



Department for
Communities and
Local Government

2012 consultation on changes to the Building Regulations in England

Summary of responses

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Chapter 1: Introduction and overview of consultation

Introduction

1. The Department for Communities and Local Government (DCLG) issued a consultation in January 2012, seeking views on proposals for changes to technical and procedural aspects of the Building Regulations to ensure they remain proportionate and fit-for-purpose and with a particular focus on reducing the regulatory burden and delivering even better levels of compliance.
2. This consultation was in four sections. Section one outlined the consultation approach and then presented proposals to change various technical aspects of the regulations. Section two outlined proposals to increase the energy efficiency of buildings. Section three contained proposals in relation to electrical safety in homes. Section four outlined changes to the building control system.
3. The consultation related to changes in England only as powers for making Building Regulations in relation to Wales were transferred to Welsh Ministers on 31 December 2011.
4. The consultation was launched on 31 January and ran for 13 weeks before closing on 27 April. The consultation on the Part L proposals relating to consequential energy efficiency improvements linked to certain works in existing buildings closed a month earlier on 27 March.

Overview of consultation

5. The Department received responses from 715 separate organisations and individuals. The largest numbers of responses came from builders/developers, manufacturers/supply chain, building control bodies and organisations with specific interests such as national representatives and trade bodies. Many respondents replied to more than one consultation section and to illustrate this we have detailed the breakdown of responses by organisation type and consultation section separately in the following tables.

Responses by type or organisation

Organisation Type	Number of respondents	% of total Respondents
1. Builders/Developers	126	18
2. Building Occupier	24	3
3. Designers/Engineers/Surveyors	53	7
4. Manufacturer/Supply Chain	129	18
5. Property Management	17	2
6. Building Control Bodies	120	17
7. Specific Interest	138	19
8. Energy Sector	11	2
9. Fire and Rescue Authority	6	1
10. Other	91	13
	715 responses	100%

Number of responses by consultation section

Consultation Section	Number of responses
Section 1- Introduction to the consultation package and proposals on Parts A, B, C, K, M and N, Access Statements, security, Changing Places toilets and Regulation	658
Section 2- Part L (Conservation of energy & power)	489
Section 3- Part P (Electrical safety)	158
Section 4- the building control system	150

6. This report is structured in four sections to reflect that of the consultation, with tables showing where responses came from and how different respondents responded to specific questions. The figures in the table provide a quantitative analysis of responses. This is supported by a more qualitative analysis of the comments and views submitted in the written summary alongside the tables. For Part L we received 85 duplicate responses from a variety of campaigns. These have been fully considered for the qualitative analysis but have been only counted once for quantitative purposes.
7. This report is an analysis of the responses received. It does not set out how we intend to take these proposals forward. Decisions on the implementation of proposals will be the subject of separate statements.

Chapter 2: Section one - Introduction to the consultation package and proposals on Parts A, B, C, K, M and N, Access Statements, security, Changing Places toilets and Regulation 7

Introduction to the consultation package

8. The introduction to the consultation provided in Section One asked two questions on whether to exempt micro-enterprises and new start-ups from the proposed changes and on the timing of changes to the regulations and transitional arrangements. It also provided an opportunity for respondents to provide other comments, ideas and evidence.
9. Thirty-three respondents answered the first of these questions which sought views on whether there would be significant practical difficulties if, in line with the Government's 'The Plan for Growth' commitment, we were to exempt micro-businesses and start-ups from new regulations proposed in this consultation. Whilst there was much support for the exemption policy generally, all but one respondent considered that it would be undesirable to apply it to changes proposed in this consultation as it would create confusion in the market place, compliance difficulties, and uncertainty for consumers about the performance they could expect when purchasing building works.
10. Fifty-one respondents answered the question on the timing of regulatory changes and transitional arrangements. Almost all were supportive of retaining the current approach of grouped changes to the Building Regulations, with much support for standardised transitional arrangements. There were mixed views on the period of regulatory change although 45% were in support of a three year cycle for reviews. Forty per cent provided suggestions on how lead-in times and transitional arrangements might be considered further to allow sufficient time for industry to adjust to and prepare for changes to the Building Regulations. There were also suggestions on minimising the number of changes at any one time. A small number of respondents took the opportunity here to comment on the acceptability of the use of withdrawn British Standards for design.
11. Question 1.3 sought additional information for the points raised in the introduction, 11 respondents provided further ideas for us to take into account. A few expressed concerns about complexity that might come if the devolved administrations take different approaches to regulations and a number suggested ideas for future reviews including looking at the relationships with other fire legislation and at references to British Standards, although none provided supporting evidence. Two respondents made the suggestion that Part E4 (Resistance to the passage of sound in schools) should be made applicable

to all educational establishments and not just schools, and one stated that they would welcome more changes like the rationalisation proposed to in this consultation to Parts K,M and N. There were also a few points raised that related to other aspects of the consultation: these will be considered in the relevant consultation analysis.

Part A (Structure)

12. We received 100 responses to the proposed amendments to guidance in Approved Document A associated with the introduction of British Standards for structural design based on the Eurocodes and changes to the guidance on foundation depths. Of these, 37% came from building control bodies, 23% came from groups with specific interests such as national representatives and trade bodies and 13% came from manufacturers and materials suppliers. Overall most responses were supportive of our proposals.

Updating Approved Document A with references to British Standards for structural design based on the Eurocodes and associated changes

13. Question 2.1 sought views on whether the current structural design standards references in *Approved Document A* should be replaced with references to the extant British Standards for structural design based on the Eurocodes with their National Annexes. Eighty-four respondents commented on this proposal which was supported by the majority (80%), with most viewing it to be essential to the integrity of the Approved Document. Many respondents who agreed with the proposal commented that they considered Eurocodes to be the most technically advanced standards, and that replacing the references to the withdrawn standards would be an appropriate change.
14. Of those who disagreed, a number felt that such a change was unnecessary and that the withdrawn British Standards are still safe and reliable. A few respondents suggested that smaller firms may have greater difficulty in making the transition to use Eurocodes, while one respondent felt that the proposal to replace the references to withdrawn British Standards might jeopardise the freedom and independence of structural designers. There was an across the board call to allow industry a practical transitional period of about five years- to adjust to any changes in references in the Approved Document.
15. Question 2.2 sought evidence from anyone who disagreed with the assumption that the British Standards for structural design based on the Eurocodes provide at least the same general safety and serviceability levels as provided by the withdrawn British Standards. Eighty-two respondents commented on this question. Ten per cent did not agree that safety and serviceability is equivalent, but little evidence was provided on this. A small number commented that the differences between the standards do not allow easy comparison.

Amendments to Part A	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q2.1: Do you agree that the structural design standards currently referenced in Approved Document A should be replaced by the Eurocodes-based British Standards with their National Annexes as proposed? Please explain why if you do not.										
Total	84	5	1	5	10	2	33	19	0	9
Yes	80%	20%	100%	60%	70%	100%	85%	89%	0%	89%
No	20%	80%	0%	40%	30%	0%	15%	11%	0%	11%

Amendments to Part A	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q2.2: It is generally accepted that use of the Eurocodes-based British Standards with their National Annexes and non-conflicting complementary information provides at least an equivalent level of safety and serviceability to the withdrawn British Standards currently referenced. Do you have evidence that this is not the case?										
Total	82	5	1	5	9	1	35	19	0	7
Yes	10%	0%	0%	20%	0%	0%	11%	16%	0%	0%
No	90%	100%	100%	80%	100%	100%	89%	84%	0%	100%

Amendments to Part A	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q2.3: We believe that our approach in Annex E to referencing BSI Published Documents provides essential and helpful additional information in support of Eurocodes implementation. Do you agree (and if not which, if any, are essential to include?)										
Total	83	5	1	4	10	1	34	20	0	8
Yes	89%	60%	100%	75%	80%	100%	100%	85%	0%	88%
No	11%	40%	0%	25%	20%	0%	0%	15%	0%	12%

Amendments to Part A	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q2.4: Do you agree that additional guidance should be provided in a circular, or similar, to clarify how currently referenced and withdrawn British Standards might continue to be used up to and beyond 2015?										
Total	87	5	1	6	9	1	35	22	0	8
Yes	82%	80%	100%	50%	100%	100%	86%	73%	0%	88%
No	18%	20%	0%	50%	0%	0%	14%	27%	0%	12%

16. Eighty-three respondents commented on our proposed approach to referencing British Standards Institution (BSI) Published Documents in the Approved Document (Question 2.3); and 89% of them agreed that referencing additional information was essential to the implementation of Eurocodes. A few respondents suggested that references in the Approved Document should be expanded to include professional and trade body supporting design guidance for Eurocodes such as The Institution of Structural Engineers (ISE) design guides.
17. There was also substantial support (82%) for the consultation proposal for the Department to issue a Circular or similar guidance to clarify how withdrawn British Standards might continue to be used for a period of time up to 2015 and possibly beyond (Question 2.4). Most building control bodies responding and two professional institutions responding supported this approach and considered that it would assist a practical and orderly transition.
18. A few respondents including three material sector trade bodies, the Building Research Establishment and BSI, were of the view that withdrawn British Standards should not be directly referenced in Approved Document guidance, a Circular or similar guidance. Those who disagreed with this proposal had concerns that a Circular or similar might prolong the take-up of Eurocodes-based British Standards with the withdrawn British Standards becoming increasingly out-of-date as they are not maintained. BSI specifically supported the idea of text within the Approved Document advising on the status of the withdrawn British Standards and their removal from guidance.

Amendments to Part A	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q2.8: Do you agree that the changes proposed to Diagram 6 and the calculation procedure in Diagram 7 provide equivalent safety to the current guidance?										
Total	41	1	1	2	4	1	22	9	0	1
Yes	93%	100%	100%	100%	75%	100%	91%	100%	0%	100%
No	7%	0%	0%	0%	25%	0%	9%	0%	0%	0%

Amendments to Part A	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q2.9: Do you agree the new optional procedure for determining Factor O given in Diagram 6, Figure 3 provides equivalent safety and economy of design?										
Total	45	3	1	3	5	1	22	9	0	1
Yes	89%	67%	100%	67%	60%	100%	95%	100%	0%	100%
No	11%	33%	0%	33%	40%	0%	5%	0%	0%	0%

Amendments to Part A	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q2.10: The changes proposed in Section 5 guidance, particularly in referencing Eurocodes-based British Standards for structural design, are intended to provide an equivalent level of safety and robustness to the current approach based upon withdrawn British Standards, do you agree?										
Total	61	3	1	4	9	1	27	13	0	3
Yes	92%	67%	100%	75%	78%	100%	100%	92%	0%	100%
No	8%	33%	0%	25%	22%	0%	0%	8%	0%	0%

Amendments to Part A	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q2.11: Do you agree that changing the area limit in Diagram 24 from 70m² to 100m² to align guidance with BS EN 1991-1-7 "General actions- Accidental actions" introduces no significant additional risks?										
Total	59	5	1	3	7	1	27	12	0	3
Yes	95%	100%	100%	100%	100%	100%	93%	100%	0%	67%
No	5%	0%	0%	0%	0%	0%	7%	0%	0%	33%

Amendments to Part A	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q2.12: Do you agree that it is helpful to include reference to the ISE Practical Guide to Structural Robustness and Disproportionate Collapse in Buildings as an Alternative approach reference?										
Total	64	5	1	3	7	1	30	15	0	2
Yes	100%	100%	100%	100%	100%	100%	100%	100%	0%	100%
No	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

19. The consultation proposed a consequential change, based upon Eurocodes adoption, to replace the wind map provided in Diagram 6 of the Approved Document, and amend the associated calculation procedure outlined in

Diagram 7. Of the 41 respondents who answered Question 2.8, 93% agreed that the proposal would provide equivalent safety levels to the current guidance. Few respondents provided comments, but those that did stated that they supported the proposed approach.

20. The consultation also outlined new optional procedures for determining the Orography Factor O given in Diagram 6. Eighty-nine per cent of those who responded to Question 2.9 agreed that with the proposal without providing any comment although some stated that they had not checked the calibration used. A few, particularly professional engineers, commented that the new Diagram 6, Figure 3 for the Orography factor would be better presented as an equation rather than graphically.
21. Sixty-one respondents commented on the changes proposed to guidance in *Approved Document A* Section 5 (Question 2.10) and 92% agreed that the changes would provide equivalent levels of safety and robustness to the current approach. Few respondents provided comments, but it was generally accepted that the underlying principles of design are very similar and the changes would be supported. Of those making additional comment four respondents preferred withdrawn British Standards to be additionally listed as guidance.
22. Ninety-five per cent of the 59 respondents to Question 2.11 agreed that changing the area limit in Diagram 24 in the *Approve Document* from 70m² to 100m² to align with Eurocodes design guidance introduces no significant additional safety risks. Most respondents provided no comments. One respondent questioned whether such an increase was justified, but provided no substantive evidence.
23. All of the respondents who answered Question 2.12 agreed that it would be helpful to additionally give the ISE *Practical Guide to Structural Robustness and Disproportionate Collapse in Buildings* as an alternative approach reference. Support for this change was unanimous amongst all groups responding including structural designers.

Impact Assessment for Eurocodes

24. Questions 2.5, 2.6 and 2.7 sought evidence and views on assumptions around the transitional costs, build costs, and benefits associated with referencing Eurocodes in *Approved Document A*, as set out in the Impact Assessment that was published alongside the consultation document.

Amendments to Part A	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q2.5: Do you agree that the actual cost of constructing buildings using standards based on Eurocodes are neutral overall and what evidence do you have to support or refute this?										
Total	29	3	0	2	5	0	7	9	0	3
Yes	45%	0%	0%	50%	0%	0%	71%	56%	0%	67%
No	55%	100%	0%	50%	100%	0%	29%	44%	0%	33%

Amendments to Part A	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q2.6: Do you agree with the estimated transitional costs? If not, please identify which assumptions/estimates you disagree with, and if possible, provide evidence to support your response										
Total	43	4	1	3	5	1	16	11	0	2
Yes	51%	50%	0%	67%	20%	100%	69%	36%	0%	50%
No	49%	50%	100%	33%	80%	0%	31%	64%	0%	50%

Amendments to Part A	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q2.7: Do you have any further information to support or refute the assessment of the benefits associated with referencing the Eurocodes-based standards in Approved Document A?										
Total	71	4	1	2	10	2	33	16	0	3
Yes	15%	0%	0%	0%	30%	50%	9%	25%	0%	0%
No	85%	100%	100%	100%	70%	50%	91%	75%	0%	100%

25. The Impact Assessment assumed that overall there are no additional building costs incurred when using Eurocodes based design standards, but that there will be costs incurred as industry migrates to the use of British Standards based upon Eurocodes. Question 2.5 invited comments on the proposition that overall the building costs from Eurocodes designs are equivalent to those for designs compared to withdrawn British Standards. Twenty-nine respondents answered this question. More than half who commented disagreed with our assumptions and our cost analysis. However, very few of the respondents who disagreed with the build costs analysis provided any substantial evidence to support their views. A small number did suggest that Eurocodes could increase materials and build costs within some specific material sector or design aspect areas and an example of this was parts of the masonry units manufacturing sector citing that Eurocode 6 gave conservative design outputs in some aspects of use.

26. Forty-three respondents commented on the transitional cost assessments provided within the Impact Assessment in relation to the costs that would be incurred in moving towards Eurocodes based design (Question 2.6). Fifty-one

per cent of respondents agreed with the approach in the Impact Assessment. Of those respondents who disagreed, a few questioned whether the analysis underestimated the real costs, however, the majority of these respondents offered no substantive comments or evidence in support of their views.

27. Fifteen respondents made comments on Question 2.7, which sought further information to either support or refute the benefits assessments in our Impact Assessment but none had additional evidence to offer.

Proposed amendments to Approved Document A not linked to Eurocodes

Amendments to Part A	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q2.13: Do you agree it would be a helpful change in line with industry practise to amend the guidance in AD A (2E4) to a three-tier graduated approach for minimum foundation depths in clay-soils?										
Total	57	3	1	2	4	1	31	13	0	2
Yes	91%	67%	100%	100%	100%	100%	90%	92%	0%	100%
No	9%	33%	0%	0%	0%	0%	10%	8%	0%	0%

Amendments to Part A	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q2.14: Are you able to provide information to inform further consideration of any of the topics raised in or related to this consultation chapter, for example, in relation to freestanding walls or to loading increase and decrease associated with re-covering of roofs?										
Total	62	3	1	2	7	0	31	14	0	4
Yes	29%	33%	0%	50%	14%	0%	26%	43%	0%	25%
No	71%	67%	100%	50%	86%	0%	74%	57%	0%	75%

28. This Chapter of the consultation also examined a number of aspects of the technical guidance in *Approved Document A* which are not Eurocodes dependant.
29. This included a proposal to amend the guidance for the minimum foundation depths in clay soils to a three tiered and graduated approach to bring the guidance in line with what is believed to be current industry practice (Question 2.13). Ninety-one per cent of the 57 respondents to this question supported this proposal with the vast majority of professionals and building control respondents voicing support for such change, although one building control body commented that it would be more workable to have only one limiting minimum depth of one metre in the amended guidance.
30. Question 2.14 sought information to inform further consideration of issues related to Approved Document A. Eight respondents offered comments in relation to roof recovering with one suggesting that all alterations to structural

elements should be checked by building control bodies irrespective of the weight changes involved. Seven respondents felt that freestanding boundary and retaining walls structural safety should be included in the Building Regulations with guidance given in *Approved Document A*.

Amendments to Part B (Fire safety) and changes to Local Acts

31. We received 73 responses to the two consultation proposals to amend *Approved Document B* to resolve practical problems in the application of Requirement B2 (Internal fire spread (linings)).

Proposed amendments to Table 10 (Classification of linings)

Amendments to Part B	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q3.1: Do you agree that the proposed amendments to Table 10 are reasonable and maintain the necessary standards of safety?										
Total	70	4	1	2	10	1	32	11	0	9
Yes	87%	25%	100%	100%	100%	100%	88%	91%	0%	89%
No	13%	75%	0%	0%	0%	0%	13%	9%	0%	11%

32. Question 3.1 asked if respondents agreed that the proposed changes to Table 10 (classification of linings) in *Approved Document B* maintained the necessary standards of safety. These proposed changes to Table 10 mitigate problems associated with the application of the European reaction to fire classifications. As drafted, the new text allows that Euro Class C wall coverings would be acceptable in locations where we currently ask for British Standard (BS) Class O or the European (EN) Class B.
33. Sixty-one respondents supported the proposed changes to Table 10 and 9 respondents disagreed. There were very few detailed comments although one respondent regarded the European system as being more robust, and another respondent questioned how control over wall coverings is enforced under Building Regulations.
34. Some respondents suggested changes to the draft guidance to improve its clarity. One respondent also suggested that it would be helpful to clarify how the EN standard substrates should be interpreted in practice. During the consultation period, the British Coatings Federation published a study, commissioned by them, that supported the proposal.

Proposed changes to Table 11 (Limitations applied to thermoplastic rooflights and lighting diffusers)

Amendments to Part B	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q3.2: Do you agree that the proposed amendments to Table 11 are reasonable and maintain necessary standards of safety?										
Total	64	4	1	2	4	1	31	11	0	10
Yes	80%	75%	100%	100%	100%	100%	77%	73%	0%	80%
No	20%	25%	0%	0%	0%	0%	23%	27%	0%	20%

Amendments to Part B	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q3.3: Do you think the proposed new Diagram 28 is necessary to illustrate the changes to Table 11?										
Total	59	3	1	2	4	1	30	11	0	7
Yes	92%	100%	100%	100%	100%	100%	97%	73%	0%	86%
No	8%	0%	0%	0%	0%	0%	3%	27%	0%	14%

35. Question 3.2 asked if respondents agreed that the proposed changes to Table 11 in *Approved Document B* maintained the necessary standards of safety. This proposal introduced new guidance on the spacing of thermoplastic lighting diffusers. The current guidance reflected drop-in type diffuser ceiling tiles for false ceilings which were in common use when it was published.
36. Fifty-one respondents supported the proposed changes, but 13 respondents disagreed. Some respondents expressed concern that energy efficiency measures should not override safety. There was also concern that the proposals may encourage wider use of Thermoplastic(b) type diffusers which could result in a higher risk of the luminaire being the source of ignition.
37. Question 3.3 asked respondents if a new diagram was necessary to illustrate the changes to Table 11. Ninety-two per cent of respondents supported the use of a diagram and several respondents offered drafting suggestions on how the clarity of the guidance could be improved.

Additional comments / Local Acts

Amendments to Part B	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q3.4: Are you able to provide information to inform further consideration of any of the topics raised in or related to this consultation chapter?										
Total	64	4	1	2	7	1	31	10	0	8
Yes	11%	0%	0%	0%	43%	0%	3%	20%	0%	13%
No	89%	100%	100%	100%	57%	100%	97%	80%	0%	88%

38. Question 3.4 asked if respondents had information to inform further consideration of any of the topics raised in or related to this consultation chapter. Six respondents to Question 3.4 offered additional information for consideration and incorporation into the final Impact Assessment.
39. Several respondents also took the opportunity to comment on the repeal of fire protection measures in local acts - some supported the repeal as this would remove unnecessary burdens on industry and would prevent some uncompetitive practices. Other respondents were concerned that the repeals may expose fire-fighters to increased risks. No comments were made on the text of the draft Statutory Instrument.

