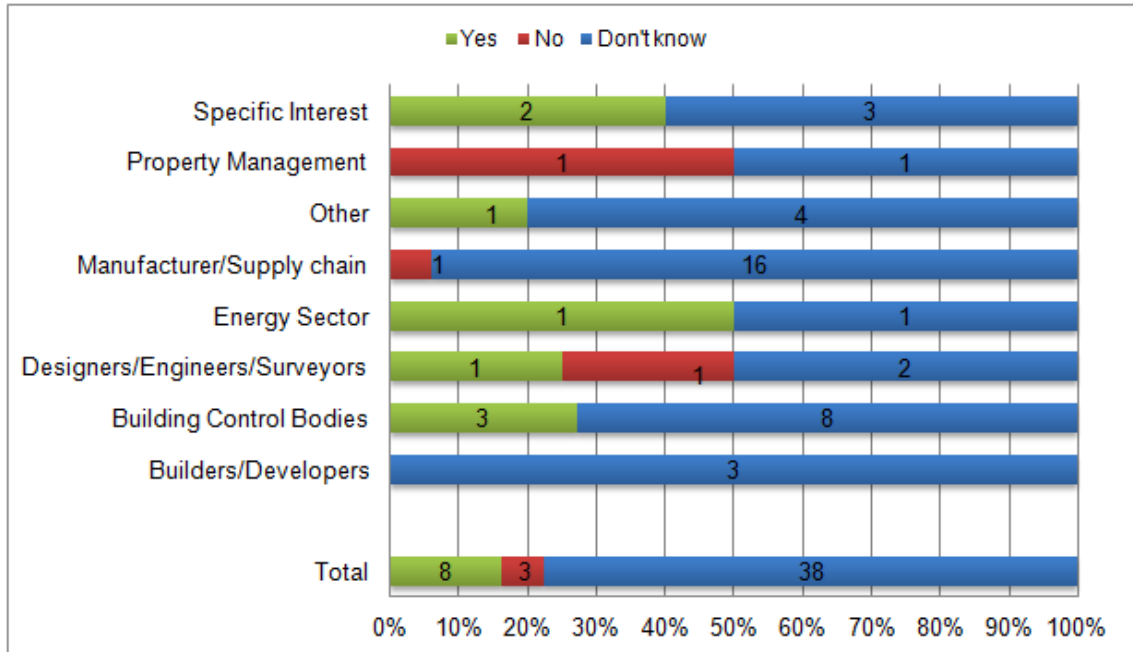
There is a suggestion from the Council of Aluminium Buildings for the U-value of windows for buildings that are domestic in character to be retained at 1.8.

We will consider this as part of the earlier discussion on replacement windows.

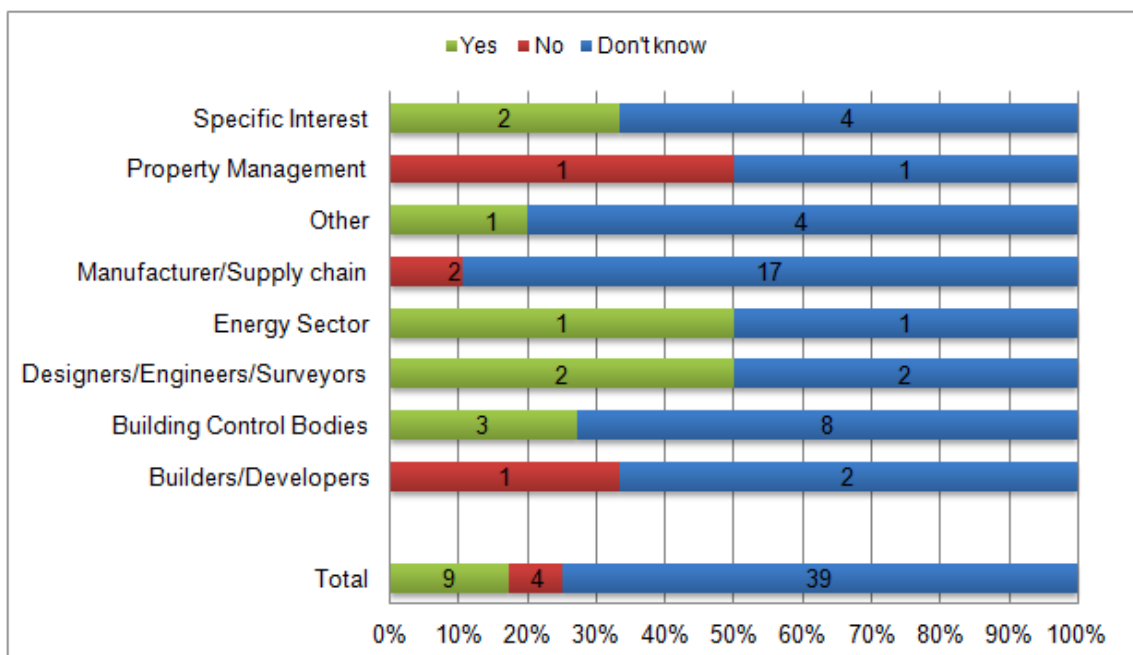
Question 44: Do you think that the Impact Assessment is a fair and reasonable assessment of the potential costs and benefits of raising the performance standards for replacement domestic windows and domestic/non-domestic extensions?



