Annex C
Response form

The purpose of this form is to help consultees marshal their thoughts and to assist collation and analysis of the many responses that are expected. The large number of questions is a reflection of the scale of this consultation exercise and the issues that need to be addressed.

To help consultees the form is divided into sections that match the structure of the consultation document. Consultees may respond to each question in strategic terms or in depth, as they choose.

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 electronic version of the consultation questionnaire can be downloaded from:
www.communities.gov.uk/publications/planningandbuilding/partlf2010consultation

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

Proposals for amending Part L and Part F of the Building Regulations: consultation

Respondent Details:	
Name: Linn Rafferty	Please return Please return by: **17 September 2009** Responses should preferably be submitted by email to: PartLF2010.Consultation@communities.gsi.gov.uk Alternatively, hard copy responses should be sent to: Gerald McInerney Sustainable Buildings Division Department for Communities and Local Government 5th Floor Eland House Bressenden Place London SW1E 5DU
Organisation: JTec Energy Performa nce	
Address: ..	
Telephone: □□□□□	
Fax: □□	
e-mail: linn.rafferty@tiscali.co.uk	

Are you responding as an individual? ☒

Or are you representing the views of an organisation? ☐

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.

□□□□□

Is your response confidential? If so please explain why.
(See disclaimer on page 18.)

Yes No Comments □□□□□	☐ ☒

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	☐	Local authority – Planning	☐
Commercial developer	☐	Local authority – Other (please specify) 1	☐
Housing association (registered social landlord)	☐	Approved Inspector	☐
Property management: Residential Commercial Public sector	☐ ☐ ☐	Professional body or institution	☐
Builder – Main contractor (commercial/volume house builder)	☐	Trade body or association	☐
Builder – Small builder (repairs/ maintenance, etc)	☐	**Householder:** Homeowner Tenant	☐ ☐

Builder – Specialist sub-contractor	☐	**Energy sector:**	
		Generation	☐
		Transmission	☐
		Distribution	☐
		Supplier	☐
		Energy service company	
Manufacturer	☐	Other non-governmental organisation	☐
Architect	☐	Specific interest or lobby group	☐
Civil/structural engineer	☐	Research/academic organisation	☐
Consultancy	☒	Journalist/media	☐
Individual in practice, trade or profession	☐	Development funder	☐
Local authority – Building control	☐	Other (please specify): □□□□□	☐

Geographical Location			
England	☒	Wales	☐
England and Wales	☐	Other (please specify) □□□□□	☐

Volume 1

Proposals for amending Part L and Part F of the Building Regulations

Chapter 1
Introduction

1 Two approaches have been presented for determining the target emission rate (TER) in 2010 for new dwellings: the"Aggregate 25%" and "Flat 25%". The Government preferred option is "Flat 25%".

Which approach do you prefer?

Aggregate 25%	☐
Flat 25%	☒
Don't know	☐
Please give the reason for your answer **Arguments in favour of both. Whilst I would support any move towards site based assesment and encorage district heating sysytems, there should also be a requirement for each dwelling to reach a minimum standard (defined by DER/TER or by SAP). In the Flat 25%, the party wall correction needs reducing (to prevent erosion of the 25% carbon reduction target). Otherwise, mid terraced homes are given preferential treatment - they can more or less achieve their target just by filling the cavity wall.**	

2 Two approaches have been presented for determining the target emission rate (TER) in 2010 for new non-domestic buildings: the "Aggregate 25%" and "Flat 25%". The Government preferred option is "Aggregate 25%".

Which approach do you prefer?

Aggregate 25%	☒
Flat 25%	☐
Don't know	☐
Please give the reason for your answer **No comment**	

3 Do you agree that a 25% reduction target for new non-domestic buildings is an appropriate and practical target for 2010?

Yes	☒
No	☐
Don't know	☐
If your answer is **No**, at what level should the non-domestic target be set? **25% is an appropriate target, but compliance needs to be assessed for this target to be met.**	

4 Do you agree with the proposal for changes to come into force in October 2010?

Yes	☒
No	☐
Don't know	☐
If your answer is **No**, please suggest when the changes should be implemented and why **Industry needs minimum 6 month lead in period, to allow software production, assessment of new designs, and training. Documents must be available by end March 2010 to hit this target and there is no reason why they should not be provided in Jan 2010 to give even more notice.**	

5 If you have any other comments on the Introduction, please add them here, making clear which issue each comment relates to by identifying the relevant paragraph number.

Paragraph number	Comment

(The comment box will expand to accommodate any comments you wish to make)

Volume 1

Proposals for amending Part L and Part F of the Building Regulations

Chapter 2
Proposals for improving compliance and building performance

6 Please indicate on the scale below your view as to the likely effectiveness of the proposals in improving compliance and performance for Part L in 2010.

Very effective	Effective	Ineffective	Very ineffective
☐	☐	☒	☐

a) Which proposals do you consider would be most effective and why?