Amendments to Part C (Site preparation and resistance to contaminants and moisture)

40. We received 76 responses to proposals around amending *Approved Document C* to align it with the 2007 radon maps and to update site investigation guidance in accordance with Eurocodes based design British Standards, consideration of changes to minimum u-values to avoid condensation and mould growth, and proposals on updating the *Approved Document* guidance on contaminated land.
41. Sixty-seven responded to Question 4.1, which asked for contributions of evidence to help us refine our Impact Assessment on the costs and benefits of updating to align the *Approved Document C* radon guidance with the 2007 radon maps produced by the Health Protection Agency.
42. Fourteen respondents offered additional evidence in support of refining the Impact Assessment. Three respondents provided detailed comments on constructional and other aspects of providing efficient radon ground barriers.

Amendments to Part C	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q4.1: Do you have any evidence that would be helpful when we refine our analysis, including the working assumptions in the Impact Assessment, post consultation?										
Total	67	5	0	2	5	3	34	14	0	4
Yes	13%	40%	0%	0%	0%	33%	3%	21%	0%	50%
No	87%	60%	0%	100%	100%	67%	97%	79%	0%	50%

Amendments to Part C	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q4.2: Would removing Annex A of the Approved Document C cause problems?										
Total	61	4	0	2	2	2	35	12	0	4
Yes	18%	25%	0%	50%	0%	50%	14%	17%	0%	25%
No	82%	75%	0%	50%	100%	50%	86%	83%	0%	75%

Amendments to Part C	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q4.3: Do you have any other suggestions for change that you believe we should consider in our future review work?										
Total	72	5	0	3	6	3	34	14	0	7
Yes	38%	60%	0%	33%	50%	67%	24%	36%	0%	71%
No	62%	40%	0%	67%	50%	33%	76%	64%	0%	29%

43. Question 4.2 asked whether removal of the *Approved Document C Annex A* on contaminated land would cause problems. Sixty-one respondents answered this question. The majority (82%) did not think this would cause problems, although a small number questioned the removal on the basis that the Annex does give a helpful overview and summary of requirements for contaminated land which is useful and not provided elsewhere.
44. The consultation paper also asked for other suggestions for change that could be considered in future reviews (Question 4.3). Thirty-eight per cent of the 72 respondents to this replied that they had or could provide suggestions for future changes to Part C and the related guidance. Some principal changes proposed were the removal of sub-soil drainage provision to *Approved Document H (Drainage and waste disposal)*, removal of site investigation to *Approved Document A (Structure)* and the updating of contaminated land guidance to accord with the Environmental Protection Act and related guidance and testing procedures. Two respondents provided additional comments on flooding, saying that the *Approved Document* should provide more guidance on this. The Health

Protection Agency commented that they are planning a baseline survey of existing radon awareness and action by householders of homes built in 2010 in areas of England where 'full' preventive radon measures would be expected. This project would include free radon tests for these homes and would be via voluntary means outside of regulation and Approved Document guidance

Amendments to Parts K, M and N (Protection from falling, collision and impact, Access and Glazing), and new style for Approved Document

45. We received 90 responses to the consultation proposal to consolidate elements of Parts K, M and N, to rationalise and address overlap and conflict in the associated guidance, and to introduce new guidance in a new style Approved Document for Part K.

The impact of changes to the technical provisions in the proposed draft Approved Document

Amendments to Parts K,M and N	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q5.1: Are there any changes to the technical provisions in the proposed draft Approved Document K which would impact on the way in which industry applies the existing guidance? If so, can you identify specifically what has changes and what that impact would be?										
Total	63	3	1	3	4	1	36	9	0	6
Yes	33%	0%	0%	67%	75%	0%	25%	56%	0%	33%
No	67%	100%	100%	33%	25%	100%	75%	44%	0%	67%

46. Forty-two respondents (67%) stated the proposed technical provisions within the draft Approved Document would not impact on the way in which industry applies existing guidance (Question 5.1), a large proportion of which were building control bodies. Whilst 21 respondents (33%) were of the opinion that this proposal would have an impact, these responses were mostly in relation to procedural aspects or requesting additional technical provisions to be included within the guidance or in relation to technical editorial points.
47. A number of respondents suggested confusion would be caused due to guidance on external stairs and ramps remaining in *Approved Document M* and that it should be made clearer which parts of the guidance covers internal and external steps and ramps. Some respondents also suggested that the introduction of an 'easy access' stair could be confusing as in certain situations it was not clear what type of stair would be required.

Further suggestions for areas of consolidation/rationalisation between guidance relating to Parts K, M and N

Amendments to Parts K, M and N	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q5.2: Do you have any further suggestions for areas of consolidation/rationalisation between guidance relating to Parts K, M and N?										
Total	24	2	0	1	6	0	9	4	0	2
Yes	54%	50%	0%	0%	33%	0%	56%	75%	0%	100%
No	46%	50%	0%	100%	67%	0%	44%	25%	0%	0%

48. Of those who responded to the invitation in Question 5.2 for further ideas on the consolidation and rationalisation of the guidance related to Parts K, M and N, 13 respondents (54%) put forward suggestions. Many of these were either requesting clarification on areas already included within the proposed consolidation or suggesting the updating of guidance in other Approved Documents [such as *Approved Document M*], in line with British Standard 8300:2009+A1:2010. It was suggested by some respondents that *Approved Document M* should be the lead document rather than *Approved Document K*, as *Approved Document M* deals with access to all buildings and we should therefore incorporate the integration of duplication from *Approved Document K and N*.

A 'new look' Approved Document K

Amendments to Parts K, M and N	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q5.3: Do you think that style and layout of the Approved Document makes it easier to read and use?										
Total	72	3	1	3	7	1	35	14	0	8
Yes	92%	100%	100%	67%	100%	100%	91%	100%	0%	75%
No	8%	0%	0%	33%	0%	0%	9%	0%	0%	25%

49. Sixty-six respondents (92%) agreed that the proposed Approved Document style and layout was easier to read and use (Question 5.3). Of those who disagreed, the overwhelming view was that the column width for the text was too narrow, some questioning whether the font size had been reduced and if the general layout met recognised layout for publications.

The impact of changes to the words used in the proposed draft Approved Document

Amendments to Parts K, M and N	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q5.4: Are there any changes in the words used in the proposed draft Approved Document K which will impact on the way industry would apply the guidance? If so, can you identify specifically what has changed and what that impact would be.										
Total	64	2	1	3	6	0	35	10	0	7
Yes	36%	50%	0%	67%	33%	0%	23%	50%	0%	71%
No	64%	50%	100%	33%	67%	0%	77%	50%	0%	29%

50. Forty-one respondents (64%) stated that the changes to the proposed words used in the draft Approved Document would not impact on the way industry would apply the guidance (Question 5.4). The concerns of the 23 respondents (36%) who disagreed mainly referred to technical editorial points within the proposed *Approved Document K*, with continued requests for greater detail on where particular stair types (for example, utility/easy access) are required.

Impact Assessment - estimated transitional costs and benefits

Amendments to Parts K, M and N	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q5.5: Do you agree with the estimated transitional costs? If not, please identify which assumptions you disagree with and provide evidence to support alternative values.										
Total	34	3	1	1	3	0	15	8	0	3
Yes	62%	67%	100%	100%	33%	0%	60%	75%	0%	33%
No	38%	33%	0%	0%	67%	0%	40%	25%	0%	67%

Amendments to Parts K, M and N	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q5.6: Do you agree with the estimated benefits for the rationalisation/consolidation? If not, please identify which assumptions you disagree with and provide evidence to support alternative values.										
Total	45	3	1	1	4	1	23	9	0	3
Yes	87%	100%	100%	100%	50%	100%	96%	89%	0%	33%
No	13%	0%	0%	0%	50%	0%	4%	11%	0%	67%

51. Question 5.5 and 5.6 sought evidence and views on assumptions - around the transitional costs and estimated benefits - in the Impact Assessment for the

proposal to rationalise and consolidate Parts K, M and N and associated guidance, which we published alongside the consultation document.

52. Twenty-one respondents (62%) agreed with the proposed estimates for the transitional costs (Question 5.5). Thirteen respondents (38%) disagreed, with four suggesting the additional cost to industry and familiarisation with the guidance had not been appropriately considered and reflected. However, no additional evidence was submitted.
53. Thirty-nine respondents (87%) agreed with the estimated benefits for the rationalisation/consolidation (Question 5.6). 6 respondents (13%) disagreed and two of these (including the glazing industry) suggested *Approved Document N* should continue as a stand-alone document. One respondent suggested that the assumed benefit would be less because industry was familiar with the current *Approved Document M*, and the proposed changes would cause confusion.

Further considerations

Amendments to Parts K, M and N	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q5.7: Are you able to provide information to inform further consideration of any of the topics raised in or related to this consultation chapter?										
Total	64	3	1	3	3	1	34	11	0	8
Yes	31%	33%	0%	33%	100%	0%	26%	36%	0%	25%
No	69%	67%	100%	67%	0%	100%	74%	64%	0%	75%

54. Twenty respondents provided further information to inform further consideration of the consolidation proposals (Question 5.7). Many of these suggested that an amendment slip for changes to *Approved Document M* would not be sufficient and would cause confusion and it was generally requested that *Approved Document M* be reprinted reflecting the changes. There were two further requests to update references and a call to refer to current industry guidance on glazing, this respondent also requested that overhead glazing be covered in the Building Regulations.
55. Additionally there were a number of responses which provided more general comments. The topics covered within these responses were principally suggesting the updating of references to British Standards and support for *Approved Document M* being the lead document rather than *Approved Document K*. It was also suggested that reference should be made to the *Work at Height Regulations 2005*, specifically in relation to guarding heights. In addition, a number of responses also offered specific comments on technical editorial points.

Amendments to guidance on Access Statements in Part M (Access to and use of buildings)

56. This part of the consultation proposed changes to two aspects of the guidance in *Approved Document M*. We received 67 consultation responses to the proposal to change guidance on Access Statements so applicants might demonstrate compliance in a wider range of ways including, but not limited to, use of a written statement. We also received 60 responses to the proposal to revise guidance on the relationship of Part M and *the Equality Act*.

Revised guidance on access statements and demonstrating compliance

Amendments to Part M	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q6.1: Do you agree that the proposed alternative approaches to written Access Statements can be effective in helping to communicate compliance?										
Total	67	3	1	4	0	1	35	9	0	14
Yes	73%	100%	100%	50%	0%	100%	86%	78%	0%	36%
No	27%	0%	0%	50%	0%	0%	14%	22%	0%	64%

57. Of the 67 consultation responses on access statements, 73% of respondents agreed with the proposed changes to guidance on their use and 27% disagreed. This question also received a significant number of further comments, suggestions and observations with 38 respondents providing further information.

58. Nineteen of these 38 were supportive and included views that access statement quality varied considerably, that they were primarily of use as secondary information, that written statements sometimes misrepresented the true level of provision, and that the proposed more focused approach would support more robust challenge to departures from the guidance in the Approved Document. Respondents also noted that promoting early discussion of how access is to be provided is beneficial. A number noted that guidance should be revised so a written record of the agreed access strategy should be made, regardless of the way in which compliance was agreed. A number of suggestions for updating guidance and reference to third party standards were submitted.

59. The remaining 19 comments were either not supportive or only supported elements of the revised guidance. Even amongst these there was broad support for widening the ways in which access considerations could be evaluated or demonstrated. There were commonly expressed concerns that an approach focusing on key risks or departures from Approved Document guidance would make it easier to justify non-compliance and that consideration of access issues at planning stage and building control stage is not cohesive. There were also proposals that we should introduce a mechanism to ensure disabled people are consulted (and concern that the loss of a written statement will make this harder to achieve) and make access statements mandatory.

Revised guidance on relationship of Part M and the Equality Act

Amendments to Part M	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q6.2: Does this revised wording clarify the relationship between Approved Document M and the Equality Act 2010? If not please suggest how this could be made clearer.										
Total	60	3	1	4	0	1	33	7	0	11
Yes	90%	67%	100%	75%	0%	100%	91%	86%	0%	100%
No	10%	33%	0%	25%	0%	0%	9%	14%	0%	0%

60. Ninety per cent of the 60 respondents supported the proposed revisions to guidance on the relationship of Part M (Access to and use of buildings) of the Building Regulations with the *Equality Act* helped to provide clarification (Question 6.2).
61. Twelve respondents provided additional comments on this, including suggestions that reference to Part M in the *Equality Act* could be legally extended to elements of guidance being transferred to Part K; that the guidance should set out more clearly what is required in order to comply with the *Equality Act* above and beyond Part M; and that there should be clearer reference to the role of *Approved Document M* in implementing broader social policy objectives.

Impact Assessment

Amendments to Part M	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q6.3: Table 3 on page 9 of the Impact Assessment sets out the percentage of building control applications currently accompanied by an Access Statement, banded by project size. Does this seem reasonable or do you have evidence to substantiate alternative figures?										
Total	39	1	1	4	0	1	24	5	0	3
Yes	85%	100%	100%	75%	0%	100%	83%	100%	0%	67%
No	15%	0%	0%	25%	0%	0%	17%	0%	0%	33%

62. Thirty-nine respondents answered Question 6.3 on the Impact Assessment estimates of building control applications accompanied by an access statement, with 85% supporting the figures used within the Impact Assessment. Other additional comments suggested, however, that the number of applications accompanied by an access statement appeared high. Two respondents felt this information was irrelevant as it indicated poor compliance rather than any failing in access statements themselves.

Amendments to Part M	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q6.4: Table 5 on page 10 of the Impact Assessment sets out as transitional costs the time and cost to industry in becoming familiar with revised guidance within Approved Document M and developing revised approaches to communicating compliance. Does this seem reasonable or do you have evidence to substantiate alternative figures?										
Total	27	2	1	3	0	1	14	3	0	3
Yes	70%	100%	0%	67%	0%	100%	71%	67%	0%	67%
No	30%	0%	100%	33%	0%	0%	29%	33%	0%	33%

Amendments to Part M	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q6.5: Table 6, 7 and 8 on pages 12 and 13 of the Impact Assessment sets out the extent to which revised guidance will deliver efficiencies to industry and seeks to evaluate the benefits this will bring. Do you agree with our estimate of time, and cost which will be saved by a more focused risk-based approach to demonstrating compliance? If not, please suggest what values should be considered and provide any supporting evidence.										
Total	29	2	1	2	0	1	16	4	0	3
Yes	66%	50%	0%	50%	0%	100%	75%	50%	0%	67%
No	34%	50%	100%	50%	0%	0%	25%	50%	0%	33%

Amendments to Part M	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q6.6: Table 7 on page 12 of the Impact Assessment sets out the underlying assumptions in the calculations of savings to homebuilders – do you agree with these figures? If not, please suggest what values should be considered and provide any supporting evidence.										
Total	25	2	1	1	0	1	13	3	0	4
Yes	56%	50%	0%	100%	0%	100%	54%	67%	0%	50%
No	44%	50%	100%	0%	0%	0%	46%	33%	0%	50%

63. Nineteen of Twenty-seven respondents to consultation question (6.4) agreed with the Impact Assessment's transitional cost associated with revising guidance. Three suggested that savings appear high with some indicating that the costs associated with later amendments or changes to design during construction and occupation arising from claims made under the *Equality Act* were not represented.
64. Twenty-nine respondents answered Question 6.5 and 66% agreed with the benefits shown in the Impact Assessment. Although 10 respondents (34%) disagreed with our estimates benefits only two respondents submitted detailed comments. One suggested that the need for access statements was

misrepresented, and the other suggested that Industry influence should be balanced with measures relating to health and safety.

65. Twenty-five respondents answered Question 6.6 with 56% agreeing with the Impact Assessment assumptions on savings to housebuilders. Of the 44% disagreeing, only two provided further comment with one respondent commenting that access statements accompanying applications for residential schemes were far less common than suggested and one indicating that the costs of face-to-face meetings with building control bodies would rise.

Amendments to Part M	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q6.7: Are there are any costs to industry not identified within the consultation stage Impact Assessment that we should include? If so, what are they and what can be provided to substantiate such costs?										
Total	26	1	1	1	0	1	15	4	0	3
Yes	31%	100%	0%	0%	0%	0%	33%	0%	0%	67%
No	69%	0%	100%	100%	0%	100%	67%	100%	0%	33%

66. Twenty-six respondents answered Question 6.7, eight suggested that there are further costs that should be considered beyond those already in the Impact Assessment. There were concerns that costs of training and familiarisation for some organisations were under-represented. Some respondents thought the cost of time required to utilise other forms of communication (rather than written statements) were not considered, and one respondent suggested that benefits of a single unified access statement updated across all stages from inception to completion and building on the planning stage statement were not identified (the suggestion being that 'loss of benefit' should be represented as a cost).

Further evidence

Amendments to Part M	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q6.8: Are you able to provide information to inform further consideration of any of the topics raised in or related to this consultation chapter?										
Total	30	1	1	2	0	1	17	4	0	4
Yes	20%	0%	0%	50%	0%	0%	12%	50%	0%	25%
No	80%	100%	100%	50%	0%	100%	88%	50%	0%	75%

67. Six respondents to Question 6.8 indicated that further information might be considered. Consultation with access groups, access consultants and British Standards committees was suggested, and broad concerns as to the impact of revised guidance on quality of inclusion were expressed but no further substantive evidence was submitted.

Domestic security

Domestic Security	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q7.1: Are you able to provide information to inform further consideration of any of the topics raised in or related to this consultation chapter?										
Total	64	3	1	2	5	1	32	12	0	8
Yes	28%	67%	0%	50%	20%	0%	9%	67%	0%	38%
No	72%	33%	100%	50%	80%	100%	91%	33%	0%	63%

68. Question 7.1 sought evidence and information from respondents in relation to domestic security, with particular emphasis on the cost of the security measures and their likely effectiveness to reduce forced entry. We received 64 consultation responses relating to domestic security.
69. The majority of respondents (72%) were not able to provide information for further consideration in relation to Question 7.1; however nine stated that the Building Regulations were not best placed to regulate for domestic security. Of the 18 respondents who provided further information, some appeared to have misunderstood the question as they stated a 'localist' approach would be preferred over Building Regulations, such cases provided no additional evidence to consider. Other respondents provided comments that had already been considered within the research, such as information on secured by design.
70. In addition, respondents suggested it is difficult to strike a balance between security and means of escape, with further concerns raised that any security measure should not reduce the accessibility of a home. Others who provided

information indicated an appreciation that there would be a difficulty of security standards being addressed through the Building Regulations due to the ever changing methods adopted by burglars and the inability to make quick changes to the Building Regulations. Such respondents also suggested that domestic security is best placed in a mechanism such as the Code for Sustainable Homes.

Changing Places toilets

71. The consultation on Changing Places focused on two main questions; firstly whether respondents supported inclusion of informative advice on Changing Places within *Approved Document M*, and secondly whether doing so would have any adverse impacts on Industry.

Inclusion of non-mandatory guidance in Approved Document M

Changing Places Toilets	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q8.1: Should Approved Document M be amended to provide information about what is needed from a Changing Places toilet and, if so, should this be a simple reference to BS8300 or should the information be in the body of the Approved Document?										
Total	67	1	0	1	1	0	8	1	0	4
Yes	73%	100%	0%	0%	100%	0%	88%	100%	0%	100%
No	27%	0%	0%	100%	0%	0%	12%	0%	0%	0%

72. In total there were 78 responses to the proposals relating to Changing Places toilets. Sixty-seven respondents answered Question 8.1 with 73% supporting amendment of the *Approved Document M* to include information on Changing Places toilets and 27% disagreeing that this should be provided.
73. Fifty-five of the 67 respondents to Question 8.1 made further comment, and of these, 22 respondents supported simple reference to guidance in BS8300, whilst 25 preferred that informative guidance be included in *Approved Document M*. Further comments included that regulation for Changing Places should be mandatory, rather than pursuing a voluntary approach and some felt that inclusion of detailed technical guidance within *Approved Document M* would be more effective as BS8300 is not a freely available document.
74. Twenty-seven per cent of respondents indicated that they did not believe guidance on Changing Places toilets should be included within *Approved Document M*. The majority of these respondents took the view that guidance should only be provided on matters which are mandatory. This was a view particularly expressed by building control bodies and their representative organisations.

Possible adverse impact of including informative guidance in Approved Document M

75. In total 56 of 78 respondents answered Question 8.2 on the possible impacts of additional guidance on Changing Places toilets.