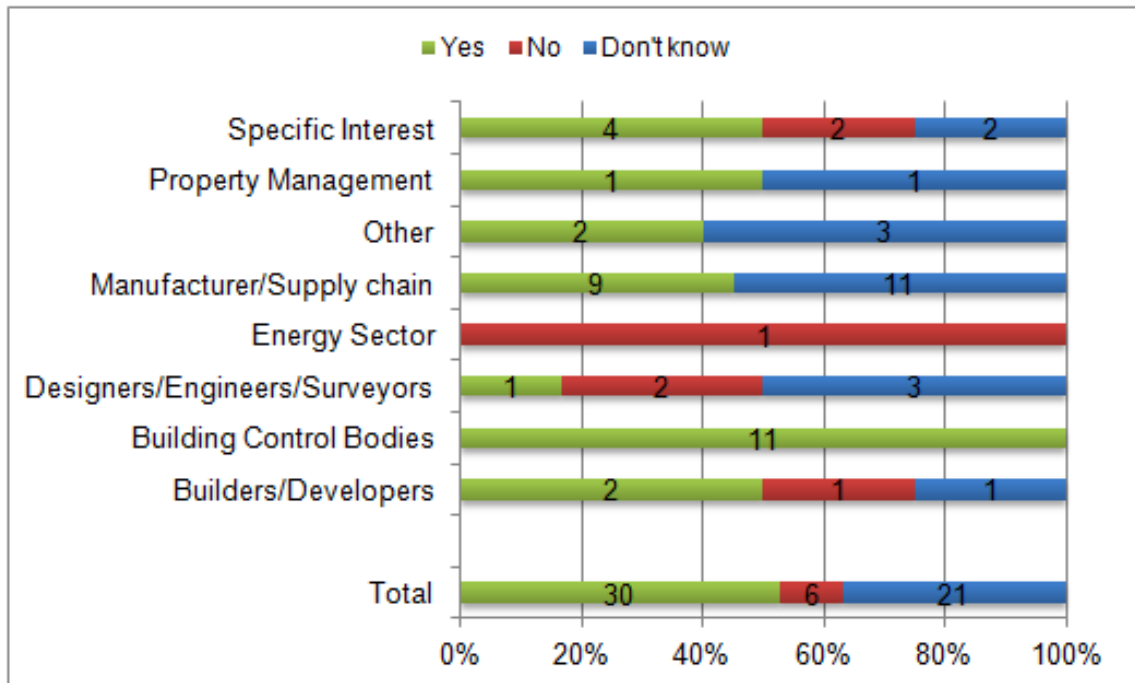
Question 45: Overall, do you think the impact assessment is a fair and reasonable assessment of the potential costs and benefits of the proposed options for consequential improvements in existing homes?



Question 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?



Question 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?



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

Key issues:

Range of responses from those requiring a very broad and all-encompassing list to those who wished to list to be very focused on particular areas.

Checklist should concentrate on energy matters e.g. thermal performance

Existing checklists were identified by respondents as being similar or useful to refer to and / or adapt, including the 2006 Part L checklist.