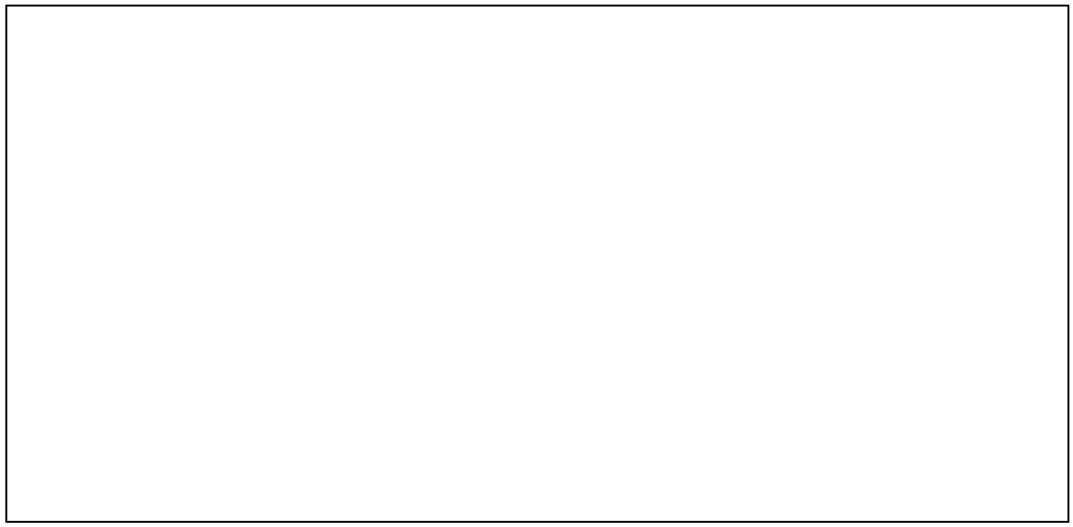
Comment **Design Stage checklists - will significantly aid enforcement if completed. They should be a mandatory part of the submission from an OCDEA (on construction DEA).**
Independent national scheme to ensure verification of overall compliance - this should not be long-term, but now.

b) Which proposals do you consider would be least effective and why?

Comment **Effectiveness is directly linked to enforcement - there needs to be greater training and awareness. I feel that a general Building Control Qualification is no longer adequate and that BC now requires multidisciplinary approach. Part L requires specialist understanding, and as a result BCOs often rely on those who carry out the TER/DER calculations to inform them of the requirement.**
In terms of compliance for existing buildings, relying solely on guidance and training will not improve compliance significantly. There is need for a robust scheme of checking the performance of completed works and I believe that suitably trained Domestic Energy Assessors have a role to play here.

c) Please provide below any general comments you have on these proposals

Comment **Increased self certification will significantly improve compliance. The existing regulations are already too complex for a Building Inspector. BCB need to employ individuals who have a real**



7 Please indicate on the scale below your view as to the likely effectiveness of the proposals in improving compliance and performance for Part F in 2010.

Very effective	Effective	Ineffective	Very ineffective
☐	☐	☐	☐

a) Which proposals do you consider would be most effective and why?

Comment **no comment**

b) Which proposals do you consider would be least effective and why?

Comment

c) Please provide below any general comments you have on these proposals

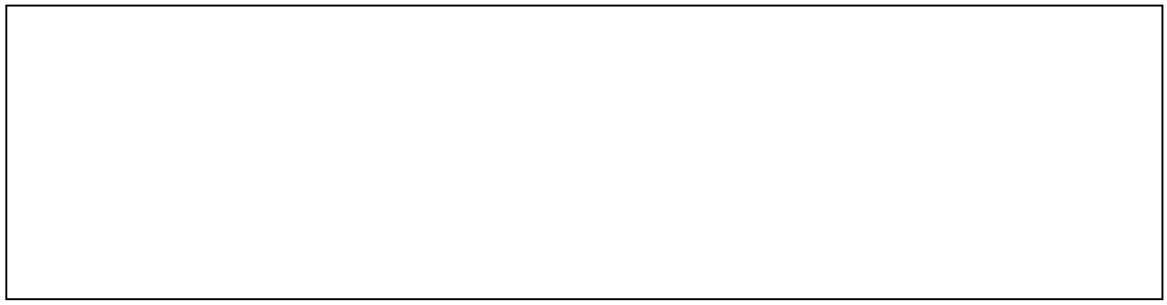
Comment □□□□□

8 Will the existing building control system be able to enforce the proposed changes?

Yes	☐
No	☒
Don't know	☐
If your answer is **No**, please make suggestions and observations on what could be done to improve enforcement and/or relieve the regulatory burden. **Requires competent persons scheme and the introduction of appointed person to oversee compliance.** **Consideration should be given to the use of suitably qualified Domestic Energy Assessors (DEAs) who could provide a competent workforce to assist with inspection.** **A warranty based system on construction with ongoing requirement for maintenance (eg MOT for Building) also deserves consideration.** **Finally, instead of placing responsibility for compliance with developers and their advisers, Government should introduce a single system of oversight via a central body.**	

9 Please provide below any general comments you have on the outline approach to improving compliance and performance of Parts L and F in the longer term.

Comment **Using a MOT type system will raise public awareness and could provide a foundation for future fiscal measures, eg linking council tax or stamp duty to carbon emissions.** **Minimum standards for emissions from homes, based on SAP for newbuild and RDSAP for existing dwellings, could be introduced as part of the building MOT**



10 Please indicate your view about the need for, remit of and operational scope of a steering group – consisting of interests in government, building control, and industry together with the education, training and research communities – designed to develop and coordinate a strategy aimed at closing the performance gap by 2016.

(a) The need for such a group

Agree	Do not agree	No view
☒	☐	☐

(b) Please provide any comments you may have on the need for such a group

Comment **Co-ordination is very desirable, although a properly funded, effective compliance scheme would be better still.** **Such a group could help resolve conflicts between BC and planning, driving different and often conflicting requirements. It should be properly resourced with a permanent secretariat.**

(c) If you agree that such a group would be valuable, please comment on the group's remit and scope

Comment **Group needs accurate data to feed back on past performance and where current system fails. Input from On-Construction Domestic Energy Assessor accreditation schemes would be desirable, plus detailed study of post completion compliance. A building MOT system would help to provide and monitor in use compliance in the longer term.** **Again, input from suitably qualified DEAs could assist, via the assessment of dwellings post-occupancy.** **The remit should go beyond strategy development to monitoring actual compliance and promoting very visible prosecutions to deter non-compliance.**

11 If you have any other comments on the *Proposals for improving compliance and building performance*, please add them here, making clear which issue each comment relates to by identifying the relevant paragraph number.

