

Annex B

Response form 1

Section two:

Part L (Conservation of fuel and power)

Form 1: Consequential improvements for existing buildings

We are seeking your views on the following questions on the Government's proposed changes to Part L of the Building Regulations. This form is to be used to respond to the proposals in Chapter 4 and the changes to Approved Documents L1B and L2B relating to the proposed requirements for consequential improvements in existing buildings. The closing date for the submission of this form is **27 March 2012**.

If possible, please could you respond by email to:

building.regulations@communities.gsi.gov.uk

Alternatively, responses can be sent by post to:

Building Regulations Consultation
Building Regulations and Standards Division
Department for Communities and Local Government
Zone 5/G9
Eland House
Bressenden Place
London SW1E 5DU

About you:

(i) Your details

| | |
|---------------------------------------|-----------------------------------|
| Name: | Ciaran Molloy |
| Position: | Policy Officer |
| Name of organisation (if applicable): | Construction Industry Council |
| Address: | 26 Store Street, London WC1E 7 BT |
| Email: | cmolloy@cic.org.uk |
| Telephone number: | 0207 399 7417 |

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

Organisational response Personal views

(iii) Are your views expressed on this consultation in connection with your membership or support of any group? If yes please state name of group:

Yes No

Name of group:

Construction Industry Council

(iv) Please tick the *one* box which best describes you or your organisation:

| | |
|---|---|
| Builders/Developers: | Property management: |
| Builder – Main contractor <input type="checkbox"/> Builder – Small builder (extensions/repairs/maintenance, etc) <input type="checkbox"/> Installer/specialist sub-contractor <input type="checkbox"/> Commercial developer <input type="checkbox"/> House builder <input type="checkbox"/> | Housing association (registered social landlord) <input type="checkbox"/> Residential landlord, private sector <input type="checkbox"/> Commercial <input type="checkbox"/> Public sector <input type="checkbox"/> |
| Building Occupier: Homeowner <input type="checkbox"/> Tenant (residential) <input type="checkbox"/> Commercial Building <input type="checkbox"/> | Building Control Bodies: Local authority building control <input type="checkbox"/> Approved Inspector <input type="checkbox"/> |
| Designers/Engineers/Surveyors: Architect <input type="checkbox"/> Civil/Structural engineer <input type="checkbox"/> Building services engineer <input type="checkbox"/> Surveyor <input type="checkbox"/> | Specific Interest: Competent person scheme operator <input type="checkbox"/> National representative or trade body <input checked="" type="checkbox"/> Professional body or institution <input type="checkbox"/> Research/academic organisation <input type="checkbox"/> |
| Manufacturer/Supply Chain <input type="checkbox"/> | Energy Sector Fire and Rescue Authority <input type="checkbox"/> Other (please specify) <input type="checkbox"/> <div style="border: 1px solid black; height: 40px; width: 100%; margin-top: 5px;"></div> |

(v) **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)

We are a professional association representing professional bodies, research organisations and business associations within the construction industry.

(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

DCLG 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 Department is subject to the requirements of the Freedom of Information Act 2000, and may receive requests for all responses to this consultation. If such requests are received we shall take all steps to anonymise responses that we disclose, by stripping them of the specifically personal data – name and e-mail address – you supply in responding to this consultation. If, however, you consider that any of the responses that you provide to this survey would be likely to identify you irrespective of the removal of your overt personal data, then we should be grateful if you would indicate that, and the likely reasons, in your response, for example in the relevant comments box.

Questions:

Consequential improvements in existing homes

1. Do you agree with the proposal to require consequential improvements upon extensions or increases in habitable space in existing homes below 1000m²? Please explain your view.

Yes No Don't know

Comments

It has long been recognised that the carbon emissions from the existing building stock need to be substantially reduced if the long term target of an 80% reduction by 2050 is to be achieved. Given the quoted figure of 27% of emissions arising from homes, it is clear that driving change in the domestic sector is important and that ways and means need to be identified to achieve substantial reductions. Consequential improvements is one of those ways and means. Therefore the removal of the 1000m² limit would seem to be appropriate.