Changing Places Toilets	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q8.2: Would providing additional guidance of the sort proposed lead to any adverse impacts on building providers/occupiers?										
Total	56	1	0	1	1	0	6	1	0	1
Yes	32%	0%	0%	100%	0%	0%	0%	0%	0%	0%
No	68%	100%	0%	0%	100%	0%	100%	100%	0%	100%

76. The majority (68%) of respondents did not think that including informative guidance would have adverse impacts, but typically cited the need to be clear that these facilities were not a mandatory requirement. Thirty-two per cent of respondents believed that additional guidance would create adverse impacts with loss of space and additional costs to developers and building owners although some respondents did recognise that in this particular instance providing informative guidance seemed appropriate. Most of the respondents who opposed inclusion of guidance in *Approved Document M* also emphasised that if it was decided to include informative guidance then it must be clearly marked as non-mandatory to avoid adverse impact on industry.

77. A number of respondents also made more general points stressing that provision of Changing Places toilets should be strategically targeted at public facilities where they would be of most benefit and that they should be supplementary to existing accessible toilet provision.

Amendments to the Approved Document supporting Regulation 7 (Materials and Workmanship)

78. This section of the consultation invited further comments to inform the proposed amendments to *Approved Document 7*; 70 respondents answered Question 9.1, and 31 respondents (44%) provided additional comments. The majority of responses were broadly supportive of the proposals, with 10% stating this explicitly.

Amendments to Approved Document Supporting Regulation 7	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q9.1: Do you have any comments on the proposed amendments to Approved Document 7?										
Total	70	5	1	3	7	1	31	15	0	7
Yes	44%	60%	0%	33%	86%	0	10%	60%	0%	14%
No	56%	40%	100%	67%	14%	100%	90%	40%	0%	86%

79. Most comments related to the operation of the EU Construction Products Regulation and many of these provided suggestions on how the new Approved Document might provide guidance on this, including advice to manufacturers and importers and clarifications on Construction Products Regulations enforcement.
80. Seven (10%) were supportive of the proposed changes. One respondent was "not convinced" by the proposal to remove the environmental impact paragraph but there were no other comments on this issue. Some suggested the Approved Document should include reminders about other provisions such as regulation 38 of the Building Regulations, and the Site Waste Management Regulations. There were also suggestions to improve clarity.

Chapter 3: Section two - Part L (Conservation of fuel and power)

81. We received 223 substantive responses on the proposals for changes to the Part L new build standards, to the performance standard for works in existing buildings and to the technical guidance (Approved Documents and Building Services Compliance Guides). In addition we received another 20 duplicate responses from a variety of campaigns. The views of these have been fully considered in the qualitative analysis, but where forms were duplicates of another response, for quantitative purposes the yes/no answers have only been counted once in this Chapter. The breakdown of responses by type is shown below.
82. The responses were dominated by manufacturers and the supply chain (73 responses, 30%), specific interests (which included many trade associations, academic organisations and professional institutions – 49 responses, 20%), builders and developers (34 responses, 14%), building control bodies (27 responses, 11%) and designers/engineers (20 responses, 8%). Twenty-one respondents did not categorise themselves (i.e. chose 'Other') and there were ten or fewer responses in the remaining categories.

New homes

83. For new homes, the consultation discussed both the concept of changing the metrics used to set the energy performance standards (including the introduction of a mandatory energy target) and whether/how much to raise the CO₂ standards from 2010 levels. The Government's preference was for the gentler 8% uplift on 2010 standards, with a more ambitious 26% uplift also offered for views. The consultation also discussed the future of the 'fuel factor' (a partial relaxation in the CO₂ standards for homes without access to mains gas).

New homes	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q27: Do you agree with the proposal for a 'hybrid' approach to standard setting for new homes in 2013?										
Total	157	20	1	13	51	6	22	28	4	12
Yes	60%	50%	100%	54%	73%	50%	68%	46%	75%	42%
No	23%	50%	0%	31%	6%	33%	14%	25%	25%	50%
Don't Know	17%	0%	0%	15%	22%	17%	18%	29%	0%	8%
Q28: What is your preferred option for the standards for new homes from October 2013?										
Total	159	21	1	13	50	6	23	30	4	11
No change	14%	52%	0%	0%	6%	50%	4%	10%	0%	9%
8% with full FEES	18%	10%	0%	23%	12%	33%	9%	27%	50%	27%
8% with interim FEES	13%	24%	0%	8%	18%	0%	9%	10%	0%	9%
Halfway with full FEES	19%	0%	100%	46%	8%	0%	43%	20%	25%	18%
Halfway with interim FEES	12%	5%	0%	0%	24%	0%	0%	7%	25%	27%
Something else	4%	10%	0%	15%	0%	0%	0%	7%	0%	9%
Don't know	20%	0%	0%	8%	32%	17%	35%	20%	0%	0%
Q29: Do you agree that the limits on design flexibility 'backstop' values for fabric elements and fixed building services should be retained as reasonable provision in the technical guidance?										
Total	158	20	1	14	52	5	22	30	4	10
Yes	78%	55%	100%	86%	83%	60%	91%	73%	75%	80%
No	17%	45%	0%	7%	15%	0%	5%	20%	0%	20%
Don't know	5%	0%	0%	7%	2%	40%	5%	7%	25%	0%
Q30: Which option for the fuel factor in 2013 do you prefer?										
Total	164	22	2	12	51	6	22	31	5	13
Retain	38%	77%	50%	33%	18%	33%	41%	39%	40%	46%
Reduce	20%	23%	0%	33%	12%	33%	5%	26%	40%	31%
Remove	16%	0%	0%	25%	20%	0%	27%	16%	0%	23%
Don't know	26%	0%	50%	8%	51%	33%	27%	19%	20%	0%
Q31: Do you think the assumptions used in the IA are reasonable?										
Total	150	20	1	14	50	6	22	25	1	11
Yes	9%	20%	0%	14%	6%	0%	9%	4%	0%	18%
No	37%	60%	0%	36%	52%	17%	0%	36%	0%	27%
Don't Know	53%	20%	100%	50%	42%	83%	91%	60%	100%	55%

New homes	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
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Q32: Overall, do you think the IA is a fair and reasonable assessment of the potential costs and benefits for new homes?

Total	147	19	1	14	49	5	22	26	1	10
Yes	12%	21%	0%	21%	10%	0%	9%	8%	0%	20%
No	35%	63%	0%	29%	45%	20%	5%	38%	0%	20%
Don't Know	52%	16%	100%	50%	45%	80%	86%	54%	100%	60%

Proposal for a 'hybrid' approach to target setting

84. Overall, 60% of respondents supported the proposal for a hybrid approach (a fixed energy target set by home type combined with a more flexible CO₂ target set for the particular building), but support was slightly less strong from builders and designers. The most common reasons given by those in favour of the proposed hybrid approach were that it was a stepping stone towards the absolute target setting methodology proposed by the Zero Carbon Hub for 2016, gave the industry time to prepare and provided learning rate cost benefits. Others approved the retention of some flexibility in choosing compliant solutions and felt it supported the principle of reducing energy demand first.
85. The main reasons provided by those who did not support the hybrid approach were a preference for moving directly to an absolute carbon emissions performance target, and (from the house building sector) that it would be better to make no change to the Part L 2010 targets (and thus the target setting methodology) and wait until 2016. A number of respondents argued against the hybrid solution on the grounds of its complexity and made suggestions for simplification including a more elemental approach such as that adopted by Scotland, or separate targets for energy efficiency and low and zero carbon energy generation.

CO₂ and energy demand targets

86. On the level of uplift to standards for new homes, the responses to Question 28 were extremely split. A significant number of respondents preferred to leave the targets unchanged from Part L 2010. This included associations representing the house-building industry (the Federation of Master Builders, Home Builders Federation, House Builders Association and National Housing Federation) and nearly all of the major house builders that responded individually. Key arguments provided for this view were the difficult economic circumstances, the time needed for experience and feedback from constructing to the current Part L before assessing any further change and the need to resolve issues in the Standard Assessment Procedure methodology (SAP) first. Several other respondents did suggest that no change could provide the wrong message to those stakeholders looking to develop low energy and carbon solutions, and could create too large a step to achieve zero carbon in 2016.

87. Comments from those who did support a change in standards are below:

- On the introduction of a **mandatory energy target**, those who wanted the full Fabric Energy Efficiency Standard levels introduced from 2013 said that this better supported the ‘fabric first’ principle (building in higher fabric energy efficiency standards before installing renewables) and pointed out that it was more cost-effective than the ‘interim’ targets. There was also some concern that an interim energy target level could be confusing, though it was not clear whether some respondents understood that builders would be free to build to the full Fabric Energy Efficiency Standard levels under either scenario. Those who supported the interim targets thought the main benefit was flexibility, for example when meeting local planning requirements for renewables to be used. There was also concern raised that further work was needed to ensure that the Hub’s Fabric Energy Efficiency Standard had been set at the right level and that the energy performance could be reliably achieved in practice.
- On the **level of overall CO₂ emissions reduction**, the main argument made in favour of the more challenging ‘halfway’ standard (equivalent to a 26% improvement on 2010 standards across the build mix) was that it eased the eventual step to zero carbon from 2016, and that it avoided the complexity of a hybrid standard setting approach by introducing absolute targets for both energy demand and carbon emissions. None of the supporters of this option commented on the impact this additional cost might have on the new build market. Supporters of the 8% aggregate uplift (equivalent to introducing the Fabric Energy Efficiency Standard and adding efficient fixed services) felt this still represented a meaningful step to zero carbon but at a lower cost. There was some concern that certain construction forms (gas heated apartments) would see no improvement in performance from 2010 levels if this option were chosen.
- A small campaign of respondents suggested that Passivhaus certification (homes built to Passivhaus standards have a very high level of fabric energy efficiency) should be used as a ‘deemed to satisfy’ way of showing compliance with the standards from 2013.

Impact Assessment assumptions

88. A considerable number of respondents expressed concern with assumptions in the Impact Assessment:

- Many respondents thought that the costs were too low. In particular, the window industry suggested that they did not account for the wide variation in window types. A number of comments, particularly from the window industry, further suggested that the learning rates assumed (ie future projections of reductions in cost) were too optimistic.
- There was a greater mix of view on the photovoltaics costs. The Renewable Energy Association and several other respondents stated that both the costs and learning rates were too high and offered to share industry data. By contrast several other respondents thought that the costs were too low as they did not take account of the type of

products that would be used (in-roof and tile being more expensive than on-roof), higher costs for smaller builders due to lower buying power and that the significant PV learning rates appeared to be 'implausible'.

- Several respondents suggest that the Impact Assessment did not sufficiently consider new technologies that could reduce the cost of compliance (eg solar water heating, ground source heat pumps, biomass heating, shower water waste heat recovery and flue gas heat recovery).
- The Home Builders Federation and others expressed concern that the build volumes were too high and that the build mix under-estimated the number of detached homes and over-estimated the number of apartments that will be built in the coming years.
- A number of architects and designers questioned the assumption that as many as 50% of apartments were electrically heated, suggesting that the use of district heating and centralised gas boilers is becoming more common in blocks of flats.

Design flexibility 'backstop' values for fabric elements and fixed building services

89. Nearly 80% of respondents to Question 29 on this were in favour of retaining backstops with reasons given including that backstops ensured that all aspects of the building were designed to a reasonably energy efficient standard and they were simple to understand for the less experienced designer. A quarter of these respondents commented that the backstops should not be tightened from the 2010 levels as this would overly limit design flexibility (in particular the metal window industry and house builders) whereas only four respondents explicitly stated that they approved the proposed tightening of standards.
90. Those who wished to remove the backstops suggested that as long as they were provided in Part C guidance as a guard against condensation risks, there was no need to include them in Part L guidance. Others said the introduction of a mandatory fabric standard meant they were unnecessary. However, around a third of the comments received from those who stated that they wished to remove the backstops appeared to be more concerned about the tightening of the backstops than their removal.

Options for the fuel factor

91. Half of the respondents who expressed a preference (38% overall) were in favour of the retention of current fuel factors. The principal reason expressed for this was that it would have a significant negative impact on off gas-grid communities with Calor Gas suggesting that the costs of Part L should be equalised for rural and urban areas (with a consequent increase in the fuel factor allowance). Other common comments were that the change would negatively impact on heat pumps and other electric heating technologies, it would add cost to house building, and some felt that there was no need to change a system that was well understood.

92. The arguments for reduction and removal of the fuel factors were that it would favour lower carbon fuels and technologies and more energy efficient solutions and ease the transition towards zero carbon.

New non-domestic buildings

93. The consultation proposed two options for raising the standards for new non domestic buildings from 2013: an 11% aggregate uplift on 2010 standards and the Government's preferred 20% uplift. Other questions explored the feasibility of these standards (eg whether they would have differing impacts on different sectors or types of building) and proposals on a new methodology for assessing lighting demand and a new way of introducing innovative technologies into the non-domestic calculation methodology.

New non-domestic buildings	All who responded	Builders / Developers	Building Occupier	Designers / Engineers / Surveyors	Manufacturer / Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q33: What is your preferred option for the standards for new non-domestic buildings from October 2013?										
Total	156	14	2	13	56	5	23	31	3	9
No change	6%	21%	0%	15%	7%	20%	0%	0%	0%	0%
11% aggregate uplift	29%	21%	50%	23%	43%	40%	13%	26%	0%	11%
20% aggregate uplift	45%	29%	50%	54%	27%	20%	70%	55%	100%	67%
Don't know	20%	29%	0%	8%	23%	20%	17%	19%	0%	22%
Q34: Do the proposed 2013 notional buildings seem like a reasonable basis for standards setting?										
Total	146	13	2	13	55	5	23	25	1	9
Yes	35%	15%	0%	46%	25%	0%	65%	36%	100%	44%
No	25%	23%	0%	31%	29%	20%	9%	36%	0%	11%
Don't Know	40%	62%	100%	23%	45%	80%	26%	28%	0%	44%
Q36: Do you think the assumptions used in the IA are reasonable?										
Total	140	13	2	14	51	5	23	23	0	9
Yes	7%	15%	50%	7%	8%	0%	0%	4%		11%
No	26%	23%	0%	21%	41%	20%	4%	26%		11%
Don't Know	67%	62%	50%	71%	51%	80%	96%	70%		78%
Q37: Overall, do you think the IA is a fair and reasonable assessment of the potential costs and benefits for new non-domestic buildings?										
Total	140	14	2	14	50	5	23	23	0	9
Yes	9%	21%	0%	7%	6%	0%	4%	13%		11%
No	30%	29%	0%	29%	46%	20%	4%	35%		11%
Don't Know	61%	50%	100%	64%	48%	80%	91%	52%		78%

New non-domestic buildings	All who responded	Builders / Developers	Building Occupier	Designers / Engineers / Surveyors	Manufacturer / Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q38: Do you agree in broad terms with the proposed process for considering the introduction of new technologies into SBEM via an Appendix Q?										
Total	150	15	2	14	55	5	23	24	3	9
Yes	71%	67%	100%	71%	67%	40%	74%	75%	100%	78%
No	7%	7%	0%	21%	7%	0%	0%	13%	0%	0%
Don't Know	22%	27%	0%	7%	25%	60%	26%	13%	0%	22%
Q42: Do you agree with the proposal to include the LENI methodology as an alternative way of meeting the minimum energy performance requirements for lighting installations?										
Total	149	16	2	13	54	5	24	25	1	9
Yes	33%	25%	50%	54%	9%	20%	54%	64%	100%	11%
No	7%	6%	0%	23%	6%	0%	0%	0%	0%	33%
Don't Know	60%	69%	50%	23%	85%	80%	46%	36%	0%	56%

Choice of percentage improvement for Part L 2013

94. Overall the 20% option was preferred (by 45% of respondents) with support particularly high amongst building control bodies and specialist groups. Manufacturers and property management companies preferred the 11% uplift, and the response from builders and developers was very evenly split between all the options.
95. Most of those supporting the 20% aggregate improvement cited the need to push standards further in 2013 in order to avoid the need for larger reductions in 2016 and 2019 on the road to zero carbon. Other reasons included the need to stimulate innovation in carbon reduction technologies and the perception that the non-domestic sector has to catch up with the carbon reduction trajectory set for dwellings.
96. The majority of supporters of the 11% improvement cited the fragile economic state of the construction sector as reason for a more modest reduction, and the British Property Federation (BPF) noted that developers could struggle to recover the extra build costs, as there was no evidence that higher energy performance standards resulted in higher commercial rents/values. Other reasons included that it better aligned with the emission reductions proposed for the domestic sector and that the lesser target is likely to be better complied with. A number of respondents felt that the notional buildings proposed for the 11% reduction were at the sensible limit of improvements to fabric and services (and by inference that the 20% notional building is a step too far). These respondents also suggested that further carbon reductions should be sought through building-integrated renewable technologies rather than pushing the fabric and services specification any further.

97. A small minority overall wanted no change in the regulations in order to concentrate policy on (and investment in) existing buildings, though this option was more strongly supported (20%) amongst builders and property management companies.

Proposals for the 2013 notional buildings

98. There was a mixed response to Question 34 on the proposed 'notional buildings' – the 'recipe' of fabric and services standards used to set the CO₂ emissions target for a building, with a different recipe depending on the broad type of building (side-lit or top-lit, predominantly heated or predominantly cooled). For the first time, the recipe also included (for the 20% option) an element of renewable energy generation. Photovoltaic panels were used as the proxy technology, though like the rest of the notional building, there would be no obligation on the designer to follow the notional recipe, provided the resulting building still met the equivalent emissions target.
99. Many respondents felt that the fabric and services standards in the 20% notional buildings were affordable and achievable. However a large number of respondents were unhappy with the 20% notional building, in particular with the notional specification proposed for top-lit buildings. The warehouse sector expressed the view that smaller warehouses will find aspects of the 20% notional building technically challenging. Similarly the lighting industry expressed the view that the lighting performance in the 11% and 20% target reductions (both 65 luminaire lumens per circuit watt) would be detrimental to lighting quality and unachievable for certain light sources. The heating, ventilation and air-conditioning industry felt that specific fan powers had been reduced too far leading to the need for much larger air-handling units, greater plant space and shorter duct runs and hence greater cost. Similarly they raised concerns over the assumed specific fan power for terminal units which, they claim, may not be appropriate for certain types of terminal unit. Other specific industries, including the steel window and aluminium industries, felt that the notional specifications were too onerous and would be harmful to their business.
100. A number of respondents (including some environmental groups, research/consultancy organisations and developers) expressed the view that the relative approach to target setting was no longer appropriate and that Part L should move towards an absolute approach based on energy rather than carbon. Reasons cited for such a change included the perceived complexity of the National Calculation Methodology, the need for more transparency, greater correlation between Part L and measured performance (using a kWh/m² metric) and the perception that it is easier for more energy intensive air-conditioned buildings to comply. Those supporting a move to an absolute approach also generally supported the setting up of a zero carbon non-domestic forum to further consider how to set such standards.
101. A small number of respondents were concerned with the use of PV as a proxy for setting the target reduction. The main reasons cited for the concern was the need for roof space for other uses such as heat rejection plant, air handling plant, green roofs, ecological enhancement and amenity space.

102. A large number of respondents expressed the view that the notional building fabric performance is used by many building designers as default design values, and that this could be problematic when the example fabric specification was very challenging for some building types (eg smaller warehouses for the 20% uplift specification). For this reason many did not want the notional building specification to be included in the Approved Document as proposed in the consultation. But these respondents suggested that their concerns about the publication of the notional building would to some extent be allayed if the fabric specification was technically achievable in all building types (despite the fact that the notional building is a performance specification) and suggested that either the notional building fabric performance should be relaxed with further reductions in the target coming from the inclusion of renewable technologies and/or more than one example notional specification should be published.
103. The lighting industry felt that the lighting efficacies in the notional building should match those in the *Non-Domestic Building Services Guide* (i.e. 60 L Lm/cW).
104. A number of respondents raised concern over the limited numbers of buildings modelled for the proposed revisions to the new build performance standards.

The impact of the proposed changes for different categories of building

105. The fenestration industry expressed concern that lowering U-values further in the notional building will restrict flexibility and may be at the expense of other window functions such as safety and condensation control.
106. A number of respondents felt that heated-only buildings were unfairly penalised in respect to more carbon intensive air-conditioned buildings (because of the more onerous fabric specification for heated-only buildings), and a number of respondents thought that more should be done to encourage lower carbon systems such as natural ventilation and mixed mode. It was also suggested that internal heat gains in air-conditioned buildings will reduce over time with improvements in lighting and IT systems, making the difference in notional building fabric specification unwarranted.
107. The modular and portable buildings industry raised concern that the *Approved Document L2A* Table 3 multiplying factors may unfairly penalise certain older portable buildings due to the aggregate approach; the differentiated notional buildings produce different target emission rates according to different servicing strategies but the multiplying factors are based on the overall aggregate reduction.
108. The strong representations from the warehouse industry on the performance standards have been discussed above.
109. Individual respondents questioned some of the assumptions in the consultation Impact Assessment:
- the assumed 60 year life of the buildings was queried as many non-domestic buildings are designed with a lower life (< 25 years)

- the costs of the improved performance of lighting systems, metal clad constructions, air-tightness and lower window U-values were reported to be higher than that assumed in the analysis
- the costs of increasing the structural frame of metal clad buildings to accept the greater weight of thicker insulation needed to be incorporated
- the renewables industry stated that the cost of photovoltaics has recently become significantly lower than assumed in the analysis.