Paragraph number	Comment
□□□□□	**it is unclear why government claims 15% loss of savings due to non-compliance. if this figure is underpinned by analysis of data, the particular activities leading to non-compliance identified in that data should be the target for immediate action to improve compliance.**

(The comment box will expand to accommodate any comments you wish to make)

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Proposals for amending Part L and Part F of the Building Regulations

Chapter 3
Proposals for Accredited Construction Details (ACDs)

12 Do you support the proposal to accredit proprietary details?

Yes	☐
No	☐
Don't know	☒
Comment **The disadvantage is that it will limit design options and seriously add to cost for small architects. In use testing is the only option that will accurately record performance. Again the MOT system would address this on a ongoing basis.** **The Robust Details approach should not be the only option that allows for no Confidence Factor. Calculations carried out by an OCDEA who has achieved a set standard should be considered equivalent (so long as this is supported by an evidence trail audited by the accreditation scheme).** **Note that not all accreditation schemes apply U-Value requirements equally, and this should be addressed alongside psi value calculations.** **There should be separate confidence factors applying to the psi value and to on-site checks, and other pptions for on-site checks as well as Robust Details.**	

13 Do you agree that the scheme(s) should encompass both domestic and non-domestic construction?

Yes	☐
No	☐
Don't know	☒
Comment	

14 Do you agree that psi-values should always be calculated by individuals with appropriate expertise and experience?

Yes	☒
No	☐
Don't know	☐
Comment **in the domestic field, calculations are undertaken by On-construction Domestic Energy Assessors (OCDEAs). Assessment of their ability to do so is a grey area, and there are concerns that not all Accreditation Schemes apply the same requirements.** **An early decision on training and assessment of OCDEAs to undertake psi value calculations is needed, to allow the infrastructure to be developed.**	

15 Do you agree that a margin (say 10%) should be added to calculated psi-values until a minimum number of implementations of the detail have been inspected on site and shown to be satisfactory?

Yes	☒
No	☐
Don't know	☐
Comment **but perhaps the competent person modelling the details should be tasked with assessing whether 10% applies.**	

16 Do you agree that regular inspection and feedback will improve the robustness of the details and add credibility to the claimed performance of the details?

Yes	☒
No	☐
Don't know	☐
Comment **This will require ongoing checking, and the MOT system again has a role. Again, if the building log book identified where they had been used, suitably qualified DEAs could identify and report back on failure trends in certain details, resulting in reduced performance.**	

17 Do you agree that potential scheme operators should meet the criteria listed in paragraph 3-15 of *Proposals for Accredited Construction Details?*

Yes	☒
No	☐
Don't know	☐
If your answer is **Yes**, please comment on how the criteria should be defined. If your answer is **No**, please list suitable criteria. **Some form of competent person**	

18 If you have any other comments on the *Proposals for Accredited Construction Details*, please add them here, making clear which issue each comment relates to by identifying the relevant paragraph number.

Paragraph number	Comment
3.26	

(The comment box will expand to accommodate any comments you wish to make)

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Chapter 4
Training and dissemination strategy

19 Do you agree with the strategic objectives described?

Yes	☒
No	☐
Don't know	☐
Comment □□□□□	

20 Do you agree with the list of target groups?

Yes	☐
No	☒
Don't know	☐

If your answer is **No**, please comment on how the list should be modified or developed.

SAP and SBEM Assessors are mentioned in Table 1 under Design Team, and again in Table3 under Certifiers.
Updating this cohort is essential to the success of the Part L changes; this is because of the reliance placed on them (the experts) by BCBs.
There appear to be misunderstandings of the framework applying to certifiers in Table 3; e.g. what is the difference between an Energy Assessor and a SAP/SBEM assessor? Such assessors are no longer controlled via the Competent Persons framework, but via the Energy Assessor Accreditation Schemes.
This group should be considered explicitly, and the delivery method to update them should be via their accreditation schemes (i.e. the accreditation schemes for On-Construction DEAs for dwellings, and those for Non Domestic Energy Assessors (levels 4 & 5) for non-dwellings). All such schemes must update their assessors to equal standards, and this should be audited.

21 Do you agree with the range of content described?

Yes	☒
No	☐
Don't know	☐
If your answer is **No**, please comment on how the range of contents should be modified or developed. **Under Calculation and Modelling, note that these calculations are no longer carried out under the framework of Competent Persons schemes, but via the Energy Assessor accreditation schemes.**	

22 Do you agree with the approach described for working with industry?

Yes	☒
No	☐
Don't know	☐
Comment **but please note comments above about the role of Accreditation schemes; such schemes are also part of developing the long term skillls base and should be considered under Table 4.**	

23 Please provide any general comments you have on the long term development of the knowledge and skills base.

Comment **Without compulsion, the training programme proposed will only be partially effective. Any firm involved in work under Part L must be required to employ at least one person who has been trained and assessed to the required standards. To be effective, training development needs to involve practitioners, ie BCOs and OCDEAs.** **It is unrealistic to expect that Building Inspectors or contractors can be experts in all these fields to the level which is now being required, and not surprisingly, BCBs rely heavily on the "experts" (the SAP and SBEM assessors).** **Purchasers of any building (Domestic or Commercial) should have a warranty at point of sale, but should also have the responsibility to maintain that building.** **Lack of maintenance is a significant life, health and carbon issue, and every opportunity should be taken to emphasise the responsibility of building occupiers to work with the building to deliver whole life performance.**

24 If you have any other comments on the *Training and dissemination strategy*, please add them here, making clear which issue each comment relates to by identifying the relevant paragraph number.

