

Mr. Gerald McInerney
Sustainable Buildings Division
Department for Communities and Local Government
Zone H9
5th Floor
Eland House
Bressenden Place
London
SW1E 5DU

25th November 2009

Dear Gerald,

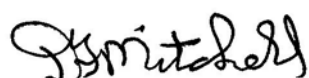
Consultation on Part J of the Building Regulations

We are writing to you with the Home Builders Federation response to the Government's consultation on Part J of the building regulations.

The Home Builders Federation (HBF) is the principal trade association representing private sector house builders in England and Wales. Our members are companies who between them build about 80% of the new homes in England and Wales.

We would be happy to discuss any of these issues further with the Department if this would be helpful and facilitate effective solutions.

Yours sincerely,



Dave Mitchell
Technical Director

Annex B:

Response Form

The purpose of this form is to help consultees marshal their thoughts and to facilitate collation and analysis of the many responses that are expected.

In answer to each question consultees can choose to tick boxes and/or to provide suggestions and observations in more detail. In particular, if you disagree with any proposal, please add comments and provide practical alternatives. It is not essential to form a view against every question – respond only where you wish.

The list of questions is not exhaustive, and there is no intention to discourage consultees from expressing views “outside the box”. The last question is completely open to enable consultees to make suggestions or observations that do not fit into the preceding format.

We would prefer replies by email. To this end, an editable version of the consultation questionnaire can be downloaded from the “Proposals for amending Part J of the Building Regulations” link at www.communities.gov.uk/consultations

Alternatively, please return hard copies of the completed questionnaire along with any material that you feel would add usefully to your response.

Proposals for amending Part J of the building regulations: consultation

Respondent Details:	
Name: D F Mitchell	Please return by: 26 November 2009 Responses should preferably be submitted by email to: adjresponses2009@bsria.co.uk Alternatively, hard copy responses should be sent to: Gerald McInerney Sustainable Buildings Division Department for Communities and Local Government Zone H9 5th Floor Eland House Bressenden Place London SW1E 5DU
Organisation: Home Builders Federation	
Address: 7 - 9 St. James Street London	
Telephone:	
Fax:	
e-mail: dave.mitchell@hbf.co.uk	
<p>Are you responding as an individual? Or are you representing the views of an organisation?</p> <p>If you are responding on behalf of an organisation, please say who the organisation represents and, if applicable, how the views of members have been assembled.</p> <p>HBF represents the views of its members who build around about 80% of the new homes built in England and Wales.</p> <p>Our members views contained in this response are as a result of regional meetings throughout England and Wales as well as a dedicated consultation meeting at our offices in London.</p>	
<p>Is your response confidential? If so please explain why. (See disclaimer on page 13)</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Comments:</p>	

Provision is made throughout this questionnaire for you to make additional comments. If, however, you wish to provide more detailed comments on any aspect of the consultation then please feel free to append additional materials and supplementary documents, clearly marked and cross referenced to the relevant questions, as necessary.

Organisation Type (tick one box only)			
House or property developer	<input type="checkbox"/>	Local authority – Planning	<input type="checkbox"/>
Commercial developer	<input type="checkbox"/>	Local authority – Other (please specify)	<input type="checkbox"/>
Housing association (registered social landlord)	<input type="checkbox"/>	Approved Inspector	<input type="checkbox"/>
Property management: Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Public sector <input type="checkbox"/>		Professional body or institution	<input type="checkbox"/>
Builder – Main contractor (commercial/volume house builder)	<input type="checkbox"/>	Trade body or association	<input checked="" type="checkbox"/>
Builder – Small builder (repairs/maintenance, etc)	<input type="checkbox"/>	Householder: Homeowner <input type="checkbox"/> Tenant <input type="checkbox"/>	
Builder – Specialist sub-contractor	<input type="checkbox"/>	Energy sector: Generation <input type="checkbox"/> Transmission <input type="checkbox"/> Distribution <input type="checkbox"/> Supplier <input type="checkbox"/> Energy service company <input type="checkbox"/>	
Manufacturer	<input type="checkbox"/>	Other non-governmental organisation	<input type="checkbox"/>
Architect	<input type="checkbox"/>	Specific interest or lobby group	<input type="checkbox"/>
Civil/structural engineer	<input type="checkbox"/>	Research/academic organisation	<input type="checkbox"/>
Consultancy	<input type="checkbox"/>	Journalist/media	<input type="checkbox"/>
Individual in practice, trade or profession	<input type="checkbox"/>	Development funder	<input type="checkbox"/>
Local authority – Building control	<input type="checkbox"/>	Other (please specify):	<input type="checkbox"/>
Geographical Location			
England	<input type="checkbox"/>	Wales	<input type="checkbox"/>
England and Wales	<input checked="" type="checkbox"/>	Other (please specify)	<input type="checkbox"/>

Air supply for combustion in air tight homes

1. Do you agree that the provisions for Air supply in Approved Document J (AD J) need to be modified for very air tight buildings?

