

2012 Consultation on Changes to the Building Regulations in Wales Part L (Conservation of fuel and power)

Consultation – summary of responses

Part 3

- #74 - Anglian Windows Ltd**
- #76 - National Association of Rooflight Manufacturers (NARM)**
- #77 - LABC Cymru**
- #78 - The Theatres Trust**
- #80 - Vale of Glamorgan Council**
- #82 - Home Builders Federation**
- #83 - Rhondda Cynon Taf CBC**
- #85 - Tesco Stores Ltd**
- #88 - Carillion**
- #89 - RICS Wales**

#74 - Anglian Windows Ltd

2012 consultation on changes to the Building Regulations in Wales

Part L (Conservation of fuel and power)

Minor amendments indicated in red

Consultation

Response Form

Your name: P Kellett

Organisation (if applicable): Anglian Windows Ltd

- (i) **Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?**

Organisational ☒ Personal Views ☐

- (ii) **Are your views expressed on this consultation in connection with your membership or support of any group? If yes please state name of group:**

Yes ☐ No ☒

Name of group:

- (iii) **Please tick the one box that best describes your organisation:**

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

Manufacturer/ Supply Chain <input checked="" type="checkbox"/>	Other (<i>please specify</i>) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
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(iv) Please tick the *one* box which best describes the size of your or your organisation's business?

- Micro – typically 0 to 9 full-time or equivalent employees (incl. sole traders) ☐
- Small – typically 10 to 49 full-time or equivalent employees ☐
- Medium – typically 50 to 249 full-time or equivalent employees ☐
- Large – typically 250+ full-time or equivalent employees ☒
- None of the above (please specify) ☐

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

Yes ☒ No ☐

Name of scheme:

FENSA

(vii) Would you be happy for us to contact you again in relation to this consultation?

Yes ☒ No ☐

WG will process any personal information that you provide us with in accordance with the data protection principles in the Data Protection Act 1998. In particular, we shall protect all responses containing personal information by means of all appropriate technical security measures and ensure that they are only accessible to those with an operational need to see them. You should, however, be aware that as a public body, the Welsh Government is subject to the requirements of the Freedom of Information Act 2000, and may receive requests for all responses to this consultation. If such requests are received we shall take all steps to anonymise responses that we disclose, by stripping them of the specifically personal data – name and e-mail address – you supply in responding to this consultation. If, however, you consider that any of the responses that you provide to this survey would be likely to identify you irrespective of the removal of your overt

personal data, then we should be grateful if you would indicate that, and the likely reasons, in your response, for example in the relevant comments box.

Questions:

New homes

1. Do you agree with the Government's preference for a CO₂ saving of 40% reduction in carbon dioxide emissions compared to Part L 2010.

No change to 2010

☐

40% CO₂ saving

☒

25% CO₂ saving

☐

Something else (please explain below)

☐

Don't know

☐

Comments

2. Do you agree with the proposal for an 'aggregate' approach to CO₂ target setting for new homes in 2015? The CO₂ target for any individual dwelling varies depending on the ease with which the building can achieve the target, with the overall required CO₂ saving achieved when aggregated over the build mix.

Yes ☒ No ☐ Don't know ☐

Comments

3. Do you agree with the proposal for a compliant option based on a consistent recipe of elemental specifications for fabric, services plus an additional CO₂ saving equivalent to an amount of photovoltaic (PV). Please justify your choice.

Yes ☒ No ☐ Don't know ☐

Comments

By taking a fabric first approach, it is more likely that performance will be achieved. There is less reliance upon technologies which may not work to the required performance due to lack of

4. The main difference between the recipes is the required system efficiency for each fuel, which is appropriate for the heating system type. By adopting this approach to different fuel types, there is no need for a separate fuel factor. Do you agree with the proposed approach?

Yes ☒ No ☐ Don't know ☐

Comments

5. For the CO₂ savings proposed, are the recipe specifications a sensible way of achieving them? Please justify your choice.

Yes ☒ No ☐ Don't know ☐

Comments

6. In approaching the selection of the amount of PV to be installed on dwellings, do you prefer?

Fixed percentage of building foundation area ☒

Proportion of gross internal floor area with a practical cap ☐

Don't know ☐

Comments

7. Do you agree that the limits on design flexibility 'backstop' values for fabric elements in new homes should be changed from the current reasonable provision in the technical guidance to become mandatory?

Yes ☐ No ☒ Don't know ☐

Comments

8. Do you agree with the changes to the 'backstop' values proposed? Please explain your decision.

Yes ☒ No ☐ Don't know ☐

Comments

9. Do you have any other comments on the proposed changes to Approved Document L1A or the domestic National Calculation Methodology? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

Windows are not costed in isolation in the IA, so we cannot comment.

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

Yes ☐ No ☐ Don't know ☒

Comments

Windows are not costed in isolation in the IA, so we cannot comment.

New non-domestic buildings

12. Do you agree with the proposal for ~~2013~~ 2014 for non-domestic buildings to explicitly regulate energy efficiency separately from low carbon technologies through the assessment of primary energy consumption (PEC)? Does PEC seem like a reasonable basis for standard setting?

Yes ☐ No ☒ Don't know ☐

Comments

13. Which package of fabric and services should be selected: 7% or 10%? Please give reasons for your choice.

7% ☐

10% ☒

Don't know ☐

Comments

14. Do you foresee any particular issues for certain categories of building to meet the TPEC or TER?

Yes ☐ No ☐ Don't know ☒

Comments

15. Which approach should be utilized to incorporate the contribution of low carbon technologies into the setting of the Target Emission Rate (TER), for non domestic buildings?

Fixed carbon reduction (in kg.CO₂/m²/year) ☐

Percentage of roof area of PV ☐

Percentage of floor area of PV ☐

Other ☐

Don't know ☒

Please give reasons for your choice

16. The proposals explain the Government's preference for a 20% aggregate improvement in CO₂ performance standards for new non-domestic buildings from ~~October 2013~~ June 2014. Which option do you prefer and why?

No change ☐

Target A: 10% aggregate improvement (1% PV) ☐

Target B: 11% aggregate improvement (No PV) ☒

Target C: 20% aggregate improvement (5% PV) ☐

Don't know ☐

Please give reasons for your choice

17. Do the proposed ~~2013~~ 2014 notional buildings as set out in the changes to the National Calculation Methodology seem like a reasonable basis for standards setting? Please provide comments on the method used to develop the notional buildings and particular elements of one or more of the notional buildings, if relevant.

Yes ☐ No ☐ Don't know ☐

Comments

18. Do you think that a further recipe should be created for buildings under 250m² and aligned with the proposed domestic recipe? Are there particular reasons why smaller buildings find compliance with the non-domestic recipes difficult? Please justify your views.

☒
☐
☐

Yes No Don't know

Comments

19. Although we recognise that some buildings may need to be serviced in a particular way for legitimate functional or environmental reasons, should Part L incentivise a lower carbon servicing strategy (as with the current Energy Performance Certificate methodology), by basing the notional building on mixed-mode ventilation?

Yes ☐ No ☐ Don't know ☒

Comments

20. Do you have any other comments on the proposed changes to Approved Document L2A or the non-domestic National Calculation Methodology? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

22. Overall, do you think the impact assessment is a fair and reasonable assessment of the potential costs and benefits of the proposed options for new non-domestic buildings?

Please justify your view and provide alternative evidence if necessary.

Yes ☐ No ☐ Don't know ☒

Comments

Cumulative impact of policies

23. Overall, do you think the assessment of the impact on development is broadly fair and reasonable? Please justify your view and provide alternative evidence if necessary.

Yes ☐ No ☐ Don't know ☒

Comments

National Planning Policy Review

24. What role should planning play in facilitating higher carbon standards? Should it focus on facilitating site wide energy opportunities that will be needed as we move towards zero or near zero carbon buildings?

Views

Planning should not have a role in this. Building regulations should be the way standards are set. This also keeps administration minimised.

25. What are the implications from future (and regular) changes to the Code for Sustainable Homes and BREEAM on the implementation of the policy?

Views

. Building regulations should be the way standards are set. This also keeps administration minimised.

26. Are the costs of assessment and certification now disproportionate to the costs and benefits of achieving a minimum sustainable buildings standard level?

Yes ☐ No ☐ Don't know ☒

Comments

27. What should be the role of local planning authorities in setting local standards above and beyond Building Regulations? How can we ensure there is a level playing field of standards across Wales?

Views

Planning should not have a role in this. Building regulations should be the way standards are set. This also keeps administration minimised.

28. What do you see as the positive/negative impacts of removing Part B of the policy expecting buildings to be certified against Code/BREEAM?

Views

29. Is there a better, alternative, way to rewards and secure sustainable buildings (above the regulatory minimum) other than using national planning policy? What opportunities are there for future changes to Building Regulations?

Views

30. To what extent are duplication of standard and approval systems an issue? Would the removal of the PfSB policy assist in reducing duplication?

Views

31. What opportunities are there for higher standards to be delivered on strategic sites identified as part of the Local Development Plan?

Views

Existing buildings

~~32. Do you agree with the proposal to raise performance standards for domestic replacement windows? Please explain your answer.~~

~~Yes ☐ No ☐ Don't know ☐~~

~~Comments~~

33. Do you agree with the proposal to raise performance standards for domestic extensions? Please explain your answer.

Yes ☒ No ☐ Don't know ☐

Comments

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

Yes ☒ No ☐ Don't know ☐

Comments

35. Do you agree that the exemption for conservatories or porches should be removed where an individual room heat or air conditioning unit is installed? How effective would this change be in limiting energy use/emissions, or are there other ways by which energy performance might be improved where conservatories or porches are installed?

Yes ☐ No ☒ Don't know ☐

Comments

the interpretation of Part L would be improved if the technical guidance included a definition of a conservatory such as in earlier versions of Part L.

36. Do you agree with the proposal to require consequential improvements upon extensions or increases in habitable space in existing homes below 1000m²? Please explain your view.

Yes ☐ No ☒ Don't know ☐

Comments

This may have a negative impact upon the building industry as it increases cost and beaurocracy.

37. The consultation explains that the regulatory requirement for consequential improvements upon domestic extensions or increases in habitable space would be limited to a list of measures comprising a minimum standard of loft insulation, hot water cylinder insulation and the installation of cavity wall insulation.

Do you agree with this list of measures? ☐

Should this list be different (please explain below)? ☐

Another approach (please explain below) ☐

Don't know ☐

Comments

38. What effect do you think the requirements for consequential improvements may have on the demand for repair, maintenance and improvement activity? Please use evidence to explain your answer.

Increase demand ☐

Reduce demand ☒

No effect ☐

Don't know ☐

Comments

39. Do you agree with the proposal to introduce consequential improvements upon extensions or increases in habitable space in non-domestic buildings under 1000m²? Please explain your view.

Yes ☐ No ☐ Don't know ☐

Comments

40. The consultation proposes that for non-domestic buildings, any measure from list which is used to generate Green Deal assessments, the list in SBEM used to generate Energy Performance Certificate recommendations and the existing list of typical consequential improvement measures from Approved Document L2B should be eligible to be a consequential improvement. Do you agree?

Yes ☒

No ☐

Prefer a different list (please specify) ☐

Don't know ☐

Comments

41. Do you agree that there should not be major problems in extending the requirement for consequential improvements for the building control process? If you do foresee issues, what are they and how might these be addressed?

Yes ☐ No ☒ Don't know ☐

Comments

42. Do you have any other comments on the proposed changes to Approved Document L1B? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

43. Do you have any other comments on the proposed changes to Approved Document L2B? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

the proposed standards for replacement windows in non-domestic buildings are different from those proposed for England and Scotland. This will mean the window supply chain will have to manufacture, supply and install windows to different specifications in different parts of the UK. This will add to industry and consumer costs.

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

Yes ☐ No ☐ Don't know ☒

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

Compliance and Performance

47. For new dwellings, Welsh Government is proposing to develop a compliance checklist. Do you think such a checklist would be used sufficiently to warrant its development?

Yes ☐ No ☐ Don't know ☒

Comments

48. If such a checklist was developed, what should it cover?

Comments

Windows and glazing have a major impact on the energy performance of dwellings, and should therefore be included

49. If the checklist was taken forward, who should be involved in its development?

Comments

50. Would any other approach be likely to prove more effective instead (such as a PAS¹ type approach).

Yes ☐ No ☐ Don't know ☒

Comments

¹ A PAS is a Publicly Available Specification, and the PAS would set out a quality assurance approach.

- 51a. Would it be preferable for buildings of a domestic nature to be able to achieve compliance through applying the recipe in AD L1A, in acknowledgement of the domestic nature of such buildings, rather than demonstrating compliance with AD L2A?

Yes ☒ No ☐ Don't know ☐

Comments

- 51b. What are the arguments for and against this approach?

Comments

52. Additional views and suggestions for addressing compliance and performance issues in new non domestic buildings would be welcome.

Comments

53. Is the newly formatted ADL1B easier to understand and use?

Yes ☐ No ☐ Don't know ☐

Comments

54. Are there any further amendments to the newly formatted ADL1B that you would recommend? If so, please provide details.

Yes ☐ No ☐ Don't know ☐

Comments

55. How do the consultation proposals impact on the work of Local Authorities and Approved Inspectors? Please give positive and negative impacts.

Comments

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56. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

It is concerning that the different parts of the UK are tending towards having different regulations. This will be complex for the supply chain and add to cost.
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#76 - National Association of Rooflight Manufacturers (NARM)

2012 consultation on changes to the Building Regulations in Wales

Part L (Conservation of fuel and power)

Minor amendments indicated in red

Consultation

Response Form

Your name:

Bill Hawker

Organisation (if applicable):

National Association of Rooflight Manufacturers
(NARM)

- (v) **Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?**

Organisational ☒ Personal Views ☐

- (vi) **Are your views expressed on this consultation in connection with your membership or support of any group? If yes please state name of group:**

Yes ☒ No ☐

Name of group:

National Association of Rooflight Manufacturers (NARM)

- (vii) **Please tick the one box that best describes your organisation:**

<p>Builders/Developers:</p> <p>Builder / Main contractor: <input type="checkbox"/></p> <p>Builder/ Small builder: (extensions/repairs/maintenance, etc) <input type="checkbox"/></p> <p>Installer/ special sub-contractor <input type="checkbox"/></p> <p>Commercial developer <input type="checkbox"/></p> <p>House builder <input type="checkbox"/></p>	<p>Property Management:</p> <p>Housing association (registered social landlord) <input type="checkbox"/></p> <p>Residential landlord, private sector <input type="checkbox"/></p> <p>Commercial <input type="checkbox"/></p> <p>Public sector <input type="checkbox"/></p>
<p>Building occupier:</p> <p>Home owner <input type="checkbox"/></p> <p>Tenant (residential) <input type="checkbox"/></p> <p>Commercial Building <input type="checkbox"/></p>	<p>Building Control Bodies:</p> <p>Local authority building control <input type="checkbox"/></p> <p>Approved Inspector <input type="checkbox"/></p>
<p>Energy Sector <input type="checkbox"/></p>	<p>Fire and Rescue Authority <input type="checkbox"/></p>

Designers/Engineers/Surveyors: Architect <input type="checkbox"/> Civil/Structural engineer <input type="checkbox"/> Building services engineer <input type="checkbox"/> Surveyor <input type="checkbox"/>	Specific Interest: Competent person scheme operator <input type="checkbox"/> National representative or trade body <input checked="" type="checkbox"/> Professional body or institution <input type="checkbox"/> Research/ academic organisation <input type="checkbox"/>
Manufacturer/ Supply Chain <input type="checkbox"/>	Other (<i>please specify</i>) <input type="text"/>

(viii) Please tick the **one** box which best describes the size of your or your organisation's business?

- Micro – typically 0 to 9 full-time or equivalent employees (incl. sole traders) ☐
- Small – typically 10 to 49 full-time or equivalent employees ☐
- Medium – typically 50 to 249 full-time or equivalent employees ☐
- Large – typically 250+ full-time or equivalent employees ☒
- None of the above (please specify) ☐

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

Yes ☐ No ☒

Name of scheme:

(vii) Would you be happy for us to contact you again in relation to this consultation?

Yes ☒ No ☐

WG will process any personal information that you provide us with in accordance with the data protection principles in the Data Protection Act 1998. In particular, we shall protect all responses containing personal information by means of all appropriate technical security measures and ensure that they are only accessible to those with an operational need to see them. You should, however, be aware that as a public body, the Welsh Government is subject to the requirements of the Freedom of Information Act 2000, and may receive requests for all responses to this consultation. If such requests are received we shall take all steps to anonymise responses that we disclose, by stripping them of the specifically personal data – name and e-mail address – you supply in responding to this consultation. If, however, you consider that any of the responses that you provide to this survey would be likely to identify you irrespective of the removal of your overt personal data, then we should be grateful if you would indicate that, and the likely reasons, in your response, for example in the relevant comments box.

Questions:

New homes

1. Do you agree with the Government's preference for a CO₂ saving of 40% reduction in carbon dioxide emissions compared to Part L 2010.

No change to 2010	<input type="checkbox"/>
40% CO ₂ saving	<input type="checkbox"/>
25% CO ₂ saving	<input type="checkbox"/>
Something else (please explain below)	<input type="checkbox"/>
Don't know	<input checked="" type="checkbox"/>

Comments

2. Do you agree with the proposal for an 'aggregate' approach to CO₂ target setting for new homes in 2015? The CO₂ target for any individual dwelling varies depending on the ease with which the building can achieve the target, with the overall required CO₂ saving achieved when aggregated over the build mix.

Yes ☒ No ☐ Don't know ☐

Comments

3. Do you agree with the proposal for a compliant option based on a consistent recipe of elemental specifications for fabric, services plus an additional CO₂ saving equivalent to an amount of photovoltaic (PV). Please justify your choice.

Yes ☒ No ☐ Don't know ☐

Comments

4. The main difference between the recipes is the required system efficiency for each fuel, which is appropriate for the heating system type. By adopting this approach to different fuel types, there is no need for a separate fuel factor. Do you agree with the proposed approach?

Yes ☐ No ☐ Don't know ☒

Comments

5. For the CO₂ savings proposed, are the recipe specifications a sensible way of achieving them? Please justify your choice.

Yes ☐ No ☒ Don't know ☐

Comments

The U-value for rooflights in the recipe should be no tighter than 1.6 W/m²K.

Higher levels of insulation can be achieved, but will be accompanied by a reduction in light transmission – resulting in more use of electric lights. The increase in energy use of electric lights is likely to be greater than any reduction in energy use of the heating system, consequently making further improvements in rooflight insulation counter productive, giving an increase in overall energy use and associated CO₂ emissions,.

See also answer to Q8

6. In approaching the selection of the amount of PV to be installed on dwellings, do you prefer?

Fixed percentage of building foundation area

☐

Proportion of gross internal floor area with a practical cap

☐

Don't know

☒

Comments

7. Do you agree that the limits on design flexibility 'backstop' values for fabric elements in new homes should be changed from the current reasonable provision in the technical guidance to become mandatory?

Yes

☒

No

☐

Don't know

☐

Comments

8. Do you agree with the changes to the 'backstop' values proposed? Please explain your decision.

Yes

☐

No

☒

Don't know

☐

Comments

It is not sensible to tighten the U-value requirements for rooflights to 1.6 W/m²K.

Rooflights should be separated from windows, doors and roof windows, due to the inherent differences

The requirement for rooflights should be a U-value of 1.8 W/m²K.

Higher levels of insulation can be achieved but will result in a reduction in light transmission as well as higher embedded carbon in the manufacturing process – resulting in more use of electric lights, and consequently an increase in overall energy use and associated CO₂ emissions, which would make an improvement in rooflight insulation to a U-value of 1.6 W/m²K counter productive. The backstop U-value should also be based on the developed area as currently referenced in ADL2A.

See also answers to Q5 and Q33

9. Do you have any other comments on the proposed changes to Approved Document L1A or the domestic National Calculation Methodology? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

New non-domestic buildings

12. Do you agree with the proposal for ~~2013~~ 2014 for non-domestic buildings to explicitly regulate energy efficiency separately from low carbon technologies through the assessment of primary energy consumption (PEC)? Does PEC seem like a reasonable basis for standard setting?

Yes ☐ No ☒ Don't know ☐

Comments

Whilst there is some logic considering primary energy, it should not be adopted in this revision of Part L as it will create a significant difference between Part L in England and Wales. Both this, and the added complexity that PEC will introduce, will lead to increased confusion and less accurate guidance (eg from manufacturers) which will inevitably result in reduced compliance, making this measure counter productive.

In addition, if it is more cost effective to generate renewable energy than to reduce energy consumption this should not be legislated against.

Primary energy use is already controlled to some degree by backstop values

If a primary energy target is to be introduced, it would be important to ensure it is a legal requirement rather than just guidance (as existing backstop values – which are already ignored in some cases)

13. Which package of fabric and services should be selected: 7% or 10%? Please give reasons for your choice.

7% ☒

10% ☐

Don't know ☐

Comments

The notional building should be challenging but achievable, with renewables used to achieve the TER – the 10% package is not achievable in many cases, necessitating more renewables in practice than in the notional building.

14. Do you foresee any particular issues for certain categories of building to meet the TPEC or TER?

Yes ☒ No ☐ Don't know ☐

Comments

Small industrial buildings find it extremely difficult to achieve compliance with existing Part L 2010 requirements, and any further tightening of standards will make this worse.

This is partially associated with achievable airtightness levels, the effect of thermal bridging – and difficulty in actual lighting systems achieving the performance of the notional lighting system.

15. Which approach should be utilized to incorporate the contribution of low carbon technologies into the setting of the Target Emission Rate (TER), for non domestic buildings?