Paragraph number	Comment
□□□□□	**Appendix to Chapter4: this lists various organisations involved in training and dissemination.** **BRE is mentioned under Training, but not the other Energy Assessor Accreditaton Schemes, and this is inequitable. Other accreditation schemes also provide training.** **FAERO is listed; the remit of this organisation was to act as Regulator of the schemes accrediting Energy Assessors.**

(The comment box will expand to accommodate any comments you wish to make)

Volume 1

Proposals for amending Part L and Part F of the Building Regulations

Chapter 5
Future Thinking Paper

Part L

25 Do you agree that the separate target for electric resistance heating should be progressively removed?

Yes	☒
No	☐
Don't know	☐
Comment **Should take a step in this direction in 2010**	

26 Do you agree that the calculation tools should report energy demand (kWh/year) for both regulated and currently unregulated demands from 2010?

Yes	☒
No	☐
Don't know	☐
Comment **But be aware that variables such as levels of occupancy, choice of white and brown goods, etc, affect this figure and cannot be predicted in a design calculation.**	

27 Do you support the idea of setting energy demand limits in amendments to Part L beyond 2010?

Yes	☒
No	☐
Don't know	☐
If your answer is **Yes**, which metrics do you think are most appropriate and why?	

28 Do you support the concept of incorporating an automatic assessment of renewable potential as part of the Part L compliance tools?

Yes	☐
No	☒
Don't know	☐

If your answer is **Yes**, please give suggestions as to how this assessment could be carried out. **Must replace planning requirements for renewables otherwise will create more conflict. What's more, it could be counterproductive by adding to the amount of data to be collected and entered by OCDEAs; more data = more errors, with a risk to the overall accuracy of SAP/TER/DER results. It might be better left as "added value".**

29 In respect of the operating and maintenance information to be provided to the user, do you think it would be a good idea if the level of content and form of presentation of the material were made a legal requirement?

Yes	☒
No	☐
Don't know	☐

Comment **Essential to maintain a consistent approach accross a variety of potential installations.**

30 Do you agree that vertical transport, security and feature lighting should be included in the TER/BER calculation for non-dwellings beyond 2010?

Yes	☒
No	☐
Don't know	☐

Comment **Building regs could be much simipler - eg that a new dwelling achieves a specified SAP, rather than increasingly complex approved documents and subtier documents. Whilst SBEM is a less mature methodology than SAP, it does seem perverse that vertical transport is omitted.**

31 Do you agree that the energy impact of air curtains should be included beyond 2010?

Yes	☒
No	☐
Don't know	☐

If your answer is **Yes**, on what basis should standards be set, and how should the energy impact of other large openings be assessed? □□□□□

32 If the exemption for conservatories less than 30m^2 is removed from Part L in 2010, how do you think energy performance standards for conservatories should be improved beyond 2010?

Comment **Conservatories should no longer be exempt, and should be incorporated in overall calculation - there hould be no limit on design flexibility providing overall energy use criteria are met. BREDEM 12 has always allowed for the effect of conservatories and SAP could be amended in line with BREDEM 12. If the effect of conservatories was included in SAP, setting dwelling targets based on SAP would encourage improvements to conservatory performance.**

33 Do you feel that the modelling of highly glazed spaces in SAP and SBEM is adequate?

Yes	☐
No	☐
Don't know	☒
Comment **BREDEM 8 is a better methodology than SAP to assess overheating and the effect of glazed spaces**	

34 If you have any other comments on the *Future thinking paper* in relation to Part L, please add them here, making clear which issue each comment relates to by identifying the relevant paragraph number.

Paragraph number	Comment
□□□□□	□□□□□

Part F

35 Dwellings are traditionally naturally ventilated. Within this consultation version of ADF, we have included guidance for increased natural ventilator area for more airtight dwellings. Do you have any evidence to suggest that appropriately sized natural ventilation does **not work** adequately in airtight homes?

Yes	☐

No	☐
Don't know	☒
If your answer is **Yes**, please provide evidence : **no comment**	

36 Do you agree that we should develop guidance for demand-controlled ventilation systems in new dwellings beyond 2010?

Yes	☐
No	☐
Don't know	☒
Comment **no comment**	

37 Do you foresee the need for technical amendments to guidance for new buildings other than dwellings in subsequent revisions of ADF?

Yes	☐
No	☐
Don't know	☒
If your answer is **Yes**, please provide details. **no comment**	

38 Do you foresee the need for significant technical amendments to guidance for existing buildings in subsequent revisions of ADF?

Yes	☐
No	☐
Don't know	☒
If your answer is **Yes**, please provide evidence	

39 If you have any other comments on the *Future thinking paper* in relation to Part F, please add them here, making clear which issue each comment relates to by identifying the relevant paragraph number.

Paragraph number	Comment

□□□□□	□□□□□

(The comment box will expand to accommodate any comments you wish to make)

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Annex B
Consultation stage Impact Assessment

Part L

40 Are the levels of emissions reductions set out for different new domestic and non-domestic building types reasonable?

Yes	☒
No	☐
Don't know	☐
If your answer is **No**, please explain why **Yes, so long as this reduction is genuine. A true reduction of 25% over 2006 levels is masked by the changes to methodology proposed.**	

41 Are the cost and benefit data and methods of analysis given in the Impact Assessment for **new** domestic and non-domestic buildings reasonable to evaluate the impact to amendments to Part L?

Yes	☐
No	☐
Don't know	☒
Please suggest how the estimates and methods of analysis could be improved **needs more in use data for future - again MOT option recommended**	

42 Are the cost and benefit data and methods of analysis given in the Impact Assessment for **existing** domestic and non-domestic buildings reasonable to evaluate the impact to amendments to Part L?