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

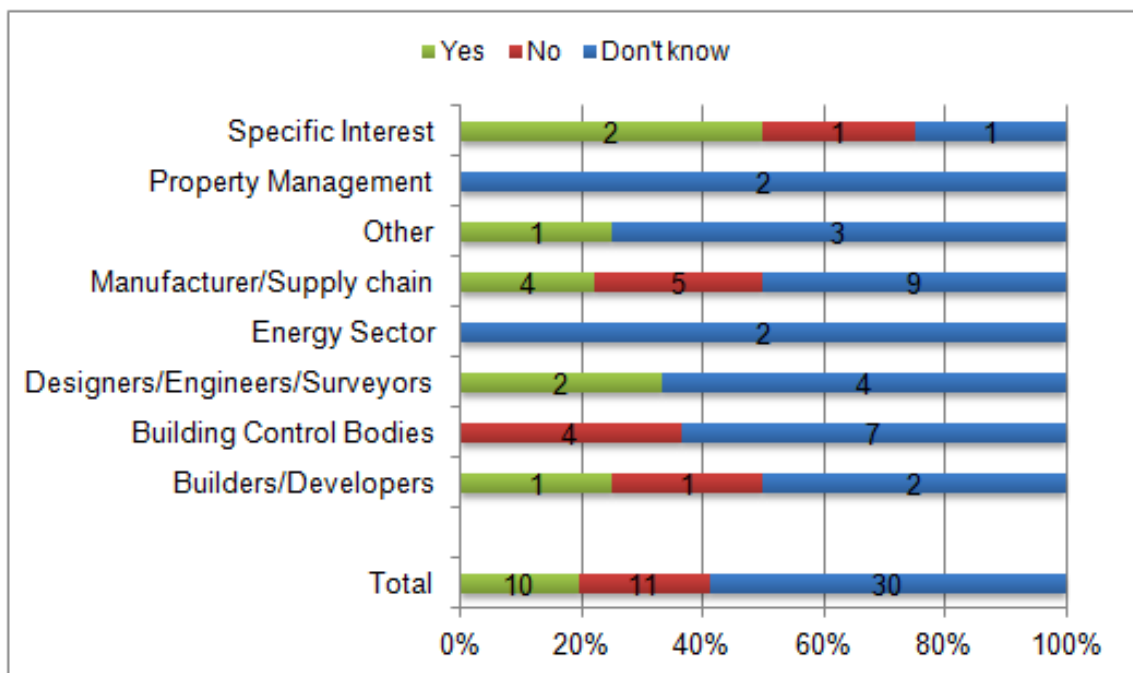
Key issues

Wide range of responses was received.

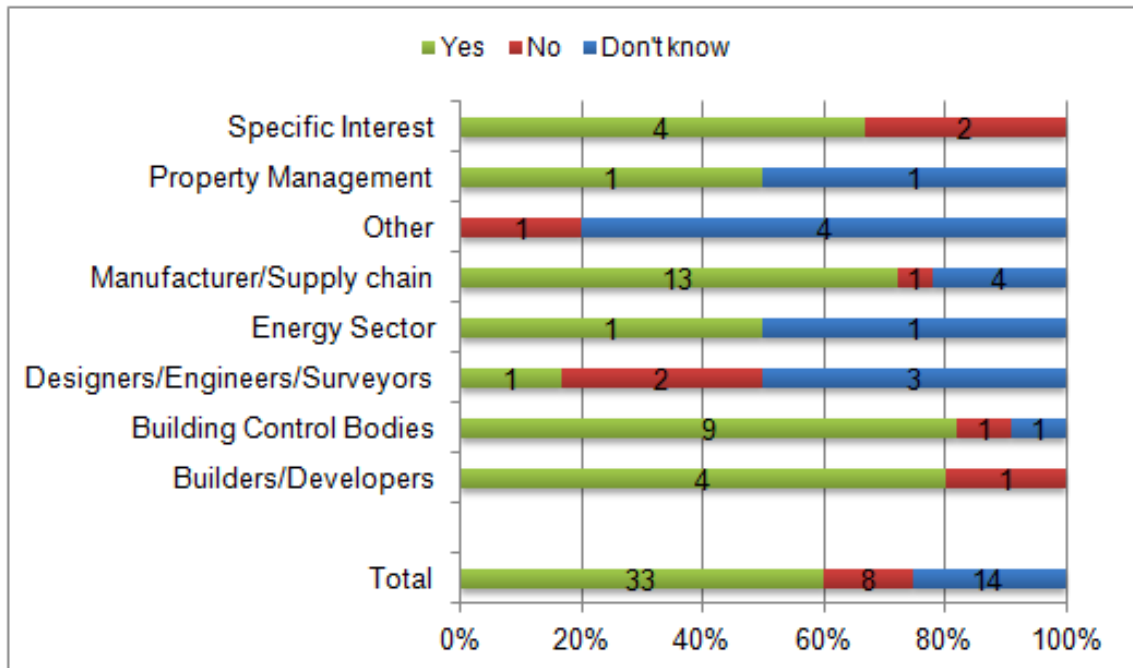
Building Control Bodies were frequently mentioned, as were SAP Assessors, architects and developers.