Fixed carbon reduction (in kg.CO₂/m²/year) ☐

Percentage of roof area of PV ☐

Percentage of floor area of PV ☐

Other ☐

Don't know ☒

Please give reasons for your choice

16. The proposals explain the Government's preference for a 20% aggregate improvement in CO₂ performance standards for new non-domestic buildings from ~~October 2013~~ June 2014. Which option do you prefer and why?

No change	<input type="checkbox"/>
Target A: 10% aggregate improvement (1% PV)	<input type="checkbox"/>
Target B: 11% aggregate improvement (No PV)	<input type="checkbox"/>
Target C: 20% aggregate improvement (5% PV)	<input checked="" type="checkbox"/>
Don't know	<input type="checkbox"/>

Please give reasons for your choice

To keep requirements consistent between England and Wales, for better understanding leading to better compliance

17. Do the proposed ~~2013~~ 2014 notional buildings as set out in the changes to the National Calculation Methodology seem like a reasonable basis for standards setting? Please provide comments on the method used to develop the notional buildings and particular elements of one or more of the notional buildings, if relevant.

Yes ☐ No ☒ Don't know ☐

Comments

The notional buildings should be the same as those defined in England, to aid understanding, as

- (i) many developers work in both countries
- (ii) compliance is often based on following manufacturers guidance; varying requirements will lead to less accurate or specific guidance and hence reduced compliance, making any variation counter productive

18. Do you think that a further recipe should be created for buildings under 250m² and aligned with the proposed domestic recipe? Are there particular reasons why smaller buildings find compliance with the non-domestic recipes difficult? Please justify your views.

Yes ☐ No ☒ Don't know ☐

Comments

For simplicity and better compliance, small non-domestic buildings which are domestic in nature should come under the scope of AD L1A rather than creating an additional set of requirements within AD L2A.

19. Although we recognise that some buildings may need to be serviced in a particular way for legitimate functional or environmental reasons, should Part L incentivise a lower carbon servicing strategy (as with the current Energy Performance Certificate methodology), by basing the notional building on mixed-mode ventilation?

Yes ☒ No ☐ Don't know ☐

Comments

Part L should promote the design of buildings which maximise the use of natural lighting and ventilation, whilst permitting buildings which need to be serviced in a particular way for legitimate functional or environmental reasons

20. Do you have any other comments on the proposed changes to Approved Document L2A or the non-domestic National Calculation Methodology? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

There is a major benefit if the requirements are the same in England and Wales, as

- (i) many developers work in both countries
- (ii) differing requirements will cause additional cost and confusion which will lead to lower compliance levels
- (iii) compliance is often based on following manufacturers guidance; varying requirements will lead to less accurate or specific guidance and hence reduced compliance, making any variation counter productive

The development of a separate Welsh methodology is unnecessary

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

Yes ☐ No ☐ Don't know ☒

Comments

22. Overall, do you think the impact assessment is a fair and reasonable assessment of the potential costs and benefits of the proposed options for new non-domestic buildings?

Please justify your view and provide alternative evidence if necessary.

Yes ☐ No ☐ Don't know ☒

Comments

Cumulative impact of policies

23. Overall, do you think the assessment of the impact on development is broadly fair and reasonable? Please justify your view and provide alternative evidence if necessary.

Yes ☐ No ☐ Don't know ☒

Comments

National Planning Policy Review

24. What role should planning play in facilitating higher carbon standards? Should it focus on facilitating site wide energy opportunities that will be needed as we move towards zero or near zero carbon buildings?

Views

25. What are the implications from future (and regular) changes to the Code for Sustainable Homes and BREEAM on the implementation of the policy?

Views

26. Are the costs of assessment and certification now disproportionate to the costs and benefits of achieving a minimum sustainable buildings standard level?

Yes ☐ No ☐ Don't know ☒

Comments

27. What should be the role of local planning authorities in setting local standards above and beyond Building Regulations? How can we ensure there is a level playing field of standards across Wales?

Views

Standards should be National (and preferably consistent between Wales and England).
Local planning authorities should be focussed on implementing these standards, and should not define any additional local standards – which may not be as well informed, subject to consultation, or achievable, and can only cause confusion, add cost, and probably reduce compliance.
There will be far more benefit from ensuring higher levels of compliance with national standards than trying to claim “higher” local standards.

28. What do you see as the positive/negative impacts of removing Part B of the policy expecting buildings to be certified against Code/BREEAM?

Views

29. Is there a better, alternative, way to rewards and secure sustainable buildings (above the regulatory minimum) other than using national planning policy? What opportunities are there for future changes to Building Regulations?

Views

30. To what extent are duplication of standard and approval systems an issue? Would the removal of the PfSB policy assist in reducing duplication?

Views

Yes – there should be one set of national standards (preferably consistent between Wales and England)- see Q27.

31. What opportunities are there for higher standards to be delivered on strategic sites identified as part of the Local Development Plan?

Views

Existing buildings

- ~~32. Do you agree with the proposal to raise performance standards for domestic replacement windows? Please explain your answer.~~

~~Yes ☐ No ☐ Don't know ☐~~

~~Comments~~

33. Do you agree with the proposal to raise performance standards for domestic extensions? Please explain your answer.

Yes ☒ No ☐ Don't know ☐

Comments

See our response to Q8 above.

In line with our comments on ADL1A we believe that rooflights should be separated from windows, doors and roof windows and in addition with reference to ADL1B, there is no energy rating scheme for rooflights which is an additional disadvantage for rooflights from other glazed elements, thus the U-value for rooflights in ADL1B should also be 1.80 W/m²K.

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

Yes ☒ No ☐ Don't know ☐

Comments

35. Do you agree that the exemption for conservatories or porches should be removed where an individual room heat or air conditioning unit is installed? How effective would this change be in limiting energy use/emissions, or are there other ways by which energy performance might be improved where conservatories or porches are installed?

Yes ☐ No ☐ Don't know ☒

Comments

36. Do you agree with the proposal to require consequential improvements upon extensions or increases in habitable space in existing homes below 1000m²? Please explain your view.

Yes ☐ No ☐ Don't know ☒

Comments

37. The consultation explains that the regulatory requirement for consequential improvements upon domestic extensions or increases in habitable space would be limited to a list of measures comprising a minimum standard of loft insulation, hot water cylinder insulation and the installation of cavity wall insulation.

Do you agree with this list of measures? ☐

Should this list be different (please explain below)? ☒

Another approach (please explain below) ☐

Don't know ☐

Comments

Measures should include

- (i) upgrading of windows/rooflights to current insulation values
- (ii) provision of new windows/rooflights into any areas which are not naturally lit (to an adequate level) to reduce use of electric lighting (particularly since an extension may reduce light levels in parts of the existing building)

In any case the list should not be exhaustive; any measure which is financially viable and where the benefits can be clearly demonstrated should be eligible.

38. What effect do you think the requirements for consequential improvements may have on the demand for repair, maintenance and improvement activity? Please use evidence to explain your answer.

Increase demand

☐

Reduce demand

☐

No effect

☐

Don't know

☒

Comments

39. Do you agree with the proposal to introduce consequential improvements upon extensions or increases in habitable space in non-domestic buildings under 1000m²? Please explain your view.

Yes ☐ No ☐ Don't know ☒

Comments

40. The consultation proposes that for non-domestic buildings, any measure from list which is used to generate Green Deal assessments, the list in SBEM used to generate Energy Performance Certificate recommendations and the existing list of typical consequential improvement measures from Approved Document L2B should be eligible to be a consequential improvement. Do you agree?

Yes

☒

No

☐

Prefer a different list (please specify)

☐

Don't know

☐

Comments

The list should not be exhaustive; any measure which is financially viable and where the benefits can be clearly demonstrated should be eligible

41. Do you agree that there should not be major problems in extending the requirement for consequential improvements for the building control process? If you do foresee issues, what are they and how might these be addressed?

Yes ☐ No ☐ Don't know ☒

Comments

42. Do you have any other comments on the proposed changes to Approved Document L1B? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

43. Do you have any other comments on the proposed changes to Approved Document L2B? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

Compliance and Performance

47. For new dwellings, Welsh Government is proposing to develop a compliance checklist. Do you think such a checklist would be used sufficiently to warrant its development?

Yes ☐ No ☐ Don't know ☒

Comments

48. If such a checklist was developed, what should it cover?

Comments

49. If the checklist was taken forward, who should be involved in its development?

Comments

50. Would any other approach be likely to prove more effective instead (such as a PAS² type approach).

Yes ☐ No ☐ Don't know ☒

Comments

51a. Would it be preferable for buildings of a domestic nature to be able to achieve compliance through applying the recipe in AD L1A, in acknowledgement of the domestic nature of such buildings, rather than demonstrating compliance with AD L2A?

Yes ☒ No ☐ Don't know ☐

Comments

51b. What are the arguments for and against this approach?

Comments

Treating small non-domestic buildings of a domestic nature in exactly the same way as domestic buildings by applying the recipe in AD L1A is simpler than an additional way of treating these buildings within AD L2A, and simplicity leads directly to better understanding and therefore better compliance.

² A PAS is a Publicly Available Specification, and the PAS would set out a quality assurance approach.

52. Additional views and suggestions for addressing compliance and performance issues in new non domestic buildings would be welcome.

Comments

There is a major benefit if the requirements are the same in England and Wales, as

- (i) many developers work in both countries
- (ii) compliance is often based on following manufacturers guidance; varying requirements will lead to less accurate or specific guidance and hence reduced compliance, making any variation counter productive

53. Is the newly formatted ADL1B easier to understand and use?

Yes ☐ No ☐ Don't know ☒

Comments

54. Are there any further amendments to the newly formatted ADL1B that you would recommend? If so, please provide details.

Yes ☐ No ☐ Don't know ☒

Comments

55. How do the consultation proposals impact on the work of Local Authorities and Approved Inspectors? Please give positive and negative impacts.

Comments

56. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

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#77 - LABC Cymru

2012 consultation on changes to the Building Regulations in Wales

Part L (Conservation of fuel and power)

Consultation Response Form

Your name:

Organisation (if applicable): LABC CYMRU

- (ix) **Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?**

Organisational ☒ Personal Views ☐

- (x) **Are your views expressed on this consultation in connection with your membership or support of any group? If yes please state name of group:**

Yes ☒ No ☐

Name of group: Local Authority Building Control

- (xi) **Please tick the one box that best describes your organisation:**

<p>Builders/Developers:</p> <p>Builder / Main contractor: <input type="checkbox"/></p> <p>Builder/ Small builder: (extensions/repairs/maintenance, etc) <input type="checkbox"/></p> <p>Installer/ special sub-contractor <input type="checkbox"/></p> <p>Commercial developer <input type="checkbox"/></p> <p>House builder <input type="checkbox"/></p>	<p>Property Management:</p> <p>Housing association (registered social landlord) <input type="checkbox"/></p> <p>Residential landlord, private sector <input type="checkbox"/></p> <p>Commercial <input type="checkbox"/></p> <p>Public sector <input type="checkbox"/></p>
<p>Building occupier:</p> <p>Home owner <input type="checkbox"/></p> <p>Tenant (residential) <input type="checkbox"/></p> <p>Commercial Building <input type="checkbox"/></p>	<p>Building Control Bodies:</p> <p>Local authority building control <input checked="" type="checkbox"/></p> <p>Approved Inspector <input type="checkbox"/></p>
<p>Energy Sector <input type="checkbox"/></p>	<p>Fire and Rescue Authority <input type="checkbox"/></p>

Designers/Engineers/Surveyors: Architect <input type="checkbox"/> Civil/Structural engineer <input type="checkbox"/> Building services engineer <input type="checkbox"/> Surveyor <input type="checkbox"/>	Specific Interest: Competent person scheme operator <input type="checkbox"/> National representative or trade body <input type="checkbox"/> Professional body or institution <input type="checkbox"/> Research/ academic organisation <input type="checkbox"/>
Manufacturer/ Supply Chain <input type="checkbox"/>	Other (<i>please specify</i>) <input type="text"/>

(xii) Please tick the **one** box which best describes the size of your or your organisation's business?

- Micro – typically 0 to 9 full-time or equivalent employees (incl. sole traders) ☐
- Small – typically 10 to 49 full-time or equivalent employees ☐
- Medium – typically 50 to 249 full-time or equivalent employees ☐
- Large – typically 250+ full-time or equivalent employees ☐
- None of the above (please specify) ☐

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

Yes ☐ No ☐

Name of scheme:

(vii) Would you be happy for us to contact you again in relation to this consultation?

Yes ☒ No ☐

WG will process any personal information that you provide us with in accordance with the data protection principles in the Data Protection Act 1998. In particular, we shall protect all responses containing personal information by means of all appropriate technical security measures and ensure that they are only accessible to those with an operational need to see them. You should, however, be aware that as a public body, the Welsh Government is subject to the requirements of the Freedom of Information Act 2000, and may receive requests for all responses to this consultation. If such requests are received we shall take all steps to anonymise responses that we disclose, by stripping them of the specifically personal data – name and e-mail address – you supply in responding to this consultation. If, however, you consider that any of the responses that you provide to this survey would be likely to identify you irrespective of the removal of your overt personal data, then we should be grateful if you would indicate that, and the likely reasons, in your response, for example in the relevant comments box.

Questions:

New homes

1. Do you agree with the Government's preference for a CO₂ saving of 40% reduction in carbon dioxide emissions compared to Part L 2010.

No change to 2010	<input type="checkbox"/>
40% CO ₂ saving	<input checked="" type="checkbox"/>
25% CO ₂ saving	<input type="checkbox"/>
Something else (please explain below)	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Comments

While delivering the aspirations of Wales for carbon reduction it will also help to protect the Welsh economy from the effect of rising fuel costs. It is appreciated that industry may find the changes challenging, however, it is the view of the organisation that if the targets as outlined are implemented it will mean that changes to the fabric will not need to be very dramatic in the future.

2. Do you agree with the proposal for an 'aggregate' approach to CO₂ target setting for new homes in 2015? The CO₂ target for any individual dwelling varies depending on the ease with which the building can achieve the target, with the overall required CO₂ saving achieved when aggregated over the build mix.

Yes ☒ No ☐ Don't know ☐

Comments

It appears to be a sensible approach to addressing the difference in the ratio of energy use in different buildings between fabric losses and internal use in different building types e.g. Flats, detached buildings etc

3. Do you agree with the proposal for a compliant option based on a consistent recipe of elemental specifications for fabric, services plus an additional CO₂ saving equivalent to an amount of photovoltaic (PV). Please justify your choice.

Yes ☒ No ☐ Don't know ☐

Comments

From industry and public feedback the consistent message is that they require certainty and ease of use which this method of demonstrating compliance will deliver. Clarity will be needed in the AD on the issue of equivalence

4. The main difference between the recipes is the required system efficiency for each fuel, which is appropriate for the heating system type. By adopting this approach to different fuel types, there is no need for a separate fuel factor. Do you agree with the proposed approach?

Yes ☒ No ☐ Don't know ☐

Comments

This approach adds certainty and again simplifies the process.

Furthermore, it doesn't penalise rural geographical areas or specific build types.

5. For the CO₂ savings proposed, are the recipe specifications a sensible way of achieving them? Please justify your choice.

Yes ☒ No ☐ Don't know ☐

Comments

This methodology will prove beneficial to all stakeholders involved in the process who are involved with the design/specification and construction phases due to the 'givens' in the recipe approach. In short it simplifies the process. An appropriate balance appears to have been achieved.

6. In approaching the selection of the amount of PV to be installed on dwellings, do you prefer?

Fixed percentage of building foundation area

☒

Proportion of gross internal floor area with a practical cap

☐

Don't know

☐

Comments

Fairest approach

7. Do you agree that the limits on design flexibility 'backstop' values for fabric elements in new homes should be changed from the current reasonable provision in the technical guidance to become mandatory?

Yes ☒

No ☐

Don't know ☐

Comments

Currently these values cause much confusion in their application and serve little useful purpose.

8. Do you agree with the changes to the 'backstop' values proposed? Please explain your decision.

Yes ☒

No ☐

Don't know ☐

Comments

At the current level they give the 'illusion' that the u values can be used for areas greater than intended and still achieve compliance.

9. Do you have any other comments on the proposed changes to Approved Document L1A or the domestic National Calculation Methodology? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

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

Yes ☒ No ☐ Don't know ☐

Comments

They appear appropriate.

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

Yes ☒ No ☐ Don't know ☐

Comments

It appears appropriate.

New non-domestic buildings

12. Do you agree with the proposal for 2013 for non-domestic buildings to explicitly regulate energy efficiency separately from low carbon technologies through the assessment of primary energy consumption (PEC)? Does PEC seem like a reasonable basis for standard setting?

Yes ☒ No ☐ Don't know ☐

Comments

Low carbon technology should not excuse or compensate for poor levels of insulation in external fabric construction. Fabric first approach appears to be a logical foundation to energy efficiency in buildings.

13. Which package of fabric and services should be selected: 7% or 10%? Please give reasons for your choice.

7% ☐

10% ☒

Don't know

☐

Comments

As with the proposal for dwellings, it is considered to be less of a burden on industry if improvement is taken in a single step. There is likely to be a resulting cost saving over the longer term.

14. Do you foresee any particular issues for certain categories of building to meet the TPEC or TER?

Yes ☐ No ☒ Don't know ☐

Comments

Possibly some industrial & storage buildings. Innovation may be required but not considered unachievable.

15. Which approach should be utilized to incorporate the contribution of low carbon technologies into the setting of the Target Emission Rate (TER), for non domestic buildings?

Fixed carbon reduction (in kg.CO₂/m²/year) ☒

Percentage of roof area of PV ☐

Other ☐

Don't know ☐

Please give reasons for your choice

Appears to be the most appropriate to cover all building types/forms.
Does not infer that PV is the preferred technology

16. The proposals explain the Government's preference for a 20% aggregate improvement in CO₂ performance standards for new non-domestic buildings from October 2013. Which option do you prefer and why?

No change ☐

Target A: 10% aggregate improvement (1% PV) ☐

Target B: 11% aggregate improvement (No PV) ☐

Target C: 20% aggregate improvement (5% PV) ☒

Don't know

☐

Please give reasons for your choice

Non domestic buildings should be encouraged to use low carbon technology. If the requirements of TAN 22 are removed then it is considered that this would be palatable to industry.

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

Yes ☒ No ☐ Don't know ☐

Comments

A reasonable balance appears to have been achieved.

18. Do you think that a further recipe should be created for buildings under 250m² and aligned with the proposed domestic recipe? Are there particular reasons why smaller buildings find compliance with the non-domestic recipes difficult? Please justify your views.

Yes ☒ No ☐ Don't know ☐

Comments

Non-dom buildings under 250m² are often constructed by housebuilders. Having a recipe approach would be a consistent approach for these type of builders/buildings. Small buildings are also unlikely to have dedicated facilities management, complex technology incorporated in such buildings may not realise the intended/designed savings.

19. Although we recognise that some buildings may need to be serviced in a particular way for legitimate functional or environmental reasons, should Part L incentivise a lower carbon servicing strategy (as with the current Energy Performance Certificate methodology), by basing the notional building on mixed-mode ventilation?

Yes ☒ No ☐ Don't know ☐

Comments

It is considered that it would encourage natural ventilations systems; though the impact of this on buildings in high pollution areas may need further consideration.

20. Do you have any other comments on the proposed changes to Approved Document L2A or the non-domestic National Calculation Methodology? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

To ensure that the L2A aspirations are brought in to reality it is that the contents and guidance within the document should be as clear and unambiguous as possible for all to comprehend, including regulators who may not be from an M & E background. Care needs to be taken to ensure any opportunity for conflict on interpretation is addressed.

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

Yes ☒ No ☐ Don't know ☐

Comments

A reasonable assessment appears to have been undertaken.

22. Overall, do you think the impact assessment is a fair and reasonable assessment of the potential costs and benefits of the proposed options for new non-domestic buildings?

Please justify your view and provide alternative evidence if necessary.

Yes ☒ No ☐ Don't know ☐

Comments

A reasonable assessment appears to have been undertaken.

Cumulative impact of policies

23. Overall, do you think the assessment of the impact on development is broadly fair and reasonable? Please justify your view and provide alternative evidence if necessary.

Yes ☐ No ☐ Don't know ☒

Comments

Appears to be a best guess; given the huge differences across Wales reality may be very different.

National Planning Policy Review

24. What role should planning play in facilitating higher carbon standards? Should it focus on facilitating site wide energy opportunities that will be needed as we move towards zero or near zero carbon buildings?

Views

While flexibility is contained within guidance to enable LPA's to provide support to attain zero carbon buildings, actual practice varies widely between authorities (and officers). Focus should be concentrated on site wide opportunities with greater attention given at LDP stage. Implementation of TAN 22 reflects that there is little understanding within the planning process at the level of detail required.

25. What are the implications from future (and regular) changes to the Code for Sustainable Homes and BREEAM on the implementation of the policy?

Views

Wales specific CSH and BREEAM may be required if the requirements of TAN 22 remain. The implementation of TAN 22 has been so varied across Authorities that it has delivered very little change in delivered projects. Only land use issues should be considered at planning stage with more flexibility given to designers as detailed plans are developed. In the current regime designers are "best guessing" to demonstrate compliance at planning stage often requiring duplication of the process at building regulations stage and subsequent changes to planning approvals.

26. Are the costs of assessment and certification now disproportionate to the costs and benefits of achieving a minimum sustainable buildings standard level?

Yes ☒ No ☐ Don't know ☐

Comments

Assessment is undertaken at the wrong stage. Considerable expenditure is required to submit an application which may not be successful. Cost outlay can be justified post approval through the Building Regulations process.

