

Consultation Response Form - Building Regulations Part L and F Review - Changes to Part L (Conservation of Fuel and Power) and Part F (Ventilation) of the Building Regulations for existing dwellings and mitigating overheating in new dwellings

This consultation sets out our plans to improve the energy efficiency requirements for existing homes in 2021. The document also provides detail on mitigating overheating in new dwellings and proposals to implement the Energy performance of buildings directive.

This document is the second stage of a three-part consultation about proposed changes to the Building Regulations. The stage 1 consultation ran between December 2019 and March. Stage 2B on proposals for energy in non-domestic buildings will be issued in the new year.

You can email your response to the questions in this consultation to:
enquiries.brconstruction@gov.wales

If you are responding in writing, please make it clear which consultation and which questions you are responding to:

Building Regulations Part L and F Review

Written responses should be sent to:

Building Regulations, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

If you have any queries on this consultation, please email:
enquiries.brconstruction@gov.wales or telephone: 0300 062 8144.

Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not

want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Confidentiality

Responses to consultations may be made public on the internet or in a report.

If you do not want your name and address to be shown on any documents we produce please indicate here

CONSULTATION FORM

Amendments to statutory guidance

Date: 11 February 2021

| | |
|---|---|
| Your Name: | David Barnes on behalf of the CIOB Wales Hub |
| Your Position (<i>if applicable</i>): | Policy & Public Affairs Manager |
| Your Organisation (<i>if applicable</i>): | The Chartered Institute of Building (CIOB) |
| Email / Telephone Number: | dbarnes@ciob.org.uk |
| Your address: | The Chartered Institute of Building, 1 Arlington Square, Downshire Way, Bracknell, RG12 1WA |

| Type of Organisation: Choose one of the following: | Select one |
|---|------------|
| Builder / Developer | |
| Small/medium builder | |
| Volume house builder | |
| Designer / Engineer /Surveyor | |
| Local Authority | |
| Building Control Approved Inspector | |
| Architect | |
| Manufacturer/supply chain | |
| Energy Assessor | |

| | |
|---|--------------------------|
| Energy sector | |
| Construction professional | |
| Property Manager / Housing Association / Landlord | |
| Building Occupier/ Resident | |
| Other interested party (please specify) | Professional Body |

Question 1

| | |
|--|------------|
| Do you agree with the proposed minimum fabric standards for extensions as set out in Table 4.1? | |
| a. Yes | Yes |
| b. No | |
| c. Unsure | |
| If you do not agree with any of the proposed standards, please explain your reasoning with any evidence to support this. | |

Question 2

| | |
|--|-------------|
| Do you agree with the proposed minimum energy efficiency standards for windows and doors as set out in Table 10.1? | |
| a. Yes | Yes* |
| b. No | |
| c. Unsure | |
| If you do not agree, please explain your reasoning with any evidence to support this. | |
| *Does this impact on supply chains at all, is there any transitional arrangements? | |

Question 3

| | |
|---|------------|
| Do you agree with the proposed minimum standards for (i) a non-exempt conservatory or porch (paragraph 10.29) and (ii) thermal separation for a conservatory or porch so as to be exempt from the energy efficiency requirements as provided in Section 10 (paragraph 10.28)? | |
| a. Yes | Yes |
| b. No | |
| c. Unsure | |
| If you do not agree please explain your reasoning with any evidence to support this. | |

Question 4

| | |
|---|-------------|
| Do you agree with the proposed minimum standards for retained thermal elements for conversions as set out in Table 11.1 and the additional guidance to help address potential moisture risks? | |
| a. Yes | Yes* |
| b. No | |
| c. Unsure | |
| If you do not agree please explain your reasoning with any evidence to support this. | |
| *Although we suggest that in all cases it would be more appropriate to seek expert advice, otherwise walls that could potentially be insulated will not be. | |

Question 5

| | |
|---|-------------|
| Do you agree with the suggested knowledge/qualifications proposed for renovations, conversions or material change of use given in Section 11, where the suitability of an element needs to be assessed prior to the application of insulation, or where it is recommended that expert advice be sought? | |
| a. Yes | Yes* |
| b. No | |
| c. Unsure | |
| If you do not agree please explain your reasoning with any evidence to support this. | |
| *We note the requirement for training as retrofit coordinators and suggest this may require a transitional arrangement to ensure sufficient availability of trained experts for the potential quantity of works likely to be required. | |

Question 6

| | |
|--|------------|
| Do you agree with the removal of Appendix C from the current Approved Document? | |
| a. Yes | Yes |
| b. No | |
| c. Unsure | |
| If you do not agree please explain your reasoning with any evidence to support this. | |

Question 7

| | |
|---|--|
| Do you agree with the introduction of 'Boiler Plus' in Section 6? | |
|---|--|

| | |
|--|------------|
| a. Yes | Yes |
| b. No | |
| c. Unsure | |
| If you do not agree please explain your reasoning with any evidence to support this. | |

Question 8

| | |
|--|------------|
| Do you agree with the minimum standards for building services in Sections 5 and 6? | |
| a. Yes | Yes |
| b. No | |
| c. Unsure | |
| If you do not agree please explain your reasoning with any evidence to support this. | |