Whilst not explicitly stated, the specific reference to extensions or increases to habitable space suggest that the aim would be to ensure that the total carbon footprint is not increased as a result of the building work. This would seem to lack ambition and would miss the opportunity to reduce the overall carbon footprint as is surely the objective.

2. The consultation explains that the regulatory requirement for consequential improvements upon domestic extensions or increases in habitable space would be limited to measures which were 'technically, functionally and economically feasible', with guidance setting out a value for the consequential works. Should this be set as:

A minimum 10% of the value of the principal works

A maximum 10% of the value of the principal works

Another % value (please explain below)

Another approach (please explain below)

Don't know

Comments

This can be looked at in two ways. If trying to protect the home owner from 'overzealous' building control, it may be desirable to set a maximum of 10%. If however the aim is to encourage as much energy efficiency work as possible, a minimum figure should be stated.

Given that the availability of Green Deal finance is a key component of the extension of consequential improvements to homes and that the Green Deal assessment would identify all cost effective and "Golden Rule" compliant measures which could well be more than 10% of the cost (but still at no up front cost), it would therefore be the principle driver for carbon reduction. Thus it would seem appropriate to give the choice to the homeowner as to how much carbon reduction work is done and set the limit as a maximum.

3. The consultation proposes that the measures eligible for use as consequential improvements should be the list in SAP which is used to generate Green Deal assessments and Energy Performance Certificate recommendations and to determine eligibility for the Green Deal. Do you agree?

Yes No Prefer a different list (please specify)

Don't know

Comments

There is an important advantage in using the SAP Appendix T list in that it is common to the EPC assessment and Green Deal assessment. Therefore, there will be familiarity with its measures within the industry with the attendant advantages of avoiding confusion across the sector. All Government websites and information should refer back to the list and not seek to duplicate. This will ensure that changes can be made without fear of creating contradictory sources of information.

4. Do you agree with the proposal to introduce consequential improvements upon replacement of a domestic boiler in existing homes?

Yes No Don't know

Comments

The principle of using replacement of windows and boilers as a trigger clearly extends the opportunity to improve performance. Requiring consequential improvement as a result of a boiler replacement, most likely (as acknowledged in the consultation) as a result of a failure, could create a negative reaction in some homeowners. This negative response may be heightened by the unwanted and unexpected need to pay for a new boiler. A requirement for the homeowner to commission a GD assessment might be an alternative.

5. Do you agree with the proposal to introduce consequential improvements upon replacement of multiple windows in existing homes?

Yes No Don't know

Comments

The arguments of adverse homeowner reaction are as for boilers. Some have expressed the view that enforcement of such a new system in general by building control is unlikely to work and will be difficult to police and administer.

6. What threshold number of replacement windows do you think is most appropriate to trigger consequential improvements:

50% of the windows in the home

50% of the windows in one elevation

Another approach (please explain below)

Don't know

Comments

This is again a question of ambition. A trigger limit applied to a façade as opposed to the whole house will capture more.

7. If a requirement for consequential improvements is triggered upon replacement of a domestic boiler, do you think that requirement should be for the homeowner to:

Install the whole package of low-cost measures as outlined in the consultation proposals

Install one or some of these measures (please specify)

Install different measures (please specify)

Take a different approach completely (please specify)

Don't know

Comments

It could be argued that, providing the boiler is more efficient than the one it was replacing, a benefit is achieved and therefore there is no need to go further. The argument that the competent person (CP) is unable to implement measures beyond their competency is reasonable but could be solved by simply requiring the CP to make improvements in areas where their competency lies. So for a plumber replacing a boiler, the CI could require the installation of TRVs/thermal insulation on HWS storage, and/or better controls. These would more than likely meet the 10% requirement. There would be nothing wrong with making further recommendations for other measures or pointing the homeowner in the direction of a GD assessment.