27. What should be the role of local planning authorities in setting local standards above and beyond Building Regulations? How can we ensure there is a level playing field of standards across Wales?

Views

None, in relation to building standards. Consistent standards should be applied, nationwide, through the Building Regulations

28. What do you see as the positive/negative impacts of removing Part B of the policy expecting buildings to be certified against Code/BREEAM?

Views

Greatly reduced cost on clients/developers/builders. It is considered that higher standards will actually be delivered through the Building Regulations. The planning process has a poor record on enforcement of these issues.

29. Is there a better, alternative, way to rewards and secure sustainable buildings (above the regulatory minimum) other than using national planning policy? What opportunities are there for future changes to Building Regulations?

Views

It is considered that there is scope for the extension of the role of Building Regulations to include such issues as construction waste and product specification on the basis of sustainability. (as per CSH & BREEAM).

Consideration should also be given to the inclusion of Lifetime Homes standard in to Part M.

30. To what extent are duplication of standard and approval systems an issue? Would the removal of the PfSB policy assist in reducing duplication?

Views

See previous observations

31. What opportunities are there for higher standards to be delivered on strategic sites identified as part of the Local Development Plan?

Views

The highest proposed standards in this consultation are challenging, additional (higher) targets on strategic sites would lead once again to confusion.

Existing buildings

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

Yes ☒ No ☐ Don't know ☐

Comments

Window performance should be in line with the backstop values in L1A and possibly as good as the elemental recipe value.

However, the provision of clear guidance on standards of installation to achieve adequate air tightness and the avoidance of thermal bridging will ensure energy efficiency is maximised.

33. Do you agree with the proposal to raise performance standards for domestic extensions? Please explain your answer.

Yes ☒ No ☐ Don't know ☐

Comments

The element should be aligned with the elemental recipe value in L1A.

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

Yes ☒ No ☐ Don't know ☐

Comments

The element should be aligned with the elemental recipe value in L2A.

35. Do you agree that the exemption for conservatories or porches should be removed where an individual room heat or air conditioning unit is installed? How effective would this change be in limiting energy use/emissions, or are there other ways by which energy performance might be improved where conservatories or porches are installed?

Yes ☒ No ☐ Don't know ☐

Comments

Exemption for conservatories should be removed completely. The typical use is not for which the initial exemption was based. The argument that conservatory provides thermal benefit to the dwelling is only true if the conservatory is unheated. From experience every conservatory encountered is heated, either by extension of the primary heating system or by local heating. [Changes to the Sewer Adoption and Connection Process](#) will mean that a considerable amount of these structures will be affected. The common sense approach would be to remove the exemption for the above reasons and to protect the client against litigation for failing to comply. It has also been observed that a high proportion of conservatories either hinders or completely negate the provisions for means of escape as required by Part B. The removal of the exemption would mean that this critical provision is maintained.

Consideration should also be given to the inclusion of a clearer definition of a porch within the Approved Document, preferably with a reduction in the maximum allowable size.

36. Do you agree with the proposal to require consequential improvements upon extensions or increases in habitable space in existing homes below 1000m²? Please explain your view.

Yes ☒ No ☐ Don't know ☐

Comments

The improvements identified are a sensible and not onerous on the client.
The cost will be minimal.

37. The consultation explains that the regulatory requirement for consequential improvements upon domestic extensions or increases in habitable space would be limited to a list of measures comprising a minimum standard of loft insulation, hot water cylinder insulation and the installation of cavity wall insulation.

Do you agree with this list of measures? ☒

Should this list be different (please explain below)? ☐

Another approach (please explain below) ☐

Don't know ☐

Comments

Agree with the measures, however, it is considered that work that may have been undertaken in the previous 12 months could be taken in to consideration. (e.g. replacement windows or boiler etc.)

38. What effect do you think the requirements for consequential improvements may have on the demand for repair, maintenance and improvement activity? Please use evidence to explain your answer.

Increase demand	<input checked="" type="checkbox"/>
Reduce demand	<input type="checkbox"/>
No effect	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Comments

The requirements are not going to be prohibitive in terms of cost and therefore highly unlikely to prevent the scheme going ahead. Therefore the demand will increase to undertake the consequential improvements.

39. Do you agree with the proposal to introduce consequential improvements upon extensions or increases in habitable space in non-domestic buildings under 1000m²? Please explain your view.

Yes ☒ No ☐ Don't know ☐

Comments

As 36

40. The consultation proposes that for non-domestic buildings, any measure from list which is used to generate Green Deal assessments, the list in SBEM used to generate Energy Performance Certificate recommendations and the existing list of typical consequential improvement measures from Approved Document L2B should be eligible to be a consequential improvement. Do you agree?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>
Prefer a different list (please specify)	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Comments

All appear relevant

41. Do you agree that there should not be major problems in extending the requirement for consequential improvements for the building control process? If you do foresee issues, what are they and how might these be addressed?

Yes ☒ No ☐ Don't know ☐

Comments

Though it is likely that there will be an impact on the Building Regulations charges as additional inspection will be required. It will be essential that all BCBs ensure compliance is achieved or it likely that it will be another opportunity for marketing on the basis of not requiring compliance.

42. Do you have any other comments on the proposed changes to Approved Document L1B? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

We are still experiencing difficulties with Renovation of Thermal Elements that was introduced during 2006. WG should have publicity campaign for proposed changes (for general public).

43. Do you have any other comments on the proposed changes to Approved Document L2B? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

None

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

Yes ☒ No ☐ Don't know ☐

Comments

It appears appropriate.

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

Yes ☒ No ☐ Don't know ☐

Comments

It appears appropriate.

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

Yes ☒ No ☐ Don't know ☐

Comments

It appears appropriate.

Compliance and Performance

47. For new dwellings, Welsh Government is proposing to develop a compliance checklist. Do you think such a checklist would be used sufficiently to warrant its development?

Yes ☒ No ☐ Don't know ☐

Comments

A compliance checklist is considered a useful tool and therefore warrants further development.

48. If such a checklist was developed, what should it cover?

Comments

Fabric, thermal bridging, heating controls, low carbon technology, end user guide, (SAP entries)

49. If the checklist was taken forward, who should be involved in its development?

Comments

Designers, Contractors, BCBs and BRE

50. Would any other approach be likely to prove more effective instead (such as a PAS³ type approach).

Yes ☐ No ☒ Don't know ☐

Comments

The PAS would need to be too generic. Although it may be helpful if there was a requirement for the designer to produce a checklist for their design as a site guide (as part of the Building Regulations application process).

- 51a. Would it be preferable for buildings of a domestic nature to be able to achieve compliance through applying the recipe in AD L1A, in acknowledgement of the domestic nature of such buildings, rather than demonstrating compliance with AD L2A?

Yes ☒ No ☐ Don't know ☐

Comments

This methodology will prove beneficial to all stakeholders involved in the process who are involved with the design/specification and construction phases due to the 'givens' in the recipe approach. In short it simplifies the process.

- 51b. What are the arguments for and against this approach?

Comments

Ease of implementation, reduced burden on industry, cost effective

Maybe considered prescriptive and impede innovation in design flexibility and technological advances.

³ A PAS is a Publicly Available Specification, and the PAS would set out a quality assurance approach.

52. Additional views and suggestions for addressing compliance and performance issues in new non domestic buildings would be welcome.

Comments

Greater powers of enforcement to be given to Local Authorities, as being considered in England. e.g. stop notices.

53. Is the newly formatted ADL1B easier to understand and use?

Yes ☒ No ☐ Don't know ☐

Comments

54. Are there any further amendments to the newly formatted ADL1B that you would recommend? If so, please provide details.

Yes ☒ No ☐ Don't know ☐

Comments

Clear definition of a porch and conservatory should be included (preferably with a reduction in maximum size of a porch), If exemption remains!

55. How do the consultation proposals impact on the work of Local Authorities and Approved Inspectors? Please give positive and negative impacts.

Comments

The proposals appear to simplify the process in many areas and make it easier to determine compliance which in effect will reduce carbon emissions. However other aspects such as consequential improvements are likely to add a burden.

56. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

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#78 - The Theatres Trust

2012 consultation on changes to the Building Regulations in Wales

Part L (Conservation of fuel and power)

Minor amendments indicated in red

Consultation

Response Form

Tim Atkinson

The Theatres Trust

(xiii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational ☐ ☒ Personal Views ☐

(xiv) Are your views expressed on this consultation in connection with your membership or support of any group? If yes please state name of group:

Yes ☐ No ☒

Name of group:

(xv) Please tick the one box that best describes your organisation:

Builders/Developers: Builder / Main contractor: <input type="checkbox"/> Builder/ Small builder: <input type="checkbox"/> (extensions/repairs/maintenance, etc) Installer/ special sub-contractor <input type="checkbox"/> Commercial developer <input type="checkbox"/> House builder <input type="checkbox"/>	Property Management: Housing association <input type="checkbox"/> (registered social landlord) Residential landlord, <input type="checkbox"/> private sector Commercial <input type="checkbox"/> Public sector <input type="checkbox"/>
--	--

<p>Building occupier:</p> <p>Home owner <input type="checkbox"/></p> <p>Tenant (residential) <input type="checkbox"/></p> <p>Commercial Building <input type="checkbox"/></p>	<p>Building Control Bodies:</p> <p>Local authority building control <input type="checkbox"/></p> <p>Approved Inspector <input type="checkbox"/></p>
<p>Energy Sector <input type="checkbox"/></p>	<p>Fire and Rescue Authority <input type="checkbox"/></p>
<p>Designers/Engineers/Surveyors:</p> <p>Architect <input type="checkbox"/></p> <p>Civil/Structural engineer <input type="checkbox"/></p> <p>Building services engineer <input type="checkbox"/></p> <p>Surveyor <input type="checkbox"/></p>	<p>Specific Interest:</p> <p>Competent person scheme operator <input type="checkbox"/></p> <p>National representative or trade body <input type="checkbox"/></p> <p>Professional body or institution <input type="checkbox"/></p> <p>Research/ academic organisation <input type="checkbox"/></p>

Manufacturer/ Supply Chain <input type="checkbox"/>	Other <i>(please specify)</i> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">Statutory Consultee</div>
--	--

(xvi) Please tick the *one* box which best describes the size of your or your organisation's business?

- Micro – typically 0 to 9 full-time or equivalent employees (incl. sole traders) ☒
- Small – typically 10 to 49 full-time or equivalent employees ☐
- Medium – typically 50 to 249 full-time or equivalent employees ☐
- Large – typically 250+ full-time or equivalent employees ☐
- None of the above (please specify) ☐

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

Yes ☐ No ☒

Name of scheme:

(vii) Would you be happy for us to contact you again in relation to this consultation?

Yes ☒ No ☐

WG will process any personal information that you provide us with in accordance with the data protection principles in the Data Protection Act 1998. In particular, we shall protect all responses containing personal information by means of all appropriate technical security measures and ensure that they are only accessible to those with an operational need to see them. You should, however, be aware that as a public body, the Welsh Government is subject to the requirements of the Freedom of Information Act 2000, and may receive requests for all responses to this consultation. If such requests are received we shall take all steps to anonymise responses that we disclose, by stripping them of the specifically personal data – name and e-mail address – you supply in responding to this consultation. If, however, you consider that any of the responses that you provide to this survey would be likely to identify you irrespective of the removal of your overt

personal data, then we should be grateful if you would indicate that, and the likely reasons, in your response, for example in the relevant comments box.

Questions:

New homes

1. Do you agree with the Government's preference for a CO₂ saving of 40% reduction in carbon dioxide emissions compared to Part L 2010.

No change to 2010

☐

40% CO₂ saving

☐

25% CO₂ saving

☐

Something else (please explain below)

☐

Don't know

☐

Comments

Outside remit

2. Do you agree with the proposal for an 'aggregate' approach to CO₂ target setting for new homes in 2015? The CO₂ target for any individual dwelling varies depending on the ease with which the building can achieve the target, with the overall required CO₂ saving achieved when aggregated over the build mix.

Yes ☐ No ☐ Don't know ☐

Comments

Outside remit

3. Do you agree with the proposal for a compliant option based on a consistent recipe of elemental specifications for fabric, services plus an additional CO₂ saving equivalent to an amount of photovoltaic (PV). Please justify your choice.

Yes ☐ No ☐ Don't know ☐

Comments

Outside remit

4. The main difference between the recipes is the required system efficiency for each fuel, which is appropriate for the heating system type. By adopting this approach to different fuel types, there is no need for a separate fuel factor. Do you agree with the proposed approach?

Yes ☐ No ☐ Don't know ☐

Comments

Outside remit

5. For the CO₂ savings proposed, are the recipe specifications a sensible way of achieving them? Please justify your choice.

Yes ☐ No ☐ Don't know ☐

Comments

Outside remit

6. In approaching the selection of the amount of PV to be installed on dwellings, do you prefer?

Fixed percentage of building foundation area ☐

Proportion of gross internal floor area with a practical cap ☐

Don't know ☐

Comments

Outside remit

7. Do you agree that the limits on design flexibility 'backstop' values for fabric elements in new homes should be changed from the current reasonable provision in the technical guidance to become mandatory?

Yes ☐ No ☐ Don't know ☐

Comments

Outside remit

8. Do you agree with the changes to the 'backstop' values proposed? Please explain your decision.

Yes ☐ No ☐ Don't know ☐

Comments

Outside remit

9. Do you have any other comments on the proposed changes to Approved Document L1A or the domestic National Calculation Methodology? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

Outside remit

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

Yes ☐ No ☐ Don't know ☐

Comments

Outside remit

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

Yes ☐ No ☐ Don't know ☐

Comments

Outside remit

New non-domestic buildings

12. Do you agree with the proposal for ~~2013~~ 2014 for non-domestic buildings to explicitly regulate energy efficiency separately from low carbon technologies through the assessment of primary energy consumption (PEC)? Does PEC seem like a reasonable basis for standard setting?

Yes ☒ No ☐ Don't know ☐

Comments

13. Which package of fabric and services should be selected: 7% or 10%? Please give reasons for your choice.

7% ☐

10% ☒

Don't know ☐

Comments

Given the projected date for implementation of the amendments the higher target seems the more sensible option. Increases in technology between the present and the implementation date should make this achievable.

14. Do you foresee any particular issues for certain categories of building to meet the TPEC or TER?

Yes ☐ No ☒ Don't know ☐

Comments

Theatres and arts centres have unpredictable occupation and usage intensity, meaning it can be very hard to achieve target rates.

15. Which approach should be utilized to incorporate the contribution of low carbon technologies into the setting of the Target Emission Rate (TER), for non domestic buildings?

Fixed carbon reduction (in kg.CO₂/m²/year) ☐

Percentage of roof area of PV ☐

Percentage of floor area of PV

☒

Other

☐

Don't know

☐

Please give reasons for your choice

Floor area is much more indicative of the actual use of the building, and seems a reasonable metric.

16. The proposals explain the Government's preference for a 20% aggregate improvement in CO₂ performance standards for new non-domestic buildings from ~~October 2013~~ June 2014. Which option do you prefer and why?

No change

☐

Target A: 10% aggregate improvement (1% PV)

☐

Target B: 11% aggregate improvement (No PV)

☐

Target C: 20% aggregate improvement (5% PV)

☒

Don't know

☐

Please give reasons for your choice

17. Do the proposed ~~2013~~ 2014 notional buildings as set out in the changes to the National Calculation Methodology seem like a reasonable basis for standards setting? Please provide comments on the method used to develop the notional buildings and particular elements of one or more of the notional buildings, if relevant.

Yes ☒ No ☐ Don't know ☐

Comments

18. Do you think that a further recipe should be created for buildings under 250m² and aligned with the proposed domestic recipe? Are there particular reasons why smaller buildings find compliance with the non-domestic recipes difficult? Please justify your views.

Yes ☒ No ☐ Don't know ☐

Comments

Small buildings are inherently different and cannot achieve the same economies of scale as larger buildings, so yes, a further recipe should be created.

19. Although we recognise that some buildings may need to be serviced in a particular way for legitimate functional or environmental reasons, should Part L incentivise a lower carbon servicing strategy (as with the current Energy Performance Certificate methodology), by basing the notional building on mixed-mode ventilation?

Yes ☒ No ☐ Don't know ☐

Comments

20. Do you have any other comments on the proposed changes to Approved Document L2A or the non-domestic National Calculation Methodology? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

Outside remit

22. Overall, do you think the impact assessment is a fair and reasonable assessment of the potential costs and benefits of the proposed options for new non-domestic buildings?

Please justify your view and provide alternative evidence if necessary.

Yes ☐ No ☐ Don't know ☒

Comments

Outside remit

Cumulative impact of policies

23. Overall, do you think the assessment of the impact on development is broadly fair and reasonable? Please justify your view and provide alternative evidence if necessary.

Yes ☒ No ☐ Don't know ☐

Comments

National Planning Policy Review

24. What role should planning play in facilitating higher carbon standards? Should it focus on facilitating site wide energy opportunities that will be needed as we move towards zero or near zero carbon buildings?

Views

Planning policy should facilitate higher carbon standards, in the same way it contributes to the raising of all standards within the built environment.

25. What are the implications from future (and regular) changes to the Code for Sustainable Homes and BREEAM on the implementation of the policy?

Views

Outside remit.

26. Are the costs of assessment and certification now disproportionate to the costs and benefits of achieving a minimum sustainable buildings standard level?

Yes ☐ No ☒ Don't know ☐

Comments

27. What should be the role of local planning authorities in setting local standards above and beyond Building Regulations? How can we ensure there is a level playing field of standards across Wales?

Views

Outside remit

28. What do you see as the positive/negative impacts of removing Part B of the policy expecting buildings to be certified against Code/BREEAM?

Views

Outside remit

29. Is there a better, alternative, way to rewards and secure sustainable buildings (above the regulatory minimum) other than using national planning policy? What opportunities are there for future changes to Building Regulations?

Views

Outside remit

30. To what extent are duplication of standard and approval systems an issue? Would the removal of the PfSB policy assist in reducing duplication?

Views

The current move is towards a more streamlined and efficient planning process. Duplication is confusing and counter-productive.

31. What opportunities are there for higher standards to be delivered on strategic sites identified as part of the Local Development Plan?

Views

Not enough information on 'strategic sites' to comment.

Existing buildings

~~32. Do you agree with the proposal to raise performance standards for domestic replacement windows? Please explain your answer.~~

~~Yes ☐ No ☐ Don't know ☐~~

~~Comments~~

33. Do you agree with the proposal to raise performance standards for domestic extensions? Please explain your answer.

Yes ☐ No ☐ Don't know ☐

Comments

Outside remit

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

Yes ☒ No ☐ Don't know ☐

Comments

The Trust encourages the raising of performance standards at all stages of development.

35. Do you agree that the exemption for conservatories or porches should be removed where an individual room heat or air conditioning unit is installed? How effective would this change be in limiting energy use/emissions, or are there other ways by which energy performance might be improved where conservatories or porches are installed?

Yes ☐ No ☐ Don't know ☐

Comments

Outside remit

36. Do you agree with the proposal to require consequential improvements upon extensions or increases in habitable space in existing homes below 1000m²? Please explain your view.

Yes ☐ No ☐ Don't know ☐

Comments

Outside remit

37. The consultation explains that the regulatory requirement for consequential improvements upon domestic extensions or increases in habitable space would be limited to a list of measures comprising a minimum standard of loft insulation, hot water cylinder insulation and the installation of cavity wall insulation.

Do you agree with this list of measures? ☐

Should this list be different (please explain below)? ☐

Another approach (please explain below) ☐

Don't know ☐

Comments

Outside remit

38. What effect do you think the requirements for consequential improvements may have on the demand for repair, maintenance and improvement activity? Please use evidence to explain your answer.

Increase demand ☒

Reduce demand ☐

No effect ☐

Don't know ☐

Comments

To perform efficiently, all systems will require increased maintenance. There is clearly a cost implication here, but not in our view high enough to be prohibitive

39. Do you agree with the proposal to introduce consequential improvements upon extensions or increases in habitable space in non-domestic buildings under 1000m²? Please explain your view.

Yes ☒ No ☐ Don't know ☐

Comments

The Trust has previously supported calls along this line, but has expressed concern that additional costs may be prohibitive for arts organisations with limited budgets and complex buildings

40. The consultation proposes that for non-domestic buildings, any measure from list which is used to generate Green Deal assessments, the list in SBEM used to generate Energy Performance Certificate recommendations and the existing list of typical consequential improvement measures from Approved Document L2B should be eligible to be a consequential improvement. Do you agree?

Yes ☒

No ☐

Prefer a different list (please specify) ☐

Don't know ☐

Comments

41. Do you agree that there should not be major problems in extending the requirement for consequential improvements for the building control process? If you do foresee issues, what are they and how might these be addressed?

Yes ☒ No ☐ Don't know ☐

Comments

42. Do you have any other comments on the proposed changes to Approved Document L1B? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

None

43. Do you have any other comments on the proposed changes to Approved Document L2B? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

None

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

Yes ☐ No ☐ Don't know ☒

Comments

Outside remit

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

Yes ☐ No ☐ Don't know ☒

Comments

Outside remit

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

Yes ☐ No ☐ Don't know ☒

Comments

Outside remit

Compliance and Performance

47. For new dwellings, Welsh Government is proposing to develop a compliance checklist. Do you think such a checklist would be used sufficiently to warrant its development?

Yes ☐ No ☐ Don't know ☒

Comments

Outside remit

48. If such a checklist was developed, what should it cover?

Comments

Outside remit

49. If the checklist was taken forward, who should be involved in its development?

Comments

Outside remit

50. Would any other approach be likely to prove more effective instead (such as a PAS⁴ type approach).

Yes ☐ No ☐ Don't know ☐

Comments

Outside remit

⁴ A PAS is a Publicly Available Specification, and the PAS would set out a quality assurance approach.

