

# Annex B

## Response form 2

### Section two:

#### Part L (Conservation of fuel and power)

#### Form 2: New build standards and performance standards for works in existing buildings

This form is to be used to respond to the proposals in Chapters 3, 4 and 5, the associated changes to the Approved Documents, and changes to the Building Services Compliance Guides and National Calculation Methodology. These changes relate to the proposals on performance standards for new buildings and for building work in existing properties, and the proposals on compliance and performance. The closing date for the submission of these forms is **27 April 2012**.

If possible, please respond by email to:

[building.regulations@communities.gsi.gov.uk](mailto: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:	J Slaughter
Position:	
Name of organisation (if applicable):	Home Builders Federation
Address:	Byron House, 7-9 St. Jame's Street, London, SW1A 1EE
Email:	john.slaughter@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:

<b>Builders/Developers:</b>		<b>Property management:</b>	
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"/>	<b>Building Control Bodies:</b>	
<b>Building Occupier:</b>		Local authority building control	<input type="checkbox"/>
Homeowner	<input type="checkbox"/>	Approved Inspector	<input type="checkbox"/>
Tenant (residential)	<input type="checkbox"/>	<b>Specific Interest:</b>	
Commercial Building	<input type="checkbox"/>	Competent Person scheme operator	<input type="checkbox"/>
<b>Designers/Engineers/Surveyors:</b>		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"/>	<b>Energy Sector</b>	
Surveyor	<input type="checkbox"/>	<b>Fire and Rescue Authority</b>	
<b>Manufacturer/Supply Chain</b>	<input type="checkbox"/>	<b>Other</b> (please specify)	<input type="checkbox"/>
		<div style="border: 1px solid black; height: 20px; width: 100%;"></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)

☐

(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:

*Because this is the second half of the Part L consultation response form, the numbering of questions continues from the previous form.*

### New homes

27. Do you agree with the proposal for a 'hybrid' approach to standard setting for new homes in 2013? Please justify your choice and provide any views on the change from relative to absolute standards for new homes.

Yes ☐ No ☒ Don't know ☐

Comments

28. The proposals explain the Government's preference for the 'FEES plus efficient services' CO<sub>2</sub> target. No firm preference is expressed for the energy demand targets. What is your preferred option for the standards for new homes from October 2013:

No change ☒

The 'FEES plus efficient services' CO<sub>2</sub> target with energy targets set at 39/46 kWh/m<sup>2</sup>/year ('full FEES') ☐

The 'FEES plus efficient services' CO<sub>2</sub> target with energy targets set at 43/52 kWh/m<sup>2</sup>/year ('interim' FEE targets) ☐

The 'Halfway point' CO<sub>2</sub> target with energy targets set at 39/46 kWh/m<sup>2</sup>/year ('full FEES') ☐

The 'Halfway point' CO<sub>2</sub> target with energy targets set at 43/52 kWh/m<sup>2</sup>/year ('interim' FEE targets) ☐

Something else (please explain below) ☐

Don't know ☐

Comments

29. Do you agree that the limits on design flexibility 'backstop' values for fabric elements and fixed building services in new homes should be retained as reasonable provision in the technical guidance?

Yes ☐ No ☒ Don't know ☐

Comments

30. The proposals explain the options for the fuel factor for new homes. No firm preference is expressed. Which option for 2013 standards do you prefer and why:

Retain the fuel factor at current levels ☒

Reduce the fuel factor ☐

Remove the fuel factor ☐

Don't know ☐

Comments

It is clear that this will be removed by 2016, but at this stage leaving it will avoid any increased costs

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

Yes ☐ No ☒ Don't know ☐

Comments

The estimated aggregate build rate/ cost figures probably do not reflect the likely build mix for the period in which the proposed regulations would apply. We do believe there will be an increase above the figures shown in the RA for the proportion of new build represented detached houses which would consequently increase the overall assessment of costs.

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

Yes ☐ No ☒ Don't know ☐

Comments

See answer to Question 31 and the points made about the assessment of the cost impact of the Government's proposals in our covering letter.