Inclusion of the Lighting Energy Numeric Indicator (LENI) methodology as an alternative way of meeting the minimum energy performance requirements for lighting installations

110. The majority of respondents to Question 42 had little experience of LENI and therefore declined to comment. Of those that expressed a view, the majority (more than 80%) supported the adoption of LENI as a means of measuring the consumption of the lighting system overall rather than just the installed load.

111. Some reservations were expressed about LENI including concerns over the target levels set (concern that daylight availability has not been factored in), the wish to see parasitic energy included, the wish to see solar shading included, and views that the metric might be exploited with engineers changing input data, for example operational hours, to suit compliance rather than reflecting reality.

Existing buildings – performance standards for works to existing buildings

Existing buildings	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q39: Do you agree with the proposal to raise performance standards for domestic replacement windows from October 2013?										
Total	149	16	1	14	51	6	24	24	3	10
Yes	68%	94%	100%	71%	43%	67%	92%	67%	100%	80%
No	14%	0%	0%	14%	29%	17%	4%	8%	0%	0%
Don't Know	18%	6%	0%	14%	27%	17%	4%	25%	0%	20%
Q40: Do you agree with the proposal to raise performance standards for domestic extensions from October 2013?										
Total	150	16	1	13	51	6	24	25	3	11
Yes	71%	100%	100%	77%	55%	67%	83%	72%	100%	64%
No	16%	0%	0%	15%	31%	17%	13%	4%	0%	9%
Don't Know	13%	0%	0%	8%	14%	17%	4%	24%	0%	27%

Existing buildings	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q41: Do you agree with the proposal to raise performance standards for non-domestic extensions from October 2013?										
Total	153	16	2	13	53	5	24	26	3	11
Yes	71%	88%	50%	85%	62%	40%	83%	73%	100%	55%
No	14%	6%	50%	0%	26%	0%	13%	8%	0%	9%
Don't Know	14%	6%	0%	15%	11%	60%	4%	19%	0%	36%
Q43: Do you think the IA is a fair and reasonable assessment of the potential costs and benefits of raising the performance standards for replacement windows and domestic/non domestic extensions?										
Total	138	16	1	13	51	6	23	18	1	9
Yes	10%	19%	0%	15%	2%	0%	17%	17%	100%	0%
No	21%	0%	0%	15%	45%	17%	0%	17%	0%	0%
Don't Know	69%	81%	100%	69%	53%	83%	83%	67%	0%	100%

Raising performance standards for domestic windows, rooflights and doors

112. The consultation proposed higher standards for replacement windows and doors. Overall there was strong support for this (68% in favour). Respondents to Question 39 supporting the improvement, both from Window Energy Rating Band C to B and the U-value from 1.6 to 1.4 W/m²K, typically cited the need to improve the efficiency of the existing building stock, approved of the closer alignment of new and existing build standards and thought the changes achievable due to technical advances and reductions in costs. Indeed, some recommended that the improvements should be greater given the availability of high performing products in the marketplace and that an increase in volume should drive costs down. Several respondents noted the higher costs of higher performing windows, but said that this was justified in terms of improved carbon savings. Several respondents proposed greater emphasis on minimising thermal bridges when replacing windows to improve further energy performance.

113. Whilst there was general approval for the improvement in window energy rating band, there was significant concern, especially from some in the window industry, with the proposed improvement in U-value, and around 30% of manufacturer responses opposed the improved standards. They felt that the consultation had not taken into account the variation in costs between different window products and that it would be prohibitively expensive to produce many steel windows and other non-basic window styles, thus reducing choice in the market, and discouraging (for example) households with single glazed metal windows from replacing them with double glazing. Furthermore, it was suggested that the Impact Assessment had not taken into account the differential costs for suppliers and manufacturers at different scales (from sole trader through to multi-national organisations).

114. The consultation did not propose changing the 2010 Approved Document's guidance that the window standards can be relaxed where replacement windows cannot meet the proposed energy performance standard and there is the need to maintain the external appearance or the character of the building. But the Glass and Glazing Federation were concerned that if use of this derogation/relaxation became more common because fewer windows could meet the higher U-value, Building Control could struggle to cope with the increased number of requests to use this route. Furthermore, they noted that many Competent Persons currently demonstrate compliance using default Insulated Glazing Unit specifications, but by moving to a recommended U-value of 1.4 this method of demonstrating compliance would no longer be possible. There was also a general statement that improving the energy performance could comprise other functional requirements of windows such as security and ventilation.
115. The Fenestration Self-Assessment Scheme (FENSA) provided evidence that the volume of window installations has been falling over recent years and wanted to see this reflected in the Impact Assessment analysis. Furthermore, the proposed learning rates in the Impact Assessment were suggested to be optimistic as the more stringent standards would require new products and technologies to be developed.
116. The National Association of Rooflight Manufacturers (NARM) argued that rooflights should not be categorised with windows and doors and should have their own separate performance requirements. In particular, rooflights do not benefit from a formal rating scheme which gives windows and doors an advantage by allowing them to take into account other criteria such as g-value and air-tightness. Furthermore, it would require triple glazing which had not been accounted for in the Impact Assessment.
117. There were also a number of comments on the proposed introduction of the Doorset Energy Rating scheme and the improvement in U-value. A few respondents supported the rating scheme but highlighted various problems with the clarity of what was required (eg with regards to configuration of patio, French and bi-fold doors, and conflicts with SAP 2012 concerning the percentage of glazing threshold before solar gains are included as part of calculations). Similar to windows, there was a general concern that improved energy efficiency could compromise other functional requirements including fire resistance, security and sound attenuation. Finally, there was support for the replacement of a leaf only to be regulated as the leaf constitutes the majority of the door assembly and therefore has a large impact on the thermal performance of the dwelling.
118. The British Blind and Shutter Association proposed that blinds and shutters should be considered as an alternative or complementary way of achieving improved U-value performance from windows as they could achieve significant improvements in performance.

Raising fabric performance standards for domestic extensions

119. The consultation proposed raising the standards for domestic extensions, to align broadly with the 2010 new build standards. There was strong support for this across all groups, though again, opposition was strongest (around 30% responding to Question 40 against) from manufacturers. Those supporting the improvements in extension standards cited the closer alignment of new-build and existing build standards, the offsetting of the increased heating demand and CO₂ emissions that extensions tend to entail, and the consequent reduced need for future retrofitting. Three respondents suggested that the proposed improvements in standards would be particularly important if the proposals to introduce consequential energy efficiency improvements linked to extensions were not taken forward.

120. The main technical concern was that the change in wall U-value from 0.28 to 0.20 was very challenging, particularly for smaller builders, and interfaces between existing walls and the extension could create practical difficulties.

Raising performance standards for non-domestic extensions

121. There was also strong support across all sectors (71% in support overall) for the proposal to raise the standards for non-domestic extensions. Respondents generally made similar comments to those for existing dwellings and these are not repeated here. The Fenestration Industry Thermal Performance working party additionally noted that the U-value of 1.4 was not a problem for composite doors but the majority of doors would have difficulty in meeting this requirement.

Other Comments:

- some glazing manufacturers and trade associations suggested that there should be minimum thermal requirements for glazing of conservatories
- four manufacturers and suppliers said that heat loss through un-insulated cavity party walls needed to be addressed in existing dwellings as it has been for new dwellings – they should be a controlled element and treatment should be required when there are appropriate triggers
- one respondent suggested that when work on a controlled thermal element triggers a requirement to upgrade that element but it is not technically, functionally or economically feasible to bring the element to the required standard, the upgrade should go as far as is feasible and the shortfall made up by requiring improvements in other areas of the building.

Compliance and performance

122. This chapter of the Part L consultation was a discussion on the risk of new homes failing to meet their design-stage energy performance on completion and a proposal for tackling this risk. The suggestion was that Government and industry should work together to develop a new quality assurance (QA) process for housebuilding, with the Regulations applying a 'confidence factor' to the emissions target for a new home where the builder had not followed a quality assurance process (either the new process or an equivalent). The consultation asked a range of questions about whether the proposed approach would be effective, and (should the proposal be taken forward) what a new process should cover and how it should be developed.

Compliance and performance	All who responded	Builders / Developers	Building Occupier	Designers / Engineers / Surveyors	Manufacturer / Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q44: Do you think that the introduction of QA processes and regulatory incentives will help mitigate the risks of a difference between the as-designed and the as-built performance of new homes?										
Total	162	22	1	14	53	5	24	31	3	9
Yes	64%	27%	0%	79%	75%	20%	50%	90%	100%	22%
No	28%	64%	0%	21%	13%	60%	42%	10%	0%	56%
Don't Know	9%	9%	100%	0%	11%	20%	8%	0%	0%	22%
Q45: If a new process is developed (in addition to individual developers' schemes) do you think that such a QA process should be in the form of:										
Total	148	15	1	13	52	5	23	28	2	9
BSI PAS	55%	53%	100%	62%	60%	40%	57%	54%	50%	33%
Another form	17%	20%	0%	15%	15%	0%	13%	21%	50%	22%
Don't know	28%	27%	0%	23%	25%	60%	30%	25%	0%	44%
Q46: Do you agree with the indicative contents outlined for a QA process?										
Total	152	21	1	14	49	5	24	27	3	8
Yes	46%	27%	100%	50%	53%	0%	46%	55%	67%	33%
No	24%	64%	0%	14%	17%	40%	21%	10%	33%	33%
Don't Know	23%	5%	0%	36%	23%	60%	33%	23%	0%	22%

Compliance and performance	All who responded	Builders / Developers	Building Occupier	Designers / Engineers / Surveyors	Manufacturer / Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q50: Where no formal QA process is followed, which of the following would you support as an alternative:										
Total	148	21	1	14	48	5	22	27	2	8
3% confidence factor applied to DER	16%	10%	0%	0%	17%	20%	27%	19%	0%	13%
Another % confidence factor	20%	5%	100%	43%	19%	20%	5%	33%	0%	13%
A different approach	11%	14%	0%	7%	8%	20%	5%	11%	100%	13%
Don't agree with the concept of a new QA process and confidence factors	25%	57%	0%	21%	8%	20%	50%	4%	0%	63%
Don't know	29%	14%	0%	29%	48%	20%	14%	33%	0%	0%

The need for a QA scheme for new homes

123. Support for the concept of developing a new QA process was strongest from designers, manufacturers and specific interest groups, and overall 64% responding to Question 44 agreed it could help address the 'performance gap'. Building control responses were fairly evenly split on the issue. On the other hand, a significant majority of builders and developers (64%) were against the idea.
124. Those who supported the idea and many who were undecided (though not all) acknowledged the existence of a performance gap and the need to address the problem. In general, the comments from these groups related to the nature and development of the QA system. These comments are addressed later in this section.
125. The majority of the comments from those who did not support the introduction of a QA process within regulation (including a significant majority of the housebuilder respondents) were as follows:
- Whilst some accepted that a small number of studies had identified a performance gap, it was argued that the evidence base is not sufficiently large to establish that there is a significant problem within mainstream house building. Developers suggested that the available data is based on small samples of homes built to older regulations, and because very few homes have been built to the most recent 2010 Part L, there is little statistical evidence about as built performance. These respondents said it is not yet possible to identify what the principle issues are – with product/system performance data, procurement issues and SAP's ability to accurately model performance all cited as possible reasons for underperformance in addition to the build process.
 - The house building sector were very keen to see that a more robust evidence base was established on which future regulation could be

based, and they felt this was the start of a long term process (potentially up to ten years). They pointed to current but incomplete research projects such as AIMC4¹, and a proposal by the Home Builders Federation for an industry-led programme of data gathering, and offered their assistance and cooperation in future work. A number of responses referenced the Home Builders Federation initiative and voiced their support .

- It was noted that some developers already have QA systems that work well and that without a strong evidence base to support the need for a new system the proposals could result in increased cost and bureaucracy but may not lead to any tangible improvement in performance.
- A number of respondents thought that introducing a formal QA process into regulation would be most burdensome for smaller developers and self-builders, placing them at a disadvantage compared to larger developers.

126. Not all who were against the introduction of a QA process did so because of a lack of evidence on the performance gap. Some, (mainly building control respondents), suggested that a formal QA process would become an ineffective paper trail and that more on-site inspection and a stronger post-construction testing and inspection regime would be much more successful in tackling the performance gap.

The nature of a QA process for new homes

127. Just over half of the responses to Question 45 agreed that a QA process should take the form of a British Standards Institution (BSI) Publicly Available Specification (PAS), as suggested in the consultation. However 17% felt that an alternative should be sought and a sizable minority (28%) were undecided. Even among those that were in favour of developing a new QA process, there was some concern about how it should be designed and how it would fit in with existing QA standards and developer processes. In this context the following general comments were made:

- the process (whether a BSI PAS or an alternative form) should have the flexibility to be operated in concert with other standard systems. PAS 2030² and other standardised QA systems (eg ISO 9001) were mentioned in this context
- it was pointed out that much more could be done through more rigorous use of existing Building Regulations provisions, including those introduced under the Energy Performance of Buildings Directive, for example ensuring that existing paperwork was produced and lodged correctly. It was also suggested that if a mandatory completion certificate included the Dwelling Emission Rate or Target Emission Rate value as well as the as-built calculation then any gap in performance would be highlighted

¹ <http://www.aimc4.com/>

² PAS 2030 has been developed to support the Green Deal, and relates to energy efficiency measures in existing buildings: <http://www.bsigroup.co.uk/en/assessment-and-certification-services/green-deal/green-deal-for-installers/>

- some respondents felt that the choice between an “official” QA scheme or confidence factor approach left little room for manoeuvre and agreed that alternative quality assurance processes, whether in-house or as part of a wider scheme such as Passivhaus, should be acceptable if shown to be delivering the required performance. Others (many within the supply chain) felt that there should be only one scheme, on the grounds that multiple routes were unnecessary
- industry ownership and involvement was identified as critical in a number of responses. Some suggested that it should be a self-governing industry scheme making use as much as possible of existing provisions both within developers’ QA systems and the building control system. It was suggested also that, rather than adopting a proprietorial PAS approach, there should be much more work done through a government/industry partnership to develop solutions that were rooted in the industry and had a strong element of public interest and ownership
- concerns were raised about the ownership of the PAS and whether the PAS host (BSI or some other organisation) would require the transfer of intellectual property rights. The Chartered Institute of Building Services Engineers (CIBSE) argued that such a system would discourage people and organisations from contributing expertise.

Comments on QA process design

128. A number of respondents raised concerns about the difficulties of developing a universal specification that would avoid becoming a “box-ticking” paper chase, be fully integrated into other developer processes and not impose an unacceptable cost burden. Some suggested that the proposed scope was too wide to avoid these pitfalls and that there should be a more targeted approach such as addressing fabric design and construction issues first.
129. General comments about the scope of a QA system highlighted the need to ensure that all processes from design to completion, including the supply chain (products and professional services), were part of any scheme, and this was also reflected in the broad range of suggestions for parties that should be involved in any development work. Some suggestions involved the splitting of the different parts of the process (design, construction, manufactured components) and applying confidence factors depending on the level of performance achieved for each part. In this way, it was argued, only that part of the process that underperformed would be penalised.
130. The extent of competence and the use of Competent Persons schemes, and other schemes such as Robust Details, was seen by some as an important component and some existing schemes were offered as examples.
131. There was a common thread that emphasised the importance, whatever the scheme devised, of the independence in its running and auditing. A number of suggestions were made as to what type of organisation could provide this. If multiple QA schemes were to exist there was a view that there should be provision for equivalence auditing and benchmarking.

Testing and inspection

132. Many of the comments on the content of a QA process were aimed at the means by which performance would be verified and checked against the required performance standard. One of the few developers to support the proposals made a detailed proposal for a comprehensive approach, which included testing of important performance characteristics such as heat loss and heating efficiencies as part of an effective process control and inspection regime.
133. Many comments focussed on specific aspects of assuring performance. This included a lot of detail on process checking in areas such as design calculations and modelling (SAP, U values, Psi values etc.), supply chain performance claims, site inspections, accreditation and training of key personnel and the use of in-production testing, principally airtightness and improved services commissioning and testing. Some felt that test results should only be accepted from approved and registered testers.
134. A number of comments referred to the need for the lodgement or submission of test data, which some respondents thought should be publicly available. The importance of providing performance feedback to developers to inform future practises was also identified. Some felt that post construction testing should not be part of the QA process but should be a separate process and, by implication, used for feedback purposes only.
135. The availability of effective and practical testing procedures, particularly for the testing of fabric performance was questioned by many respondents. This was so even amongst those who took the view that performance testing was a crucial ingredient of any scheme. The co-heating test, in particular, was thought to be expensive and difficult to accommodate within mainstream production. It was suggested that considerable research was needed to develop new testing tools before any scheme could be incorporated into regulation. The role and adequacy of SAP was also questioned.

Confidence factors within the QA process

136. The majority of developer responses continued to raise concerns that the available evidence base was not large enough to justify the application of any confidence factor.
137. Those in support of a 3% factor felt that it was a reasonable start given the uncertainties involved. However, there were caveats suggesting that changes may be necessary in the light of experience such as raising the factor on larger sites (over 10 dwellings) if uptake of the QA route was low. Others suggested that as more performance data was collected the figure should be adjusted to reflect the available evidence.
138. Those who felt that the factor was too low expressed concern that the figure did not reflect the actual level of underperformance and/or was too low to provide the incentive required to encourage developers to adopt the QA option (for example it could be used as a way to avoid dealing with the more complex

underlying issues for under-performance). Several commented that the proposed 3% was broadly equivalent to the 25% thermal bridging confidence factor included in Part L 2010 and subsequently disappplied. Alternative factors ranged from 5-10%. Even at 10% there was a feeling among some respondents that this still did not cover the true level of underperformance.

139. Suggestions for a different approach ranged from the abandonment of any confidence factor route in favour of a mandated testing and/or QA scheme for all to variable confidence factors depending on previous test results and/or the level of QA applied.

Improving compliance and performance in new non-domestic buildings

140. A number of respondents suggested that the same or similar QA approach should also be applied to new non-domestic buildings. However, some thought that underperformance of non-domestic buildings was more complicated than for dwellings, for example the build process for some non-domestic buildings could be very different to homes, as in cases where the developer was only responsible for construction of the shell, with the tenant adding the fixed services. As a first step, Willmott Dixon suggested there should be more systematic collection and analysis of post-occupancy evaluation data from buildings over a certain size.
141. Many of the specific issues highlighted were similar to those on new homes. This included process checking in areas such as design calculations and energy modelling, supply chain performance claims, site inspections, and training of key personnel. There were requests for greater emphasis on testing, both during and post-construction, from suitably competent and accredited testers.
142. There was support for the idea of signposting the Soft Landings approach as good practice. Some voiced this support as part of a larger discussion about the need for the occupation of the building to be better considered at design/construction stage, and for occupiers of new buildings to be given more information (for example in the form of a Display Energy Certificate) on how the building was performing post-occupation.

Existing buildings

143. The responses on consequential energy efficiency improvements linked to existing buildings included some concerns that the proposals on compliance and performance were too focused on new build, and should have included more discussion/proposals on ensuring compliance with the Part L requirements for works in existing buildings.

Training for new Part L requirements

144. There was broad agreement with the proposals on training and a number of respondents noted that their organisations have been, or plan to be, involved in dissemination work in particular sectors.

Changes to the National Calculation Methodology

National Calculation Methodology

145. Respondents raised a number of different issues with the National Calculation Methodology, though there were few common areas of concern. Large buildings were felt to deserve special consideration, in terms of, for example, target air infiltration rates and a recognition that boilers would normally be less efficient. Notional Building values for some hot water, lighting and other system efficiencies were felt to be unachievably high, so difficult to match. The link between the lighting calculations and LENI was welcomed, but because LENI is quite complex, some thought this needed reviewing before implementation.
146. Other concerns were related to district heating, variable speed pumping, ductwork insulation, daylight control in small spaces and adjustment factors for small, portable buildings. The use of standard occupancy patterns, temperature set-points, etc was quoted as one reason for the mis-match between real and calculated performance. One respondent commented that the specification for the Notional Building is not tight enough to prevent mis-interpretation by different software providers, and hence different results. Another wanted to see a move to include non-regulated loads in order to produce a 'predicted' Display Energy Certificate.
147. Some respondents had issues with the 2012 SAP specification, as recently consulted on by DECC, though this is not strictly part of the Part L consultation. For example, over the future time period for the CO₂ emission factors (three years was felt to be too short for Part L purposes). It was also noted that these factors were slightly different from those used in the Part L impact assessment. One respondent commented that SAP more often than not under-estimates actual heat loss. One respondent felt that SAP assessors for new build should meet the skills standards for on- construction Energy Performance Certificates and that tougher QA was needed.
148. Several respondents referred to the variation between results obtained using the Simplified Building Energy Model (SBEM) and approved Dynamic Simulation Models (DSMs), though few details were provided. Others suggested SBEM was not sufficiently robust to model the more complex buildings, for example on the effect of shading, but that DSMs were generally not available in time when new Part L standards were introduced. One solution offered was that there should be a single core calculation engine that all software should use. There were also suggestions to merge SAP and SBEM.
149. Changes between SBEM 2010 and SBEM 2013 calculation procedures should, according to one respondent, be discounted in deriving notional specifications to deliver 11% or 20% improvement, for different servicing strategies.