- 51a. Would it be preferable for buildings of a domestic nature to be able to achieve compliance through applying the recipe in AD L1A, in acknowledgement of the domestic nature of such buildings, rather than demonstrating compliance with AD L2A?

Yes ☐ No ☐ Don't know ☒

Comments

Outside remit

- 51b. What are the arguments for and against this approach?

Comments

Outside remit

52. Additional views and suggestions for addressing compliance and performance issues in new non domestic buildings would be welcome.

Comments

None

53. Is the newly formatted ADL1B easier to understand and use?

Yes ☒ No ☐ Don't know ☐

Comments

54. Are there any further amendments to the newly formatted ADL1B that you would recommend? If so, please provide details.

Yes ☐ No ☒ Don't know ☐

Comments

55. How do the consultation proposals impact on the work of Local Authorities and Approved Inspectors? Please give positive and negative impacts.

Comments

Outside remit

56. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

#80 - Vale of Glamorgan Council

2012 consultation on changes to the Building Regulations in Wales

Part L (Conservation of fuel and power)

Minor amendments indicated in red

Consultation

Response Form

Your name: Marcus Goldsworthy

Organisation (if applicable): Vale of Glamorgan Council

(xvii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational ☒ Personal Views ☐

(xviii) Are your views expressed on this consultation in connection with your membership or support of any group? If yes please state name of group:

Yes ☐ No ☒

Name of group:

(xix) Please tick the one box that best describes your organisation:

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

Manufacturer/ Supply Chain <input type="checkbox"/>	Other <i>(please specify)</i> <input style="width: 100%;" type="text"/>
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(xx) Please tick the *one* box which best describes the size of your or your organisation's business?

- Micro – typically 0 to 9 full-time or equivalent employees (incl. sole traders) ☐
- Small – typically 10 to 49 full-time or equivalent employees ☐
- Medium – typically 50 to 249 full-time or equivalent employees ☐
- Large – typically 250+ full-time or equivalent employees ☐
- None of the above (please specify) ☐

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

Yes ☐ No ☐

Name of scheme:

(vii) Would you be happy for us to contact you again in relation to this consultation?

Yes ☒ No ☐

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personal data, then we should be grateful if you would indicate that, and the likely reasons, in your response, for example in the relevant comments box.

Questions:

New homes

1. Do you agree with the Government's preference for a CO₂ saving of 40% reduction in carbon dioxide emissions compared to Part L 2010.

No change to 2010

☐

40% CO₂ saving

☐

25% CO₂ saving

☐

Something else (please explain below)

☐

Don't know

☒

Comments

2. Do you agree with the proposal for an 'aggregate' approach to CO₂ target setting for new homes in 2015? The CO₂ target for any individual dwelling varies depending on the ease with which the building can achieve the target, with the overall required CO₂ saving achieved when aggregated over the build mix.

Yes ☐ No ☐ Don't know ☒

Comments

3. Do you agree with the proposal for a compliant option based on a consistent recipe of elemental specifications for fabric, services plus an additional CO₂ saving equivalent to an amount of photovoltaic (PV). Please justify your choice.

Yes ☐ No ☐ Don't know ☒

Comments

4. The main difference between the recipes is the required system efficiency for each fuel, which is appropriate for the heating system type. By adopting this approach to different fuel types, there is no need for a separate fuel factor. Do you agree with the proposed approach?

Yes ☐ No ☐ Don't know ☒

Comments

5. For the CO₂ savings proposed, are the recipe specifications a sensible way of achieving them? Please justify your choice.

Yes ☐ No ☐ Don't know ☒

Comments

6. In approaching the selection of the amount of PV to be installed on dwellings, do you prefer?

Fixed percentage of building foundation area ☒

Proportion of gross internal floor area with a practical cap ☐

Don't know ☐

Comments

7. Do you agree that the limits on design flexibility 'backstop' values for fabric elements in new homes should be changed from the current reasonable provision in the technical guidance to become mandatory?

Yes ☐ No ☒ Don't know ☐

Comments

8. Do you agree with the changes to the 'backstop' values proposed? Please explain your decision.

Yes ☐ No ☐ Don't know ☒

Comments

9. Do you have any other comments on the proposed changes to Approved Document L1A or the domestic National Calculation Methodology? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

New non-domestic buildings

12. Do you agree with the proposal for ~~2013~~ 2014 for non-domestic buildings to explicitly regulate energy efficiency separately from low carbon technologies through the assessment of primary energy consumption (PEC)? Does PEC seem like a reasonable basis for standard setting?

Yes ☐ No ☐ Don't know ☒

Comments

13. Which package of fabric and services should be selected: 7% or 10%? Please give reasons for your choice.

7% ☐

10% ☐

Don't know ☒

Comments

14. Do you foresee any particular issues for certain categories of building to meet the TPEC or TER?

Yes ☐ No ☐ Don't know ☒

Comments

15. Which approach should be utilized to incorporate the contribution of low carbon technologies into the setting of the Target Emission Rate (TER), for non domestic buildings?

Fixed carbon reduction (in kg.CO₂/m²/year) ☐

Percentage of roof area of PV ☐

Percentage of floor area of PV

☐

Other

☐

Don't know

☐

Please give reasons for your choice

16. The proposals explain the Government's preference for a 20% aggregate improvement in CO₂ performance standards for new non-domestic buildings from ~~October 2013~~ June 2014. Which option do you prefer and why?

No change

☐

Target A: 10% aggregate improvement (1% PV)

☐

Target B: 11% aggregate improvement (No PV)

☐

Target C: 20% aggregate improvement (5% PV)

☐

Don't know

☐

Please give reasons for your choice

17. Do the proposed ~~2013~~ 2014 notional buildings as set out in the changes to the National Calculation Methodology seem like a reasonable basis for standards setting? Please provide comments on the method used to develop the notional buildings and particular elements of one or more of the notional buildings, if relevant.

Yes ☐ No ☐ Don't know ☐

Comments

18. Do you think that a further recipe should be created for buildings under 250m² and aligned with the proposed domestic recipe? Are there particular reasons why smaller buildings find compliance with the non-domestic recipes difficult? Please justify your views.

Yes ☐ No ☐ Don't know ☐

Comments

19. Although we recognise that some buildings may need to be serviced in a particular way for legitimate functional or environmental reasons, should Part L incentivise a lower carbon servicing strategy (as with the current Energy Performance Certificate methodology), by basing the notional building on mixed-mode ventilation?

Yes ☐ No ☐ Don't know ☒

Comments

20. Do you have any other comments on the proposed changes to Approved Document L2A or the non-domestic National Calculation Methodology? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

22. Overall, do you think the impact assessment is a fair and reasonable assessment of the potential costs and benefits of the proposed options for new non-domestic buildings?

Please justify your view and provide alternative evidence if necessary.

Yes ☐ No ☐ Don't know ☒

Comments

Cumulative impact of policies

23. Overall, do you think the assessment of the impact on development is broadly fair and reasonable? Please justify your view and provide alternative evidence if necessary.

Yes ☐ No ☒ Don't know ☐

Comments

The Vale of Glamorgan Council has grave concerns regarding the impact that the proposed new Building Regulations will have on the deliverability of affordable housing. The consultation document highlights that with those authorities tested (Cardiff, Cowny and Rhondda Cynon Taf) the introduction of the proposed regulations would have an impact on the viability of sites, and in turn the deliverability of affordable housing.

The assumptions provided within the viability test generalise viability, and it is the Vale's experience that viability differs across the authority, with the lower levels of viability being found in the areas of greatest affordable housing need. Consequently, the proposed measures would increase disparities of housing need within the Vale of Glamorgan and Wales as a whole.

Additionally, it is considered that the measures would undermine the LDP preparation and delivery in respect of affordable housing policies set out in emerging and adopted LDPs. Whilst the WG require affordable housing policies within LDPs to be based on viability evidence, the WG nevertheless also seek to ensure that such policies maximise the levels of affordable housing through setting targets and thresholds at the maximum of that identified in viability assessments.

Such viability assessments are based on land values and developer profits, and the proposed changes indicate that these will have to be reduced in order to meet the proposed building regulations. In areas where viability is marginal this could have result in zero affordable housing provided, or for the site to be more valuable if developed for alternative uses, thereby affecting the delivery of housing generally. This would also undermine the WG's targets for affordable housing set out in the Housing White Paper.

Consequently, it is considered that should the measures be introduced the WG should re-evaluate its programme for the funding of affordable housing to offset the likely shortfalls in affordable housing delivery as a result of the points raised above.

National Planning Policy Review

24. What role should planning play in facilitating higher carbon standards? Should it focus on facilitating site wide energy opportunities that will be needed as we move towards zero or near zero carbon buildings?

Views

Strategic role through the LDP

25. What are the implications from future (and regular) changes to the Code for Sustainable Homes and BREEAM on the implementation of the policy?

Views

26. Are the costs of assessment and certification now disproportionate to the costs and benefits of achieving a minimum sustainable buildings standard level?

Yes ☐ No ☐ Don't know ☒

Comments

27. What should be the role of local planning authorities in setting local standards above and beyond Building Regulations? How can we ensure there is a level playing field of standards across Wales?

Views

Building regs is the best place for standards to be set.

28. What do you see as the positive/negative impacts of removing Part B of the policy expecting buildings to be certified against Code/BREEAM?

Views

None if Part L takes over this role

29. Is there a better, alternative, way to rewards and secure sustainable buildings (above the regulatory minimum) other than using national planning policy? What opportunities are there for future changes to Building Regulations?

Views

30. To what extent are duplication of standard and approval systems an issue? Would the removal of the PfSB policy assist in reducing duplication?

Views

31. What opportunities are there for higher standards to be delivered on strategic sites identified as part of the Local Development Plan?

Views

Existing buildings

- ~~32. Do you agree with the proposal to raise performance standards for domestic replacement windows? Please explain your answer.~~

~~Yes~~ ☐ ~~No~~ ☐ ~~Don't know~~ ☐

Comments

33. Do you agree with the proposal to raise performance standards for domestic extensions? Please explain your answer.

Yes ☐ No ☐ Don't know ☒

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

35. Do you agree that the exemption for conservatories or porches should be removed where an individual room heat or air conditioning unit is installed? How effective would this change be in limiting energy use/emissions, or are there other ways by which energy performance might be improved where conservatories or porches are installed?

Yes ☐ No ☐ Don't know ☒

Comments

36. Do you agree with the proposal to require consequential improvements upon extensions or increases in habitable space in existing homes below 1000m²? Please explain your view.

Yes ☐ No ☐ Don't know ☒

Comments

37. The consultation explains that the regulatory requirement for consequential improvements upon domestic extensions or increases in habitable space would be limited to a list of measures comprising a minimum standard of loft insulation, hot water cylinder insulation and the installation of cavity wall insulation.

Do you agree with this list of measures? ☐

Should this list be different (please explain below)? ☐

Another approach (please explain below) ☐

Don't know ☒

Comments

38. What effect do you think the requirements for consequential improvements may have on the demand for repair, maintenance and improvement activity? Please use evidence to explain your answer.

Increase demand ☐

Reduce demand ☒

No effect ☐

Don't know ☐

Comments

39. Do you agree with the proposal to introduce consequential improvements upon extensions or increases in habitable space in non-domestic buildings under 1000m²? Please explain your view.

Yes ☐ No ☐ Don't know ☒

Comments

40. The consultation proposes that for non-domestic buildings, any measure from list which is used to generate Green Deal assessments, the list in SBEM used to generate Energy Performance Certificate recommendations and the existing list of typical consequential improvement measures from Approved Document L2B should be eligible to be a consequential improvement. Do you agree?

Yes ☐

No ☐

Prefer a different list (please specify) ☐

Don't know ☒

Comments

41. Do you agree that there should not be major problems in extending the requirement for consequential improvements for the building control process? If you do foresee issues, what are they and how might these be addressed?

Yes ☐ No ☐ Don't know ☒

Comments

42. Do you have any other comments on the proposed changes to Approved Document L1B? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

43. Do you have any other comments on the proposed changes to Approved Document L2B? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

Compliance and Performance

47. For new dwellings, Welsh Government is proposing to develop a compliance checklist. Do you think such a checklist would be used sufficiently to warrant its development?

Yes ☒ No ☐ Don't know ☐

Comments

48. If such a checklist was developed, what should it cover?

Comments

49. If the checklist was taken forward, who should be involved in its development?

Comments

LABC

50. Would any other approach be likely to prove more effective instead (such as a PAS⁵ type approach).

Yes ☐ No ☐ Don't know ☒

Comments

51a. Would it be preferable for buildings of a domestic nature to be able to achieve compliance through applying the recipe in AD L1A, in acknowledgement of the domestic nature of such buildings, rather than demonstrating compliance with AD L2A?

Yes ☐ No ☐ Don't know ☒

Comments

⁵ A PAS is a Publicly Available Specification, and the PAS would set out a quality assurance approach.

51b. What are the arguments for and against this approach?

Comments

52. Additional views and suggestions for addressing compliance and performance issues in new non domestic buildings would be welcome.

Comments

53. Is the newly formatted ADL1B easier to understand and use?

Yes ☐ No ☐ Don't know ☒

Comments

54. Are there any further amendments to the newly formatted ADL1B that you would recommend? If so, please provide details.

Yes ☐ No ☐ Don't know ☒

Comments

55. How do the consultation proposals impact on the work of Local Authorities and Approved Inspectors? Please give positive and negative impacts.

Comments

A negative impact is likely to be more unauthorised works

56. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

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CONSULTATION RESPONSE



Proposed Changes to Part L of Building Regulations

30/10/2012

1. Initial comments on the consultation proposals

We are deeply concerned with the proposals set out by the consultation documentation - i.e.

1. Higher standards of energy performance for new and existing buildings, the options being:

2. A phased 40% improvement in Part L 2010 for new housing with an effective date of January 2015, or a staged 25% improvement in 2014 followed by a review in 2016 to increase standards to zero carbon before the end of the decade;

In terms of the above, we have been informed by the Welsh Government that the 40% improvement option is the 'preferred option'.

Throughout our evidence, we raise a plethora of concerns with respect to the changes outlined in the consultation proposals and also with respect to the background information provided to support the changes. We deal with these issues in turn throughout evidence submission below, however to begin with, we feel it necessary to highlight a particular concern that seems to presents itself almost from the outset. That is, we are acutely concerned by the fact that the proposed changes, including the 'preferred option', are still being considered, despite being undermined considerably by the 'evidence' provided to support the proposals.

In this respect, it is evident that the supporting information does not, in any way, demonstrate that what is being proposed is viable and deliverable. It is also evident that

what is being proposed also does not stack up in terms of the analysis of costs and benefits provided by the Regulatory Impact Assessment. When a new policy or regulatory change is being proposed, one would expect the supporting information for that policy/piece of regulation to demonstrate that the proposed changes are founded on robust evidence and are capable of being delivered, taking into account their own requirements and the wider context in which they will exist. However, the evidence put forward to supplement the building regulation changes does not offer this support on any level. It also does not demonstrate that the proposals are viable or deliverable, it does not demonstrate that the proposed changes are cost effective, neither does it demonstrate that the proposals would be the most effective way and practical to achieve the European target of 'near zero carbon' buildings by 2020.

In light of the above, we are perplexed at the decision to continue to put forward the changes proposed, particularly given that, in our view, the background evidence systematically fails to demonstrate that the proposals are viable, deliverable or appropriate for adoption in Wales.

2. Specific comments on the proposals

2.1 Viability, deliverability and political conflict

2.1.1 Viability and deliverability assumptions

In terms of viability and deliverability, the *Cumulative Impact of Policies* section under paragraph 3.3 of Section 1 of the consultation documentation, contains a section on viability modelling. However, this section by no means demonstrates that the proposed regulation changes are viable. Indeed, we believe it proves the opposite. For instance, paragraph 95, fifth bullet point, states “*Higher construction costs are likely to be accommodated in higher land value areas (Cardiff, Newport, Swansea) for both the 25 and 40% improvement through realistic reductions in planning contributions, developers profit and/or the land value paid to the land owner.*” Essentially, this paragraph suggests that high values areas could accommodate the proposed changes, if planning obligations are reduced and developer profits/land values are reduced. However, if the study was undertaken robustly, the results would have demonstrated that achieving these qualifying requirements would not be as straight forward as anticipated.

For example, we believe the suggestion that land values can simply be reduced to facilitate delivery, fails to recognise the potentially significant impact the cost of the proposed regulations would have on land values in many areas of Wales. We provide a detailed example of the impact of the proposed regulations on land values in Chapter 3 below.

Further to the above, we also believe the suggestion that land values and section 106 obligations can be reduced to facilitate delivery also fundamentally misunderstands the way in which local planning policies, particularly policies with respect to affordable housing are created. In this respect, through the LDP process, policies on affordable housing are always adopted with ‘aspiration’ in mind. That is, whilst the formation of affordable housing policies should be based on evidence with respect to viability, the Welsh Government always insists on affordable housing policies being aspirational. The Welsh Government believes that affordable housing policies should be ‘challenging’ in order to ensure the margins of viability are squeezed to enable the maximum amount of affordable housing to be delivered. Therefore, when affordable housing policies are formulated, they are always at the more challenging end of the scale and there is an expectation, which is consistently repeated by the Welsh Government, that land values and developer profits will need to reduce, in order to ensure the delivery of affordable housing is pushed to the limits.

As such, in terms of the suggestion that land values and developer profits can be reduced to deliver the proposed building regulation changes, it is clear that local authorities have already exhausted this approach in setting affordable housing targets through LDPs, and therefore the scope to make any further alterations to land values, developer profits or planning contributions is virtually nonexistent. Again, given that it is the Welsh Government that insists on affordable housing policies being created in this way, we are confused as to how this has not been fully recognised within this consultation.

In addition to this, the Welsh Government also insists on affordable housing policies being linked to performance of the market and the general economy, in order to ensure that when conditions improve (e.g. house prices increase or costs decrease) the amount of affordable housing can increase correspondingly. In all cases the Welsh Government

expects affordable housing policies to be formulated and adopted within Local Development Plans in this way, and the Monitoring section of the LDP aims to ensure this process works effectively. Therefore, we can see that any improvement in margins that might occur in the future to aid with housing delivery and/or costs, will immediately be offset by higher affordable housing policies. As such, any future improvement in the economy or housing market is therefore unlikely to provide any flexibility to deliver increased building regulation standards.

Also, in terms of developer profit, the consultation information states that the Three Dragons Toolkit has been used to inform the viability analysis. Indeed, the information provided by the WG with respect to their own viability assessment confirms that the default values from the Three Dragons model were used. In terms of the Three Dragons model, all the default values were discussed in detail with the Three Dragons consultancy when devising the Wales version of the Toolkit, and the Welsh Government was an integral part of the working group that was commissioned to formulate the Toolkit. The working group also had membership from the 10 local authorities in South East Wales, as well as the HBF and a wide range of attendees from the home building industry. Crucially, the final version of the Welsh version of the Toolkit was agreed by all parties involved in the working group, including the Welsh Government and therefore, the default values, including developer profit, were also agreed.

In this respect, the profit levels assumed in the Toolkit are minimum profit levels required by developers in order to ensure funding can be secured to allow developments to proceed. As we state above, this was agreed by all parties in the working group. As such, to now suggest that developer profit could somehow be reduced, in order to make the proposed regulation changes appear viable and deliverable, is clearly not a credible caveat to propose. We are also surprised that the Welsh Government would offer this caveat, given their detailed involvement in the creation of the Wales version of the Toolkit.

In light of the above, we believe it is important to stress that any proposed reduction in developer profit levels is simply not an option and would render the viability analysis unsound with respect to the assumptions used to inform it.

Further to this, the profit levels have also been confirmed to represent minimum requirements by banks and lending institutions. Indeed in some circumstances, particularly in West Wales where the majority of homes are constructed by smaller developers, lending institutions have stated that these profit levels would be insufficient to allow funding to be secured. In Ceredigion for example, lending institutions that were present at their Affordable Housing Viability Assessment meeting stated that a minimum of 25% gross profit would need to be demonstrated to allow a scheme to be considered viable. The developers at the meeting also confirmed this to be the case.

In light of the above, it is clear that there is very little, if any, scope to further reduce land values or developer profits in order to aid in the delivery of these proposals. In addition to this, given that the results of our viability analysis in Chapter 3 below, and also given the fact that the Welsh Government's own analysis of the viability of the proposals quite effectively demonstrates that proposed regulations are neither viable or achievable, we do not believe this simple caveat provides a sufficiently robust qualification to ensure that the proposals would indeed be deliverable in all areas across Wales.

2.1.2 Conflicting Political aspirations – the importance of affordable housing

We discuss above the importance attached to the delivery of affordable housing from a national and local government perspective. However, we believe these consultation proposals offer a complete different view of the importance attached to the affordable housing delivery, which directly conflicts with the view espoused by the Welsh Government.

We provide a more in depth analysis of the potential impact of the proposed regulations on affordable housing delivery within our section on '*the cumulative impact of regulation*' below. However, in the first instance, we believe it is important to consider the way in which the consultation deals with affordable housing and how affordable housing has been used, and is expected to be used, in order to make the proposed regulations changes appear viable and deliverable.

Firstly, the consultation information states that, in the quest to understand how the proposed regulation changes can be deemed viable and deliverable, the delivery of affordable housing has been considered to be a 'variable'. This will believe directly contradicts one of the primary objectives of the Welsh Government, which is to deliver an **increase** in affordable homes for the people of Wales. In this respect, we cannot understand how on the one hand the Welsh Government can attach such a significant priority to the delivery of affordable housing, but on the other hand consider the delivery of affordable housing to be a 'variable' in order to help deliver separate proposed policy and regulatory changes.