Yes	☐
No	☐
Don't know	☒
Please suggest how the estimates and methods of analysis could be improved **not enough data to assess**	

Part F

43 For Part F, are the proposals for higher ventilation rates, testing and commissioning of ventilation systems in new dwellings set out in the Impact Assessment adequate to offset any worsening in indoor air quality that could arise from increases in air tightness? Are the costs identified reasonable?

Yes	☐
No	☐
Don't know	☒
If your answer is **No**, please suggest what other changes might be required and their likely cost. **no comment**	

General

44 Are there categories of risk, uncertainty or unintended consequences that have not been identified in the Impact Assessment?

Yes	☐
No	☐
Don't know	☒
If your answer is **Yes**, please identify them. Thoughts on how to quantify the costs and benefits of any further categories would also be helpful **no comment**	

45 Are you content with the specific impact tests carried out in the Impact Assessment?

Yes	☐
No	☐
Don't know	☒
If your answer is **No**, please explain why **no comment**	

46 Do you agree with the proposed percentage improvement in compliance arising from the amendments to Parts L and F, based on the evidence in the Impact Assessment as well as in Chapter 2: *Proposals for improving compliance and building performance*?

Yes	☒
No	☐

Don't know	☐
If your answer is **No**, please explain why **for Part L, there appears to be insufficient data to be sure of either the claimed 15% or its likely improvement**	

47 If you have any other comments on the *Impact assessment*, please add them here, making clear which issue each comment relates to by identifying the relevant page number.

Page number	Comment

(The comment box will expand to accommodate any comments you wish to make)

Volume 2
Proposed technical guidance for Part L

Chapter 1
Approved Document L1A – Conservation of fuel and power in new dwellings

Chapter 2
Approved Document L1B – Conservation of fuel and power in existing dwellings

Chapter 3
Approved Document L2A – Conservation of fuel and power in new buildings other than dwellings

Chapter 4
Approved Document L2B – Conservation of fuel and power in existing buildings other than dwellings

ADL1A, ADL1B, ADL2A, ADL2B

48 Do you agree with the proposal to remove the current exemptions for certain classes of building/ building work from the energy efficiency regulations, and to use guidance to demonstrate what is reasonable in each particular case?

Yes	☒
No	☐
Don't know	☐
Comment □□□□□	

49 Do you consider that the exemption for conservatories less than 30 m^2 should be removed from Part L in 2010? *(The main details are in ADL1B.)*

Yes	☒
No	☐
Don't know	☐

Comment □□□□□

50 If the exemption for conservatories less than 30 m^2 is removed from Part L in 2010, do you consider that work on conservatories should be notifiable?

Yes	☒
No	☐
Don't know	☐
Comment □□□□□	

51 Do you agree with the proposed definition of a conservatory if introduced in 2010?

Yes	☒
No	☐
Don't know	☐
Comment □□□□□	

52 Do you agree with the proposed technical standards for conservatories if introduced in 2010?

Yes	☒
No	☐
Don't know	☐
Comment □□□□□	

53 Do you agree that we should introduce guidance on the insulation of swimming pool basins within buildings?

Yes	☒
No	☐
Don't know	☐
Comment **could competent persons/DEAs have a role in sign-off ,to reduce burden on BCBs?**	

ADL1A, AD2A

54 Do you agree with the proposal to require a design stage CO_2 emission rate calculation to be provided to the building control body (BCB) with the deposit of plans, in addition to a final as-built calculation?

Yes	☒
No	☐
Don't know	☐
Comment **Yes, this should be a statutory requirement in the regulation, not just a reference in the AD - should also be a prerequisite for plan approval. Some OCDEA accreditation schemes already encourage this, but it should apply to all OCDEAs. It was part of FAERO's code of practice in 2006/7, and should not be difficult to comply with.**	

55 Do you agree that the commissioning plan should be made available with the deposit of plans?

Yes	☒
No	☐
Don't know	☐
Comment	

56 Do you agree with the proposed approach to assigning psi-values in the DER/BER calculation?

Yes	☒
No	☐
Don't know	☐
Comment **Yes, but there is little understanding of how psi values are derived within Building Control bodies or the affects that these have.**	

57 Many adjustable trickle ventilators, and other air inlet devices, are designed to provide a small amount of background ventilation even when fully closed. Do you agree with the proposal that, in order to obtain a good measure of building envelope performance, the air permeability of buildings should be measured with air inlet devices sealed (method B in BS EN 13892:2006) rather than just closed as at present?

Yes	☒
No	☐
Don't know	☐

Comment □□□□□

ADL1B, ADL2B

58 Do you support the revised definition of renovation?

Yes	☒
No	☐
Don't know	☐
Comment □□□□□	

59 I Do you agree with the guidance covering work on historic and traditional buildings and places of worship?

Yes	☒
No	☐
Don't know	☐
Comment □□□□□	

60 Do you agree with the improvements to standards that are proposed for work in existing buildings?

Yes	☐
No	☒
Don't know	☐
Comment **Would like to see consequential improvements introduced for dwellings, as is required by EPBD2; would also like to see RDSAP used in setting standards of compliance for ADL1b. DEAs have a role to play here, given suitable update training in ADL1b.**	

ADL2A, ADL2B

61 Do you agree with the new guidance relating to buildings with low energy demand?

Yes	☐
No	☐
Don't know	☒

Comment **Buildings with low energy demand are not currently well defined. This affects EPC production as some take advantage of this poor definition to avoid responsibility for providing an EPC. Better definition is desirable.**

ADL1A

62 Do you agree with the revised definition of dwelling type?

Yes	☒
No	☐
Don't know	☐
Comment □□□□□	

63 Do you support the proposals for assessing the air permeability of dwellings that are not subject to a pressure test?

Yes	☐
No	☐
Don't know	☒
Comment **whatever method is chosen, there should be consistency and a clear convention which is applied accross all Accreditation Schemes.**	

64 Do you agree with the assumptions on secondary heating and internal lighting as proposed for the actual dwelling?

Yes	☐
No	☒
Don't know	☐
Comment A concern is that this change will contribute to the achievement of the claimed 25% reduction simply through a changed methodology, rather than any real carbon saving.	