Appendix Q

150. A significant majority of respondents who offered an opinion were in favour of introducing the proposed formal approach to assessing and adopting new technologies into SBEM, along the lines of the 'Appendix Q' approach used for SAP (Q38). A number of issues were raised, however, and comments on the detail of such a system. Several respondents emphasised the need for any system to be as fast and efficient as possible, minimising cost to industry. Others suggested there should be some sort of independent oversight body, to ensure the technical robustness of solutions and to monitor costs to industry. Several suggested that it should be possible for contractors other than the current SBEM developer to compete to deliver such solutions.
151. Other comments included the need to be consistent with the testing protocols emerging from the *Energy Related Products Directive* – one or two suggested the Directive would make an 'SBEM-Q' unnecessary. Several comments, however, highlighted the need for testing for SBEM to be carried out in-situ in real buildings, not just in the laboratory. Several respondents suggested that, rather than simply creating new modelling algorithms to deal with new technologies, there should be a mirror of the SAP approach of a product database of factors which could be used to adjust the results of a standard calculation. One respondent called for all costs of intruding innovations to be borne by government – and another regarded SAP-Q and SBEM-Q as barriers to innovation.

Building Services Compliance guides

Domestic Building Services Compliance Guide

152. The proposed reversion to the 2008 requirements allowing temperature control of zones with thermostatic radiator valves or room thermostats in dwellings of less than 150m² was welcomed by most of the industry bodies as the cost effectiveness of the current requirements was questionable, although the British Electrotechnical and Allied Manufacturers Association (BEAMA) considered it a backward step. One respondent was firmly in favour of retaining the current zoning requirements and cited the Republic of Ireland regulations where zone control is required above 90m².
153. Two respondents specifically commented on these proposals for work on existing heating systems. One suggested that the requirement to fit a thermostatic radiator valve as an emergency radiator replacement had implications for a complete system drain-down. Another commented that the replacement of a boiler could be tied to fitting improved controls.
154. The proposal to require that a single switch should operate no more than four lamps with a total load of no more than 50 circuit Watts to help ensure that no more lamps than necessary are switched on was rejected by a significant number of respondents including relevant trade bodies and building organisations. It was suggested that this would lead to an excessive number of switches being required; particularly so for multi-arm luminaires with compact fluorescent lamps. The Lighting Industry Federation would be in favour of

requiring lamps of at least 40 lumens/Watt as required in the Code for Sustainable Homes.

155. More generally, some respondents requested that the *Domestic Building Services Compliance Guide* increased the range of its contents. Issues included providing a guidance section on renewable technologies, guidance on the use of micro-combined heat and power (CHP) systems when connected to the grid and elements of heating systems such as water treatment in wet heating systems and water treatment and filtration.
156. There were also more specific comments on other parts of the Guide where revisions have not been proposed:
- several manufacturers of solar water heating systems considered that the existing guidance was not representative of their technology and that the guidance should be written to be more inclusive of different systems
 - an industry association suggested that the requirement for heat pumps to meet a seasonal performance factor and coefficient of performance could lead to confusion
 - three respondents made observations about the requirements relating to extract fans. One required extract fan to be equipped with positive closers to prevent unwanted heat loss. Another requested further information on the installation and commissioning of mechanical extract ventilation and mechanical ventilation and heat recovery systems. Allied to this was a comment from the Council of Gas Detection and Environmental Monitoring on the risks of carbon monoxide from poor combustion of appliances and the requirement to fit carbon monoxide alarms.

Non-Domestic Building Services Compliance Guide

157. The boiler industry (including the ICOM Energy Association) was concerned that boilers of more than 2MW output would not be able to meet the proposed improvement in efficiency and suggested a breakpoint for efficiency improvements at 2MW. In addition, they recommended including in the Guide standards for commissioning of systems, water treatment and hardness. Separate responses from BEAMA and a water treatment company also suggested the inclusion of guidance on water treatment for boiler systems.
158. ICOM also recommended no changes in the energy efficiency standard for warm air heaters. This is because there are insufficient products available that meet the new standards.
159. A manufacturer of heat pump heat recovery and dehumidification equipment raised an issue about the proposed requirements for minimum standards for dry heat recovery efficiency. The current proposals dealt with devices specific to heat recovery. The respondent wanted heat pumps to be mentioned as an alternative and efficient means of heat recovery.

160. ICOM and other related industry respondents suggested that the proposed energy efficiency improvements for domestic hot water should be reconsidered as they were prejudicial to certain technologies. In particular is the impact on direct-fired hot water heaters with less than 30kW output where limitations exist on the provision of condensing technology to achieve the required efficiency levels. Additionally, recommendations were made to use a revised method of calculating the efficiency of indirect fired hot water systems.
161. The proposed change to accept LENI as a means of determining the minimum lighting standard was supported by the Lighting Industry Federation although they have expressed reservations about the method of determining the compliance levels. The current calculation of LENI assumes a ratio of the utilisation factor to light output ratio that has implications for the use of luminaires with different characteristics and may discriminate against some luminaire designs. The Energy Services and Technology Association commented that all manual light switches should be replaced with energy saving switches and changes made to reduce the assumed parasitic losses from controls. They also requested DCLG look into an update of *BRE Digest 498 Selecting lighting controls* as they consider it is only current to 2006.
162. A number of respondents considered that the proposed improvements in efficiency for the specific fan power of mechanical ventilation systems were too demanding. There was a general feeling that the proposed suggestion for low pressure systems would cause excessive costs and increased space required for services. More specifically, the Federation of Environmental Trade Associations (FETA) and CIBSE both considered that the figure of 0.6 should be retained for zonal extract systems and kitchen extract systems fitted with grease filters should be included at this level as a new category, because they considered 0.5 difficult to achieve.
163. The proposals for changes to chiller performance requirements attracted a number of comments (from FETA and individual manufacturers). Some related to typographical errors but other dealt with the definitions and change in use of the European seasonal energy efficiency ratio (ESEER), seasonal energy efficiency ratio (SEER) and energy efficiency ratio (EER) in the assessment of minimum energy performance. In some cases the changed usages proposed would result in an increase in minimum standards for some sizes of equipment and would be difficult to achieve. In the case of air cooled chillers of more than 750kW the proposed value of 2.9 exceeded the threshold value of 2.7 for the Enhanced Capital Allowance scheme. FETA also highlighted the potential impact of the *Energy Related Products Directive* on fan coil units, in particular issues arising from differences between energy performance metrics currently proposed for the Directive and those used by the Guide.
164. There were also more specific comments on other parts of the Guide where revisions had not been proposed:
- responses from Kingspan and Construction Products Association pointed out that the proposals in the consultation document made no reference to the discussions about ductwork insulation and leakage held in the industry non-domestic Part L working group. This group

proposed improvements to the maximum permissible heat loss and ductwork leakage respectively

- some comments were made about the incompatible use of coefficient of performance and specific season performance factor (SPF) for heat pumps and the values assumed for these metrics. It would appear that at the time of consulting that the use of SPF was not yet fully established within the industry
- a respondent suggested that Part L should reference the Building Research Establishment Environmental Assessment Method (BREEAM) guidance as a means to introducing minimum energy performance standards of lifts, escalators and moving walkways.

Existing buildings - consequential energy efficiency improvements

165. This section of the Part L consultation had its own response form and an earlier closing date of 27 March 2012. DCLG received 181 responses, and an additional 65 responses which were from a campaign. The campaign's views have been fully considered as part of the qualitative analysis, but for the quantitative analysis, only one set of yes/no answers has been counted.

166. The responses (including the campaign responses) were dominated by specific interests (which included many trade associations, academic organisations, environmental groups and professional institutions – 66 responses / 27%), manufacturers and the supply chain (65 responses / 26%) builders and developers (50 responses / 20%) and building control bodies (34 responses / 14%). There were 11 or fewer responses in the remaining categories.

167. The consultation proposed introducing new requirements for 'consequential' energy efficiency improvements when other specified works were being done in existing homes and non-domestic buildings. The consultation set out proposals on:

- which works would trigger the requirement
- what measures might be required
- how the compliance process might work

168. The proposals were the subject of considerable press coverage in April 2012, after the consultation had closed. As a result, DCLG also received a number of letters and comments from MPs, members of the public and other bodies commenting on the proposals. These have not been included in the quantitative analysis, but all the comments have been considered alongside the other written responses. The proposals were inaccurately described in some of the media coverage (eg the suggestion that the regulations would apply to conservatories, or to all home improvements), and this misunderstanding was reflected in some of the letters. Nonetheless, nearly all of those who contacted the Department were against the proposals in principle.

Additional research

169. Two other pieces of research are relevant to this summary:

- a survey undertaken in March 2011 for the Energy Saving Trust (EST) of consumers and small businesses on the principles of CIs supported by a Green Deal type scheme to cover up front costs³
- four focus groups convened on DCLG's behalf in March 2012 with builders, architects, building control officers and window/boiler installers to discuss the process. AECOM's report from these groups is published alongside this summary.

³<http://www.energysavingtrust.org.uk/Publications2/Corporate/Research-and-insights/Building-regulations-and-Green-Deal-research-report>

Consequential improvements linked to extensions /loft conversions / garage conversions in existing homes

Consequential improvements	All who answered	Builders / Developers	Designers / Engineers / Surveyors	Manufacturer / Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other	Building Occupier
Q1: Do you agree with the proposal to require consequential improvements upon extensions or increases in habitable space in existing homes below 1000m²?										
Total	169	16	11	38	5	32	54	4	8	1
Yes %	82%	69%	82%	71%	100%	91%	87%	100%	75%	100%
No %	15%	25%	18%	21%	0%	9%	13%	0%	25%	0%
Don't Know %	2%	6%	0%	8%	0%	0%	0%	0%	0%	0%
Q9: Do you agree that doing the principal and consequential works together, rather than separately, will reduce hassle and cost?										
Total	158	15	10	37	5	32	50	3	6	
Yes	47%	60%	40%	49%	40%	50%	44%	33%	50%	
No	42%	40%	60%	38%	60%	34%	48%	33%	33%	
Don't Know	10%	0%	0%	14%	0%	16%	8%	33%	17%	
Q10: What effect do you think consequential improvements will have on the market for repair, maintenance and improvement activity?										
Total	156	15	10	37	4	31	49	4	6	
Increase	38%	40%	40%	35%	50%	32%	49%	0%	17%	
Reduce	26%	40%	10%	43%	0%	19%	20%	0%	17%	
No effect	10%	7%	20%	5%	0%	19%	6%	25%	0%	
Don't Know	26%	13%	30%	16%	50%	29%	24%	75%	67%	

Principle

170. Overall, there was considerable support (82%) for the principle of the proposal to link consequential improvements to domestic extensions and loft/garage conversions, with those in support agreeing that the consequential measures would help offset the increase in energy bills created by the extra space, and that the hassle for the occupiers would be reduced because the existing building work would already be causing disruption.
171. Some of those who were against the idea still supported the principle of making homes more energy efficient, but suggested that homeowners should be encouraged to make improvements, rather than forced to do so. Suggested alternatives to regulation included a reduction in VAT on home improvements, or council tax rebates for those who improved their homes. Others were firmly against, saying that it was wrong to penalise those seeking to improve their homes.
172. The consultation asked (Q10) for views on whether demand for improvement works would increase or decrease as a result of the changes, in order to gauge views on whether the new requirements would put people off planned extension

/ conversion projects. Comments on this were mixed, with some saying there was a significant risk that the extra cost would put people off the works, or cause them to cut back on the specification for the extension in order to find the extra money (including the Federation of Master Builders, who were strongly against all the proposals, based on a survey of their members, and manufacturers in the brick/block sector). Which? cited the EST research referred to above, and its finding that a third of people who had building works planned said they were likely to be put off doing the work, even if they didn't have to pay any upfront costs. They also noted that cost was not the only barrier, and respondents also objected in principle, feeling that this would be an invasion of privacy.

173. Some respondents thought that projects would carry on as planned, but more people might choose not to notify the works to a building control body, in order to avoid the requirements. These respondents suggested that this reduction in work and an allowance for non-compliance also needed to be reflected in the cost/carbon saving analysis. Others thought that provided the cost of the consequential works was proportionate, and the benefits and availability of Green Deal finance were adequately publicised, people would not be put off.

Process

Consequential improvements	All who answered	Builders / Developers	Designers / Engineers / Surveyors	Manufacturer / Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q2: What value of the principal works should be set as a guideline value for the consequential improvements linked to extensions or increases in habitable space in homes?									
Total	161	15	10	38	5	32	51	4	6
Minimum 10%	32%	33%	10%	32%	60%	38%	31%	25%	33%
Maximum 10%	20%	20%	10%	18%	20%	19%	24%	0%	33%
Other %	4%	0%	0%	8%	0%	6%	4%	0%	0%
Alternative approach	37%	33%	70%	34%	20%	28%	37%	75%	33%
Don't Know	7%	13%	10%	8%	0%	9%	4%	0%	0%
Q3: Should the list of potential measures be the list of measures in SAP which is used to generate Green Deal assessments and Energy Performance Certificates?									
Total	162	15	10	38	4	32	52	4	7
Yes	65%	73%	60%	55%	75%	59%	73%	100%	57%
No	19%	20%	40%	26%	0%	19%	12%	0%	29%
Different list	10%	0%	0%	13%	25%	16%	10%	0%	14%
Don't Know	5%	7%	0%	5%	0%	6%	6%	0%	0%
Q11: Do you think the assumptions in the IA are reasonable?									
Total	151	15	10	37	4	30	47	3	5
Yes	17%	27%	20%	16%	0%	7%	21%	0%	40%

Consequential improvements	All who answered	Builders / Developers	Designers / Engineers / Surveyors	Manufacturer / Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
No	13%	20%	10%	16%	25%	3%	17%	0%	0%
Don't Know	70%	53%	70%	68%	75%	90%	62%	100%	60%
Q12: Overall, do you think the IA is a reasonable assessment of the costs and benefits of introducing consequential improvements in existing homes?									
Total	151	15	10	37	4	30	47	3	5
Yes	19%	33%	20%	19%	0%	10%	23%	33%	0%
No	20%	27%	20%	24%	25%	3%	26%	0%	20%
Don't Know	61%	40%	60%	57%	75%	87%	51%	67%	80%
Q20: In the case of domestic and non domestic extensions/increases in habitable space, is the proposed process for building occupiers to assess what consequential improvements are required and demonstrate this to building control adequate?									
Total	157	15	9	37	5	31	49	4	7
Yes	29%	20%	33%	22%	20%	39%	29%	0%	57%
No	55%	60%	56%	62%	60%	55%	51%	50%	43%
Don't Know	16%	20%	11%	16%	20%	6%	20%	50%	0%
Q23: Do you think the proposed role for building control bodies is appropriate and workable?									
Total	154	15	8	37	4	33	48	3	6
Yes	18%	27%	25%	8%	0%	33%	13%	0%	17%
No	62%	60%	25%	78%	50%	58%	63%	33%	67%
Don't Know	20%	13%	50%	14%	50%	9%	25%	67%	17%

174. The consultation asked a number of questions about the proposed process for delivering consequential improvements as part of the larger extension/conversion project process. Most respondents had concerns and comments on this – that is, even amongst those who strongly supported the proposals, many thought that changes were needed to the proposed delivery and compliance processes.

175. Questions 2 and 3 asked for views on **how the assessment of what works were ‘technically, functionally and economically feasible’ should be carried out**. Views on setting a guideline percentage value for the works were mixed. Some thought that mirroring the approach currently taken for consequential improvements in larger buildings was a good one. Some respondents who supported strong links to the new Green Deal process did not think the value needed to be capped at 10%, in order that higher value Green Deal packages (eg those supported by Energy Company Obligation subsidy) could be required. Others saw the value in a 10% ceiling/cap on the requirement, to protect homeowners from excessive costs/debts. There were requests for clarity on what constituted the ‘principal works’ for calculation of a 10% value, and concerns about whether builders and building control officers would be able to agree on this. Some thought that the idea of a percentage

value was too restrictive, and suggested instead a more flexible approach (eg aiming to limit the increase in energy use of the whole building as a result of the extension) or using a carbon-based metric instead. Most respondents supported the use of the long list of SAP measures which are eligible for the Green Deal. Of those that didn't, a small number suggested extra measures needed to be added, and some answered 'no' because they were opposed to the whole proposal.

176. In general, respondents wanted more clarity on how the assessment of requirements would be carried out, and who would be responsible for choosing measures. A number of manufacturers and energy sector respondents suggested that mandating a Green Deal assessment would create a consistent and clear system, as every occupier would receive a bespoke assessment of their building. It could also be assumed that those whose answer to Question 2 was that the requirement should be for whatever measures could be covered by the Green Deal Golden Rule were also advocating a Green Deal assessment in all cases (as this is the only way of establishing what could be covered by the Golden Rule). Many respondents saw a benefit in an impartial independent assessment such as an Energy Performance Certificate or Green Deal assessment, but balanced against this, some noted that commissioning this would be a cost for the homeowner. It was pointed out by Which? that while the homeowner may already possess an Energy Performance Certificate, this only provides an estimate of the cost of measures, and the homeowner would still be left needing to get a more formal quote for the works.
177. A considerable number of responses suggested that the arrangements were complex and need to be simplified to aid understanding. They suggested an alternative approach would be to define the requirement as a checklist of cost-effective measures like loft insulation and cavity wall insulation (akin to the proposal for consequential improvements linked to replacement boilers and windows). The implication of this is that the homeowner would be required to undertake whichever measures were not already installed, without a formal assessment, on the proviso that they were suitable for the building. They would still be free to get a Green Deal, if they wanted to avoid up-front costs, or consult their Energy Performance Certificate if they wished to go further than this minimum requirement.
178. Questions 20, 23 and 24 asked for views about the **compliance process in general, and the role outlined for building control bodies and builders**⁴. The consultation proposals suggested for extension/conversion projects, the process for determining any obligation and demonstrating compliance to a building control body would be rolled into the existing process, as the building control body would already be on-site, checking that the works complied with the various different parts of the Regulations and discussing the requirements with the homeowner and/or builder. Many respondents agreed that this system would work. A small number suggested that compliance might be improved if there was a requirement to list the proposed consequential improvements on

⁴ Question 20 covered the compliance process for both domestic and non-domestic extensions. Very few points specifically referred to non-domestic buildings, but those that did are covered in the relevant section below. Where respondents did not specify whether they were talking about domestic or non-domestic works, the points have been covered here and assumed to apply principally to homes (especially as the consultation proposals assumed that most extensions to smaller non-domestic buildings would be to domestic-style construction such as homes converted into surgeries or small offices).

the original application to building control before the beginning of the works, or if full plans applications were required in all cases instead of building notices. Many respondents said that it would be important that building control bodies were adequately resourced to carry out this checking, and some building control bodies felt that the onus would be on them to provide expert advice to householders who did not understand energy performance issues. Very few responses commented on the role for builders, as the answers to Question 24 were dominated by comments on the proposals for replacement boilers and windows and the role for Competent Persons and boiler installers.

Consequential improvements linked to replacement domestic boilers and windows

Principle

Consequential improvements	All who answered	Builders / Developers	Designers / Engineers / Surveyors	Manufacturer / Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other	Building Occupier
Q4: Do you agree with introduction of consequential improvements linked to the replacement of a domestic boiler?										
Total	163	15	10	37	5	32	53	3	7	1
Yes	33%	40%	30%	27%	40%	16%	42%	100%	29%	0%
No	56%	40%	70%	62%	60%	75%	47%	0%	43%	100%
Don't Know	11%	20%	0%	11%	0%	9%	11%	0%	29%	0%
Q5: Do you agree with the introduction of consequential improvements linked to replacement of multiple domestic windows?										
Total	164	15	10	38	5	32	52	4	7	1
Yes	38%	40%	70%	24%	60%	16%	48%	100%	43%	0%
No	47%	33%	30%	58%	40%	72%	37%	0%	29%	100%
Don't Know	15%	27%	0%	18%	0%	13%	15%	0%	29%	0%
Q6: What threshold number of replacement windows should trigger the requirement for consequential improvements?										
Total	154	15	10	38	4	29	48	4	6	
50% in the home	25%	33%	10%	8%	50%	45%	25%	0%	33%	
50% in one elevation	8%	13%	10%	8%	25%	0%	10%	0%	0%	
Alternative threshold	44%	20%	70%	66%	25%	45%	33%	50%	17%	
Don't Know	23%	33%	10%	18%	0%	10%	31%	50%	50%	

179. Overall the proposal to require extra energy efficiency requirements linked to the **replacement of a domestic boiler** was not supported. Those that did support the proposal (including many insulation manufacturers⁵ and environmental

⁵ This includes the campaign mentioned above, which was based on the response from the Association for the Conservation of Energy. The campaigns supported all the proposals for consequential improvements strongly, though they did not support the compliance processes, suggesting these needed to be much stronger.

groups) argued that it would help reduce bills and carbon emissions further and help reach those households that have not voluntarily accepted subsidised measures under the Carbon Emissions Reduction Target programme. They also pointed out that the Green Deal offered a way for homeowners to cover the extra cost (and they made the same points in relation to the proposals on replacement windows).