In terms of the above, the sixth bullet point under paragraph 95 of Section 1 of the consultation documentation perhaps provides the most damning indictment of importance attached to the delivery of affordable housing and how the proposals would impact on affordable housing delivery. This bullet point states that in addition to **no contribution to affordable housing** a reduction in developers profit or land value would be required if the development was to be considered viable.

In terms of this statement, we cannot understand how proposed regulatory changes can be issued by the Welsh Government that require affordable housing delivery to be abolished in order to ensure delivery. Notwithstanding the viability issues we outline above, (and in detail below), the Political message this send out is vastly at odds with everything we have heard on a national scale and everything that is being pursued at a local level. We have been informed that there is a certain amount of '*Political will*' behind the proposed regulation changes, however, we would argue that there is a lot more '*Political will*', both nationally and locally, behind the delivery of affordable housing. Furthermore, considering our viability analysis in Chapter 3 and the potential impact of the proposed changes on development viability, particularly in 'lower land value areas', (which are very much in the majority when it comes to the developable landscape of Wales), it is clear these proposals would result in a wholesale eradication of affordable housing delivery across Wales, which surely cannot be an acceptable consequence to bear. As a home building federation body, we strongly object to the proposals on these grounds.

In light of the above, we cannot understand how the Welsh Government can offer a 'preferred option' for regulatory change that seriously compromises the delivery of

affordable housing across Wales. When considered in tandem with the viability issues that currently exist in many areas of Wales and the lack of flexibility in land values in those areas to aid with delivery (our viability analysis below emphasises these points), it is clear that affordable housing delivery would be severely curtailed (or even eliminated) in vast areas of the country for the foreseeable future, if the proposed regulations are introduced. In light of this, we are unable to fathom how the Welsh Government can seriously consider introducing these proposals, particularly given their robust commitment to increase the delivery of affordable homes in Wales, and also given the importance of housing delivery, including affordable housing delivery, to the social and economic success of the country.

2.1.3 Regulatory Impact Assessment

In terms of the costs and benefits of the proposed changes, there is a Regulatory Impact Assessment that accompanies the consultation proposals. In terms of the RIA, the conclusions clearly state that the proposed changes to newly built homes result in a **net cost** to society. In fact, when the RIA is studied in detail, it is clear that the vast majority of the carbon savings are achieved by alterations to non-domestic buildings (paragraph 12 of the RIA confirms). As such, it is clear that the changes proposed to new dwellings represent a significant **cost** to society and it would actually be the changes to non-domestic properties that would make any real terms efficiencies with respect to the costs and benefits of facilitating carbon emissions reductions in Wales.

Further to this, given that the development and regulation of new dwellings does not relate to non domestic buildings in any way, we cannot understand why the RIA for non domestic buildings should influence the RIA for new dwellings. We believe it is unfair and inappropriate to amalgamate the RIA results to form an overall conclusion that the proposed regulation changes 'stack up'. Clearly these two forms of development are very different and one has very little (if any) bearing on the other. As such, we believe the only conclusion to draw from the RIA is that the proposed regulation changes (25% and 40%) should not be pursued, as they represent a significant net cost to society, rather than a net benefit.

Furthermore, we must also consider the RIA undertaken for the fire suppression systems proposals and the impact this would have on the proposed regulation changes. The

cost/benefit analysis that was undertaken for the fire suppression system proposals also clearly demonstrates that there would be significant net cost to society, if the proposals were introduced. In this respect, given that the fire suppression systems legislation directly affects the construction and delivery of new dwellings, we believe it would be appropriate to consider this RIA in tandem with the RIA to inform the proposed changes to Part L of building regulations. In this respect, if one were to combine both RIA's, the conclusion would be clear i.e. there would be a significant net cost to society and therefore, the proposed changes should not be pursued.

2.1.4 Welsh Government's sensitivity analysis – development mix assumptions

We are concerned with the development mix assumptions used to inform the viability analysis and regulatory impact assessment, which by the Welsh Government's own admission, do not correspond with what the home building industry stipulates to be an appropriate development mix assumption. In this respect, we have canvassed our membership on this issue and the consensus is that a development mix should assume no more than 10% flatted development, with some members indicating that it should be as low as 5%. As such, we believe the flatted development assumptions have been significantly over estimated within the consultation proposals.

In terms of the impact of reducing the percentage of flatted development assumed in the Regulatory Impact Assessment, Table 8 under paragraph 63 of the assessment displays the assumptions utilised in the consultation proposals, compared with the assumptions put forward by the home building industry as a result of the initial consultation undertaken by the Welsh Government. This table is repeated below.

Table 8. Alternative domestic property build mix

	Central assumption	Sensitivity assumption
Detached	30%	34%
End terrace/semi-detached	38.5%	42.5%
Mid-terrace	10.5%	13.5%
Apartment	21%	10%

If you consider the table above, it is clear that the assumptions for detached, EoT/semi and mid-terraced properties are relatively similar, albeit there is more emphasis on larger dwelling types. However, the assumption with respect to flatted development is vastly

different, which concurs with the results of our consultation exercise. In light of this, we believe the assessment should have been based on the sensitivity assumption, rather than the central assumption, as clearly this would more accurately reflect the nature of development that would actually be constructed in the foreseeable future.

If the sensitivity assumption was used as the basis for the assessment, clearly the results of the assessment would have been significantly different. In this respect, if you consider paragraph 64 of the Regulatory Impact Assessment, this states that reducing the assumption for flatted development makes the RIA worse, i.e. the proposals will have a more significant negative impact on society. Furthermore, reducing the level of flatted development in the build mix would also further compromise development viability, given that there would be an increase in the proportion of homes with more costly construction requirements into the mix. Given our comments on viability throughout this evidence submission, and also given the comments from our members on the likely development mix that will be constructed in the foreseeable future, this is clearly of significant concern and will have an even greater detrimental impact on land values and hence housing delivery across all areas of Wales. As such, we believe the development mix assumptions are incorrect and the assessment should have been based on the sensitivity assumption rather than the central assumption.

2.1.5 European 20/20 target

The consultation proposals make reference to the need for all European Member States to abide by the recast of the 2002 Energy Performance of Buildings Directive (Directive 2010/31/EU). This Directive states that all new buildings should be 'near zero energy' by 2020 and the Welsh Government believes their proposals provide the best and most practical route to achieve this target.

However, we disagree with this assumption. Clearly a significantly important part of the journey towards the 2020 target will be to ensure that such energy efficient homes are actually provided. If homes are not provided, not only will it have a severe impact from a social and economic perspective, but it will also significantly compromise the ability for the construction industry to improve its 'learning rates' and develop the skills and knowledge to effectively construct homes to higher energy efficient standards. This would also have a knock on effect on 'learning rates' in the energy industry and would

significantly compromise the ability for manufacturers etc to refine current technologies and develop new technologies to ensure our energy consumption is managed and reduced in the most effective and efficient way. In this respect therefore, clearly these current proposals are not the most effective path to meeting the 2020 target, given that they will significantly reduce the amount of viable and deliverable land for development in many areas of Wales and hence, seriously compromise the delivery of homes in the period to 2020.

In light of the above, we believe it would be imprudent to consider these proposals as a practical path to meeting the 2020 target. Given that the WG states that the 'preferred option' would be considered the maximum level of energy saving one could achieve 'on site', and given the negative impact the proposed changes could have on housing delivery, we do not see the necessity for such a sizeable and rash alteration to building regulations at such an early juncture in the process. We believe these proposals could actually damage Wales' ability to achieve the 2020 target and this should be seriously considered when deciding whether or not to introduce the changes as proposed.

2.2 Initial conclusions

In light of our evidence above, in our view it is clear that the information and evidence submitted with the proposed regulation changes demonstrates (by some margin) that the proposals are not viable, deliverable or suitable for adoption in Wales.

It is clear that the Regulatory Impact Assessment for newly built homes does not stack up, the viability analysis demonstrates that land values will be severely affected, and there is a raft of evidence that is simply unsupported, particularly the notion that land values or developer profits can be altered in order to ensure the proposals are viable and workable. Furthermore, it is also evident that the proposed changes are highly unlikely to facilitate any successful achievement of the European 2020 target, given that they would significantly reduce housing delivery across Wales, which would have a knock on impact on the way in which technologies are refined and created, and also the extent to which 'learning rates' are improved both in the energy and construction industries in Wales.

In addition to the above, there is also a significant issue in terms of what is being proposed from a Political viewpoint. The Welsh Government's aspirations for housing

delivery and affordable housing delivery have been made crystal clear, particularly through recently released documents such as the Housing White Paper. However, these proposals offer a completely different message with respect to affordable housing delivery and we must reiterate that we cannot possibly understand how the Welsh Government can put forward a set of regulatory changes, particularly a change that is labelled a '*preferred option*', that would require affordable housing delivery in many areas of Wales to be abolished.

As a result of our initial evidence above, we do not believe the any of proposed regulatory changes for newly built homes, as outlined by the consultation proposals (and repeated below), should be pursued.

2. A phased 40% improvement in Part L 2010 for new housing with an effective date of January 2015, or a staged 25% improvement in 2014 followed by a review in 2016 to increase standards to zero carbon before the end of the decade;

3. Residual land values and the cumulative impact of regulation

i. Introduction

As we have stated in our initial evidence above, we believe the proposed changes to building regulations will have a significant detrimental impact on land values and development viability in Wales. In this respect, the consultation evidence provides a brief description of how the proposed changes might affect land values and development viability, which suggests that the Welsh Government agrees with our concerns. However, this exercise is rather limited in our view, as it only considers the impact on housing development in three local authorities in Wales i.e. RCT, Conwy and Cardiff and does not fully demonstrate the implications of the proposed regulatory changes on the delivery of homes, including affordable homes, in these areas.

In terms of this exercise, Tables 3.6 and 3.7 of Section 1 of the consultation documentation provide an indication of percentage reduction in land values when the proposals are introduced. The tables are repeated below and also assume that 0% affordable housing is delivered in these areas.

Table 3.6: A 25 dwelling development

	% land value reduction against current policy		
	Rhondda Cynon Taf	Conwy	Cardiff
25%	13% (0%)	10% (0%)	7% (0%)
40%	15% (0%)	12% (0%)	8% (0%)
sprinklers	10% (0%)	4% (30%)	2% (0%)
25%+sprinklers	22% (0%)	14% (0%)	8% (0%)
40%+sprinklers	25% (0%)	17% (0%)	10% (0%)

Table 3.7: A 50 dwelling development

	% land value reduction against current policy		
	Rhondda Cynon Taf	Conwy*	Cardiff
25%	12% (0%)	2% (0%)	7% (0%)
40%	15% (0%)	5% (0%)	8% (0%)
sprinklers	4% (0%)	0% (3%)	2% (0%)
25%+sprinklers	16% (0%)	7% (0%)	9% (0%)
40%+sprinklers	18% (0%)	10% (0%)	10% (0%)

As you can see from the tables above, there is a considerable reduction in land values in each local authority for both the 25 and 50 unit developments, before any element of affordable housing has been taken into account. This provides a useful high level insight into how the delivery of affordable housing might be affected. For instance, the recently adopted Local Development Plan for RCT already states that just 10% affordable housing is achievable in the Northern Strategy Area. Clearly the addition of an 18% - 25% reduction in land values will have a significant impact on the delivery of affordable housing in this area to the point where absolutely no affordable housing would be viable. In this respect, if we consider the relevance to other areas in Wales, the picture is equally as bleak.

In Caerphilly for example, their adopted LDP does not require any contribution to affordable housing in some areas of the authority, due to the issues experienced with development viability. We are aware that the Council has ambitions to deliver affordable homes in these areas and are hoping that conditions might improve in the future to enable them to do so. However, clearly the addition of a significant reduction in land

values on top of this, would seriously compromise affordable housing provision in these areas well into the foreseeable future.

Further to the above, in terms of Merthyr's LDP, Policy AS22 attempts to deliver 10% affordable housing in the Primary Growth Area and 5% affordable housing in the Secondary and Other Growth Areas. In this respect an 18% - 25% reduction in land values will completely wipe out the ability for Merthyr to deliver any affordable housing over the whole authority, which would effectively make their LDP Housing Strategy, and hence the LDP itself, 'unsound'.

In light of the above, we can see that the proposals have the potential to impact significantly on development viability to a point where the ability for local authorities to deliver housing and indeed affordable housing would be virtually eliminated. This, we believe, cannot provide a sound basis for regulatory creation, particularly when we consider that the proposed regulations would be required by law and therefore would be non-negotiable on all developments across Wales.

3.1 Detailed viability analysis

Taking this initial analysis of viability into account, it is clear the building regulation changes as proposed are neither viable nor deliverable. However, whilst this exercise provides a useful indication of the likely impact on land values, it does not demonstrate the full impact on land values in each area, and potentially across Wales, and also does very little to translate what this impact might mean with respect to housing delivery. As such, we believe a more in-depth analysis is required in order to demonstrate the significant impact the proposals will have on land values and development viability, and the consequent impact on housing delivery, in many areas of Wales.

In order to do this, we have made an assessment of the impact of the proposals across a number of local authority areas in Wales, using data taken directly from studies undertaken by each local authority. The example areas we have used are Bridgend, Caerphilly, Merthyr, Monmouthshire, RCT, Torfaen, Vale of Glamorgan, Conwy, Newport, Brecon Beacons National Park and Carmarthenshire, as these local authorities have all undertaken Affordable Housing Viability Assessments (using similar methodologies), in order to assess the impact of affordable housing requirements on land values within their

respective authority areas. This also provides a good spread of authorities from across Wales, including high value areas, low value areas, rural areas and national parks. From these assessments, it is possible to illustrate the impact of the proposed regulation changes, together with the impact of current regulations (planning and otherwise) on land values, and hence on the viability of housing development as a result. It is also possible to further highlight the devastating impact the proposals will have to the provision of affordable housing in these areas, which again we reiterate, is considered to be a 'national priority' by the Welsh Government.

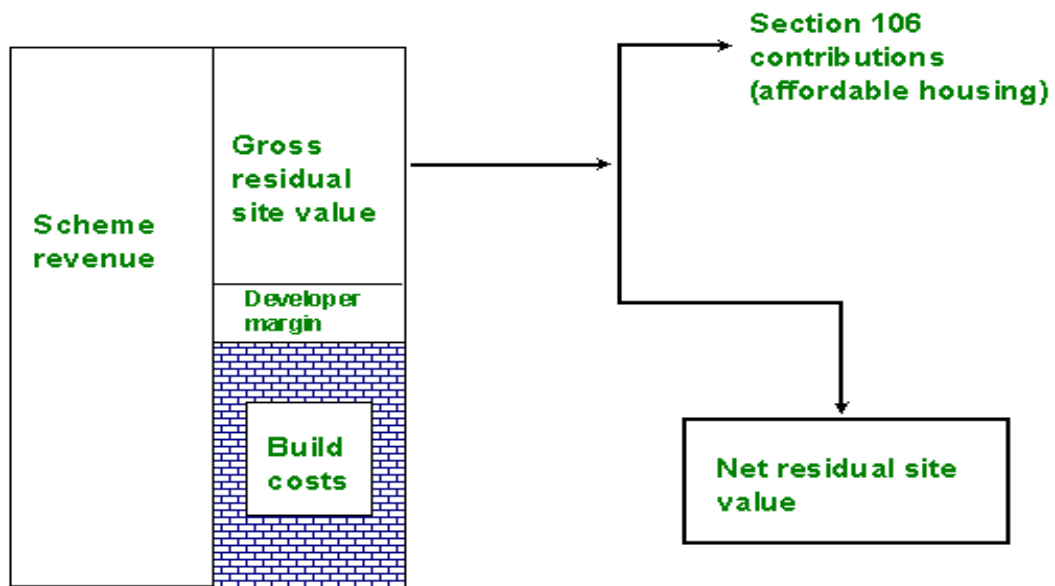
3.1.1 Methodology for the assessment

As we state above, the source data has been taken from the Affordable Housing Viability Assessments undertaken by each local authority in collaboration with the Three Dragons consultancy, which follow a 'residual valuation approach'. In essence this methodology can be explained as follows:-

- **Assumed Gross Development value of the site (the total sales revenue)**
 - *Minus*
- **Development costs (Build Costs, Finance Costs, Overheads etc)**
 - *Minus*
- **Developer Profit**
 - *Minus*
- **Section 106 Contributions (Affordable Housing, Education, Transport, Open Space, Public Art etc)**
 - *Equals*
- **Final Residual Value**

Crucially, the *Final Residual Value* must be sufficient to incentivise the land owner to sell their particular piece of land for development, otherwise the scheme will not go ahead. Therefore, simply achieving a positive residual value does not indicate development would be viable. The residual value must be at least comparable to current residential land values in any particular area, in order to ensure there remains the possibility of facilitating the sale of the land in question for residential development.

The following diagram is given within each affordable housing viability assessment to illustrate the process.



Within each assessment, the above methodology is used to achieve a net residual land value. However, the Three Dragons assessment model assumes the test development site is a 'notional' 1 hectare site that is free from constraints and ready for development. As such, in order to ensure the viability assessment is realistic with respect to development in Wales, and in order to demonstrate the impact of the proposed regulatory changes, (and other development requirements) on the final residual value, it will be necessary to include some additional data into the assessment. We set this out in detail below.

a) Assumed cost of the proposed changes to Part L of Building Regulations and Fire Sprinklers

Firstly, we need to include the potential costs of the proposed changes to building regulations. In terms of the costs, there are several pieces of information provided in various parts of the consultation documentation that provide information on potential additional construction costs for the proposed changes. However, perhaps the most useful indication of costs is provided in Table 3.2 (repeated below), which provides an indication of the likely cost of the changes to Part L for different dwelling types, in addition to an average cost per dwelling.

Table 3.2: Increases in capital costs

	Mid terrace house	End of terrace house	Detached House	4-storey apartment block	Average cost per dwelling
25% reduction	£2,000	£3,000	£5,100	£1,800	£3,300
40% reduction	£2,800	£3,900	£6,600	£2,300	£4,200

In light of the above, for the purposes of our assessment, we will use the average cost per home for each proposed building regulation change i.e. 25% and 40%.

In addition to the cost of building regulations, it will also be necessary to make an assumption of the cost of installing fire suppression systems, which mirrors the methodology used in the viability analysis undertaken by the Welsh Government.

In terms of the requirement for sprinklers, if you study Table 3.4 of Section 1 of the consultation documentation, the cost of sprinklers has been assumed as being £3075 per dwelling. Therefore, and given this is also an average cost, it will be appropriate to include this within our viability assessment, in order to arrive at an approximate overall cost for the changes as proposed.

In light of the information above, a summary of the costs we have used is provided below.

Average additional cost to development

- 25% change to Part L - £3,300
- 40% change to Part L - £4,200
- 25% plus sprinklers - £6,375
- 40% plus sprinklers - £7,275

b) Site abnormalities and remediation

As discussed above, the Three Dragons assessment model does not make an allowance for the cost of site remediation and abnormalities. In this respect, considering that (in line with national guidance) most local authorities seek to maximise the reuse of previously

developed land, and also considering nature and composition of much of the developable land in many areas of Wales, we believe it is entirely reasonable to make an allowance for these requirements. In addition to this, it is clear that through the viability analysis undertaken by the Welsh Government to inform the consultation proposals, an allowance to reflect the additional costs of remediation has also been included. As such, we have canvassed our membership to try and ascertain the appropriate cost to assume for these requirements within our viability assessment.

In this respect, from the consultation exercise we undertook with our membership, we received a number of examples of the costs associated with site remediation and addressing abnormal constraints. Some of the costs we received were estimates, whilst others were actual costs taken from recently developed sites. In terms of figures, the costs ranged from 115k per acre for more straightforward sites, to over 400k per acre for more difficult sites. On average however, from the list of sample sites that were provided and from the comments we received, the cost of remediation and addressing abnormal constraints was considered to be approximately £220k per acre. A list of the sample sites and costs received as a result of our exercise is provided within Appendix 14.

Further to the above, we also received reports from Intégral Géotechnique and Arup outlining a summary of the typical costs of remediating sites in Wales. We enclose a copy of both reports in Appendices 14 and 15. As you can see from these reports, the organisations are professional consultancies that specialise in site remediation and the redevelopment of housing sites. Both organisations have extensive experience and expertise in developing land in many areas of Wales for a variety of different clients and therefore, we have no doubt that the cost estimates provided within these reports are robust and accurate. In terms of figures, as you can see from the reports the typical costs provided for site remediation and addressing abnormal constraints ranged from between £175k per acre and £325k per acre, which on average works out at £250k per acre. However, it is evident from the advice given within the reports that due to topography and the general nature of development sites in Wales, the actual costs could be well in excess of the figures quoted. As such, we believe this should be considered a conservative estimate.

In light of the evidence above, when the costs are considered in detail, along with the various caveats provided and the comments on the nature of developable land available

in Wales, we believe a reasonable average cost to assume for remediating sites and addressing any abnormal constraints would be £250k per acre or £617,500 per hectare. As such, this is the cost we have used within our viability assessment.

In terms of the above assumption, we understand that it does not directly correspond with research undertaken by the Welsh Government. However, we believe our research is robust. Our research contains information and evidence on site remediation and abnormal costs from a wide range of sources in the home building industry and from specialist organisations that are class leaders in this field.