65 Do you agree with the proposals for dealing with heat losses caused by a party wall bypass?

Yes	☐
No	☒
Don't know	☐

Comment **Whilst the issue of party wall heat loss needs to be included in SAP, the approach proposed (assumed U-value of 0.4) could lead to an over emphasis on party wall insulation at the expense of more necessary fabric improvements.**

66 If you have any other comments on *Approved Document L1A*, please add them here, making clear which issue each comment relates to by identifying the relevant paragraph number. Note that the issues relating to the target setting mechanism are raised under Volume 2, Chapter 5 dealing with changes to the *National Calculation Methodology (NCM).*

Paragraph number	Comment
□□□□□	□□□□□

(The comment box will expand to accommodate any comments you wish to make)

Yes	☒
No	☐
Don't know	☐
Comment ...	

ADL1B

67 Do you agree that, for most cases, the basis of the standards for replacement windows should be the window energy rating?

Yes	☒
No	☐
Don't know	☐
Comment ..	

68 If you have any other comments on *Approved Document L1B*, please add them here, making clear which issue each comment relates to by identifying the relevant paragraph number.

Paragraph number	Comment
□□□□□	**Consequential improvements for dwellings omitted (see previous comments)**

(The comment box will expand to accommodate any comments you wish to make)

ADL2A

69 Do you agree that Part L should set standards for buildings which use energy to condition spaces that contain processes, such as computer rooms and cold stores?.

Yes	☐
No	☐
Don't know	☒
Comment **no comment**	

70 Do you agree with the new guidance covering modular and portable buildings?

Yes	☐
No	☐
Don't know	☒
Comment □□□□□	

71 Do you agree with the proposed approach to shell and core developments?.

Yes	☐
No	☒
Don't know	☐
Comment **This could lead to under assssment at 'shell design stage' to reduce costs. Setting criteria that may be difficult to achieve during fit out. While this is contolable under the regulations, it will be difficult to ensure compliance.**	

72 Do you agree with the proposed change to the basis of Criterion 3 – limiting the effects of solar gain in summer?

Yes	☐
No	☐
Don't know	☒
Comment **no comment**	

73 If you have any other comments on *Approved Document L2A*, please add them here, making clear which issue each comment relates to by identifying the relevant paragraph number. Note

that the issues relating to the target setting mechanism are raised under Volume 2, Chapter 5 of this consultation on *Proposed changes to the National Calculation Methodology (NCM).*

Paragraph number	Comment
□□□□□	□□□□□

(The comment box will expand to accommodate any comments you wish to make)

ADL2B

74 If you have any other comments on *Approved Document L2B*, please add them here, making clear which issue each comment relates to by identifying the relevant paragraph number.

Paragraph number	Comment
□□□□□	□□□□□

(The comment box will expand to accommodate any comments you wish to make)

Volume 2
Proposed technical guidance for Part L

Chapter 5
Proposed changes to the National Calculation Methodology

75 Do you agree that the specification of the notional dwelling represents a reasonably achievable standard?

Yes	☐
No	☒
Don't know	☐
Comment **for dwellings, the targets are too easy to meet.**	

76 Do you agree with a fuel-based target that for most fuels delivers an approximately equal energy efficiency standard?

Yes	☐
No	☐
Don't know	☒
Comment **no comment**	

77 Do you agree that electric resistance heating should have a more demanding energy efficiency standard than other fuels?

Yes	☒
No	☐
Don't know	☐
Comment □□□□□	

78 Do you agree that the specifications of the notional non-dwellings represent reasonably achievable standards?

Yes	☐
No	☐
Don't know	☒
Comment □□□□□	

79 Do you agree with the three generic space types used to generate the notional building for non-dwellings?

Yes	☒
No	☐
Don't know	☐
Comment **Subject to adequate guidance and definitions**	

80 Do you agree that the selection of the space type should be driven by the activity database rather than being a user choice?

Yes	☒
No	☐
Don't know	☐
Comment □□□□□	

81 Do you agree that the list of available activity areas should be constrained by the Planning Use Class?

Yes	☒
No	☐
Don't know	☐
Comment **For existing buildings, SBEM's current approach is not practical; there is much dispute over what building type/activity to use. An approach based on planning use classes would resolve much of this.** **Note that planning use classes do not always correspond to Building Regulation purpose groups. As Building Control will be expected to be the prime enforcer of the regulations, using planning use classes may cause confusion, both should be brought into line so there is a single definition.**	

82 If you have any other comments on the *Proposed changes to the National Calculation Methodology*, please add them here, making clear which issue each comment relates to by identifying the relevant paragraph number.

Paragraph number	Comment

(The comment box will expand to accommodate any comments you wish to make)

Volume 2
Proposed technical guidance for Part L

Chapters 6 and 7
Domestic and non-domestic building services compliance guides

83 The building services guides contain guidance on recommended minimum standards for appliance efficiency, system control, and installation and commissioning procedures. The guides also contain a significant amount of general "good practice" guidance on building services specifications and installation.

(a) Is the guidance clear and at an appropriate level?

Yes	☐
No	☐
Don't know	☒
Comment □□□□□	

(b) Would it be useful to indicate within the guides those parts that are essential for compliance purposes, e.g. by highlighting text or adding separate check lists?

Yes	☐
No	☐
Don't know	☒
Comment	

84 Are the minimum performance standards a useful starting point in the context of designing a building to achieve the TER?