180. Those strongly against the proposal said that it was inappropriate to put extra regulatory requirements on what is in most cases an emergency purchase, and illogical to introduce extra obligations on something which improves the energy performance of a building. They also raised the risk that this could encourage people to put up with inefficient or even dangerous boilers for longer, or repair rather than replace. Many respondents stressed that the replacement of a boiler must not be conditional on having the consequential works done first/at the same time, as this would delay important emergency works, or stop social landlords meeting improvement targets. However, some pointed out that assuming that the works would be done at a later date would therefore naturally increase the hassle for the occupier in having to arrange for multiple contractors/visits.
181. Some respondents suggested an alternative system to encourage consumers to make further improvements through referrals to the Green Deal, mandating a Green Deal assessment (but not any subsequent works), or using Energy Company Obligation funding to subsidise the additional works.
182. Likewise the majority were against the proposals in relation to **replacement windows**, but the opposition was less marked than for boilers. However, the window industry (glass and window manufacturers and installers, and their trade associations) were strongly against the proposals. They felt that the number of installations used in the modelling was overstated, suggesting that numbers have fallen significantly in recent years due to pressure on household budgets. Hence the imposition of extra costs would reduce their market further by putting customers off the works all together, hitting small businesses and losing the carbon savings which would result from replacing older windows with better performing ones. The Glass and Glazing Federation pointed out that many consumers already voluntarily install more efficient windows than the regulatory minimum (ie Band A rather than C) and to raise the costs of regulation would reduce the likelihood of this. They felt that this would play into the hands of the larger companies who could offer windows and consequential measures in one package, disadvantaging smaller and/or more specialist companies. There was no consensus on when to trigger the requirement (eg a set percentage of windows in the building – Q6) and many of those who opted for an ‘alternative’ approach were opposed to the proposal completely.

Process

Consequential improvements	All who answered	Builders / Developers	Designers / Engineers / Surveyors	Manufacturer / Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q7: The proposals set out a list of low-cost energy efficiency measures. If consequential improvements are triggered upon replacement of a domestic boiler, should the requirement be to install:									
Total	156	15	10	38	4	31	48	4	6
All four measures	23%	47%	10%	26%	0%	16%	25%	25%	0%
One or some	19%	7%	20%	8%	50%	45%	10%	25%	33%
Different measures	9%	0%	20%	3%	0%	0%	15%	25%	50%
Take a different approach	42%	33%	30%	55%	25%	39%	46%	25%	17%
Don't Know	6%	13%	20%	8%	25%	0%	4%	0%	0%
Q8: The proposals set out a list of low-cost energy efficiency measures. If consequential improvements are triggered upon replacement of domestic windows, should the requirement be to install:									
Total	155	15	10	37	4	30	49	4	6
All four measures	25%	47%	20%	22%	25%	13%	29%	50%	17%
One or some	21%	7%	20%	3%	75%	47%	14%	50%	33%
Different measures	3%	0%	10%	0%	0%	0%	6%	0%	17%
Take a different approach	37%	20%	40%	57%	0%	40%	33%	0%	33%
Don't Know	14%	27%	10%	19%	0%	0%	18%	0%	0%
Q21: In the case of replacement of a domestic boiler, is the proposed process for building occupiers to assess what consequential improvements are required and demonstrate this to building control adequate?									
Total	153	15	8	38	5	31	47	3	6
Yes	12%	7%	13%	8%	40%	23%	9%	0%	17%
No	73%	87%	63%	76%	60%	65%	77%	33%	83%
Don't Know	14%	7%	25%	16%	0%	13%	15%	67%	0%
Q22: In the case of replacement domestic windows, is the proposed process for building occupiers to assess what consequential improvements are required and demonstrate this to building control adequate?									
Total	151	14	8	37	5	30	48	3	6
Yes	13%	14%	13%	3%	40%	23%	13%	0%	17%
No	70%	86%	63%	81%	60%	67%	63%	33%	83%
Don't Know	17%	0%	25%	16%	0%	10%	25%	67%	0%

Consequential improvements	All who answered	Builders / Developers	Designers / Engineers / Surveyors	Manufacturer / Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q24: Do you think the proposed role for Competent Persons schemes, Gas Safe engineers, builders and other installers is appropriate and workable?									
Total	154	15	8	38	4	33	47	3	6
Yes	24%	13%	50%	21%	25%	21%	30%	0%	17%
No	56%	67%	38%	63%	50%	64%	47%	0%	67%
Don't Know	20%	20%	13%	16%	25%	15%	23%	100%	17%

183. In terms of process for both windows and boilers, nearly all respondents raised concerns, whether for or against the proposals in principle. A common concern on the **proposed consequential measures** (a shortlist of loft insulation, cavity wall insulation, draught proofing and a hot water cylinder jacket) was that the person doing the original work would not necessarily be competent to carry out the consequential works (eg cavity wall insulation) as well, resulting in more hassle for the homeowner in getting a different contractor in, and a more complex compliance process. Some suggested different consequential measures to overcome this, like (for replacement boilers) a hot water cylinder jacket, which does not require technical expertise to fit, or measures linked to the heating system, where installation would fall within the gas engineer's competence, such as thermostatic radiator valves, or a flue gas heat recovery device. However, it was acknowledged that these were not necessarily the cheapest or most cost-effective measures, meaning that the cost-benefit analysis would not be as good as for loft or cavity wall insulation, and the payback period to the homeowner would be longer. The same point was made in relation to window replacement, but with few ideas on what alternative measures could be used.

184. The Residential Landlords Association and British Property Federation also pointed out some of the particular issues which might be faced by private landlords, such as persuading sitting tenants to accept a Green Deal, or getting the consent of everyone concerned in larger tenanted / mixed tenure apartment blocks. On the latter point, the British Property Federation suggested that in such buildings, it would help to limit the consequential improvements to communal areas under the landlord's control.

185. The concerns raised about the **proposed compliance process** were also common to both windows and boilers. Respondents noted that these jobs are generally done by members of Competent Persons Schemes and Gas Safe registered engineers, which means the work is self-certified without a building control body being involved. Those who supported the proposals said that local authorities must be required to check to ensure compliance, and insulation manufacturers in particular were concerned that given the significant carbon savings estimated from these changes in comparison with the rest of the proposed Part L changes (eg to new buildings), more thought needed to be given to putting in place the compliance process to secure those savings.

186. However (as was pointed out by those against the proposals) building control bodies only have resources to carry out checking where they charge an inspection fee, which would be an additional cost on the homeowner and mean that the Competent Persons route would no longer bypass building control involvement. The Construction Products Association felt that many building control bodies are already over-stretched with their existing chargeable work, without taking on more (whether chargeable or not). Some also felt more clarity was needed on the installer's responsibility and liability. If the installer was only obliged to inform the homeowner after installation, the customer may feel duped or conned, yet if informed pre-sale, it would be more likely to put the person off the planned work or drive the work underground. The Glass and Glazing Federation noted that the idea of a Competent Persons certificate was to demonstrate compliance with the Regulations, and therefore leaving an 'open' regulatory obligation would undermine the system.

Consequential improvements linked to extensions / loft conversions / garage conversions in existing non-domestic buildings

Consequential improvements	All who answered	Builders / Developers	Designers / Engineers / Surveyors	Manufacturer / Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q14: Do you agree with the proposal to require consequential improvements upon extensions or increases in habitable space in non-domestic buildings below 1000m²?									
Total	154	14	8	38	4	33	49	4	4
Yes	79%	64%	100%	71%	50%	88%	80%	100%	100%
No	12%	14%	0%	21%	0%	9%	10%	0%	0%
Don't Know	9%	21%	0%	8%	50%	3%	10%	0%	0%
Q15: What value of the principal works should be set as a guideline value for the consequential improvements linked to extensions or increases in habitable space in non-domestic buildings under 1000m²?									
Total	150	14	7	38	4	33	47	3	4
Minimum 10%	38%	43%	14%	34%	50%	39%	40%	33%	50%
Maximum 10%	19%	14%	14%	5%	25%	30%	21%	0%	50%
Other %	5%	14%	29%	5%	0%	3%	0%	0%	0%
Alternative approach	25%	7%	29%	42%	0%	18%	23%	67%	0%
Don't Know	13%	21%	14%	13%	25%	9%	15%	0%	0%

Consequential improvements	All who answered	Builders / Developers	Designers / Engineers / Surveyors	Manufacturer / Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q16: Do you agree that any measure from the list in SBEM which is used to generate Green Deal assessments and Energy Performance Certificates or from the current list in Approved Document L2B should be eligible as a consequential improvement?									
Total	149	14	8	37	4	32	47	3	4
Yes	62%	64%	38%	54%	50%	69%	66%	67%	75%
No	15%	0%	25%	27%	0%	16%	11%	33%	0%
Different list	11%	7%	13%	14%	0%	9%	13%	0%	0%
Don't Know	12%	29%	25%	5%	50%	6%	11%	0%	25%
Q17: Do you agree with the concept of introducing consequential improvements linked to replacement of certain fixtures and fittings in non domestic buildings under 1000m²?									
Total	149	14	8	38	4	32	46	3	4
Yes	54%	64%	75%	39%	25%	59%	52%	100%	75%
No	26%	14%	13%	39%	0%	31%	22%	0%	25%
Don't Know	20%	21%	13%	21%	75%	9%	26%	0%	0%
Q18: Do you agree that the current requirements for consequential improvements in buildings over 1000m² should remain unchanged?									
Total	150	14	8	38	4	32	47	3	4
Yes	65%	50%	63%	61%	50%	84%	66%	0%	75%
No	17%	29%	38%	21%	25%	9%	13%	0%	0%
Don't Know	18%	21%	0%	18%	25%	6%	21%	100%	25%

187. As for domestic extensions, the majority (including the Confederation of British Industry and the British Property Federation) supported the proposal to introduce consequential improvements when an extension was added to a non-domestic building. Those against suggested that the proposal risked hitting small business (who might be more likely to occupy smaller domestic-type buildings), or were simply against the whole concept of consequential improvements for any building/works. Again, as for domestic, views were very mixed on setting a guideline value for the consequential works. The British Property Federation were against using a Green Deal assessment as a proxy for cost-effectiveness, as this did not necessarily take in additional hidden costs that non-domestic landlords might face, such as the costs/hassle of negotiating a change in lease with the tenant (who would have to agree to pay the Green Deal charge), or getting a sitting tenant to agree to additional works being carried out. They also noted that the Green Deal would not necessarily be the best finance route for commercial property owners, who may have access to cheaper finance.

188. Most respondents agreed that it was appropriate to use the SBEM list of measures as the basis for which measures should be allowable, and of the few that disagreed, some had misunderstood, thinking that using SBEM meant that there was a compulsory link to the Green Deal.

189. Very few of the comments on the compliance processes referred specifically to non-domestic buildings, other than the comments from the British Property Federation above on issues around the landlord-tenant split.

Consequential improvements linked to replacement components and fittings in non-domestic buildings

190. The consultation did not make firm proposals on linking consequential improvements to specific replacement works in non-domestic buildings, instead giving two case studies and asking for views on appropriate triggers. While the majority supported this in principle, there was limited information provided on works to use as regulatory triggers. A small number of respondents suggested specific fabric or services improvements (replacement heating systems, re-cladding or renovating roofs), or change of use, but there was little consideration of whether these were trigger-points which would work across the variety of all non-domestic buildings, or whether they were specific to particular building types/situations. A number of respondents noted that any new requirements should go no further than the requirements of the recast Energy Performance of Buildings Directive. A small number of respondents suggested that for smaller non-domestic buildings which were domestic in nature, the triggers could be the same as for existing homes (eg replacing the boiler).

191. Those who disagreed in principle said that this was (as for homes) potentially penalising those seeking to improve the energy performance of their buildings, and suggested that the changes could impact on small businesses in difficult economic times. Others said it was impossible to agree on the principle without firm proposals on what the regulatory triggers would be.

192. The majority agreed that the current requirements for consequential improvements in buildings larger than 1000m² should remain unchanged. Of those who didn't, some made a wider point about whether the requirements should be split differently, with one rule for domestic and domestic-type non-domestic buildings (eg below 250-300m²), and the current requirements for buildings over 1000m² extended to apply to all buildings larger than 250-300m². Others were against all consequential improvements in principle.

Timing

Consequential improvements	All who answered	Builders / Developers	Designers / Engineers / Surveyors	Manufacturer / Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q25: What is your preferred timing for the introduction of the requirements for consequential improvements?									
Total	160	15	10	35	4	33	52	4	7
Phased implementation	53%	53%	50%	37%	50%	61%	56%	75%	57%
All introduced in Oct 2012	17%	0%	20%	17%	25%	24%	17%	25%	0%
Different dates	28%	47%	30%	37%	25%	15%	23%	0%	43%
Don't Know	3%	0%	0%	9%	0%	0%	4%	0%	0%

193. Overall there was considerable support for the Government's preferred phased approach. A number of respondents noted that the Green Deal would need time to bed in, and that time was needed to communicate the changes to consumers and train up industry, thus helping to raise compliance and reduce the risk of negative coverage of the changes. Local Authority Building Control (LABC) and others raised the importance of proper transitional arrangements, so that those carrying out works would be clear of the requirements, and it would not be possible to avoid the requirements unfairly. The National Housing Federation suggested that transitional arrangements should exempt large-scale social housing replacement/renovation programmes that were already in progress, as to include additional works (eg insulation as well as boiler replacement) late in the process could mean the landlord having to re-tender for the entire programme through the European procurement system, adding considerable cost and delay.

194. Those who wanted the requirements brought in all at once in October 2012 said that to do otherwise would miss valuable carbon-saving potential, and that this would be clearer for all involved. A few respondents noted that consequential improvements for homes are not a brand new idea, suggesting therefore that industry can gear up to deliver these changes quickly. Some said their support for introduction from October 2012 was conditional on the full availability of the Green Deal.

195. Some respondents used the option of a 'different date' to say that the requirements should not be brought in at all. Some suggested an alternative date to bring in all the requirements at once (eg October 2013), to avoid the complexity of phasing but allow more time for further preparation. Respondents including the Construction Products Association and the Federation of Master Builders said that it was all important that the Green Deal was fully available before the regulations were introduced. A significant number of respondents (including Which?, the National Housing Federation and a number of window manufacturers and trade bodies) suggested that a voluntary approach should be trialled for a period of time (two years was suggested) before regulation was imposed.

Chapter 4: Section three - Part P (Electrical Safety)

196. Section 3 of the consultation package contained proposals to amend the Building Regulations relating to electrical safety in the home. The consultation proposed changes that sought to reduce the cost of the regime whilst not impacting significantly on the health and safety benefits. Two specific proposals were put forward - first, introduce the option of third-party certification as an alternative to building control for DIY-ers and electricians who aren't a member of a competent person scheme and second, reduce the scope of work notified to a building control body.

197. We received 158 responses to this section of the consultation exercise. Of these, 25% came from electrical installation firms and, reflecting the make-up of the industry, around three-quarters of these were micro-businesses of fewer than 10 people. A further 9% of respondents were from firms classified as building services engineers. Responses from local authority building control accounted for 20% and homeowners were responsible for 11% of the replies (it should be noted that many of the homeowners responded as DIY-ers who have undertaken electrical work and/or have some sort of electrical qualification, but who are still required to have their work approved by a building control body). A further 11% came from national representative or trade bodies, competent person scheme operators or other professional bodies.

The Impact of Part P

Amendments to Part P	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q1. Do you believe that the three aims behind introducing Part P in 2005 have been achieved:										
(a) Quality of electrical installation work improved?										
Total	144	38	16	17	4	4	33	19	0	13
Yes	52%	39%	38%	47%	25%	25%	70%	74%	0%	54%
No	29%	50%	44%	41%	25%	50%	3%	5%	0%	31%
Don't Know	19%	11%	19%	12%	50%	25%	27%	21%	0%	15%
(b) Competence of installers improved?										
Total	143	38	16	17	4	4	33	19	0	12
Yes	50%	47%	19%	35%	25%	50%	61%	68%	0%	75%
No	25%	42%	44%	47%	25%	0%	3%	11%	0%	8%
Don't Know	24%	11%	38%	18%	50%	50%	36%	21%	0%	17%
(c) Electrical shock and electrical fire accidents reduced?										
Total	143	38	16	17	4	4	32	19	0	13
Yes	32%	34%	6%	18%	25%	0%	38%	53%	0%	46%

Amendments to Part P	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
No	15%	18%	31%	12%	25%	25%	0%	11%	0%	31%
Don't know	53%	47%	63%	71%	50%	75%	63%	37%	0%	23%

198. Question 1 sought the views of consultees on what they believed the introduction of Part P had achieved. We asked both whether the quality of the work and the competence of installers had improved. On the former, 52% of respondents said they believed it had and 29% that it had not. Similarly, on the latter, the corresponding figures were 50% and 25%. Seventy-three per cent of responses from local authority building control suggested that the quality of work had improved (as against only 3% who thought it had not) whilst the balance of views of electrical installers tended towards the negative (47% “no” and 42% “yes”).

199. Ultimately, the provisions are intended to reduce the number of electric shock and electrical fire accidents. There was less certainty, on the specific question of whether they had achieved this in terms of the absolute numbers – illustrated by the fact that 52% of respondents said they did not know whether there had, or had not, been a reduction. However, of the remainder, there was over a two-to-one ratio in favour of Part P having reduced shock and fire accidents (32% of the total number of responses saying “yes” and 15% “no”).

Options for Amending Part P

200. Question 2 asked which approach consultees favoured in terms of changes to Part P – whether to leave unchanged, revoke or amend.

Options for amending Part P in 2013	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q2. Which option for amending Part P in 2013 do you support?										
Total	135	35	16	17	3	4	33	18	0	9
Leave Part P unchanged	11%	20%	0%	0%	0%	25%	15%	6%	0%	11%
Revoke Part P	18%	20%	50%	18%	33%	0%	9%	6%	0%	11%
Amend Part P to reduce costs and burdens	71%	60%	50%	82%	67%	75%	76%	89%	0%	78%

201. Of the 135 responses to question 2, initial analysis suggested that the breakdown of responses was 11%, 18% and 71% respectively. However, within these latter two categories, 15% of people actually proposed alternative approaches beyond the options consulted on and often outside the scope of what the Building Regulations can achieve, for example, to require work of this kind to be carried out only by licensed electricians. Adjusting the headline

figures to reflect the fact that alternative approaches were also suggested means the figures are 11% for revocation, 62% for amendment broadly in the manner proposed and 15% for amending in a significantly different way. Amending Part P broadly in the way proposed by the consultation was favoured more by local authority building control, building services engineers and specific interest groups. Electrical installers were less supportive of amendment of the existing regime. More detailed analysis of comments relating to the pros and cons of the different proposed approaches are in the paragraphs below.

Extending non-notifiable work

202. Question 3 related to the proposals to reduce the cost of Part P by increasing the amount of work that is not notifiable to the building control body. At the same time it was argued that this would simplify the Part P regime and improve compliance.

Extending the range of Non-notifiable work	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q3(i) Do you agree that we should increase the amount of minor electrical installation work that is non-notifiable?										
Total	148	37	17	17	4	4	34	20	0	14
Yes	65%	68%	100%	71%	75%	75%	53%	55%	0%	50%
No	27%	27%	0%	29%	0%	25%	32%	35%	0%	43%
Don't Know	8%	5%	0%	0%	25%	0%	15%	10%	0%	7%

203. The Department received 148 responses to the basic question of whether the amount of minor electrical work that is non-notifiable should be increased. Sixty-five per cent of those responses agreed with the proposal, 27% did not and 8% said they did not know. Generally, the proportion that supported the proposal was similar across the main groups although it should be noted that all of the 17 householders favoured a decrease in the amount of work that was notifiable reflecting concern around the relative costs associated with having minor work, of the type often carried out by DIY-ers, approved by a building control body. Of those that disagreed with this approach, respondents largely argued that as there was some potential risk to any electrical work, there should be no diminishing of the existing safeguards provided by Part P. Of the 96 respondents that agreed with increasing the scope of non-notifiable work, only 34 of them thought all of the categories of work highlighted in paragraph 33 of the consultation were suitable for this change. More detail on each of the categories of work is below.