Notwithstanding this, and to recognise that the WG has also provided information on these issues, we have undertaken a sensitivity analysis within our viability assessment to ascertain the impact on land values and development viability when the Welsh Government's cost assumptions are included. This is considered in detail in later section below.

c) TAN 22 Sustainable Buildings Standard

In addition to the costs above, it will also be necessary to make an assumption for the costs associated with developing to the Welsh Government's Sustainable Buildings Standard set out by TAN 22. This will be necessary as the build costs within the Three Dragons Toolkit do not include an assumption for achieving this standard. In addition to this, the WG's viability analysis also assumes a cost for this, which is set out as follows:-

- £5,000 per detached dwelling
- £4,000 per terraced dwelling
- £2,500 per apartment dwelling
- Average - £3833 per dwelling

As such, we have used the average cost within our assessment of £3833 per dwelling, in line with the Welsh Government's assumptions.

d) Sustainable Urban Drainage Systems

Given the requirement for Sustainable Urban Drainage on virtually all development sites in Wales, we believe it is also important to provide an assumption for the cost of installing SUDS solutions on development schemes within the viability assessment. Again, we have taken advice from the Welsh Government's viability analysis on this and assumed an average cost of £500 per dwelling. However, our members believe the actual costs can be a lot higher than this and therefore, this cost assumption should be considered a very conservative estimate.

e) Other Section 106 requirements

When discussing the potential cost of development, it is also important to discuss the issue of *Other Section 106* contributions. Within each affordable housing viability assessment, the local authority has made an assumption of what section 106 obligations will be required other than the requirement for affordable housing. Each authority has also assigned a cost to those requirements in order to inform the viability assessment. In this context, the '*other section 106*' costs assumed by each local authority within their respective assessments are given below:-

- Bridgend - £5000 per plot
- Caerphilly – Caerphilly Sub Market - £8500 per plot & other areas £5000 per plot
- Merthyr – Merthyr Sub Market £1361 per plot and other areas £600 per plot
- Monmouthshire - £6000 per plot
- RCT - £5000 per plot
- Torfaen - £4749 per plot
- Vale of Glamorgan - £5,000 per plot
- Conwy - £7,500 per plot
- Newport - £5,000 per plot
- BBNP - £5,000 per plot
- Carmarthenshire - £5,000 per plot

In terms of the figures above, they are assumed averages and in many cases can be considerably lower than the actual cost of section 106 requirements on development sites. In support of this view, we would invite you to study RCT's recent Planning Obligations SPG, where the cost of the planning obligations requirements when totalled amounts to significantly more than the £5000 estimate as given within their viability

assessment. In addition to this, Merthyr Council, along with a number of other council's, have recently announced an intention to charge a fee for monitoring Section 106 obligations, which again is something that was not considered within their particular affordable housing viability assessment.

Further to the above, the recent changes as a result of the Flood and Water Management Act and the additional costs involved in the new proposals (increase in development standards, increased bonding levels etc) have also not been taken into account in either the affordable housing viability assessments produced by each local authority or the Welsh Government's viability analysis. Therefore, in most cases the actual cost of the additional requirements on development is likely to be much higher when everything is taken into account.

Crucially, we believe the point to be highlighted here is that the figures assumed in the viability assessments by each local authority are quite conservative ballpark assumptions, which are not based on current policy and requirements as given within their respective planning policy documents, or the necessary realities of developing on land in Wales. For this reason, we believe the assessments should be treated with caution and should be assumed to represent an extremely conservative assessment of the impact of the proposed regulation changes on land values in Wales.

3.1.2 Results

In light of the exercise above, the results and conclusions are described below.

The graphs within the Appendices 1 to 12 below display the impact on residual land values within each local authority area, at varying affordable housing percentages, when the above exercise is undertaken.

You will see from the graphs that a significant number of the areas tested displayed negative residual land values, at all proposed regulation change options and without any contribution to affordable housing. In light of this, it is abundantly clear that reducing land values or affordable housing percentages in order to make the proposed regulations viable is **not an option.**

In terms of figures, for the proposal regulation changes without sprinklers (25% and 40%), out of the areas tested, 42% of the sites have negative residual land values at 0% affordable housing. When sprinklers are added to the assessment, 44% of the areas tested (at both 25% and 40%) have negative residual land values at 0% affordable housing. Further to this, you can also see that land values in most areas fall well below the negative value threshold, which demonstrates the lack of capacity to negotiate any planning obligations in an attempt to negate the significant additional cost of the proposed changes. Again, we believe it is important to note that merely because a development appraisal shows a positive value does not mean the development in question would be viable. As we have stated above, the residual value of site must be sufficient to enable a developer to purchase the site from a landowner, which means the value must be at least comparable to current residential land values in the area. However, in the majority of cases, a debate on what would be an acceptable land value would be rather fruitless, given that land values fall well into negative territory.

Further to the above, if you consider the results at 10% affordable housing, the situation becomes far worse. For instance, for the 'preferred option' of 40%, 63% of the areas tested have very low or negative residual values. In addition, if you include the cost of sprinklers, the percentage of areas that achieve low or negative residual values increases to 64%.

Finally, to further highlight the impact of the 'preferred option', the graph within the Appendix 12 gives an indication of what residual land values would look like in some of the main areas of each local authority, if the '40% improvement plus sprinklers' option were adopted and assuming a 10% affordable target. In terms of this graph, you will see that the only areas capable of supporting housing growth are the very high value areas, with all other areas achieving negative residual land values.

In light of the above, you can see that if a 10% affordable housing target was assumed, both the 25% and 40% options would not be workable in nearly half of the areas tested, despite whether or not the cost of sprinklers is added to the assessment. In this respect, given the Welsh Government's priority to increase the delivery of affordable housing and also given the majority of local authorities in Wales have affordable housing policy targets well in excess of 10%, we believe this demonstrates that the proposals would not be

viable in the majority of areas in Wales. We also believe this demonstrates that the proposals, in whatever form, would have a significant detrimental impact on the delivery of affordable homes in Wales, which effectively substantiates our concerns voiced above that the regulation changes would severely compromise the Welsh Government achieving one of its highest priorities i.e. an increase in the delivery of more affordable homes in Wales.

3.1.3 Sensitivity Analysis – Welsh Government's costs

As we mention above, Welsh Government's estimates for the cost of remediation differ to the costs assumed in our viability assessment. We have also noticed a number of other differing costs between the WG's assessment and our assessment. As such, it will be necessary to undertake a brief sensitivity analysis of our viability exercise to account for this variation in costs.

Below is a list of the costs included in the Welsh Government's assessment that differ from our assessment.

i) Site remediation

- 5 unit schemes - £18,750 or £3750 per dwelling
- 25 unit schemes - £65,625 or £2625 per dwelling
- 50 unit schemes - £113,250 or £2265 per dwelling
- 100 unit schemes - £265,000 or £2650 per dwelling
- Average - £2823 per dwelling

ii) Fire Sprinklers

- Homes – £2800
- Flats - £1150
- Average (over a 40 unit development using 21% split for flats and 79% split for houses) - £2470 per dwelling

In terms of the fire sprinklers costs above, for the purposes of this cost assumption we have assumed an average development of 40 units per hectare (more on this below) and have assumed the Welsh Government's development mix, as provided within Table 8

under paragraph 63 of the Regulatory Impact Assessment, which assumes the development of 21% flats.

Before we begin the sensitivity analysis, we will need to standardise the assumed development size in the Welsh Government's assessment with that assumed within our assessment. In this respect, given that the costs within our viability analysis are given in acres or hectares, it will be necessary to assume what the Welsh Government's total costs would be per developable acre or hectare. In order to do this we first need establish a reasonable development size to assume. In this respect, our members generally state that the standard development size would be roughly 40 dwellings per hectare, which works out roughly as 16 per acre. This also coincides with most LDPs, which have policies to require minimum densities on sites in order make the most efficient use of developable land. It also coincides with the average standard development size assumed within reports from Arup and Integral Geotechnique.

In light of the above, if we use a density of 40 dwellings per hectare, the difference in assumed development costs with respect to our assessment would be:-

- Average cost for remediation $\text{£}2823 \times 40 = \text{£}112920$
- Average cost for fire sprinklers – $\text{£}2470 \times 40 = \text{£}98,800$

As you can see from the above, the Welsh Government's alternative cost assumptions are much lower than our cost assumptions. For instance, the cost assumed for remediation is nowhere near the costs our members and other experts in the field have provided, which seriously calls into question the research undertaken by the WG in our view. Also, we are slightly confused as to the origin of the fire sprinklers costs, given that they do not correspond to installation costs provided in the available evidence released by the Welsh Government. However, notwithstanding this, it will be necessary to include these cost assumptions, as read, for the purposes of the viability analysis.

The results of the sensitivity analysis are provided below.

3.1.4 Sensitivity analysis results

In terms of the results of the sensitivity analysis, Appendix 13 contains a rerun of the graph provided in Appendix 12, with the Welsh Government's costs substituted for the cost in our assessment. As you can see, even though it makes a slight improvement to the overall viability picture, there are still vast areas of Wales that will suffer negative residual values if the proposed changes are introduced. In addition to this, even though areas such as Bridgend and Ystrad Mynach display marginally positive residual values, development is still unlikely to proceed in these areas, given that these values would still be significantly lower than any sensible value that a landowner would accept. In some areas, there might be the possibility to renegotiate the affordable contribution to make a project workable, however, given that the study only assumes the delivery of 10% affordable housing, there would be very little flexibility to achieve any meaningful land value readjustments in this regard.

In addition to this, again, given that the study only assumes 10% affordable housing, any renegotiation of the percentage would probably result in 0 affordable housing being delivered, which would clearly not be appropriate from a local authority, or Welsh Government, point of view. Furthermore, any increase in the provision of affordable housing above the 10% threshold is likely to move more areas into unviable territory, which again paints a very bleak picture for future affordable housing delivery in the face of the proposed regulation changes.

In terms of the sensitivity analysis above, we must stress once again that we believe the Welsh Government has significantly underestimated the cost of development in Wales, particularly with respect to the costs associated with site remediation and abnormals. As such, we maintain that our viability analysis is significantly more robust, as it is based on clear evidence from local authorities, the Welsh Government, the home building industry and other organisations with specific expertise in remediating development abnormals and constraints. However, notwithstanding this, even when the above sensitivity analysis is considered, the results clearly demonstrate that the proposed changes would still not be viable, deliverable or appropriate for adoption in Wales.

Further to this, given our concerns with the assumptions with respect to flatted development, we believe if a further sensitivity analysis to the viability assessment was undertaken to account for a reduction in flats in the development mix, it would probably

go some way to offsetting the betterment achieved as a result of sensitivity analysis we have undertaken above.

In light of the above research, we believe the sensitivity analysis makes absolutely no difference to the overall conclusion with respect to the impact of the proposed changes on development viability. That is, the proposals would have a major detrimental impact on development viability in many local authorities, which would significantly compromise the delivery of housing, including affordable housing, in many areas across Wales.

3.1.5 Viability analysis conclusions

In light of the above, we believe our research on the cumulative impact of regulation and land values clearly demonstrates that the proposed regulations would have a severe detrimental impact on land values in many areas of Wales. The knock on effect of this would be to stifle housing delivery, and indeed affordable housing delivery, across a range of local authorities in Wales, particularly in lower land value areas that are desperate for more homes and also desperate for regeneration and investment.

As these changes are being brought in through building regulations, there will be no opportunity to negotiate their impact on the land value on an area specific basis and as such, the impact would be indiscriminate. This effectively means that many local authorities will have absolutely no means to devise a strategy to offset these proposals in order to ensure housing delivery, including affordable housing delivery, is supported. This, we believe, cannot be an appropriate way to introduce new regulatory changes in Wales, particularly given the vast difference in land values experienced by many areas of country and the varying impact the proposed changes will have on each local authority across the board.

4. Further concerns with the proposals

4.1 The impact of the proposals on local authorities and regions

We have demonstrated through the viability analysis that significant number of local authorities will be adversely affected, in many different ways, by the proposed changes. However, one important point to note from this analysis, particularly when considering the

graph in Appendix 12, is that some of the areas that achieved negative residual land values when the proposed changes are introduced, have in fact experienced quite buoyant housing markets in previous years. In this respect, areas such as Ystrad Mynach, Bridgend and Carmarthenshire are all relatively attractive areas for development and are also important from a regional perspective in terms of attracting investment and growth. Ystrad Mynach and RCT South are particularly important to the South East Wales region, given that they act as a catalyst for spreading growth and investment from the southern areas of the respective authorities to the less attractive northern areas. However, clearly the ability for these areas to build on their success and continue to attract investment will be seriously compromised if the proposed building regulation changes are introduced, which will no doubt have a knock on effect on the rest of the region in terms of growth and prosperity. This might also have negative implications to the successful formation of City Regions, which is a concept currently being discussed and debated by the Welsh Government.

4.2 The impact on LDP's and LDP strategies

Further to the issues described above, we also believe the consequent impact on current and emerging LDP strategies must be considered. As many LDPs have specified an intention to try and regenerate communities that face particular challenges with inward investment and development, we believe it is important that the impact of all new policy and regulation is considered in terms of its likely effect on the success of such LDP strategies and the delivery of housing in these areas. In this respect, areas such as Caerphilly, Rhondda Cynon Taff and Merthyr could potentially have to re-write their LDP's, as the proposed regulatory changes will effectively mean their ability to deliver housing will be severely compromised. Thus, this will have a detrimental impact on delivery of their LDP housing strategy, and hence the affordable housing delivery strategy, which is a significant indicator for soundness in terms of LDP testing. Furthermore, the proposed regulatory changes could also have a consequent impact on the delivery of other objectives and policies of the LDP (transport infrastructure, school provision, the employment strategy, community facilities and open space provision etc), given that a significant amount of the LDP strategy will rely on the regeneration and investment opportunities that the delivery of new housing creates.

4.3 Further issues with respect to affordable housing delivery

To further substantiate our concerns with impact on the delivery of affordable housing, we have made an assessment of the likely impact of the proposed regulation changes on the Housing Minister's target for 7500 affordable homes over the next 4 years. In this respect, Table 2 of the Regulatory Impact Assessment indicates how many homes the Welsh Government believes will be constructed over the next 10 years. As such, if we consider this table, (and assume 6480 homes would be built in 2013), the total amount of development the Welsh Government expects to be delivered over the next 4 years would be 26,270 homes.

Considering this figure, in order to deliver the Housing Minister's target of 7500 homes, the future percentage delivery of affordable housing will need to be roughly 30%. As you can see from the results of our viability analysis, this will be virtually impossible to achieve. We understand that not all affordable housing will be delivered through the planning system, however, the vast majority of it will. As such, with our viability analysis demonstrating that most areas are unviable with a target of 10%, the likelihood of the Housing Minister's target being achieved alongside the proposed regulation changes is extremely slim to say the least.

In terms of the above, we understand that the proposed regulations are not meant to be introduced until 2015, however, at this point the Housing Minister's target will still have two years remaining. As such, we believe the proposed regulation changes would still severely compromise the ability for the target to be realised, particularly given that for the remaining two years of the target's duration, the majority of areas in Wales will be capable of delivering zero or minimal affordable housing units at best.

4.4 The disparity between the cost of development in Wales and England

We believe it is important to note that the proposed regulatory changes, both in terms of Part L changes and fire suppression systems are not being proposed in England. As such, and given the significant cost and impact of the proposed changes, we believe the proposed regulation changes could put investment in house building, and indeed the economy, in Wales at significant risk. As we understand it, the next proposed changes to Part L of Building Regulations under consideration in England will be either amount to a further 8% increase on the 2010 regulations, or there will be no change proposed.

Therefore, it is clear that there will be a significant gulf in construction costs between England and Wales if the proposed changes are introduced, which we are concerned will have a detrimental impact on the competitiveness of the homes building industry and the construction industry in Wales.

We are aware that the UK Government has voiced a commitment to deliver 'zero carbon' homes by 2016, however, this term currently remains undefined and the UK Zero Carbon Hub is working tirelessly to identify how this commitment can be achieved in the current economic climate. Furthermore and perhaps more crucially, at no point has the UK Government released a set of definitive proposed changes or associated costs that will enable them to reach this stated goal. In this respect, as we currently stand, the Welsh Government has proposed changes to building regulations that will have a devastating impact on housing delivery and development viability in Wales, which are not replicated in England. Therefore, we must conclude that these proposals could have a significant detrimental impact on the competitiveness of the home building industry in Wales when introduced.

In addition to this, the UK Government currently operates a 'one in one out' strategy with respect to regulatory changes. Therefore, when the UK Government does identify what regulatory changes are required in order to deliver 'zero carbon' homes, it is likely that the consequent impact on the overall cost of development will be nullified, due to the requirement to remove existing regulation at comparative cost. In addition to this, we must also point out that Wales suffers far lower land values than those experienced across the border, which will no doubt place the UK Government at a significant advantage with respect to supporting any regulatory changes they ultimately propose to introduce.

In light of the above, we are extremely concerned with the potential impact of the proposed changes on the home building industry in Wales, particularly given that our industry will be in direct competition with the industry in England, where costs will be significantly lower and land values will be significantly higher. Furthermore, given that the Welsh Government has specifically advised the home building industry that the potential cost of these requirements must be taken into account immediately when purchasing land, there is no doubt that the proposed changes will put house building and construction companies in Wales at a severe competitive disadvantage to their counterparts in England, which in turn could have serious implications to regeneration and investment across Wales.

4.5 The importance of house building to the economy of Wales

We believe it is important when considering the impact of regulatory changes on the home building industry, to carefully consider the economic implications of not delivering the right amount of homes in Wales. In this respect, we believe it is important to highlight the economic benefits of providing new homes and the positive impact this can have on the national and local economies of Wales.

In terms of the economic benefits of new housing, our research demonstrates that for every new home built, there are 1.5 full time jobs are created directly in the construction industry, with a further 2/3 jobs created in the supply chain. When this is compared to the level of development proposed within the consultation proposals, (i.e. 67,860 homes over the 10 years to 2024), you can see there is the potential to create over 100,000 jobs directly in the construction industry and between 135,000 and 200,000 jobs in the supply chain. This would represent a significant investment in economic activity in Wales which must not be ignored. In addition to this, when you also consider that every £1 spent in the construction industry equates to £3 generated in the wider economy, you can see that investment in house building clearly represents a significant opportunity to generate investment and growth in the economy of Wales and to provide regeneration opportunities to the areas that need it most. We believe the Welsh Government should be extremely mindful of these issues when considering the introduction of the proposed regulatory changes, particularly given that the changes proposed could thwart the construction of homes in many areas of Wales.

4.6 The Welsh Government's recipe approach

Whilst we understand the need to provide a benchmark standard for development that would ensure compliance to the proposed changes, we believe there could be significant issues with respect to the recipe approach adopted and the practicalities of achieving the proposed recipe on all developments in Wales.

For example, the consultation information states that PV was used a 'proxy' for renewable energy technologies, because it represents the most cost effective way to generate energy via renewable sources. However, whilst we accept this might be the case, given the level of PV that would be required on a roof space in order to achieve the proposed regulatory targets, there is absolutely no guarantee that the recipe will be

practical to adopt on all developments in Wales. We understand that the consultation documentation recognises this might be an issue in some circumstances, e.g for flatted development, however, we believe that due to the topography, nature and location of many of much of the developable land in Wales, there is a significant risk that the recipe approach might not represent a practical solution on a significant proportion of potential development sites in Wales.

If this is the case, then clearly the cost assumptions within the assessment would be significantly compromised, given that the actual cost of achieving the proposed targets would be far greater than has been assumed. This would therefore further compromise the viability assessment and hence, the consequent impact on land values and the delivery of housing, including affordable housing in many areas of Wales.

In addition to the above, our members have also voiced concern over the standards set for external walls in the fabric recipe. We believe that due to the suggested standard, the thickness of the external wall could cause significant challenges with respect to construction and therefore, we believe this particular part of the recipe needs to be reconsidered.

4.7 National Planning Policy Review

The consultation asks what role planning policy should play alongside the proposed changes to building regulations. We would comment as follows:-

We believe planning policy should not duplicate building regulations, on a national or local level.

We also believe planning policy should try and facilitate large scale renewable energy projects, as this will ultimately represent the best way to improve the energy efficiency of all buildings, particularly the existing residential and non residential stock, which will clearly represent the biggest challenge in terms of reducing carbon emissions.

In terms of the Code for Sustainable Homes, we believe careful consideration needs to be given on the future of the Code, particularly where its requirements overlap with separate legislation. In this respect, we believe it is important to retain a 'national

perspective' to setting standards for newly built homes, in order to ensure consistency. As such, if the requirement to adhere to the Code were to be removed from national guidance, we believe national guidance should also include measures to ensure each individual local authority does not try and set a separate requirement for the Code to be adhered to within local planning policy. In addition to this, national guidance should also ensure that local authorities do not set individual requirements, through local planning policy, for the sections of the Code that would become obsolete due to the advancement of separate legislation.

In terms of the issue of allowing local authorities to set higher standards on certain developments, we do not see how this can be possible in most local authorities, particularly given the results of the viability analysis above. However, in recognition that there might be a certain minority of sites that could support higher standards, we believe this should be dealt with on an individual site by site basis and not through overarching policies that prescribe an uplift in standards simply because a site might be labelled 'strategic'.

4.8 Compliance and Performance

The consultation mentions the possibility of creating a checklist for compliance. In this respect, we believe a properly constructed/worded compliance checklist, which is developed in consultation with the industry, would be appropriate.

5. Final Conclusions

In light of the evidence provided above, we do not believe proposed options, as set out within Section 1 of the consultation documentation (and repeated below), should be pursued.