Question 9

| | |
|---|-------------|
| Do you agree with the proposal that when a space heating system is installed or replaced in an existing home, the system should be sized to allow the space heating system to operate at a flow temperature of 55°C or lower where feasible in Section 5? | |
| a. Yes | Yes* |
| b. No | |
| c. Unsure | |
| If you do not agree please explain your reasoning with any evidence to support this. | |
| *We note that it would be appropriate to take this opportunity to future proof as much as possible. | |

Question 10

| | |
|--|------------|
| Do you propose any other future-proofing measure(s)? | |
| a. Yes | |
| b. No | No* |
| If Yes, please detail your measure(s) and what building work would trigger the need to install the measure. | |
| *We recommend referencing to new technologies as well as encouraging mechanisms for adoption. This would assist BCBs and industry in continuing to develop and innovate. | |

Question 11

Do you agree with the proposed changes to consequential improvements in Section 12?

a. Yes

Yes*

b. No

c. Unsure

If you do not agree, please explain your reasoning with any evidence to support this.

*Page 77, 12.5 – (a) query partially insulated cavity walls, it could be that they do have the potential to be upgraded and a blanket statement to exempt them may not be suitable. Seeking expert advice to produce a report could be more appropriate.

Question 12

Do you agree with the proposed approach for Self-Regulated Devices as in Section 5?

a. Yes

Yes

b. No

c. Unsure

If you do not agree, please explain your reasoning with any evidence to support this.

Question 13

Do you agree with the proposed new standards for Building Automation and Control Systems (BACS) and On-Site Electricity Generation as in Section 6?

a. Yes

Yes

b. No

c. Unsure

If you do not agree, please explain your reasoning with any evidence to support this.

Question 14

Do you agree with the proposed approach to mandate for the assessment and provision of information for Technical Building Systems as in Section 9?

a. Yes

Yes*

b. No

c. Unsure

If you do not agree, please explain your reasoning with any evidence to support this.

*This is an important factor. However, we note that in the case of many SMEs operating in Wales, whether they are suitably equipped to provide this information and

in a format for users to understand. It may be that occupiers do not have the skills to understand information if it is in a very technical format.

Question 15

Do you agree with the proposed approach to change from the “equivalent carbon target approach” to the “equivalent primary energy target approach” in Section 13 to provide design flexibility?

- | | |
|-----------|------------|
| a. Yes | Yes |
| b. No | |
| c. Unsure | |

If you do not agree, please explain your reasoning with any evidence to support this.

Question 16

Do you agree with the proposed approach for ventilation provisions when installing energy efficiency measures as in Section 3?

- | | |
|-----------|-------------|
| a. Yes | Yes* |
| b. No | |
| c. Unsure | |

If you do not agree, please explain your reasoning with any evidence to support this.

*The performance gap is a known issue within the industry and education is key to alleviate this. It is important to increase awareness of the health implications of incorrectly ventilated homes. Although we agree with the proposed approach, we question the provision of training to help bridge the performance gap and whether any consideration into training has been considered.

Question 17

Do you agree with the proposal in Section 3 to include additional ventilation when replacing existing windows which either have no background ventilators, or where the size of the background ventilators in the existing window is not known?

- | | |
|-----------|-------------|
| a. Yes | Yes* |
| b. No | |
| c. Unsure | |

If you do not agree, please explain your reasoning with any evidence to support this.

*This standard was adopted in circa 2006-2008, however, following industry influence, this was removed. Education of installers and occupiers remains key and would help alleviate these issues.

Question 18

| | |
|---|------------|
| Do you agree with the changes proposed in Section 3 for ventilation provisions when adding a new habitable room (not including a conservatory) to an existing dwelling? | |
| a. Yes | Yes |
| b. No | |
| c. Unsure | |
| If you do not agree, please explain your reasoning with any evidence to support this. | |

Question 19

| | |
|---|-----------|
| Do you agree with the changes proposed in Section 3 for ventilation provisions when Refurbishing a kitchen or a bathroom? | |
| a. Yes | |
| b. No | No |
| c. Unsure | |
| If you do not agree, please explain your reasoning with any evidence to support this. | |
| Page 38, 3.30 – it would be appropriate to take the opportunity during a refurbishment to at least survey the property to ensure ventilation is adequate, rather than a blanket if there is no ventilation. Currently there is no need to provide one in the refurbished room. Humidity levels in bathrooms and kitchens are a known problem. | |

Question 20

| | |
|--|------------|
| Do you agree with the proposal that mechanical ventilation (including both continuous and intermittent ventilation) should be tested when installed in existing homes? | |
| a. Yes | Yes |
| b. No | |
| c. Unsure | |
| If you do not agree, please explain your reasoning with any evidence to support this. | |

Question 21

| | |
|---|------------|
| Do you agree with the proposed approach for Self-Regulated Devices as in Section 11 (Approved Document L2A) and Section 15 (Approved Document L2B)? | |
| a. Yes | Yes |
| b. No | |
| c. Unsure | |

If you do not agree, please explain your reasoning with any evidence to support this.

