

Annex J

2012 consultation on changes to the Building Regulations in England

Section one consultation questions response form

We are seeking your views on the following questions on the Government's proposed changes to the Building Regulations and the building control system.

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
Zones 5/G9
Eland House
Bressenden Place
London SW1E 5DU

About you:

(i) **Your details**

Name:	D.F.Mitchell
Position:	Technical Director
Name of organisation (if applicable):	Home Builders Federation
Address:	7-9 St James Street
Email Address:	dave.mitchell@hbf.co.uk
Telephone number:	020 7960 1600

(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:

--

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

Builders/Developers:	Property Management:
Builder – Main contractor <input type="checkbox"/>	Housing association (registered social landlord) <input type="checkbox"/>
Builder – Small builder (extensions/repairs/maintenance, etc) <input type="checkbox"/>	Residential landlord, private sector <input type="checkbox"/>
Installer/specialist sub-contractor <input type="checkbox"/>	Commercial <input type="checkbox"/>
Commercial developer <input type="checkbox"/>	Public sector <input type="checkbox"/>
House builder <input type="checkbox"/>	Building Control Bodies:
Building Occupier:	Local authority building control <input type="checkbox"/>
Homeowner <input type="checkbox"/>	Approved Inspector <input type="checkbox"/>
Tenant (residential) <input type="checkbox"/>	Specific Interest:
Commercial Building <input type="checkbox"/>	Competent person scheme operator <input type="checkbox"/>
Designers/Engineers/Surveyors:	National representative or trade body <input checked="" type="checkbox"/>
Architect <input type="checkbox"/>	Professional body or institution <input type="checkbox"/>
Civil/structural engineer <input type="checkbox"/>	Research/academic organisation <input type="checkbox"/>
Building services engineer <input type="checkbox"/>	Energy Sector <input type="checkbox"/>
Surveyor <input type="checkbox"/>	Fire and Rescue Authority <input type="checkbox"/>
Manufacturer/supply chain <input type="checkbox"/>	Other (please specify) <input type="checkbox"/>

(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) ☐

Are you or your organisation a member of a competent person scheme?

(vi) Yes ☐ No ☒

Name of scheme:

(vi) **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 comments box.

Questions

Chapter 1: Introduction

- 1.1 Do you have any views as to the applicability of the micro business moratorium to these proposals?

Comment

Whilst we should look towards exempting micro businesses from new regulations up to 2014 we should not be building anything that does not comply with building regulations. Therefore regrettably micro businesses should comply with proposed new building regulations outlined in these consultations

- 1.2 Should the timing of regulatory changes and/or transitional arrangements be changed to minimise the impact on business and, if so, how should this be done?

Yes ☐ No ☒

Comment

Transitional arrangements should be the same as those in force for Part L 2010

- 1.3 Consultees are welcome to provide information on any of the points raised in Chapter one of this document. They can also take this opportunity to submit ideas and evidence that they would like us to take into account as we consider future approaches to the Building Regulations.

Comment

Rationalisation of Parts K, M and N is a welcomed step and one that we would like to see extended to other parts of the building regulations in future.

Chapter 2: Amendments to Part A

- 2.1 Do you agree that the structural design standards currently referenced in Approved document A should be replaced by the Eurocodes-based British Standards with their National Annexes as proposed? Please explain why if you do not.

Yes ☒ No ☐

Comment

- 2.2 It is generally accepted that use of the Eurocodes-based British Standards with their National Annexes and non-conflicting complementary information provides at least an equivalent level of safety and serviceability to the withdrawn British Standards currently referenced. Do you have evidence that this is not the case?

Yes ☐ No ☒

Comment

- 2.3 We believe that our approach in Annex E to referencing BSi Published Documents provides essential and helpful additional information in support of Eurocodes implementation. Do you agree (and if not which, if any, are essential to include)?

Yes ☒ No ☐

Comment

- 2.4 Do you agree that additional guidance should be provided in a Circular, or similar, to clarify

how currently referenced and withdrawn British Standards might continue to be used up to and beyond 2015?

Yes ☒ No ☐

Comment

2.5 Do you agree that the actual cost of constructing buildings using standards based on Eurocodes are neutral overall and what evidence do you have to support or refute this?

Yes No

Comment

No

2.6 Do you agree with the estimated transitional costs? If not, please identify which assumptions/estimates you disagree with and, if possible, provide evidence to support your response.

Yes ☒ No ☐

Comment

2.7 Do you have any further information to support or refute the assessment of the benefits associated with referencing the Eurocodes-based British Standards in Approved Document A?

Yes ☐ No ☒

Comment

2.8 Do you agree that the changes proposed to Diagram 6 and the calculation procedure in Diagram 7 provide equivalent safety to the current guidance?

Yes ☒ No ☐

Comment

2.9 Do you agree the new optional procedure for determining Factor O given in Diagram 6, Figure 3 provides equivalent safety and economy of design?

Yes ☒ No ☐

Comment

2.10 The changes proposed to Section 5 guidance, particularly in referencing Eurocodes-based British standards for structural design, are intended to provide an equivalent level of safety and robustness to the current approach based upon withdrawn British standards. Do you agree?

Yes ☒ No ☐

Comment

2.11 Do you agree that changing the area limit in Diagram 24 from 70m² to 100m² to align guidance with BS EN 1991-1-7 “General actions- Accidental actions” introduces no significant additional risks?

Yes ☒ No ☐

Comment

2.12 Do you agree that it is helpful to include reference to the ISE Practical Guide to Structural Robustness and Disproportionate Collapse in Buildings as an Alternative approach reference?

Yes ☒ No ☐

Comment

2.13 Do you agree it would be a helpful change in line with industry practice to amend the guidance in Approved Document A (2E4) to a three-tier graduated approach for minimum foundation depths in clay soils?