### New non-domestic buildings

33. The proposals explain the Government's preference for a 20% aggregate improvement in CO<sub>2</sub> performance standards for new non-domestic buildings from October 2013. Which option do you prefer and why:

No change ☐

11% aggregate improvement ☐

20% aggregate improvement ☐

Don't know ☒

Comments

Have not had time to consider effect on shell and core types

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

Yes ☐ No ☐ Don't know ☒

Comments

No comment





35. What information do you have on how the proposed changes in standards for new non-domestic buildings might have different impacts on different categories of building?

Comments

No comment other than that we have always had the view that domestic and non domestic should follow the same timeline to zero carbon. There are quite a few mixed developments about and consistency between the two sectors would have benefits.

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

Yes ☐ No ☐ Don't know ☒

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

38. Do you agree in broad terms with the proposed process for considering the introduction of new technologies into SBEM via an 'Appendix Q'? Please provide suggestions for an alternative approach where relevant.

Yes ☒ No ☐ Don't know ☐

Comments

Yes, in broad terms we agree. This should help bring new technologies through quicker.

### Performance standards for works to existing buildings

39. Do you agree with the proposal to raise performance standards for domestic replacement windows from October 2013? Please explain your answer.

Yes ☒ No ☐ Don't know ☐

Comments

Should align with new build. However, care needs to be taken to ensure that by raising standards we don't see an increase in the amount of this work being done fitted by non-accredited people.

40. Do you agree with the proposal to raise performance standards for domestic extensions from October 2013? Please explain your answer.

Yes ☒ No ☐ Don't know ☐

Comments

Same comment applies as in question 39

41. Do you agree with the proposal to raise performance standards for non-domestic extensions from October 2013? Please explain your answer.

Yes ☒ No ☐ Don't know ☐

Comments

Same comment applies as in question 39

42. Do you agree with the proposal to include the Lighting Energy Numeric Indicator (LENI) methodology as an alternative way of meeting the minimum energy performance requirements for lighting installations?

Yes ☐ No ☐ Don't know ☒

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

### Compliance and performance

44. Do you think that the introduction of quality assurance processes and regulatory incentives to encourage their development and use will help mitigate the risks of a difference between the as-designed and as-built performance of new homes? Please suggest an alternative if you do not agree.

Yes ☐ No ☒ Don't know ☐

Comments

In your consultation document paragraph 147 acknowledges that available evidence is based on a relatively small number of detailed scientific field studies. Before any form of quality assurance process is thought about one needs to consider with proper up to date research what, where and how big any gap between designed and as-built performance may be. For instance we know that inadequacies within SAP are responsible for some of any gap. (We don't know how much though.) The SAP consultation will have finished by the time this Part L response is being read and considered, but we know from comments within the SAP consultation that not all the current problems within SAP will be addressed. There remains an important question therefore how these deficiencies in SAP can be dealt with to ensure the success of the zero carbon policy.

HBf have discussed with TSB/DCLG a research initiative which would provide a good way forward of getting to the what, where and how big any gap is and would urge Government and the TSB to support this as the best way forward as we have suggested. It is only when we are more confident about the actual position through this kind of research work that we can move forward and robustly start to reduce any gap. Such a research initiative is something we not only want to do but need to do as it is clear that the 2016 Part L standard will be on an as built basis.

For this and the other reasons set out in our covering letter we think that it would be unwarranted and ineffective to impose the costs and penalties associated with the proposed PAS scheme.

45. If a new process is developed (in addition to individual developers' schemes) do you think that such a quality assurance process should be codified in the form of:

A BSI Publicly Available Specification ☐

Another form (please specify) ☐

Don't know ☐

46. Do you agree with the indicative contents outlined for a quality assurance process? Please explain your answer and what you think the standard should cover.

Yes ☐ No ☒ Don't know ☐

Comments

See answer to question 44 and our covering letter.

Question 45 - there is no comment box for this question so we have not added a comment there.

We feel question 45 should have had a "No" response box - which we, and we believe a lot of other respondents, would have ticked. The response options should also have enabled respondents to specify what another form might be!!

A PAS scheme would seriously restrict entry to the market and harshly affect small builders and self builders who would not have the capacity

or capability to deal with it.

Such a scheme would carry with it a large cost burden to the industry as a whole and there is not the science to support it. It would also seem not to meet the requirements set out by the Hampton Review.