Some trade bodies also offered to be involved.

Question 50: Would any other approach be likely to prove more effective instead (such as a PAS type approach)?



Question 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?



Question 51b: What are the arguments for and against this approach? Most wanted compliance via AD L1A, particularly BCBs

Key issues:

policy might be used as a loophole;

how policy would deal with very large buildings of a domestic nature and buildings with complex systems (air-conditioning for example) that are not expressly dealt with by L1A

What about essentially non-domestic buildings that feature a single bedroom applying AD L1A to buildings of a domestic nature would not be as cost effective as applying AD L2A.

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

Wide range of comments

Key issues:

particular elements/aspects of a building.

Approved Documents and guidance.

SBEM and its scope of use.

evidence to prove that as built performance is not being achieved.

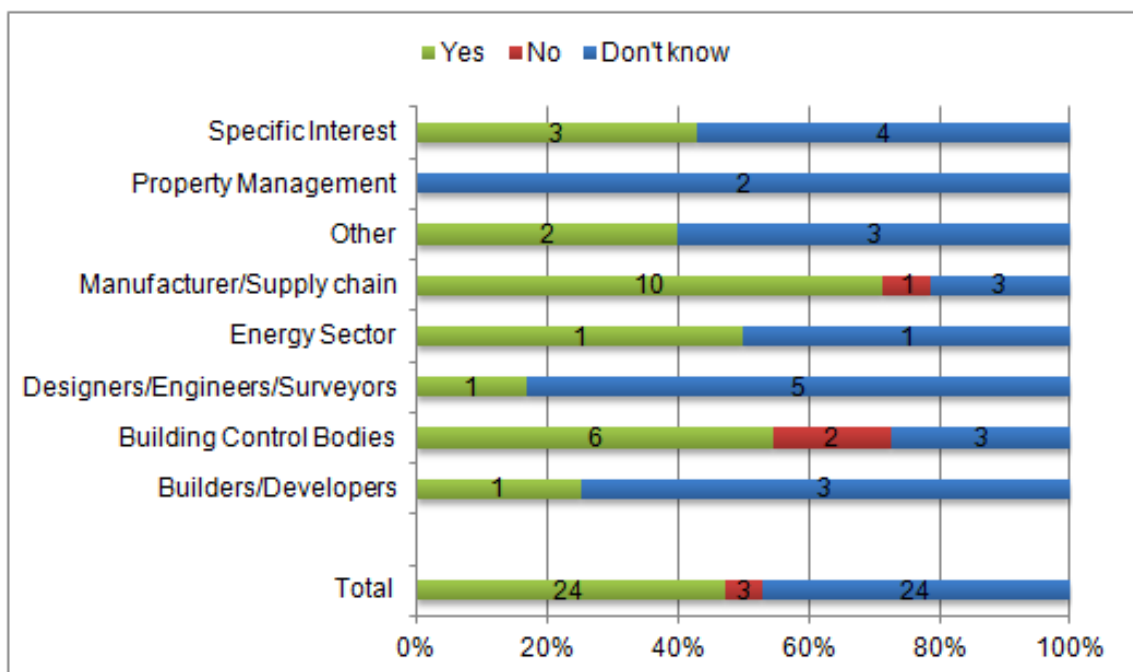
detailed training of those working in Building Control.