Yes	☐
No	☐
Don't know	☒
Please explain	

85 Do you agree that the minimum efficiency of gas and oil-fired new and replacement boilers should be raised to 90%.?

Yes	☒
No	☐
Don't know	☐
Comment □□□□□	

86 There is an agreed labelling system in place for rating the performance of heating system pumps and circulators. Do you agree that it is appropriate to require a minimum rating of "Band C"?

Minimum cell efficiency	☐
Other index of performance	☐
If your answer is **No**, do you have an alternative suggestion? **? The response here would be 'don't know', but there appears to be an error in the document.**	

87 The performance of PV systems is currently indicated by their minimum cell efficiency. Is there another index of performance, such as Performance Ratio or System Yield, that would be more appropriate?

Minimum cell effiency	☐
Other index of performance	☐
If your answer is **Other index of performance**, please provide details below:□□□□□	

88 The guides deal mainly with the most commonly employed building services. Is it clear that the guides do not preclude the use of other suitable services or innovative technologies?

Yes	☐
No	☐
Don't know	☒
Comment □□□□□	

89 Are there any significant omissions from the content of the guides?

Yes	☐
No	☐
Don't know	☒
If your answer is **Yes**, please provide details: □□□□□	

90 If you have any other comments on the *Domestic Building Services Compliance Guide* and *Non-Domestic Building Services Compliance Guide*, please add them here, making clear which issue each comment relates to by identifying the guide and relevant section.

Guide	Section	Comment

(The comment box will expand to accommodate any comments you wish to make)

Volume 3
Proposed technical guidance for Part F

Chapter 1
Approved Document F – Means of ventilation

91 In *Section 2: The Requirement F1 – Means of ventilation*, below the requirement we have set out six proposed changes to the Regulations. Do you agree that all the changes are desirable?

Yes	☐
No	☐
Don't know	☒
If your answer is **No**, please explain why **no comment**	

92 *Section 5: Dwellings* introduces a higher ventilation rate for dwellings designed to have an air permeability equal to or tighter than 5 $m^3/(h.m^2)$ at 50 Pa. Do you agree that this is a reasonable change-over value?

Yes	☒
No	☐
Don't know	☐
If your answer is **No**, what changes should be made? □□□□□	

93 The Approved Document calls for all ventilation systems to be installed correctly and commissioned, and *Section 5: Dwellings* refers to a new installation and commissioning compliance guide for new dwellings.

Do you think current standards of installation and commissioning need to be improved in new dwellings?

Yes	☒
No	☐
Don't know	☐
Comment **As a consequence of improved air tightness, adequacy of ventilation should be safeguarded, and would warn again about long term maintenance.**	

94 Approved Document F 2006 spreads guidance for each domestic ventilation system type between Tables. In this edition, *Section 5: Dwellings* presents the full advice for each system in its own separate Table. Do you find this approach clearer?

Yes	☐
No	☐
Don't know	☒
If your answer is **No**, how do you think we should present the information? □□□□□	

95 There has been little modification of *Section 6: Buildings other than dwellings* due to our understanding that air infiltration is not a significant part of the design strategy within any guidance referenced in this Section. Do you have any information to suggest modifications to the ventilation guidance for more airtight buildings of this type are necessary?

Yes	☐
No	☐
Don't know	☒
If your answer is **Yes**, please provide further information □□□□□	

96 With reference to *Section 7: Work on existing buildings*, should trickle ventilators (or an equivalent means of ventilation) be fitted when windows are replaced? See also the analysis in the Impact Assessment.

Yes	☒
No	☐
Don't know	☐
Please give reasons for your answer **The nature of replacement windows is to reduce air leakage for that component, therefore to ensure adequate background ventilation, trickle vents should be provided. In some dwellings, sufficient ventilation may be provided elsewhere, but the technique should be to reduce inappropriate ventilation and replace with controlled ventilation.**	

97 In *Appendix A: Performance based ventilation*, the basis of the moisture criterion has been changed to reflect recent research. Do you agree with these changes?

Yes	☐
No	☐

Don't know	☒
If your answer is **No**, please give details □□□□□	

98 In *Appendix B: Purge ventilation*, guidance has been added to say that if the window opens less than 15° it is not suitable for providing purge ventilation. Do you agree?

Yes	☐
No	☐
Don't know	☒
If your answer is **No**, please give details □□□□□	

99 Appendix E is new. It gives noise criteria and an assessment procedure for continuous mechanical ventilation systems for use in dwellings. It provides a means of meeting the proposed new regulation for noise levels from these ventilation devices.

(α) Do you think the maximum sound power levels and the test for tonal components are reasonable?

Yes	☐
No	☐
Don't know	☒
If your answer is **No**, please give details □□□□□	

(β) Are the test procedures appropriate and is sufficient information provided to carry out the tests in a consistent way?

Yes	☐
No	☐
Don't know	☒
If your answer is **No**, please give details □□□□□	

100 In general, are you aware of any particular experience from other countries that should be considered as part of this review? This could relate to noise, ventilation performance, or other matters.

Yes	☐
No	☐
Don't know	☒

If your answer is **Yes**, please provide details □□□□□

101 Do you have experience of ventilation systems designed according to the guidance in Approved Document F 2006 not providing adequate ventilation, and resulting in indoor air quality problems?

Yes	☐
No	☒
Don't know	☐
If your answer is **Yes**, please provide details of problems and likely causes, such as incorrect implementation of guidance	

102 Do you have any suggestions for improving the clarity of Approved Document F?

Yes	☐
No	☒
Don't know	☐
If your answer is **Yes**, please provide details:	

103 If you have any further comments on Approved Document F, please add them here, making clear which issue each comment relates to by identifying the relevant paragraph of the AD.