47. If a quality assurance process is developed by a combined industry/government group, who do you think should be represented on such a group?

Comments

See answer to Question 44 and our covering letter in which we propose an alternative and more robust way forward.

48. What do you think is the best way for developers to demonstrate that the 'PAS' quality assurance process has been adopted?

Comments

See answer to Question 44 and our covering letter in which we mention an alternative and more robust way forward.

49. What do you think is the best way for developers to demonstrate that an alternative, equivalent quality assurance process has been adopted?

Comments

See answer to Question 44 in which we mention an alternative and more robust robust way forward.

50. Where no formal quality assurance process is followed, which of the following would you support as an alternative:

3% confidence factor applied to Dwelling Emission Rate ☐

Another % confidence factor (please specify) ☐

A different approach (please explain below) ☐

Do not agree with the concept of the  
quality assurance process and confidence factors ☒

Don't know ☐

Comments

By following the type of scheme we are looking at (as mentioned in answer to question 44 and in our covering letter) we will be able to identify the areas that are causing any performance gap. Only then (if there are no other means) would it be appropriate to target those areas with a quality assurance process.

However, as we have previously alluded to, the first body of work to be done to give everyone a confident level base to start from is to gather more data and to look at the problems associated with the Government's compliance tool (SAP).

We have to have the confidence that SAP is performing correctly.

51. The consultation discusses compliance and performance issues for new non-domestic buildings. We would welcome any suggestions for improving Part L compliance and as-built energy performance for non-domestic buildings and any comments on the discussion.

Comments

We are also concerned about these issues, but like the Government we have no robust evidence to support this comment.

52. The consultation sets out a training strategy and target groups for the dissemination of the new Part L requirements. Do you agree with the proposed approach? Please explain your answer, provide an alternative approach if relevant, and indicate if you/your organisation would be willing to play a part in dissemination activities.

Yes ☒ No ☐ Don't know ☐

Comments

This is the most complex part of the building regulations and we agree that dissemination of this is necessary. We have indicated in the past that HBF is willing to help. Indeed we do hold regular meetings in all our operational areas within England and Wales to update our members

with all aspects of regulations.

Another way forward might be to give some serious consideration to how one might make Part L less complex .

Perhaps we could also risk assess whether the benefits of an easier, less complex Part L might lead to a lessening of the design v as built gap.

53. If you have any comments on the proposed changes to Approved Document L1A Conservation of fuel and power in new dwellings that are not covered by the questions above please add them here. Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

#### Comments

Perhaps looking at the bigger picture should have formed part of the consultation. For instance, how the Allowable Solutions regime might pan out in 2016 might have affected some peoples' views on this consultation.

54. If you have any comments on the proposed changes to Approved Document L2A Conservation of fuel and power in new buildings other than dwellings that are not covered by the questions above please add them here. Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

#### Comments

Perhaps looking at the bigger picture should have formed part of the consultation. For instance, how the Allowable Solutions regime might pan out in 2016 might have affected some peoples' views on this consultation.

55. If you have any comments on the proposed changes to Approved Document L1B Conservation of fuel and power in existing dwellings that are not covered by the questions above please add them here. Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

#### Comments

no comments

56. If you have any comments on the proposed changes to Approved Document L2B Conservation of fuel and power in existing buildings other than dwellings that are not covered by the questions above please add them here. Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

#### Comments

no comments

57. If you have any comments on the proposed changes to the National Calculation Methodology that are not covered in the questions above please add them here. Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

#### Comments

no comments

58. If you have any comments on the proposed changes to the Domestic Building Services Compliance Guide that are not covered in the questions above please add them here. Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

#### Comments

no comments

59. If you have any comments on the proposed changes to the Non Domestic Building Services Compliance Guide that are not covered in the questions above please add them here. Please make it clear which issue each comment relates to by identifying the relevant



paragraph number.

Comments

no comment

60. If you have any other comments on the proposals or suggestions on possible changes to Part L of the Building Regulations, please make them here:

Comments

This consultation does not seem to recognise the importance of having SAP software that performs accurately. We hope that through some of our responses that this will now be recognised. An accurate SAP is the essential level playing field from which the rest of any performance gap can be measured and adequately dealt with.