Extending the range of Non-notifiable work	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q3 (ii) Which if any of the types of electrical work identified in paragraph 33 of the Chapter 2 would you support becoming non-notifiable:										
(a) Alteration work in kitchens?										
Total	132	33	16	17	4	4	32	17	0	9
Yes	51%	59%	94%	71%	50%	75%	22%	44%	0%	11%
No	43%	41%	6%	29%	25%	25%	69%	44%	0%	67%
Don't Know	6%	0%	0%	0%	25%	0%	9%	11%	0%	22%

204. There were 132 responses relating to whether electrical alteration work in kitchens should be made non-notifiable. Fifty-one per cent of the responses supported the proposal with 43% disagreeing. While 15 of the 16 householders supported the approach, there was less clear-cut support from electrical installers and building service engineers at 55% and 64% respectively. Responses from local authority building control, however, were less positive with 20 of the 29 respondents not supporting the proposal. The most common concern was that the kitchen environment was higher-risk and this risk was exacerbated by the work often being carried out as part of more significant kitchen alteration work by people who were less competent electrically. Three of the four competent person scheme organisations also did not support making this work non-notifiable.

Extending the range of Non-notifiable work	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q3 (b) Alteration work outdoors?										
Total	133	34	16	17	4	4	32	18	0	8
Yes	49%	50%	94%	47%	50%	50%	44%	39%	0%	13%
No	41%	44%	6%	47%	0%	50%	44%	50%	0%	63%
Don't know	10%	6%	0%	6%	50%	0%	12%	11%	0%	25%

205. The responses relating to alteration work outdoors showed similar, but slightly less positive, levels of agreement with overall 49% of respondents supporting the proposals and 41% not. Again the principal concern was that electrical work in the garden was inherently more dangerous with a consequent need for the work to be carried out or checked by someone who understands that risk and has the skills to ensure it is done safely.

Extending the range of Non-notifiable work	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q3 (c) Alteration work in bathrooms outside the zones?										
Total	133	34	16	17	4	4	32	18	0	8
Yes	72%	53%	81%	65%	50%	50%	53%	44%	0%	13%
No	52%	47%	13%	35%	0%	50%	38%	50%	0%	63%
Don't know	9%	0%	6%	0%	50%	0%	9%	6%	0%	25%

206. The third proposed category was the parts of the bathroom outside zones 0, 1 and 2, that is, lower-risk areas out of reach of the bath or shower. Again there were similar levels of support for this approach as the previous two categories. Again the major concern was that bathrooms are by their nature a higher-risk environment within a home that required electrical alterations to have a higher-level of regulation than alterations in some other areas. In addition, there was some concern that making only work in certain parts of a bathroom non-notifiable would lead to unwelcome complexity.

Extending the range of Non-notifiable work	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q3 (d) Alterations to floor and ceiling heating systems?										
Total	133	34	16	17	4	4	32	18	0	9
Yes	48%	44%	75%	53%	25%	50%	47%	44%	0%	22%
No	34%	38%	6%	41%	0%	50%	34%	39%	0%	56%
Don't know	18%	18%	19%	6%	75%	0%	19%	18%	0%	22%

207. The fourth category was alteration work associated with electric floor and ceiling heating systems. Overall a majority of respondents (48% against 34%) supported making this work non-notifiable on the basis that this is lower risk work given the elements are extra low voltage and sealed (although it was also suggested that it should remain notifiable in special locations and kitchens). This included strong support from householders (75%), but views from electrical installers were more balanced at 44% for and 38% against. Concern was expressed about this being characterised as lower-risk work and there was unease that making this non-notifiable would be moving away from the classification of this as a special location/installation as set out in BS7671.

Extending the range of Non-notifiable work	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q3. (e) All work on control circuits?										
Total	134	34	16	17	4	4	32	18	0	9
Yes	54%	50%	75%	76%	25%	50%	41%	61%	0%	44%
No	31%	32%	13%	24%	0%	50%	38%	33%	0%	44%
Don't know	14%	18%	13%	0%	75%	0%	22%	6%	0%	11%

208. The fifth category was work on low voltage and extra-low voltage control wiring for fire, security and heating systems outside of bathroom zones 0, 1 and 2. There was strong support again from householders and from building services engineers (75% and 79% respectively). Support from electrical installers was less clear-cut (53% for and 34% opposed). While those in favour clearly supported categorisation of this work as being lower-risk, those opposed tended to do so on the basis that all electrical work should be controlled, although more specific comments were made including that failure in control circuits can lead to overload in the power circuit. It was also suggested that to support the Government's drive for greater energy efficiency the correct installation of control systems is critical (and therefore if this is not to be covered by Part P it should be incorporated into the energy efficiency provisions in Part L).

Extending the range of Non-notifiable work	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q3 (iii) Are there any other currently notifiable jobs that you believe should become non-notifiable?										
Total	131	33	16	17	4	4	31	17	0	9
Yes	33%	39%	69%	35%	50%	25%	6%	29%	0%	33%
No	47%	45%	6%	41%	0%	50%	71%	59%	0%	56%
Don't know	20%	16%	25%	24%	50%	25%	23%	12%	0%	11%

209. In response to the question as to whether there was any further work that could be made non-notifiable, there were 42 suggestions. These responses covered most of the spectrum of remaining work, from making all work non-notifiable down to allowing all alteration work to be non-notifiable subject to a residual current device (RCD) being present and specific categories within that, for example, making new consumer units non-notifiable.

Extending the range of Non-notifiable work	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q3 (iv) Are there any other currently non-notifiable jobs that you believe should become notifiable?										
Total	130	33	16	17	4	4	31	17	0	8
Yes	25%	36%	0%	18%	0%	25%	29%	24%	0%	38%
No	56%	52%	88%	59%	50%	25%	45%	65%	0%	50%
Don't know	19%	12%	13%	24%	50%	50%	26%	12%	0%	13%

210. Conversely, the consultation also asked whether there were any categories of work that are currently non-notifiable that should be made notifiable. Again there was a wide range of opinions ranging from suggestions to make all electrical work notifiable to all alterations outside special locations down to more specific categories, for example, electrical work within a metre of a kitchen sink.

Extending the range of Non-notifiable work	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q3 (v) Should we make the existence of 30mA RCD protection on affected circuits a condition for alteration work being non-notifiable?										
Total	131	33	16	17	4	4	32	17	0	8
Yes	58%	65%	75%	41%	50%	50%	63%	44%	0%	50%
No	30%	32%	13%	59%	0%	50%	9%	44%	0%	50%
Don't know	12%	3%	13%	0%	50%	0%	28%	11%	0%	0%

211. We also asked whether a condition of making alteration work non-notifiable should be that there is a 30mA RCD present. There were 131 responses on this question with 58% supporting it and 30% saying it was not necessary. Seventy-five per cent of householders and 66% of installers supported this condition while 10 of the 14 responses (71%) from building services engineers did not think it was necessary. While supporters of the potential condition favoured the additional protections this provided, many of those that did not opposed this as they did not believe alteration work should be made non-notifiable at all. It was also argued that what was important was that the work was carried out correctly in the first place and that RCDs should not be used to legitimise sub-standard work, particularly given that RCDs do not protect against all the risks associated with such work.

Extending the range of Non-notifiable work	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
Q3 (d) Do you agree with the proposed changes to guidance on pages 8 and 9 of Approved Document P, as outlined in paragraph 35 of Chapter 2?										
Total	129	33	16	17	4	4	32	17	0	6
Yes	55%	52%	26%	65%	50%	50%	63%	41%	0%	50%
No	28%	36%	19%	18%	0%	0%	16%	59%	0%	50%
Don't know	17%	12%	25%	18%	50%	50%	22%	0%	0%	0%

212. Finally, the consultation also sought views on changes to the wording of *Approved Document P* that would be necessary to deliver the consultation proposals. The intention here was to test whether the proposed wording adequately delivers the proposed policy rather than seek views on the policy themselves (which earlier questions already did). Seventy-one of the 129 responses agreed with the changes. Of the 36 that did not, many of the comments related to matters of policy and these will be considered alongside other responses. Comments on the detailed drafting will inform the final changes to the Approved Document.

Third-party inspection and testing

Third-party inspection and testing	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
4(i) Do you agree that we should allow third-party qualified persons to inspect and test electrical installation work carried out by unregistered installers who are not competent to do their own inspection and testing?										
Total	146	36	17	17	4	4	34	20	0	14
Yes	75%	61%	76%	88%	50%	100%	91%	65%	0%	64%
No	15%	22%	12%	12%	25%	0%	9%	20%	0%	14%
Don't know	10%	17%	12%	0%	25%	0%	0%	15%	0%	21%

213. Question 4 sought views on the second of the two main deregulatory elements of the consultation – the third-party inspection and testing of electrical work. In relation to the basic question of whether this option should be available, there were 146 responses. Of these, 75% supported the proposal, 15% did not and 10% did not know. Most of the categories of respondent showed strong support for the idea – citing the potential benefits for DIY-ers and electricians outside of competent person schemes of alternative, less-costly ways of having work approved.

214. However, three of the four organisations that run competent person schemes expressed strong reservations with the approach - citing the potential for it to see many electricians opting out of membership of a competent person scheme and thus undermining the benefits so far delivered by Part P (as well as meaning that the additional consumer protection offered by work carried out by a member of a competent person scheme is lost). In addition, a number of other respondents questioned whether it was appropriate for anyone other than the actual installer to take responsibility for the adequacy of the work. There were also doubts expressed about whether costs savings would turn out to be achievable in practice.

Third-party inspection and testing	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
4(ii) Do you support the options in paragraph 41 of Chapter 2 for third-party inspection and testing of work done by others:										
(a) Qualified Person issues Condition Report and building control body issues Building Regulations Completion Certificate?										
Total	128	32	16	16	4	4	32	17	0	7
Yes	56%	66%	38%	81%	25%	75%	59%	29%	0%	57%
No	35%	28%	50%	19%	25%	25%	38%	65%	0%	29%
Don't know	9%	6%	13%	0%	50%	0%	9%	6%	0%	14%

215. Paragraph 41 of the consultation set out the two alternative ways in which third-party inspection and testing might offer a cheaper approach to gaining approval of electrical work.

216. The first of the two would see a qualified person issuing a condition report which would then be submitted to the building control body, but with a reduced fee being payable to reflect the fact that a further inspection and test would not be necessary. Seventy-three of the 128 respondents supported this option. There was strong support from building services engineers (12 of the 13 supported) and to a lesser extent from electrical installers (19 of 31) and local authority building control (19 of 28). However, even many of those that supported this option highlighted the necessity of ensuring that the person doing the third-party inspection and test was appropriately qualified and what this amounted to needed to be clarified. There was unanimous opposition to this approach from the four competent person scheme organisations that responded due to a mixture of fundamental disagreement with the notion of third-party testing and inspection, concern that the proposal did not properly identify what a competent electrician would be and concern that a condition report would not be suitable for the task. More generally, respondents who had doubts about this option also feared that those doing the test and inspection may be unreasonably demanding in terms of the standard of work required (in some instances as a way of making more money through further work).

Third-party inspection and testing	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
b) Registered person issues Condition report and, via registration body, Building Regulations Compliance Certificate?										
Total	125	31	17	15	4	4	31	17	0	6
Yes	59%	42%	53%	53%	25%	50%	90%	47%	0%	83%
No	32%	48%	41%	33%	25%	25%	10%	41%	0%	17%
Don't know	9%	10%	6%	13%	50%	25%	0%	12%	0%	0%

217. The second approach would see a member of a registered body carry out the third-party inspection and testing and certify that work, that is, the third-party would perform the building control approval function. Overall, the reaction to this proposal was slightly more positive than for the first with local authority building control in particular supporting this approach (24 of the 27 responses). However, views of installers, householders and building services engineers were more evenly balanced (support of 43%, 53% and 42% respectively). Both comments for and against this approach closely mirrored those for option one, but with some feeling that the second option had the advantage of being slightly simpler due to the fact that the building control body did not need to be involved.

Third-party inspection and testing	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
4(iii) Should third-parties carrying out inspection and testing of another person's work be required to hold a specific inspection and testing qualification?										
Total	129	33	17	16	4	4	32	16	0	7
Yes	68%	64%	35%	69%	50%	75%	91%	63%	0%	86%
No	25%	30%	53%	25%	25%	25%	6%	25%	0%	14%
Don't know	7%	6%	12%	6%	25%	0%	3%	13%	0%	0%

218. Further to this, the consultation asked whether someone carrying out this inspection and testing should hold a specific inspection and testing qualification. 68% of the 129 responses supported such a requirement with 25% not. Many emphasised that a higher level of competence is required when testing and inspecting someone else's work and various variations of minimum skills and qualifications with City and Guilds 2391 being mentioned most often. A number of comments also suggested other additional conditions, for example, in terms of level of experience.

Third-party inspection and testing	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
4(iv) Do you believe that third-party inspection and testing should include an inspection at first-fix stage?										
Total	129	32	17	16	4	4	32	17	0	7
Yes	71%	81%	18%	75%	50%	100%	91%	59%	0%	71%
No	20%	16%	59%	19%	25%	0%	3%	24%	0%	29%
Don't know	9%	3%	24%	6%	25%	0%	6%	18%	0%	0%

219. Finally, the consultation asked whether third-party inspection and testing should necessarily incorporate an inspection at first-fix stage. This was supported by 71% of the 129 respondents. There was, in particular, strong support from both electrical installers (26 of 32 respondents) and local authority building control (26 of 28). Many believed this was essential if safety standards were to be maintained as some of the key risks, such as cable routing and sizing, could only be picked up by a visual inspection before wiring was subsequently covered up. This would also allow any remedial work that might be necessary to be carried out more cheaply. However, some respondents, whilst generally supporting this requirement, suggested that there should be flexibility for those carrying out the third-party work to determine the scale of their intervention depending on the nature of the work. Of those that did not support this requirement (and 10 of the 17 householders didn't), the most common reasons cited were the impracticality of making such an inspection a requirement (particularly for work on existing properties rather than in new build homes) and the associated cost of requiring, in effect, two visits rather than one to inspect often small-scale electrical work.

Impact Assessment

220. Question 5 sought the views and input of consultees on the analysis contained in the Impact Assessment that accompanied the consultation.

Part P Impact Assessment	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
5(i) Do you agree with the three cost-benefit assumptions set out in paragraph 46 of Chapter 2:										
(a) Increase in accident rates if Part P revoked?										
Total	128	31	17	16	4	4	32	17	0	7
Yes	38%	32%	18%	56%	25%	0%	38%	47%	0%	71%
No	28%	52%	53%	25%	25%	25%	6%	18%	0%	0%
Don't know	34%	16%	29%	19%	50%	75%	56%	35%	0%	29%

221. In particular, the consultation specifically asked for views on three of the key assumptions that informed the analysis of costs and benefits. The first assumption was that 20% of the improvement on electric shock fatalities and 80% of the improvement on injuries would be lost. Thirty-eight per cent of the 128 responses agreed with the assumption, 34% did not know and 28% disagreed. However, within that, 55% of the 29 electrical installer responses and 53% of the 17 householder responses questioned the assumption – although as with other categories of respondent no clear consensus emerged as to whether there would be a greater or lesser impact than assumed.

Part P Impact Assessment	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
(b) Reduction in registrations if Part P revoked?										
Total	129	33	17	15	4	4	32	17	0	7
Yes	65%	73%	53%	67%	50%	75%	63%	71%	0%	57%
No	7%	12%	0%	27%	0%	0%	0%	6%	0%	0%
Don't know	28%	15%	47%	7%	50%	25%	38%	24%	0%	43%

222. The second assumption was that if Part P were revoked, the number of registered installers would fall to pre-Part P levels over a period of around two years. Of the 129 who responded to this question, 65% were supportive of the assumption. This included 77% of the 31 electrical installers that responded and four of the five competent person scheme operators. Of the other categories of response, 28% said they did not know whether the assumption was correct and 7% disagreed with it.

Part P Impact Assessment	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
(c) Cost of third-party inspection and testing?										
Total	130	33	17	16	4	4	32	17	0	7
Yes	26%	33%	12%	25%	0%	50%	25%	35%	0%	14%
No	30%	42%	35%	44%	25%	25%	16%	29%	0%	0%
Don't know	44%	24%	53%	31%	75%	25%	59%	35%	0%	86%

223. The third assumption related to a number of assumed costs that would impact on the costs and benefits of third-party inspection and testing. Of the 130 responses on this particular point, 44% did not have a view as to whether the assumed costs were correct. Of the remaining respondents, 26% agreed and 30% did not. Electrical installers and building services engineers particularly questioned the assumptions (45% and 46% did not agree with the assumptions respectively). In particular, the figure for the cost of producing an Electrical

Installation Condition Report was mentioned a number of times as being an underestimate of the likely cost and a number of alternative figures were provided.

224. More generally, 34 of the respondents indicated that they were able to provide further evidence or data that would help improve the analysis contained in the Impact Assessment. This information covered a number of aspects of the consultation stage Impact Assessment, for example, regarding the impact of Part P in terms of electrical accidents and the potential costs and savings of the proposed changes that were consulted on. The Department will analyse the information provided and this will help inform the further appraisal of the proposals and the accompanying Impact Assessment.

Update BS7671: 2008

BS 7671:2008	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
6(i) Do you support the proposal to refer for technical guidance in Approved Document P to “BS 7671:2008 incorporating Amendment No 1:2011” and to update all the references to IET guides and guidance notes?										
Total	131	33	17	16	3	4	32	17	0	9
Yes	89%	88%	65%	100%	67%	100%	91%	94%	0%	100%
No	5%	9%	18%	0%	0%	0%	0%	6%	0%	0%
Don't know	6%	3%	18%	0%	33%	0%	9%	0%	0%	0%

225. Question 6 related to proposals to update the current reference to “BS 7671:2001” in *Approved Document P* to the most up-to-date 2011 standard and similar updating of corresponding guides and guidance notes. Eighty-nine per cent of the 131 respondents supported this updating of references to reflect current industry practice. Only seven respondents did not – with a number of these preferring an alternative, non-date-specific reference to BS 7671.

BS 7671:2008	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
6(ii) Do you agree that referring to BS 7671:2008 will not increase costs for installers?										
Total	129	33	16	16	4	4	32	17	0	7
Yes	73%	88%	44%	88%	50%	100%	66%	76%	0%	57%
No	11%	9%	25%	13%	25%	0%	3%	6%	0%	29%
Don't know	16%	3%	31%	0%	25%	0%	30%	18%	0%	14%

226. With regard to the second part of this question, whether this approach increases costs to installers, 73% of the 129 respondents agreed with the Department's assumption that it did not and 16% stated that they did not know. Of the 11% that disagreed, this was mostly on the basis of the need to buy the more up-to-date standard and possibly attend training to understand the change. There were a small number that suggested the actual standards were unnecessarily onerous and that previous versions were adequate.

Limits on application

Limits on application	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
7. Do you agree that it is necessary to clarify the scope of Part P, as in paragraphs 53 to 54 of Chapter 2?										
Total	130	32	17	16	4	4	32	17	0	8
Yes	85%	91%	65%	88%	50%	75%	94%	100%	0%	63%
No	6%	6%	6%	13%	0%	25%	0%	0%	0%	25%
Don't know	8%	3%	29%	0%	50%	0%	6%	0%	0%	13%

227. Question 7 related to two proposed clarifications as to how the Part P provisions apply to non-domestic parts of a mixed-use building and non-domestic buildings connected to dwellings, for example, a flat above a shop with a shared source of electricity. As such, these changes sought to address areas of confusion rather than alter what the provisions actually apply to and 85% of the 130 responses to this question supported the changes. Of the 6% that did not agree with the clarifications, the most significant reason was that the respondent believed that the provisions should not be restricted in the way intended. Mention was also made of the difficulties, in practice, of defining what a commercial greenhouse is and also that there should be no exemption for farm buildings.

Accessibility

Accessibility	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
8. Do you agree that we should revise the guidance in Approved Document P on the accessibility of consumer units, as in paragraph 57 of Chapter 2?										
Total	130	33	17	16	4	4	32	16	0	8
Yes	75%	73%	35%	81%	50%	100%	94%	81%	0%	63%
No	18%	24%	47%	19%	0%	0%	0%	19%	0%	25%
Don't know	7%	4%	18%	0%	50%	0%	6%	0%	0%	13%

228. The consultation document proposed revising the existing guidance in *Approved Document P* which considers accessibility and compliance with Part M (Access

to and use of buildings) more specifically in relation to the height of consumer units. Seventy-five per cent of the 130 respondents supported the revised wording of paragraph 1.6. However, 18% of respondents did not agree and eight of the 31 electrical installers and eight of the 17 householders that responded expressed reservations with the proposal. These questioned whether it was necessary/appropriate to have consumer units that are accessible in this way or because it was believed the guidance was unnecessarily prescriptive. Seven per cent of those that responded said they did not know whether they agreed or not.