Yes ☒ No ☐ Don't know ☐

2. Do you agree that adventitious ventilation (e.g. uncontrolled ventilation through gaps cracks and joints in the building fabric) should be ignored in dwellings where the design air permeability is less than 5.0 m³/hr/m²?

Yes ☐ No ☒ Don't know ☐

Note: The Department has commissioned further research to look into this issue. Please append to your reply any technical information you may have that would contribute to this research.

Comments

3. The Current guidance in Approved Document J provides for ventilators to be specified in terms of their free area or equivalent area. The Department is also currently consulting on proposals to amend Part F (Ventilation) of the Building Regulations which includes a proposal to specify ventilators in terms of equivalent area only.

Do you agree that ventilators provided for compliance with Part J should be specified in terms of their equivalent area?

Yes ☒ No ☐ Don't know ☐

Comments

This is the most appropriate methodology and would give consistency with Part F.

Note: **Equivalent area** is a measure of the aerodynamic performance of a ventilator. It is the area of a sharp-edged orifice which air would pass through at the same volume flow rate, under an identical applied pressure difference, as the opening under consideration.

4. In the light of increasing standards for air tightness do you think that the current diagram 12 in AD J (provision of ventilator communicating with a roof space) should be deleted?

Yes ☐ No ☒ Don't know ☐

Better guidance on Biofuel technology

5. Is the proposed definition of solid biofuel: "Solid biofuel is derived from plants and trees. It can include logs, wood chips, wood pellets and other processed plant material" appropriate and accurate for the purpose of AD J (see para 0.4 40).?

Yes ☒ No ☐ Don't know ☐

If your answer is No, please make suggestions for an alternative definition.

6. Do you agree that guidance on solid biofuel appliances should be incorporated into the guidance for solid fuel appliances in Section 2 of ADJ and that a separate section on biofuels is not necessary?

Yes ☒ No ☐ Don't know ☐

Comments

7. Do you agree that flues of less than 125 mm diameter be permissible for solid biofuel boilers where recommended by the appliance manufacturer and supported by calculation?

Yes ☒ No ☐ Don't know ☐

Comments

8. Do you agree that appliance manufacturers should be able to recommend alternative separation distances for products that have been tested and proven to conform to appropriate standards for low surface temperatures?

Yes ☒ No ☐ Don't know ☐

Comments

Our response is based on the proviso that any testing meets the requirements of an appropriate accredited body and certified to this effect.

Carbon monoxide alarms

9. Do you agree that CO alarms should be provided where new solid fuel appliances are installed?

- ☒ Yes – All solid fuel appliances
- ☐ Yes – But not for appliances that are effectively room sealed
- ☐ No
- ☐ Don't know

10. Do you think that CO alarms should be provided in conjunction with all combustion appliances?

Yes ☐ No ☒ Don't know ☐

If your answer is yes, please provide any supporting evidence you have for your view especially in relation to the potential costs and benefits.

Clearly, the greatest risk is where open flue solid fuel appliances are installed, particularly when the appliance relies on biomass as a fuel. Biomass burning appliances are known to emit substantially greater volumes of carbon monoxide than conventional gas boilers. It therefore follows that appropriate levels of protection should be provided. As an aside, if the role of Building Regulations is to protect the health and safety of building occupants, is there not an emerging case for combined smoke and CO alarms? This would represent a minimum increase in cost for even greater enhanced safety. (See also further comments at the end of this series of questions).

11. Do you agree with the proposed specification of CO alarms i.e. conforming to BS EN 50291 and provided with lifetime batteries?

Yes ☒ No ☐ Don't know ☐

If your answer is no please suggest why and offer an alternative specification

12. It could be argued that if hazardous appliance faults are more likely outside of the first six years of the life of the appliance (i.e. after the lifetime of the CO alarm), and if the CO alarm is only installed alongside a new appliance then the benefit of the alarm may be low. The Department would be particularly interested to hear from respondents if they have any views or information in this regard.

Comments

In many respects, there is an opportunity through this revision of AD 'J' to make the annual maintenance of all boilers a mandatory requirement. If a check of the CO monitor is also a mandated requirement of this inspection then an even greater level of safety can be assured. This approach would add little if indeed any additional cost for the householder. In addition, annual maintenance helps to future-proof the efficiency of all boilers thereby mitigating the possibility of increased carbon dioxide emissions due to a lack of maintenance.