- *A phased 40% improvement in Part L 2010 for new housing with an effective date of January 2015*
- *Staged 25% improvement in 2014 followed by a review in 2016 to increase standards to zero carbon before the end of the decade;*

In summary we believe:-

1. Both options would have a severe detrimental impact on land values and hence, the delivery of housing in Wales.
2. Both options would impact severely on the delivery of affordable housing in vast areas of Wales, which would directly conflict with a key national and local government priority. In this respect, both options would also seriously compromise the ability for the Welsh Government to honour the commitment to delivery 7500 affordable homes in the next 4 years.
3. Both options would place the home building and construction industries in Wales at a severe competitive disadvantage to our neighbours in England.
4. Both options would severely impact on the ability for local authorities, regions and Wales as a whole, with respect to job creation and attracting regeneration and investment.
5. Neither option would provide the most practical or feasible route to enable the Welsh Government to achieve the European target for 'near zero energy' by 2020.
6. Both options would represent a net cost to society, when the costs and benefits are analysed properly.
7. Both options have the potential to severely compromise the soundness of adopted and emerging LDPs in many areas of Wales.
8. Neither option would be practical in terms of ensuring delivery in all areas of Wales, particularly given the issues prevalent with the nature and topographic character of the potentially developable land in Wales.

Further to the above, clearly the additional requirement for fire suppression systems will further exacerbate the issues and concerns we describe above and therefore, we also do not believe this proposed change should be pursued through alterations to building regulations or via any other available means.

In terms of our proposed way forward on this matter, we do not believe the Welsh Government should pursue any changes to building regulations until there is clear and unequivocal evidence to demonstrate that any changes proposed would be viable, deliverable and appropriate for adoption in Wales.

End.

Richard Price

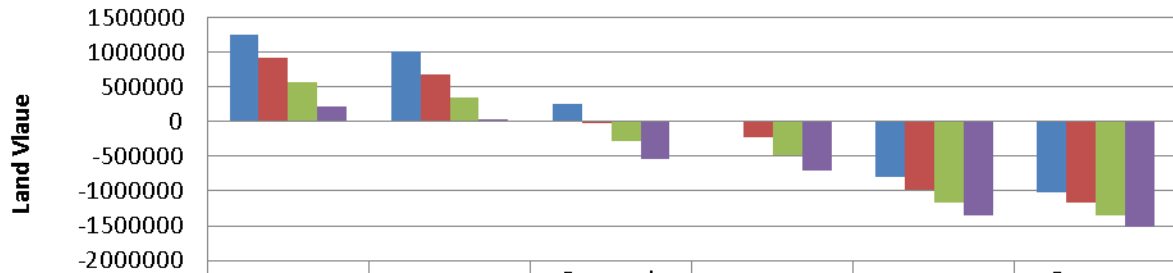
The Home Builders Federation

30th October 2012

APPENDIX 1

Bridgend

Bridgend residual values with 25% improvement



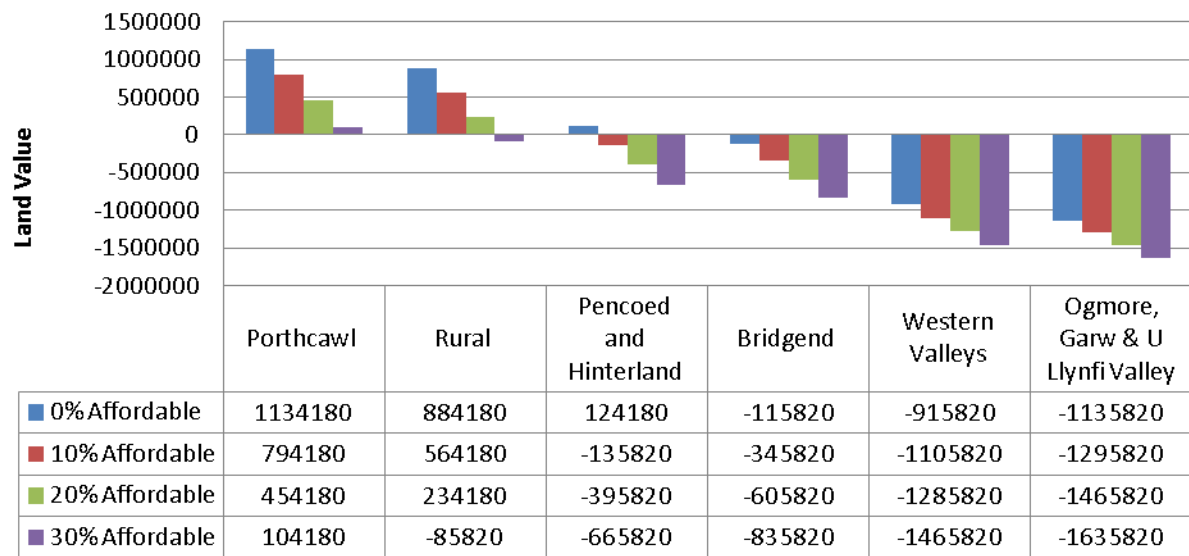
	Porthcawl	Rural	Pencoed and Hinterland	Bridgend	Western Valleys	Ogmore, Garw & U Llynfi Valley
0% Affordable	1257180	1007180	247180	7180	-792820	-1012820
10% Affordable	917180	687180	-12820	-222820	-982820	-1172820
20% Affordable	577180	357180	-272820	-482820	-1162820	-1342820
30% Affordable	227180	37180	-542820	-712820	-1342820	-1512820

Bridgend residual values with 40% improvement

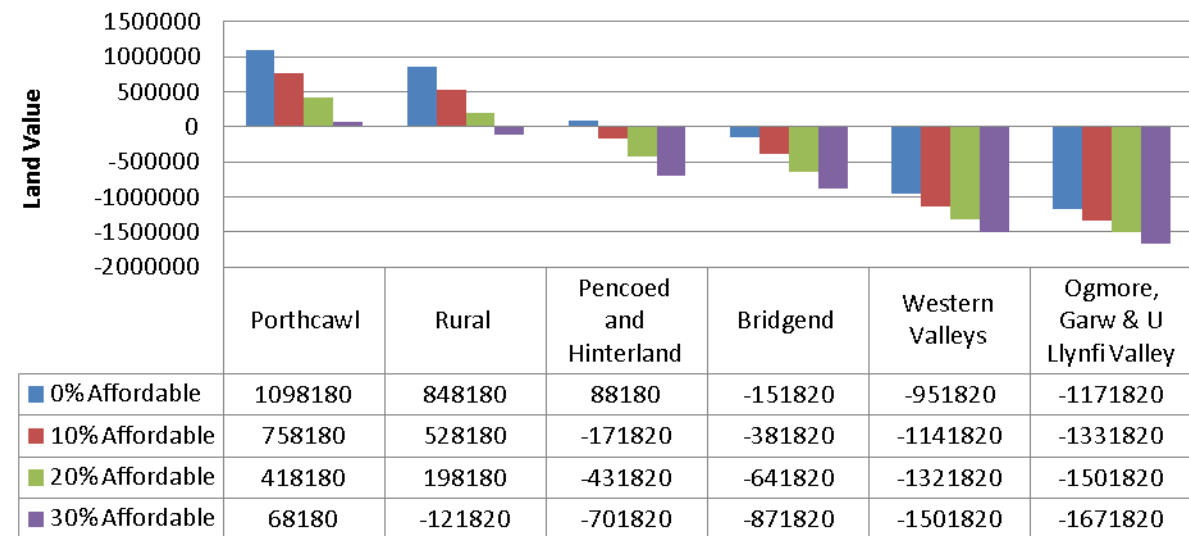


	Porthcawl	Rural	Pencoed and Hinterland	Bridgend	Western Valleys	Ogmore, Garw & U Llynfi Valley
0% Affordable	1221180	971180	211180	-28820	-828820	-1048820
10% Affordable	881180	651180	-48820	-258820	-1018820	-1208820
20% Affordable	541180	321180	-308820	-518820	-1198820	-1378820
30% Affordable	191180	1180	-578820	-748820	-1378820	-1548820

Bridgend residual values with 25% plus sprinklers

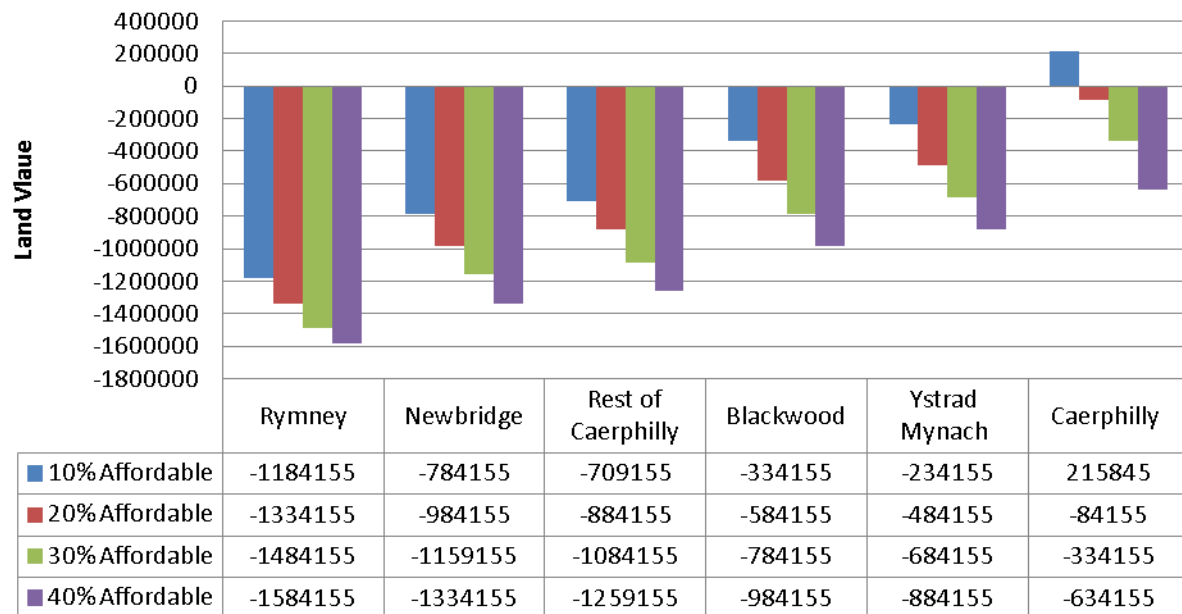


Bridgend residual values with 40% plus sprinklers

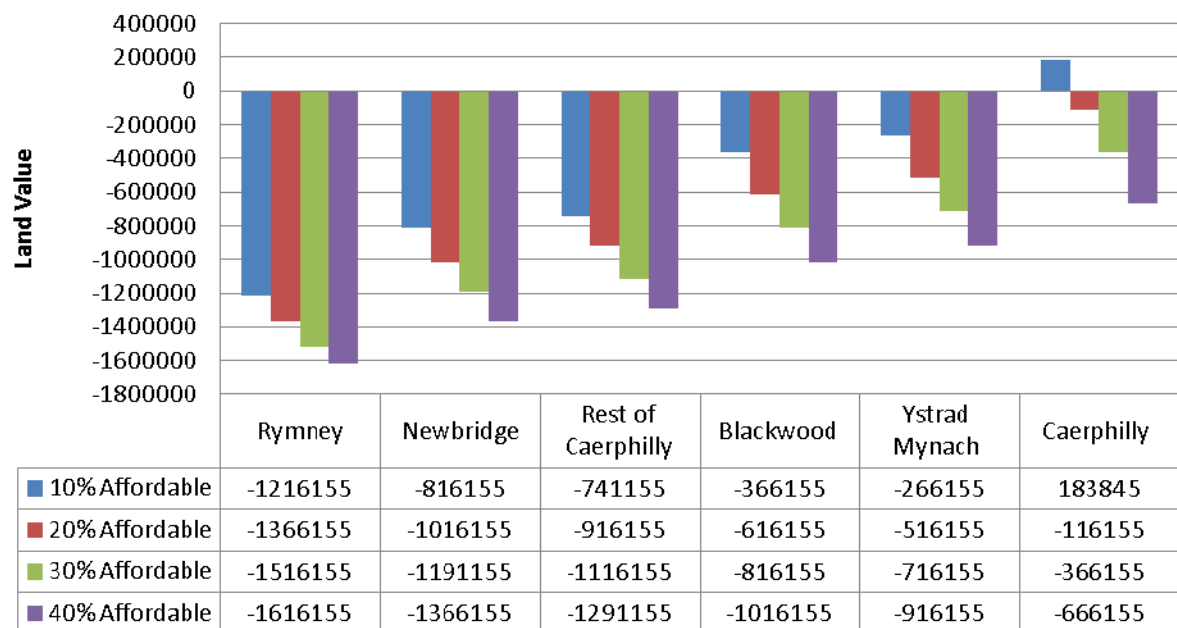


APPENDIX 2 Caerphilly

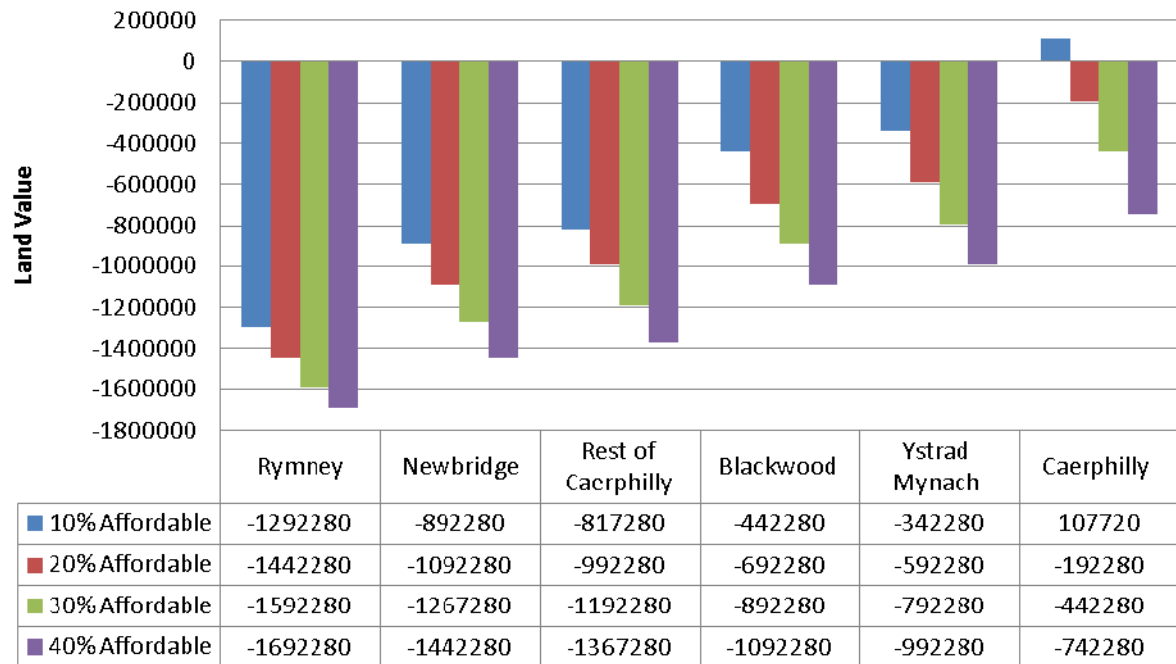
Caerphilly residual values with 25% improvement



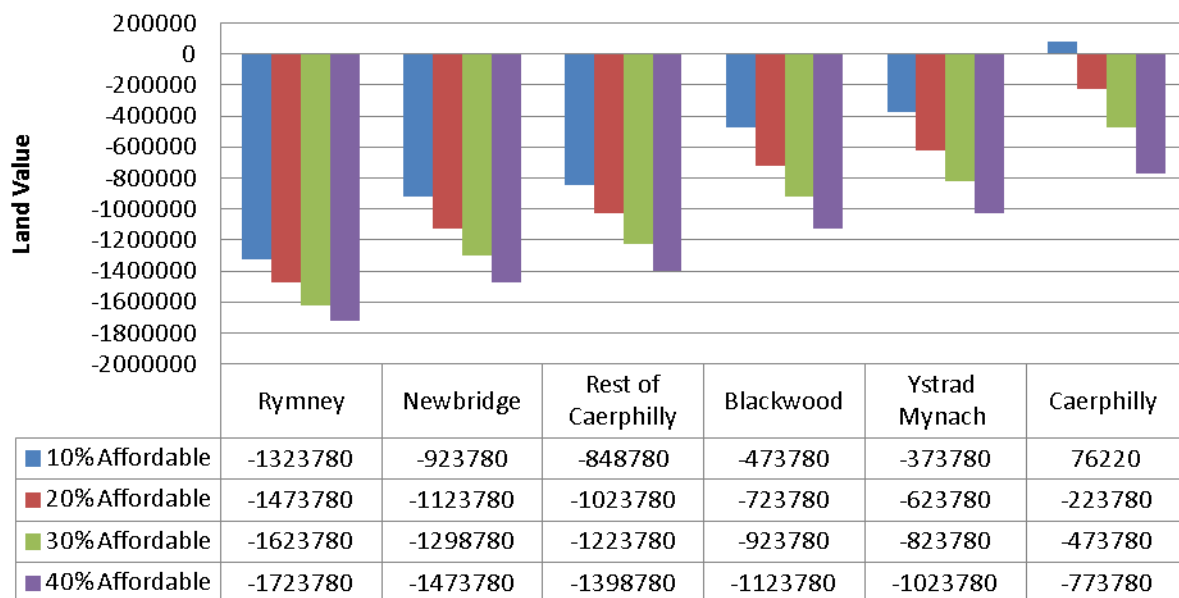
Caerphilly residual values with 40% improvement



Caerphilly residual values with 25% plus sprinklers



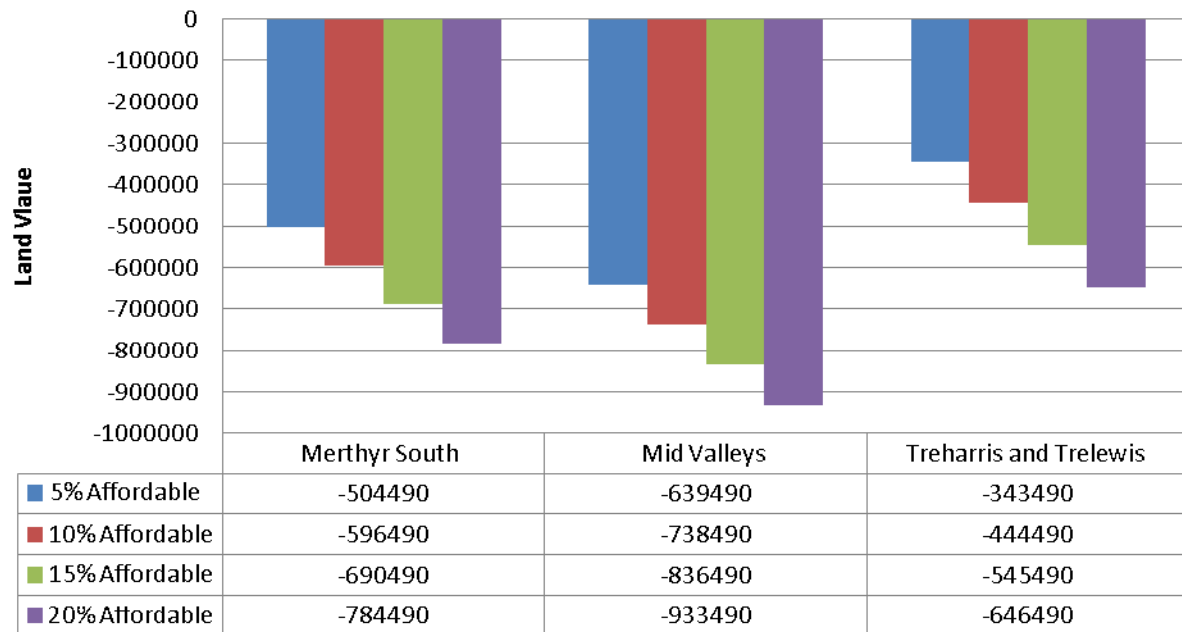
Caerphilly residual values with 40% plus sprinklers