8. If a requirement for consequential improvements is triggered upon replacement of domestic windows, do you think that requirement should be for the homeowner to:

Install the whole package of low-cost measures as outlined in the consultation proposals

Install one or some of these measures (please specify)

Install different measures (please specify)

Take a different approach completely (please specify)

Don't know

Comments

The measures should be chosen such that they fall within the competency (perhaps slightly extended) of the CPS member. Some have expressed concern that any mandatory requirement for these works to be carried out together would give a commercial advantage to larger businesses such as energy companies, who can offer a 'one-stop' shop in contrast to smaller installers.

9. The proposals assume that doing the principal and consequential works at the same time, rather than separately, will reduce hassle and cost. Do you agree with this assumption? Please explain your view.

Yes No Don't know

Comments

Providing the works can be undertaken by the same tradesman or company.

10. What effect do you think the requirements for consequential improvements may have on the demand for repair, maintenance and improvement activity? Please use evidence to explain your answer.

Increase demand

Reduce demand

No effect

Don't know

Comments

Providing the CI recommendations make a clear link with GD finance there would seem to be no barriers to an increasing volume other than the additional hassle factor.

11. The Impact Assessment makes a number of assumptions in relation to the introduction of consequential improvements in existing homes, including figures on costs, numbers of extensions and replacements and other issues. Do you think these assumptions are fair and reasonable? Please justify your views.

Yes No Don't know

Comments

12. 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

13. Please provide your views on any other costs, benefits or impacts associated with the proposals for consequential improvements which you think have not been discussed or monetised in the impact assessment.

Comments

Consequential improvements in existing non-domestic buildings

14. Do you agree with the proposal to introduce consequential improvements upon extensions or increases in habitable space in non-domestic buildings under 1000m²? Please explain your view.

Yes No Don't know

Comments

There is a need to improve overall building stock performance and the removal of the 1000m2 limit will capture more work. If CIs are correctly applied, it should lead to an overall stock improvement. At the very least the increase in emissions should be offset by CI.

15. The consultation explains that the regulatory requirement for consequential improvements upon non-domestic extensions and increases in habitable space would be limited to measures which were 'technically, functionally and economically feasible', with guidance setting out a value for the consequential works. Should this be set as:

A maximum of 10% of the value of the principal works

A minimum of 10% of the value of the principal works

Another % value (please explain below)

Another approach (please explain below)

Don't know

Comments

This can be looked at in two ways. If trying to protect the home owner from 'overzealous' building control it may be desirable to set a maximum of 10%. If however the aim is to encourage as much energy efficiency work as possible, a minimum figure should be stated.

The availability of GD finance is a key precondition of the extension of CIs to homes. Assuming the GD assessment is the principle driver for carbon reduction and that it is under GD that measures will exceed 10%, the CI triggered under Building Regulations should be treated independently and therefore it would seem appropriate to give the choice to the homeowner as to how much carbon reduction work is done and set the limit as a maximum. The homeowner would still need to install all measures that met the criteria for CI.

If the homeowner decides to use GD finance then the 10% threshold is irrelevant.

16. The consultation proposes that for non-domestic buildings, any measure from list which is used to generate Green Deal assessments, the list in SBEM used to generate Energy Performance Certificate recommendations and the existing list of typical consequential improvement measures from Approved Document L2B should be eligible to be a consequential improvement. Do you agree?

Yes

No

Prefer a different list (please specify)

Don't know

Comments

Additional or separate lists should be avoided as these could only lead to confusion and conflicts as well as adding to business and building control burdens.

17. Subject to further work on specific triggers, do you agree with the concept of introducing consequential improvements on replacement of certain fixtures or fittings in non-domestic buildings under 1000m²?

Yes No Don't know

Comments

Any regulated energy using equipment as per current rules for non dom over 1000m²

18. Do you agree that the current requirements for consequential improvements on initial provision of a fixed building service or increase in capacity of a fixed building service in buildings larger than 1000m² should be retained unchanged?

Yes No Don't know

Comments

19. We would welcome comments on whether there are specific replacement works which could be used to trigger consequential improvements for non-domestic buildings, and any views on the illustrative case studies in the impact assessment.