Approved Document P Appendices

Approved Document P Appendices	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies	Specific Interest	Energy Sector	Other
9. Do you agree with the outline proposals for changing the Appendices of Approved Document P?										
Total	128	33	17	15	4	4	31	17	0	7
Yes	84%	79%	71%	87%	25%	75%	97%	94%	0%	86%
No	5%	12%	12%	7%	0%	0%	0%	0%	0%	0%
Don't know	11%	9%	18%	7%	75%	25%	3%	6%	0%	14%

229. The consultation paper also proposed four technical changes to the information contained in the Part P appendices. Of the 128 responses that specifically addressed this question, 84% supported the changes, 11% said they did not know and 5% said they did not agree. Of those that did not agree with the changes to the appendices and commented, two did oppose the change because they had a more fundamental opposition to the updating of BS7671. There were also two requests to keep/add to the forms currently in the Appendices.

Other Comments

230. There were a significant number of further comments with many using this as an opportunity to re-emphasise particular points from elsewhere in their consultation response. In particular, many chose this opportunity to express the view that it was unfair that much of the cost/impact of Part P fell on trained and competent electricians who weren't the "problem" in the first place. This then led to either ideas about how this cost might be reduced, for example, by exempting qualified electricians from the Part P provisions or by reducing the costs of the competent person schemes. There was also some feeling that this unfairness was exacerbated by the fact that compliance with Part P was poor as significant amounts of work went un-notified when it should be. It was therefore suggested that not only was greater policing of the regime necessary, but also that public awareness of the requirements needed to be improved – perhaps through better promotion by the competent person scheme operators.

Chapter 5: Section four - The building control system

231. We received 150 responses to the proposed changes to the building control system. The majority (79 responses, 53%), were from local authority building control, 27 responses were from specific interest groups including 6 responses from competent person schemes, with 12 responses from Approved Inspectors and 10 from those categorised themselves as 'Other'. There were 5 or fewer responses in the remaining categories. For some items, the response was overwhelmingly in favour. On other areas, the views were more mixed.

Improving local authority building control processes

Improving local authority building control processes	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies		Specific Interest	Energy Sector	Other
							Local authority building control	Approved Inspectors			
Q2.1: Do you support the proposal to require local authorities to issue a completion certificate in all cases where the building work complies and within a specified time period from notification of completion?											
Total	137	4	2	5	4	1	76	12	23	4	6
Yes	94%	100%	100%	100%	100%	100%	96%	83%	87%	100%	100%
No	4%	0%	0%	0%	0%	0%	4%	8%	4%	0%	0%
Don't Know	2%	0%	0%	0%	0%	0%	0%	8%	9%	0%	0%
Q2.2: Do you support amending the wording on completion certificates, Approved Inspector final certificates and competent person building regulations compliance certificates to reflect more clearly the force of these certificates?											
Total	137	4	2	5	4	1	76	12	23	4	6
Yes	96%	100%	100%	100%	100%	100%	100%	83%	87%	100%	83%
No	1%	0%	0%	0%	0%	0%	0%	8%	4%	0%	0%
Don't know	3%	0%	0%	0%	0%	0%	0%	8%	9%	0%	17%
Improving local authority building control processes	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies		Specific Interest	Energy Sector	Other

Local authority building control	Approved Inspectors
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Q2.3: Do you support the replacement of most of the statutory notification stages by a "service plan" agreed between the local authority and the person carrying out the building work on a risk assessed basis?

Total	137	4	2	5	4	1	76	12	23	4	6
Yes	73%	100%	100%	60%	50%	100%	72%	75%	65%	100%	83%
No	17%	0%	0%	20%	0%	0%	24%	8%	13%	0%	0%
Don't Know	10%	0%	0%	20%	50%	0%	4%	17%	22%	0%	17%

232. The consultation proposed changes to some aspects of current local authority building control processes. Question 2.1 sought views on whether completion certificates should be mandatory, and within a specified time period from notification of completion. One hundred and thirty-seven (137) respondents answered this question, and there was overwhelming support for these proposals with 94% supporting making completion certificates mandatory, and within a specified time period, where building work is completed and considered compliant.

233. A similar percentage (96%) supported the proposed revised wording for local authority completion certificates (Question 2.2).

234. The main concerns raised by those opposed to making completion certificates mandatory were that they: did not agree with the specified time from notification of completion; felt that building control should only issue a certificate in cases where they have inspected and ensured compliance with all aspects of the regulations, not just the high risk areas; and considered that forcing local authorities to issue final certificates will lead to more misleading certificates being in place.

235. About 73% of respondents to Question 2.3, including the majority of building control bodies responding, supported introducing the requirement to prepare 'service plans'. Of those who opposed this proposal, there were nineteen building control bodies, a competent person scheme organisation and two other specific interest bodies and a surveyor. The main concern expressed was that it would lead to a reduced level of inspection.

Improving private sector Approved Inspector arrangements

Approved Inspector arrangements including removing the Warranty Link Rule	All who responded	Builders / Developers	Building Occupier	Designers/ Engineers/ Surveyors	Manufacturer /Supply Chain	Property management	Building Control Bodies		Specific Interest	Energy Sector	Other
							Local authority building control	Approved Inspectors			
Q3.1: Do you support the three proposed changes to the Approved Inspector Regulations indicated in paragraph 48 of the consultation document?											
Total	137	4	1	5	2	1	76	13	24	4	7
Yes	80%	100%	100%	80%	50%	100%	87%	92%	54%	100%	43%
No	9%	0%	0%	20%	50%	0%	11%	8%	13%	0%	0%
Don't Know	11%	0%	0%	0%	0%	0%	3%	0%	33%	0%	57%
Q3.2: Do you support the removal of the Warranty Link Rule?											
Total	137	4	1	5	2	1	76	13	24	4	7
Yes	47%	100%	100%	20%	0%	100%	41%	100%	38%	50%	29%
No	27%	0%	0%	40%	0%	0%	39%	0%	21%	0%	0%
Don't know	26%	0%	0%	40%	100%	0%	20%	0%	42%	50%	71%

236. One hundred and thirty-seven respondents answered the questions on improving private sector Approved Inspector arrangements (Question 3.1). The majority of respondents (80%) supported minor amendments to the Approved Inspector Regulations which included removing the need for Approved Inspectors to send a copy of their approval certificate and certificate of insurance to the local authority with every Initial Notice, combining the two classes of Approved Inspectors and ensuring all definitions are up-to-date.

237. Question 3.2 sought opinions on the removal of the Warranty Link Rule. Forty-seven per cent of those who answered were in favour of this proposal. Of the 27% who were opposed, most were from local authority building control. However, a similar number of respondents from local authority building control were in agreement. A repeated comment from most of those opposed was that it “would allow some low quality Approved Inspectors to abuse the system, that there would be fewer inspections and less protection for householders”.

238. There was also a high number of don't knows (26%) of which just over half were local authority building control. Most of the don't knows felt they had insufficient knowledge of the Warranty Link Rule to comment but considered that there should be a level playing field for all building control service providers.

239. Other comments included that local authorities will always carry out more inspections as they are more accountable as they have an ombudsman and that Approved Inspectors are not subject to the same level of scrutiny as local authority building control. Respondents also commented that the DCLG research cited in support of this proposal was incomplete / inconclusive; that removing the Warranty Link Rule was not in the public interest; and that a warranty should be in place whoever is doing the building control.

Strengthening enforcement

Strengthening enforcement	All who responded	Builders / Developers	Building Occupier	Designers / Engineers / Surveyors	Manufacturer / Supply Chain	Property management	Building Control Bodies		Specific Interest	Fire & Rescue Authority	Other
							Local authority building control	Approved Inspectors			
Q4.1: Do you support the proposed extension to the time limit for bringing a prosecution under sections 35 and 35A of the Building Act 1984 from two years to three years (and from six months to one year from the time that sufficient evidence is available)?											
Total	139	4	1	5	3	1	76	13	23	6	7
Yes	95%	50%	100%	80%	100%	100%	99%	85%	96%	83%	100%
No	4%	50%	0%	20%	0%	0%	1%	15%	0%	0%	0%
Don't Know	1%	0%	0%	0%	0%	0%	0%	0%	4%	17%	0%
Q4.2: Do you agree that the fine level for prosecution under sections 35 and 35A should be increased?											
Total	139	4	1	5	3	1	76	13	23	6	7
Yes	88%	50%	0%	80%	100%	0%	95%	69%	83%	83%	100%
No	6%	50%	100%	20%	0%	100%	0%	23%	4%	0%	0%
Don't know	6%	0%	0%	0%	0%	0%	5%	8%	13%	17%	0%
Q4.3: Do you support the proposed extension to the time limit for issuing a notice to rectify non-compliant building work under section 36 of the Building Act 1984 from one year to three years?											
Total	139	4	1	5	3	1	76	13	23	6	7
Yes	92%	50%	100%	80%	100%	100%	95%	77%	96%	100%	100%
No	7%	50%	0%	20%	0%	0%	4%	23%	0%	0%	0%
Don't Know	1%	0%	0%	0%	0%	0%	1%	0%	4%	0%	0%

Strengthening enforcement	All who responded	Builders / Developers	Building Occupier	Designers / Engineers / Surveyors	Manufacturer / Supply Chain	Property management	Building Control Bodies		Specific Interest	Fire & Rescue Authority	Other
							Local authority building control	Approved Inspectors			

Q4.4: Do you support the adoption for building control of any or all of the civil sanctions available under the Regulatory and Enforcement Sanctions Act 2008?

Total	139	4	1	5	3	1	76	13	23	6	7
Yes	78%	75%	0%	80%	100%	100%	79%	54%	87%	100%	71%
No	12%	25%	0%	0%	0%	0%	17%	15%	0%	0%	0%
Don't Know	10%	0%	100%	20%	0%	0%	4%	31%	13%	0%	29%

Q4.7: Should the Building Act 1984 be amended to allow Approved Inspectors to refer non-compliant building work to the local authority for purposes of the issue of a civil sanction?

Total	136	4	1	5	3	1	76	13	23	5	5
Yes	63%	75%	0%	80%	100%	100%	53%	46%	83%	100%	100%
No	28%	25%	100%	0%	0%	0%	34%	46%	17%	0%	0%
Don't Know	9%	0%	0%	20%	0%	0%	13%	8%	0%	0%	0%

240. One hundred and thirty-nine respondents answered the questions on strengthening enforcement. There was strong support for these proposals. Ninety-five per cent supported extending the time limit for prosecution under sections 35 & 35A of the Building Act 1984 (Question 4.1). Support for increasing the fine level for prosecutions under these sections was 88% (Question 4.2). A similar percentage (92%) supported extending the time limit for issuing a notice to rectify non-complaint work under section 36 (Question 4.3) and 78% of respondents supported introducing the enforcement sanctions available under the *Regulatory and Enforcement Sanctions Act 2008* (Question 4.4).

241. A frequent concern raised by respondents challenged the value of increasing powers to local authority building control if/as they do not use the powers they already have, and that if the local authority is unable to establish sufficient evidence within six months of a contravention then it is unlikely that a contravention has occurred. It was also suggested that as section 35/35A is rarely used it was thought there would be little benefit in increasing the time limit. Others commented that the current levels of fines are sufficient and therefore that these did not need to be changed but awards of costs should be allowed.

242. We also received responses to the detailed questions about civil sanctions, including the suitability of the different types of sanctions available for different types of breaches of the Building Regulations. Most respondents supported

adopting each of the sanctions listed in Question 4.5 with Compliance Notices, Stop Notices and Restoration Notices being the most popular. There were mixed views about which sanctions would be appropriate for the types of breaches of the Building Regulations referred to in Question 4.6 although each sanction had some support. Most respondents thought that Fixed Monetary Penalties were most appropriate for procedural breaches; Variable Monetary Penalties and Compliance Notices for serious technical breaches; and Restoration Notices and Enforcement Undertakings for Minor Technical breaches. There was also a wide range of suggested penalties for Fixed Monetary Penalties and Variable Monetary Penalties, extending to having an unlimited amount for a serious technical breach.

243. Question 4.7 proposed that the *Building Act 1984* be amended to allow for Approved Inspectors to refer non-compliant building work to the local authority for purposes of using a civil sanction. 136 respondents answered this question, and the majority (63%) supported this proposal. Those who opposed this proposal raised concerns about cost implications and suggested that the proposal was unnecessary as Approved Inspectors can already cancel an Initial Notice to revert work back to the local authority for enforcement action.

Extending the competent person self-certification schemes framework and introducing specialist third-party certification schemes

Extending the competent person self-certification schemes framework and introducing specialist third-party certification schemes	All who responded	Builders / Developers	Building Occupier	Designers / Engineers / Surveyors	Manufacturer / Supply Chain	Property management	Building Control Bodies		Specific Interest		Fire and Rescue Authority	Other
							Local authority building control	Approved Inspectors	Competent person scheme operator	All Others		
Q5.1: Do you support an extension of the current competent person self-certification schemes framework to cover further types of building work?												
Total	138	4	1	5	3	1	76	14	4	18	4	8
Yes	43%	75%	0%	60%	67%	100%	20%	71%	75%	89%	50%	50%
No	50%	0%	100%	40%	0%	0%	76%	21%	0%	11%	25%	25%
Don't Know	7%	25%	0%	0%	33%	0%	4%	7%	25%	0%	25%	25%

Extending the competent person self-certification schemes framework and introducing specialist third-party certification schemes	All who responded	Builders / Developers	Building Occupier	Designers / Engineers / Surveyors	Manufacturer / Supply Chain	Property management	Building Control Bodies		Specific Interest		Fire and Rescue Authority	Other
							Local authority building control	Approved Inspectors	Competent person scheme operator	All Others		

Q5.3: Do you support the introduction of specialist third party certification schemes into the Building regulations, as an aid to building control bodies?

Total	138	4	1	5	3	1	76	14	4	18	4	8
Yes	37%	50%	0%	40%	33%	100%	25%	57%	50%	39%	75%	75%
No	51%	25%	100%	60%	0%	0%	67%	36%	50%	33%	25%	0%
Don't know	12%	25%	0%	0%	67%	0%	8%	7%	0%	28%	0%	25%

244. This section sought views on extending the competent person self-certification scheme framework and introducing specialist third-party certification schemes. There was a range of answers with a clear difference of view between local authority building control and Approved Inspectors. For example, on Question 5.1, 76% of local authority respondents were opposed and 71% of Approved Inspectors were in favour. However, on Question 5.3, 67% of local authority respondents were opposed and 57% of Approved Inspectors were in favour.

245. Of the 138 respondents who answered Question 5.1, 50% were opposed to the proposal and 43% were supportive. Those who supported this proposal suggested types of work which may be suitable for an extended competent person scheme framework, such as structural engineering, underground drainage (as the current system is considered to be disjointed as work on above ground sanitary pipework is self-certifiable while work on below ground sanitary pipework is not), passive fire protection and heating & ventilation (in particular for specialist systems that need particular expertise).

246. Fifty-one per cent of respondents to Question 5.3 disagreed and 37% agreed with the proposal to introduce specialist third-party certification. Some respondents raised concerns about problems with the current competent person self-certification schemes and made suggestions for a more holistic approach. Respondents who supported this proposal provided suggestions for specialist third-party certification across a range of ideas, with structural design being the most supported.

247. There was support for the inclusion for more low risk and stand-alone work to enable building control to place greater emphasis on inspection and enforcement action on more critical medium and high impact work activities.

Introducing Appointed Persons

Introducing Appointed Persons	All who responded	Builders / Developers	Building Occupier	Designers / Engineers / Surveyors	Manufacturer / Supply Chain	Property management	Building Control Bodies		Specific Interest	Fire & Rescue Authority	Other
							Local authority building control	Approved Inspectors			
Q6.1: Do you support the introduction of Appointed Persons on a voluntary basis?											
Total	135	4	1	5	1	1	76	13	24	4	6
Yes	31%	75%	0%	60%	100%	100%	24%	23%	42%	50%	17%
No	53%	25%	0%	40%	0%	0%	71%	54%	21%	25%	17%
Don't Know	16%	0%	100%	0%	0%	0%	5%	23%	38%	25%	67%

248. One hundred and thirty-five respondents answered the questions on introducing Appointed Persons on a voluntary basis. Fifty-three per cent were opposed to and 31% supported the proposal (Question 6.1). Most of those opposed to introducing Appointed Persons were from local authority building control. There were very few responses from industry but the majority of those that did respond, including two large builders and a small developer supported this proposal. Comments from those supporting the proposal suggested it would improve compliance and act as an interface with building control, multiple contractors and designers and be of benefit for larger/complex projects.

249. The main reason the proposal was not supported was that it was argued to be unnecessary as it is already possible to use someone in the role of an Appointed Person. It was also suggested that it would create additional levels of bureaucracy and burden and risk conflicts of interest and loss of an independent third-party check.

250. Questions 6.2 and 6.3 sought views on the appropriate qualifications / competencies needed for carrying out the role of an Appointed Person and the powers and responsibilities they should be given. Respondents suggested that there was a need for similar qualifications and competences to a building control surveyor; that there should be membership of a recognised professional body, for example, the Royal Institute of Chartered Surveyors (RICS), Association of Building Engineers (ABE) or the Chartered Institute of Building (CIOB); and perhaps have five to ten years appropriate experience.

251. Respondents also suggested that possible powers and responsibilities might include the ability to issue compliance certificates for specific parts of the Building Regulations and to be able to refer non-compliance issues to local authority building control. Some respondents considered, however, that Appointed Persons should not have any additional powers.

Impact Assessment on section four proposals - the building control system

252. One hundred and thirty-one respondents answered Question 8.1 on whether the Impact Assessment on the proposed changes to the building control system fairly represented the relevant impacts and types and levels (where included) of the costs and benefits that would arise from the five proposals.

253. Most respondents were unable to agree or disagree with the draft Impact Assessment, but:

- 35% of respondents agreed, and 12% disagreed with the Impact Assessment analysis of the impact of proposals to improve local authority processes
- 34% of respondents agreed, and 9% disagreed with the cost and benefit analysis in the Improved Assessment for improving private sector Approved Inspector arrangements, including the removal of the Warranty Link Rule
- 42% of respondents agreed, and 11% disagreed with the Impact Assessment analysis for strengthening enforcement
- 24% agreed, and 30% disagreed with the Impact Assessment cost and benefit analysis for extending the competent person self certification scheme framework
- 15% agreed, and 34% disagreed with the Impact Assessment analysis for introducing Appointed Persons.

254. Few respondents provided comments, although some suggested that the consultation stage Impact Assessment made questionable assumptions about costs and benefits. However, none of the respondents provided any substantial evidence to support their views.

Other comments

255. Sixty-two respondents answered the open-ended invitation for any other comments or suggestions on possible changes to the building control system. The comments have been grouped by theme immediately below.

Building control bodies

256. Competition between local authority building control and Approved Inspectors leading to lower standards was a recurring theme, linked to the perceived conflict of interest between local authorities' commercial activities and their enforcement role. Various solutions were offered:

- local authorities should undertake enforcement only
- the Health and Safety Executive (HSE) should take on the enforcement role
- the Approved Inspector system should be abolished
- building control should be run as a centralised organisation.

257. There were several comments about building control bodies (both local authorities and Approved Inspectors) needing better regulation and being subject to penalties for irresponsible actions and in particular that more needed to be done to prevent perceived improper use of Initial Notices by some Approved Inspectors.

258. Local authorities felt they were carrying more burdens than Approved Inspectors (maintaining public registers, undertaking enforcement work etc). One said that whilst competition had sharpened local authorities, it would be good if the regulations protected the local authority as much as the Approved Inspector when it came to gaining work.

259. Several respondents referred to the practice of Approved Inspectors franchising out their work to individuals who were receiving no scrutiny and were able to undercut both local authorities and other Approved Inspectors.

Improving compliance with the Building Regulations

260. The need to improve compliance with Building Regulations was another recurring theme. Various suggestions were made:

- run an insurance-backed approach in parallel with traditional building control – develop novel methods based on an extension of competent person schemes to cover entire jobs
- amend section 35 of the Building Act to put the responsibility for compliance explicitly on the owner of a property
- improve the training of local authority inspectors, especially for mechanical installations and renewables
- introduce mandatory registration of all solid fuel and oil-fired appliance installers

- change to an audit-based system for checking compliance on a sample basis.

Building control and planning

261. Various suggestions were made about improving the interface between local authority building control and planning functions:

- building control and planning should be brought together into one system of development management
- planning should consult building control to resolve any clashes between their respective requirements at an early stage
- planning should stop duplicating the provisions of building regulations in planning conditions (site access, energy performance, fire safety etc).

262. It was also suggested that more synergy between planning, safety and building regulations could produce savings and improve quality at little cost.

Building control and fire services

263. Recommendations for building control and the fire service were suggested. These included: an appeal process for resolving technical disagreements between building control and fire and rescue services; effective enforcement rules to prevent Approved Inspectors also acting as fire engineering consultants; and building control bodies having better qualified people to assess fire strategies from a technical perspective and provide detailed comments to the fire authority as part of the initial consultation on a project.