Yes ☐ No ☒

Comment

2.14 Are you able to provide information to inform further consideration of any of the topics raised in or related to this consultation chapter, for example, in relation to freestanding walls or to loading increase and decrease associated with re-covering of roofs?

Yes ☐ No ☒

Comment

Chapter 3: Amendments to Part B

3.1 Do you agree that the proposed amendments to Table 10 are reasonable and maintain the necessary standards of safety?

Yes ☒ No ☐

Comment

3.2 Do you agree that the proposed amendments to Table 11 are reasonable and maintain necessary standards of safety?

Yes ☒ No ☐

Comment

3.3 Do you think the proposed new Diagram 28 is necessary to illustrate the changes to Table 11?

Yes ☒ No ☐

Comment

3.4 Are you able to provide information to inform further consideration of any of the topics raised in or related to this consultation chapter?

Yes ☐ No ☒

Comment

Chapter 4: Amendments to Part C

4.1 Do you have any evidence that would be helpful when we refine our analysis, including the working assumptions in the Impact Assessment, post consultation?

Yes ☐ No ☒

Comment

4.2 Would removing Annex A of Approved Document C cause problems?

Yes ☒ No ☐

Comment

What we believe should happen is that Annex A should be replaced with a specific reference to the revised statutory guidance dealing with contaminated land which has just been issued by DEFRA.

4.3 Do you have any other suggestions for change that you believe we should consider in our future review work?

Yes ☒ No ☐

Comment

A review technical guidance surrounding contaminated land would help especially with the new DEFRA guidance as noted in the previous answer.

Chapter 5: Consolidation of Parts K,M and N

- 5.1 Are there any changes to the technical provisions in the proposed draft Approved Document K which would impact on the way in which industry applies the existing guidance? If so, can you identify specifically what has changed and what that impact would be.

Yes ☐ No ☒

Comment

- 5.2 Do you have any further suggestions for areas of consolidation/rationalisation between guidance relating to Parts K, M and N?

Comment

No

- 5.3 Do you think that style and layout of the Approved Document makes it easier to read and use?

Yes ☒ No ☐

Comment

- 5.4 Are there any changes in the words used in the proposed draft Approved Document K which will impact on the way industry would apply the guidance? If so, can you identify specifically what has changed and what that impact would be.

Yes ☐ No ☒

Comment

5.5 Do you agree with the estimated transitional costs? If not, please identify which assumptions you disagree with and provide evidence to support alternative values.

Yes ☐ No ☒

Comment

5.6 Do you agree with the estimated benefits for the rationalisation/consolidation? If not, please identify which assumptions you disagree with and provide evidence to support alternative values.

Yes ☒ No ☐

Comment

5.7 Are you able to provide information to inform further consideration of any of the topics raised in or related to this consultation chapter?

Yes ☐ No ☒

Comment

Chapter 6: Amendments to Guidance on Access Statements in Part M

6.1 Do you agree that the proposed alternative approaches to written Access Statements can be effective in helping to communicate compliance?

Yes ☒ No ☐

Comment

6.2 Does this revised wording clarify the relationship between Approved Document M and the Equality Act 2010? If not please suggest how this could be made clearer.

Yes ☐ No ☒

Comment

6.3 Table 3 on page 9 of the Impact Assessment sets out the percentage of building control applications currently accompanied by an Access Statement, banded by project size. Does this seem reasonable or do you have evidence to substantiate alternative figures?

Yes ☐ No ☒

Comment

- 6.4 Table 5 on page 10 of the Impact Assessment sets out as transitional costs the time and cost to industry in becoming familiar with revised guidance within Approved Document M and developing revised approaches to communicating compliance. Does this seem reasonable or do you have evidence to substantiate alternative figures?

Yes ☒ No ☒

Comment

Unable to clarify whether figures are reasonable or not

- 6.5 Table 6, 7 and 8 on pages 12 and 13 of the Impact Assessment sets out the extent to which revised guidance will deliver efficiencies to industry and seeks to evaluate the benefits this will bring. Do you agree with our estimate of time, and cost which will be saved by a more focused risk-based approach to demonstrating compliance? If not, please suggest what values should be considered and provide any supporting evidence.

Yes ☐ No ☐

Comment

Don't know

- 6.6 Table 7 on page 12 of the Impact Assessment sets out the underlying assumptions in the calculations of savings to homebuilders – do you agree with these figures? If not, please suggest what values should be considered and provide any supporting evidence.

Yes ☐ No ☒

Comment

6.7 Are there are any costs to industry not identified within the consultation stage Impact Assessment that we should include? If so, what are they and what can be provided to substantiate such costs?

Yes ☐ No ☒

Comment

6.8 Are you able to provide information to inform further consideration of any of the topics raised in or related to this consultation chapter?

Yes ☐ No ☒

Comment

Chapter 7: Domestic Security

7.1 Are you able to provide information to inform further consideration of any of the topics raised in or related to this consultation chapter?

Yes ☐ No ☒

Comment

Chapter 8: Changing Places toilets

- 8.1 Should Approved Document M be amended to provide information about what is needed from a Changing Places toilet and, if so, should this be a simple reference to BS8300 or should the information be in the body of the Approved Document?

Yes ☒ No ☐

Comment

should be in the body of the approved document

- 8.2 Would providing additional guidance of the sort proposed lead to any adverse impacts on building providers/occupiers?

Yes ☐ No ☒

Comment

Chapter 9: Amendments to the Approved Document supporting Regulation 7

9.1 Are you able to provide information to inform further consideration of any of the topics raised in or related to this consultation chapter?

Yes ☐ No ☒

Comment