Comments

Process and compliance issues

20. In the case of domestic and non-domestic extensions and increases in habitable space in buildings under 1000m², do you think that the proposed process for building occupiers to assess what consequential improvements are/are not required, and to demonstrate this to building control, is adequate? Please explain your view.

Yes No Don't know

Comments

The provision of new habitable space or an extension should require a competent person to design and/or build it and it is most likely that as part of their building regulation obligations they will advise the home

owner of their CI obligations. As such, the assumption that it will be the homeowner making the assessment is incorrect.

In so far that information is provided to a homeowner via the three web based portals identified, there would be a benefit if these were used to point homeowners to a single common portal so as to avoid confusion and future contradictory advice etc.

The process as described assumes a temporal disconnect between the work being undertaken and Building Control being informed and then optionally following up. The link with the homeowner/occupier is weak and is likely to lead to poor overall compliance.

The competent person should explain to the homeowner what is required under CI, and either quote to provide or recommend another CP. In either case the CI should be done as part of a single project, minimising disruption and cost and maximising compliance.

21. In the case of replacement of a domestic boiler, do you think that the proposed process for building occupiers to assess what consequential improvements are/are not required, and to demonstrate this to building control, is adequate? Please explain your view.

Yes No Don't know

Comments

A boiler replacement should trigger a requirement to insulate a hot water tank to a specified level and install controls to minimum standards. If already compliant then advice should be given to consider more measures and provide advice on the Green Deal.

22. In the case of replacement domestic windows, do you think that the proposed process for building occupiers to assess what consequential improvements are/are not required, and to demonstrate this to building control, is adequate? Please explain your view.

Yes No Don't know

Comments

As previous. Again the expertise of the window installer should be used

to recommend measures for improving the performance of remaining windows though measures such as draughtstripping.

23. Do you think that the proposed role for building control bodies in the delivery of consequential improvements and compliance checking is appropriate and workable? Please explain your view.

Yes No Don't know

Comments

The onus should be placed on the CP to explain implement and report to BC. Enforcement should be real and follow the risk based approach.

24. Do you think the proposed role for Competent Persons schemes, Gas Safe engineers, builders and other installers in the delivery of consequential improvements is appropriate and workable? Please explain your view.

Yes No Don't know

Comments

25. Would you prefer requirements for consequential improvements for existing homes and non-domestic buildings to be introduced:

On a phased basis between 2012 and 2014 (the Government's preferred option)

All at once in October 2012

At a different date or dates (please explain below)

Don't know

Comments

The GD is being introduced in October and will take time to bed down. Creating an instantaneous automatic demand from CIs may overwhelm the system. The CP schemes will need time to train and produce guidance for their members.

26. If you have any other comments or suggestions on the proposals for consequential improvements, please make them here:

Comments

The proposal to use consequential improvement in the domestic sector has to be explained very carefully to the home owner. For many this will be a new concept. It largely depends as to how this is described and the terms and conditions but the straight forward approach you make a change and you need to spend a percentage of the budget on additional energy conserving works will meet resistance.

The checks and balances are also not clear. Who will follow up as to what needs to be done who checks that it is done and who checks that it is performing as required to deliver the performance enhancement at the centre of the measures. This is all unclear at present.

Equally if this is linked to the Green Deal this adds a further level of complexity and confusion for the home owner to understand. There needs to be a concerted effort to explain this in as simple a methodology as possible.

If this is to happen for extensions as early as October considerable effort will be needed to the public onside

Taking on the further complexities of boilers and other elements as well as formulas to increase the scheme again some very strong marketing is required. Every consumer is familiar with the white goods energy certificate and to a lesser degree the home energy certificate this kind of graphic needs to be used to identify these measures. They need to be kept very simple.

Moving on to the commercial side of the proposals further clarity is needed again. Use of the current definition and formula is almost expected by industry . However much confusion over the details still are apparent. Ensuring greater familiarity and understanding of the principles as used in proactive would be of help. Case studies explaining the options as played out in real examples are really the best manner to do this successfully..