Paragraph number	Comment
□□□□□	□□□□□

(The comment box will expand to accommodate any comments you wish to make)

Volume 3

Proposed technical guidance for Part F

Chapter 2
Domestic ventilation – Installation and Commissioning Compliance Guide

104 Is the installation and commissioning guidance both clear and appropriate for each system type?

Yes	☐
No	☐
Don't know	☒
If your answer is **No**, please provide recommendations for improvement □□□□□	

105 Do you foresee any difficulties in implementing this guidance in practice to achieve a good quality of installation and commissioning?

Yes	☐
No	☐
Don't know	☒
If your answer is **Yes**, please identify problems and potential solutions □□□□□	

106 (a) Do you agree that the completion checklist and commissioning sheet section should be completed and signed by a suitably "qualified" person?

Yes	☒
No	☐
Don't know	☐

(b) If your answer is Yes, what training/education programme exists that would suitably qualify a person to complete this sheet, and what prior experience should that person possess?

Comment **refer to appropriate Sector Skills Council**

(c) Which industry association(s) should be invited to accredit their members?

Comment **Accreditation schemes for Energy Assessors**

107 If you have any other comments on the *Domestic Ventilation: Installation and Commissioning Guide*, please add them here, making clear which issue each comment relates to by identifying the relevant section.

Section	Comment

(The comment box will expand to accommodate any comments you wish to make)

SAP and SBEM software for consultation at:

www.2010ncm.bre.co.uk

SAP 2009 software tool

For the purposes of the Part L consultation, the Government has issued a special version of a SAP 2009 software tool to help consultees identify the impact of the proposed changes to Part L and SAP on dwelling design. The tool's core calculation engine is the SAP 2009 methodology; it also has a simple user interface and generates a compliance "output report" (see below).

When the new Part L regulations come into force, the Government could continue to make the software for the core calculation engine available as an alternative to the traditional manual spreadsheet. The core calculation software could be provided in one of two formats – locked or unlocked:

(α) A locked core calculation engine could be incorporated by software suppliers into their own products, with a user-friendly interface and added functionality. Developers could then use such products to demonstrate compliance with building regulations.

(β) S Software with an unlocked core could be used by industry as a design tool to develop products with improved energy efficiency and/or to reduce carbon dioxide emissions associated with new build dwellings. It would not be possible to use software with an unlocked core calculation engine for demonstrating compliance.

108 Would a locked core calculation engine be useful?

Yes	☐
No	☒
Don't know	☐
Please give reasons for your answer **The existing industry already provides SAP calculation engines in their own format, and forcing them to adapt their software to use a new common format would be unecessarily costly and time consuming. It would certainly damage an existing industry which works well.** **For SBEM, we already have the situation where industry is forced to use the locked core engine provided, and the engine is not only locked but invisible. This lack of transparency is a real problem, both for implementation in user interfaces, and in confidence in the robustness of the result. Introducing the same problem into the SAP would not be beneficial.** **As a user of iSBEM I find it extremely frustrating that its logic is not properly documented for users. Explanation of the SBEM approach is not even available via my accrediting body, due to the closed nature of SBEM.** **BRE is not a professional software company and did not apparently adopt normal industry standards of documentation in its development of SBEM.** **Software development should be left to industry, which operates in a**	

109 Would an unlocked core calculation engine be useful?

Yes	☐
No	☒
Don't know	☐
Please give reasons for your answer **If this is available it should not be open to all, because of the danger of inappropriate use. However, there is case for retaining the SAP spreadsheet made available to SAP software providers as part of the SAP approval process, which does make the underlying calculations visible.**	

Compliance "output report"

It is proposed to amend the regulations so that builders will be required to submit to the building control body (BCB) CO2 emission rate calculations demonstrating compliance with building regulations at the initial design stage as well as on completion (the current requirement). At the design stage, the builder would carry out a preliminary calculation based on plans and specifications and provide the results of these calculations and the associated data inputs to the BCB.

It is suggested that compliance with building regulations would be improved and enforcement made easier if Part L compliance software (i.e SAP 2009, SBEM and other non-domestic CO2 emission rate calculation tools) produced a compliance "output report". The output report would indicate whether the design met the Part L Criteria 1 to 3 in ADL1A and ADL2A, and would list the design features likely to be most critical in meeting the criteria along with relevant details of the construction. When inspecting buildings during construction, BCBs would be able to focus on those key features.

The SAP and SBEM tools provided for the purposes of the Part L consultation both produce a compliance output report.

110 Do you agree that Part L compliance software should produce an output report?

Yes	☒

No	☐
Don't know	☐
Please give reasons for your answer **This is an essential improvement to aid enforcement. An output report is already a mandatory part of the SAP approval process. The list of critical design features was a requirement of the previous Part L and it is appropriate that it should be mandated. Practicing BCOs should be involved in finalising the output report so that it is as useful to them as possible.**	

111 Do you have any suggestions for improving the output report produced by the SAP and SBEM consultation software?

Comment **the consultation software has achieved its purpose and further refinement would be an inappropriate use of government funds.**

112 If you have any other comments on the Part L consultation SAP and SBEM software tools, please add them here.

Comment □□□□□

General suggestions and observations

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

Comment **New dwellings: the standard set is too low, generally as a result of changes in methodology (party wall, etc) combining to contribute towards a perceived reduction in Carbon emissions, which is not a real reduction.**

Existing dwellings: Consequential improvements should be brought in for those buildings not already covered – otherwise government will not meet its carbon emission reduction targets –the existing building stock must be addressed. Results of the impact assessment on the (then proposed) introduction of consequential improvements should be published.

What is needed is a robust way of quantifying improvements in terms of what will work and what is the minimum standard - RDSAP is the government approved methodology for assessing the energy performance of an existing home, and standards for consequential improvement should be set using it.

Concentrating on improved energy efficiency as measured by RDSAP makes it easy to confirm that compliance has been achieved. The workforce exists to enable this (the cohort of DEAs, with further training).