increased complexity of different Part L requirements to England

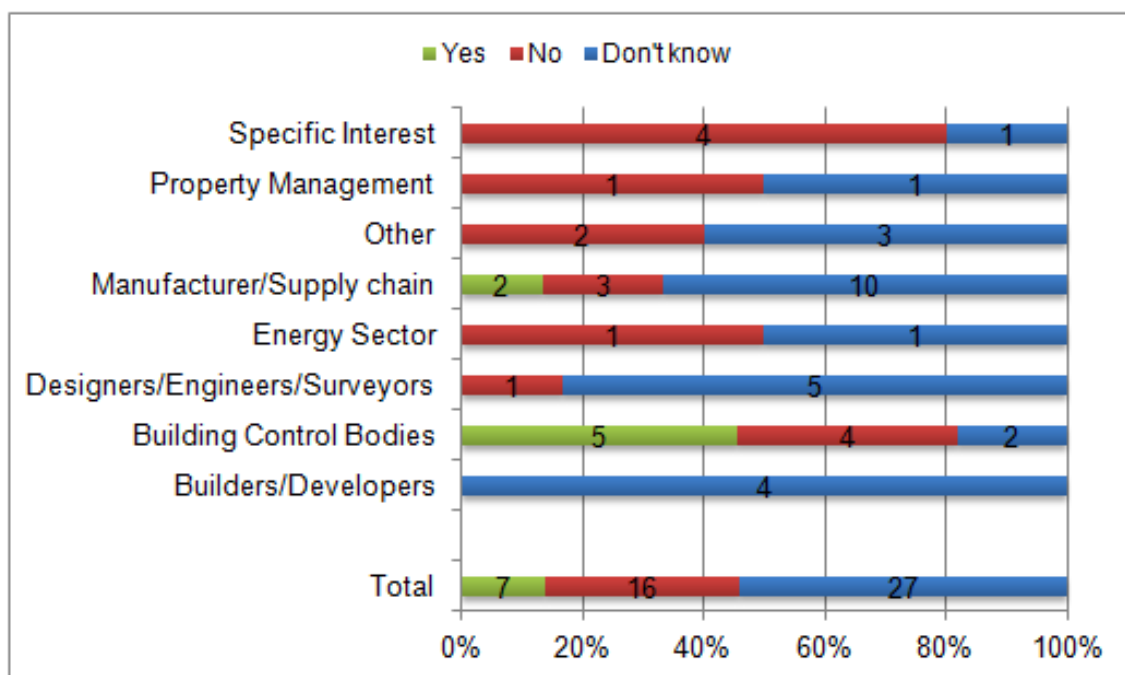
inconsistency in compliance and a need for better enforcement.

A suggestion to review the DCLG Working Group report on compliance and performance as part of 2013 Part L work, for comparison.

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



Question 54: Are there any further amendments to the newly formatted ADL1B that you would recommend?



Question 55: How do the consultation proposals impact on the work of Local Authorities and Approved Inspectors?

Range of responses

Key issues:

additional resources for LA BCBs and AIs

increase the cost of implementation and reduce land viability.

need for DC to buy in to the new processes and recipe solutions.

risk of a greater proportion of unauthorised works.

need to ensure a consistency of approach to compliance

clear communication to customers regarding the transitional provisions.

potential new role for Self-Certification Competent Persons Schemes

Concerns about different Part L in England

results of post-occupancy evaluation be made more widely available.

review of the overall operation BCBs in Wales regarding operating regimes.

AIs need a Welsh expert

Question 56: Any further issues relating to questions not specifically addressed?

Key issues:

Suggestions for improvements to the BSCGs

Definition of a “zero-carbon home”

Include embodied carbon and whole-life carbon impacts of materials.

Concerns regarding the use of PV panels.

Concerns regarding the historic building stock:

The need for more research – noting already identified gaps.

Cavity Wall Insulation as a retrofit measure for existing buildings.

Need to brief manufacturers and developers about proposed changes

That future heating by electricity (from a decarbonised grid) should not be discouraged now.