Question 22

Do you agree with the proposed specifications for Building Automation and Control Systems (BACS) as in Section 11 (Approved Document L2A) and Section 15 (Approved Document L2B)?

a. Yes

Yes

b. No

c. Unsure

If you do not agree, please explain your reasoning with any evidence to support this.

Question 23

Do you agree with the proposed new standards for Building Automation and Control Systems (BACS) and On-Site Electricity Generation as in Section 11 (Approved Document L2A) and Section 15 (Approved Document L2B)?

a. Yes

Yes

b. No

c. Unsure

If you do not agree, please explain your reasoning with any evidence to support this.

Question 24

Do you agree with the proposed approach to mandate for the assessment and provision of information for Technical Building Systems as in Section 7 (Approved Document L2A) and Section 14 (Approved Document L2B)?

a. Yes

Yes

b. No

c. Unsure

If you do not agree, please explain your reasoning with any evidence to support this.

Question 25

Do you agree with the proposal to focus both on flats and on houses which do not have two or more parallel aspects to facilitate cross-ventilation?

a. Yes

Yes

b. No

| | |
|---|--|
| c. Unsure | |
| If no, please explain your reasoning with any evidence to support this. | |

Question 26

| | |
|--|------------|
| Do you agree with the proposal to have both a simplified approach which provides prescriptive guidance and an approach based on dynamic thermal analysis to provide greater flexibility? | |
| a. Yes | Yes |
| b. No | |
| c. Unsure | |
| If you do not agree, please explain your reasoning with any evidence to support this. | |

Question 27

| | |
|--|------------|
| Do you agree with the prescriptive guidance for the simplified approach which aims to both control solar gains and provide ventilation to remove heat from the home? | |
| a. Yes | Yes |
| b. No | |
| c. Unsure | |
| If you do not agree, please explain your reasoning with any evidence to support this. | |

Question 28

| | |
|---|------------|
| Do you agree with the guidance provided for the dynamic thermal analysis? | |
| a. Yes | Yes |
| b. No | |
| c. Unsure | |
| If you do not agree, please explain your reasoning with any evidence to support this. | |

Question 29

| | |
|--|-------------|
| Do you agree with the proposed knowledge required for undertaking the dynamic thermal modelling? | |
| a. Yes | Yes* |
| b. No | |
| c. Unsure | |
| If not, please explain your reasoning and suggest alternative guidance to help ensure that the modelling is undertaken by a person competent to do so. | |

*Assuming sufficient opportunities for training are available i.e. Low Carbon Energy Assessor (LCEA) Level 5 to ensure sufficient numbers of competent persons.

Question 30

Do you agree with the proposal for demonstrating that all reasonable passive measures have been applied before including active measures? If not, explain your reasoning and suggest alternative guidance.

- | | |
|-----------|------------|
| a. Yes | Yes |
| b. No | |
| c. Unsure | |

If you do not agree, please explain your reasoning with any evidence to support this.

Question 31

Do you agree that issues of external noise and air pollution, which may affect the use of mitigation measures (e.g. opening windows) are sufficiently addressed through the Planning system?

- | | |
|-----------|---------------|
| a. Yes | |
| b. No | |
| c. Unsure | Unsure |

If you do not agree, please explain your reasoning with any evidence to support this.

Potentially, however we note the requirements are planning considerations and this will rely on the developer/contractor advising the BCB of such planning conditions that may impact the requirements for the prevention of overheating. Additionally, planning professionals may not fully understand the requirements of the building regulations and training across functions may be required.

Experience with other Approved Documents illustrate the issues with compliance of planning conditions that impede compliance with building regulations.

Question 32

Do you agree that existing Parts of the Building Regulation are sufficient to address safety and security concerns due to the use of openable windows to control for overheating?

- | | |
|-----------|-------------|
| a. Yes | Yes* |
| b. No | |
| c. Unsure | |

If you do not agree, please explain your reasoning with any evidence to support this.

*Although it should be noted the regulations do not legislate for people and how the buildings operate in occupation. This is why education is crucial.

Question 33

Do you agree that the transitional arrangements for the energy efficiency changes in 2021 should not apply to individual buildings where work has not started within 2 years of the coming into force date of the 2021 Part L and Part S amendments – resulting in those buildings having to be built to the new energy efficiency standard?

a. Yes - where building work has commenced on an individual building within 2 years, the transitional arrangements should apply to that building, but not to the buildings on which building work has not commenced

Yes

b. No– the transitional arrangements should continue to apply to all building work on a development, irrespective of whether or not building work has commenced on individual buildings

c. Unsure

If no, please explain your reasoning and provide evidence to support this.

Question 34

The Impact Assessment makes an estimate of the impact of the individual proposals. Do you think these provide a fair assessment of the costs and benefits?

a. Yes

b. No

c. Unsure

Unsure

If no agree, please provide evidence of reasonable costs and benefits.

Unable to comment further on the issue.

Question 35

We would like your views on the effects that the proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

No Comment

Question 36

Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

No Comment