Concealed flues

13. Do you agree that ADJ should include detailed guidance on provisions for the inspection of concealed flues?

Yes ☒ No ☐ Don't know ☐

Comments

This ensures consistency with extant guidance produced by Gas Safe, i.e. TB008. However, historically these technical bulletins have not been available to anyone other than registered gas installers. Through this consultation, we make the plea for such technical guidance to be made available to the wider design community.

14. Do you agree with the draft guidance on inspection for concealed flues (paragraph 146a) and Diagram 14?

Yes ☒ No ☐ Don't know ☐

Comments

If your answer is No, please make suggestions for alternative text.

Plumbing from condensing boilers

15. Do you agree that an advisory note on flue nuisance is helpful?

Yes ☒ No ☐ Don't know ☐

16. Do you agree that a reference to the recommended minimum separation distances in Chapter 6 of the Guide to the Condensing Boiler Installation Assessment Procedure for Dwellings is appropriate?

Yes ☒ No ☐ Don't know ☐

Comments

Flues and adjacent pitched roofs

17. Do you agree with the proposed clarification of Diagrams 17 & 41?

Yes ☒ No ☐ Don't know ☐

Comments

Manufacturers details should be used. The dimensions stated in diagrams 17 and 41 should be used as a default when these are not available.

If your answer is No, please make suggestions for an alternative.

Bunding of domestic oil tanks

18. Do you think that the risk based approach to bunding of domestic oil tanks should be replaced with a provision applying all tanks?

Yes ☐ No ☐ Don't know ☒

Comments

If your answer is yes can you provide any evidence that would show that such a provision would be cost effective?

19. The department would be interested in suggestions of alternative regulatory or non-regulatory options for improving the protection of the environment from domestic oil storage tanks.

Comments

Exempt buildings

Combustion appliances and flues can be installed in buildings that are exempt from the requirements of Part J (and most other parts) of the Building Regulations. These exemptions are set out in Schedule 2 of the Regulations and include certain conservatories, garages and ancillary boiler houses. Some stakeholders have suggested that these exemptions should be changed or removed to ensure that all such installations are controlled.

20. Do you agree that the provisions of Part J should be extended in scope to include some or all buildings where combustion appliances may be installed that are currently exempt?

Yes ☒ No ☐ Don't know ☐

Comments

This would be most appropriate and consistent with the aims of this revision.

Flue notices

Some stakeholders have suggested that there is limited compliance with the requirement for flue notices other than for masonry chimneys and fireplaces.

21. Do you think that the existing provisions for flue notices are adequate?

Yes ☒ No ☐ Don't know ☐

Comments

Based our experiences over several years, the existing requirements in respect of flue notices have not raised any significant issues.

22. Do you think that the provisions for flue notices should be limited in scope to only to masonry chimneys and fireplaces?

Yes ☒ No ☐ Don't know ☐

Comments

Gas Pipes

23. The Health and Safety Executive have published a Preliminary Consultation on the recommendations contained in the Gill Report on the 2004 ICL Plastics explosion. This consultation includes a reference to the potential to amend building regulations to prohibit the use of LPG pipework through an unventilated void.

If this is considered necessary, the Regulations could either be extended to control the installation of gas pipes or informative text could be included in the Approved Document to alert the reader to existing gas safety provisions.

In respect of provisions for the installation of gas pipes in buildings which option do you support?

- A) ☐ Amend the Building Regulations and include guidance on gas installation in Approved Document J.
- B) ☐ Include informative text in the Approved Document to alert the reader to the requirements of gas safety legislation and cross reference to existing guidance.
- C) ☒ Do nothing.
- D) ☐ Don't know.

Comments

Note: The HSE consultation and the ICL Inquiry Report can be accessed via the HSE website at www.hse.gov.uk/lpgconsultation/index.htm

Impact Assessment

24. Please enter below any additional suggestions or observations that you would like to make on the Impact assessment for the proposals for amending Part J of the Building Regulations.

Comments

General suggestions and observations

25. Please enter below any additional suggestions or observations that you would like to make on the proposals for amending Part J of the Building Regulations.

Comments

This consultation has placed considerable weight on effectively dealing with combustion appliances that are likely to operate in dwellings/buildings that have improved thermal performance and much reduced air leakage. The fact that research into this matter has been commissioned is most welcome but we would advocate that any research undertaken looks at the wider issues associated with buildings that are more air-tight, i.e. indoor air quality, air change requirements (calculated-v- actual). The opportunity to ensure that there is synergy with Part F, which has recently been consulted upon, should not be lost.

Biomass Boilers: In addition to generating greater levels of carbon monoxide when compared to gas boilers, emission quality from biomass is also much poorer. This consultation makes no reference to the need to ensure biomass boiler emissions meet current environmental standards and that a reliance on emission 'scrubbers' could well be a distinct possibility. More definitive guidance would be welcome in this area.