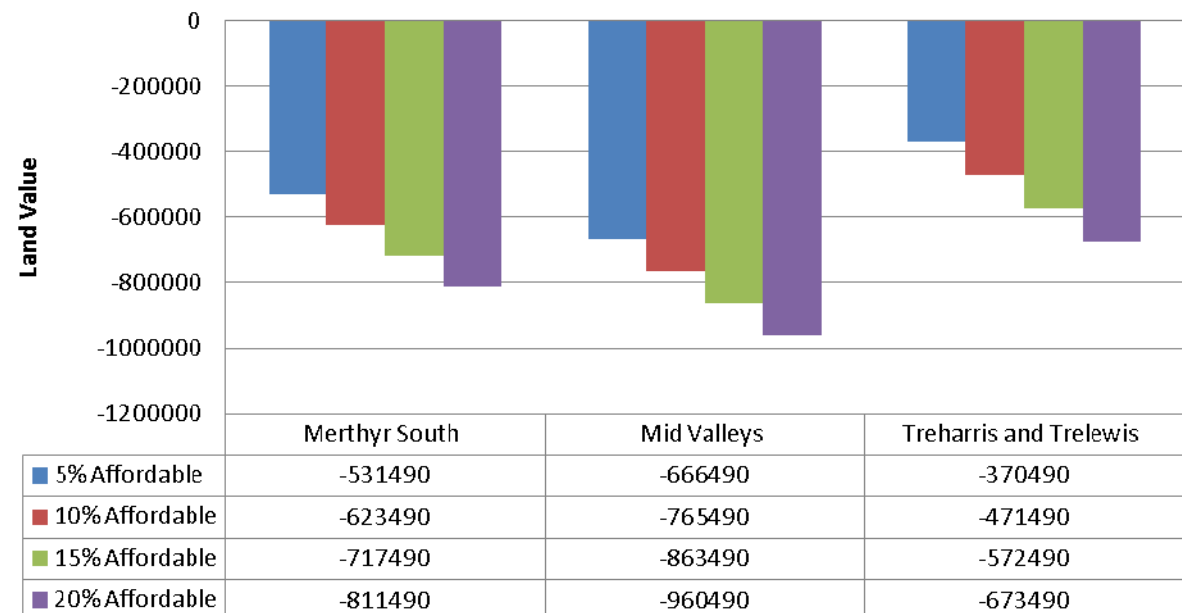
APPENDIX 3

Merthyr

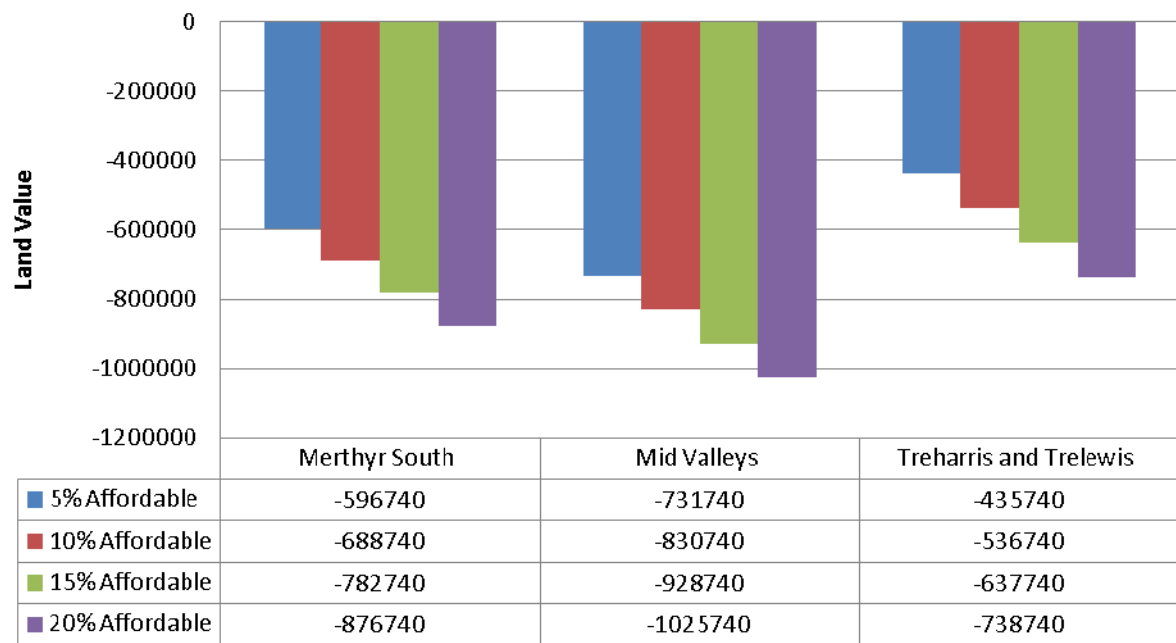
Merthyr residual values with 25% improvement



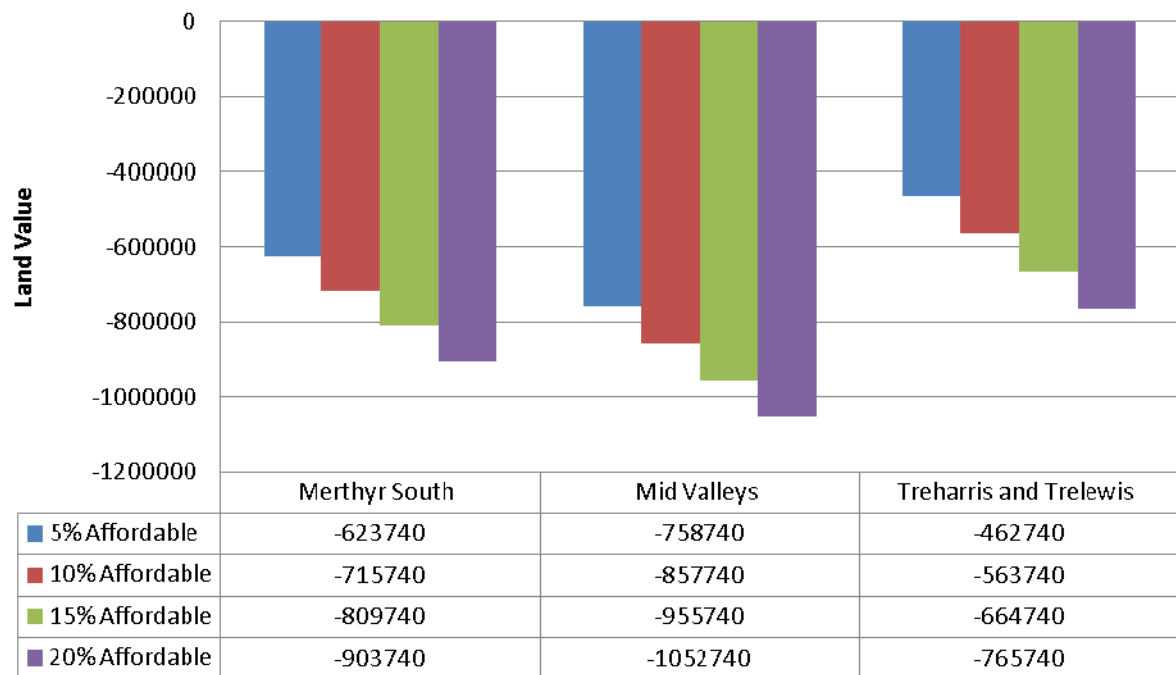
Merthyr residual values with 40% improvement



Merthyr residual values with 25% plus sprinklers



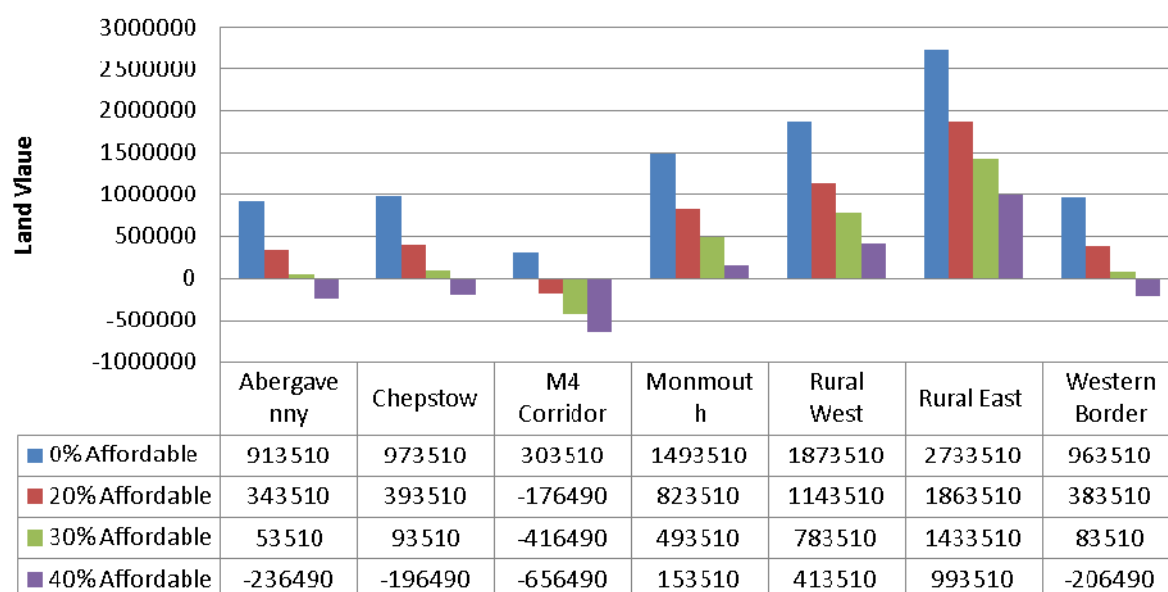
Merthyr residual values with 40% plus sprinklers



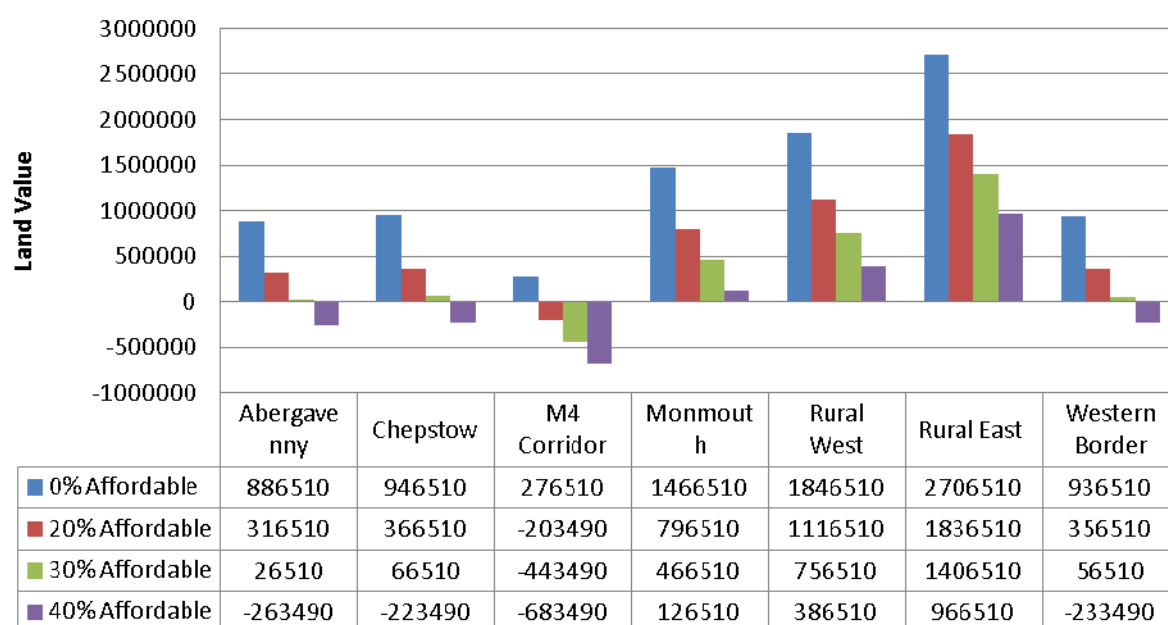
APPENDIX 4

Monmouthshire

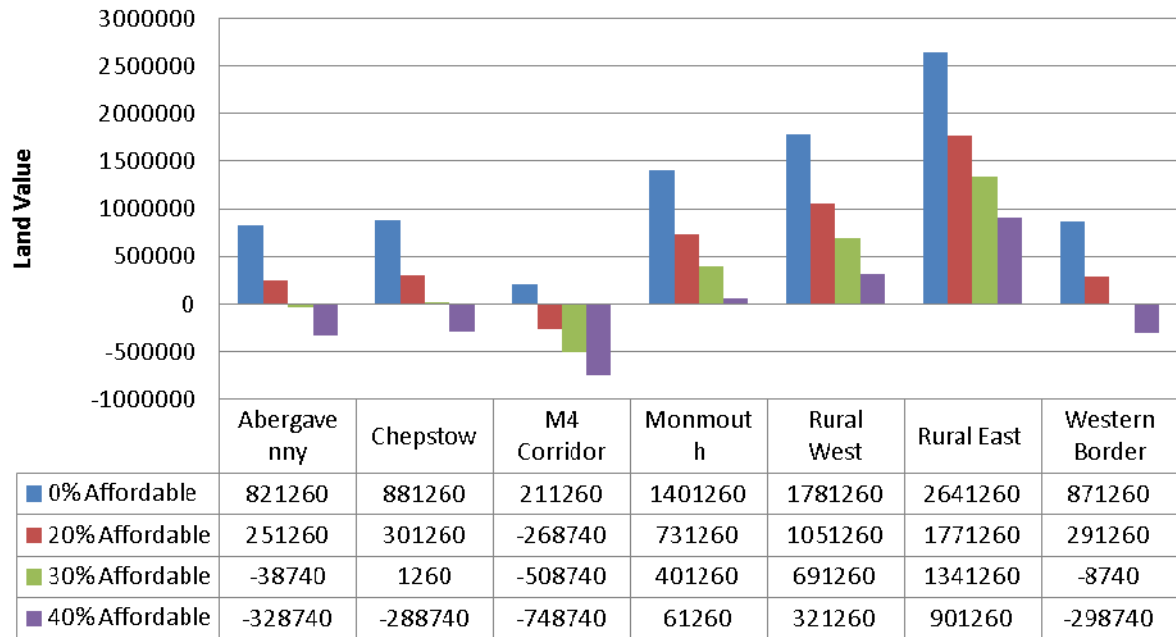
Monmouthshire residual values with 25% improvement



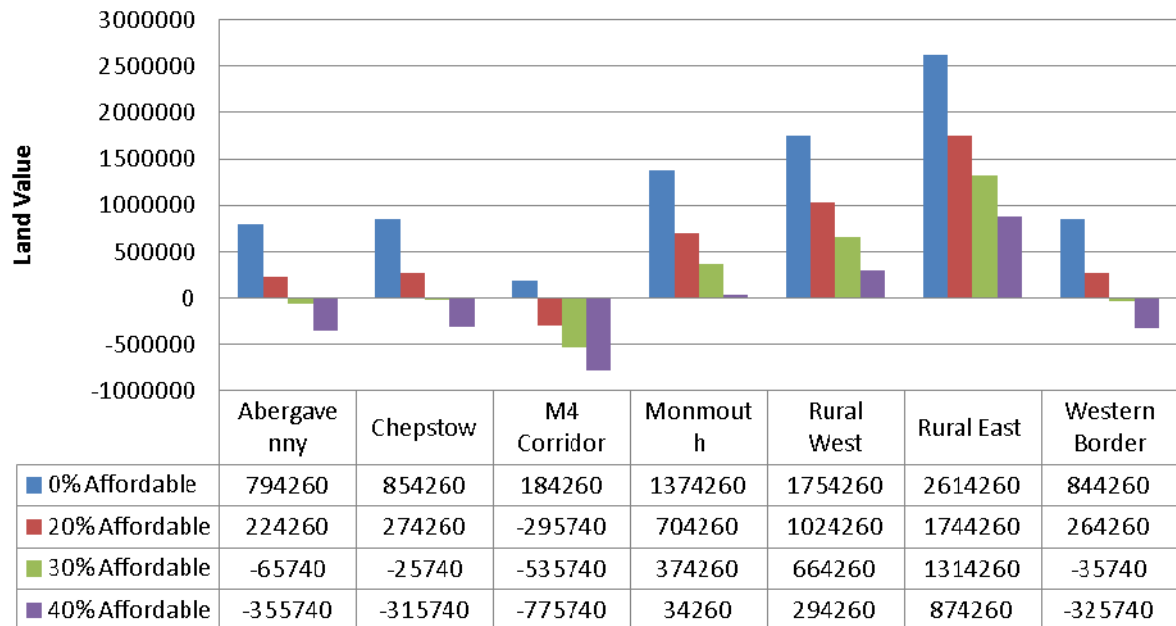
Monmouthshire residual values with 40% improvement



Monmouthshire residual values with 25% plus sprinklers



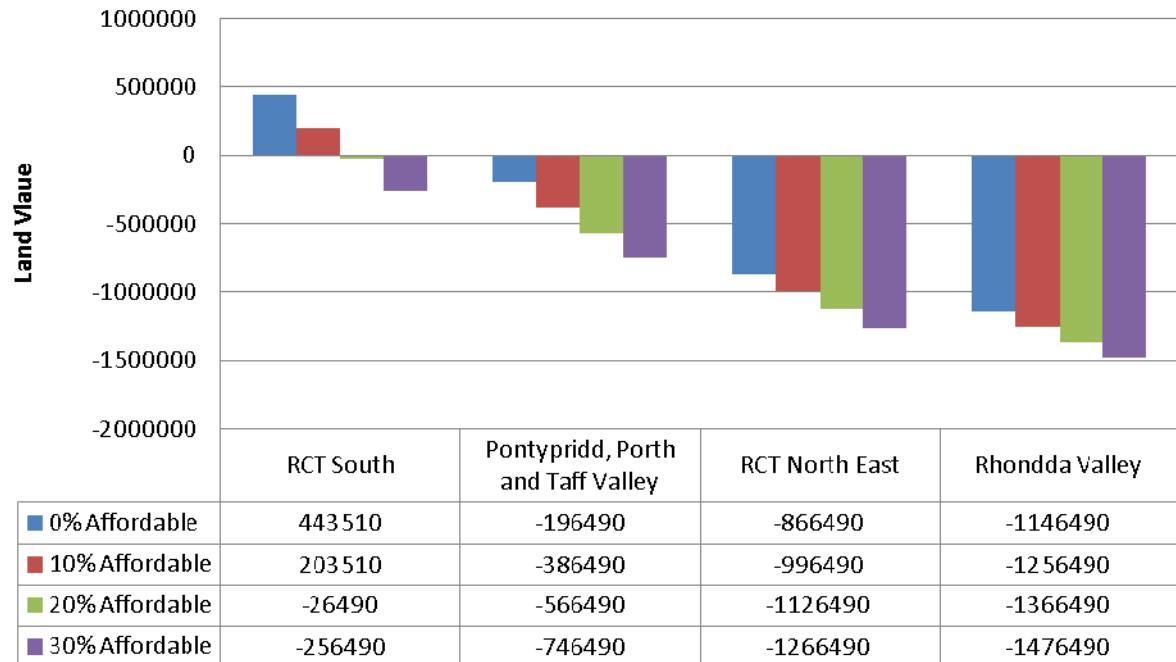
Monmouthshire residual values with 40% plus sprinklers



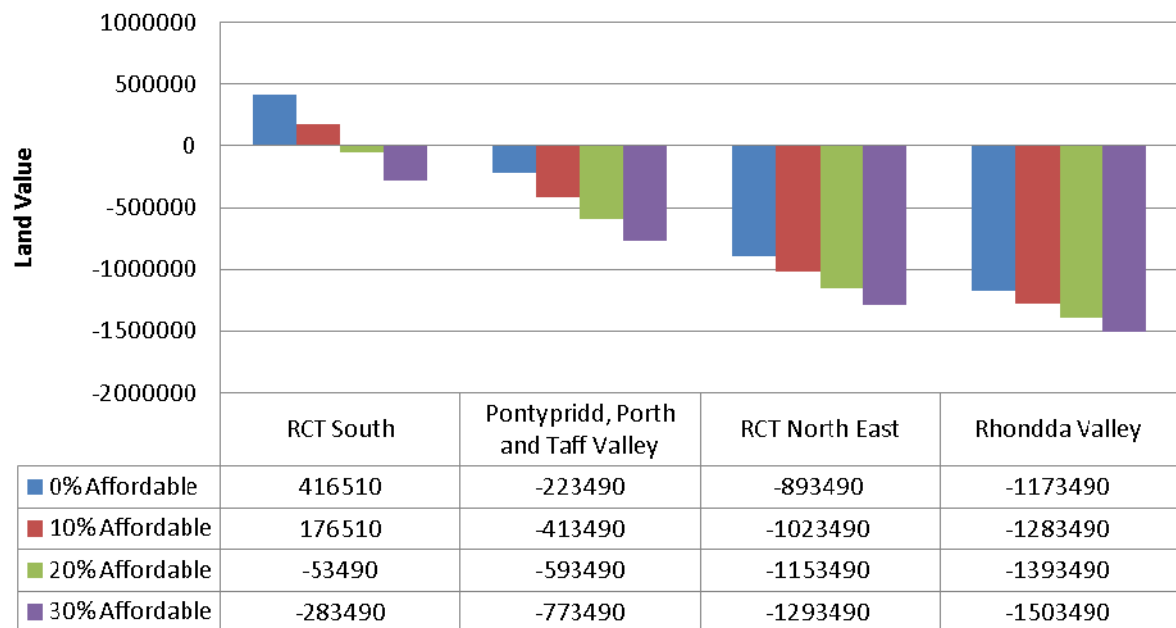
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RCT

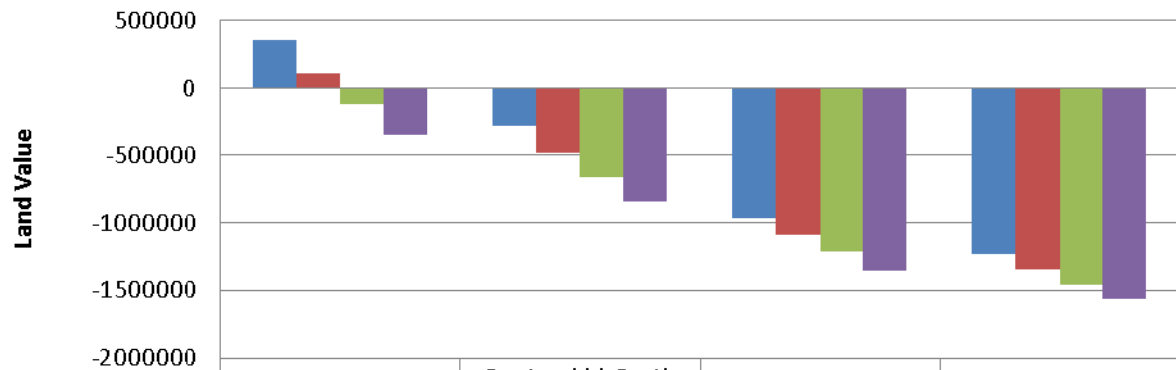
RCT residual values with 25% improvement



RCT residual values with 40% improvement

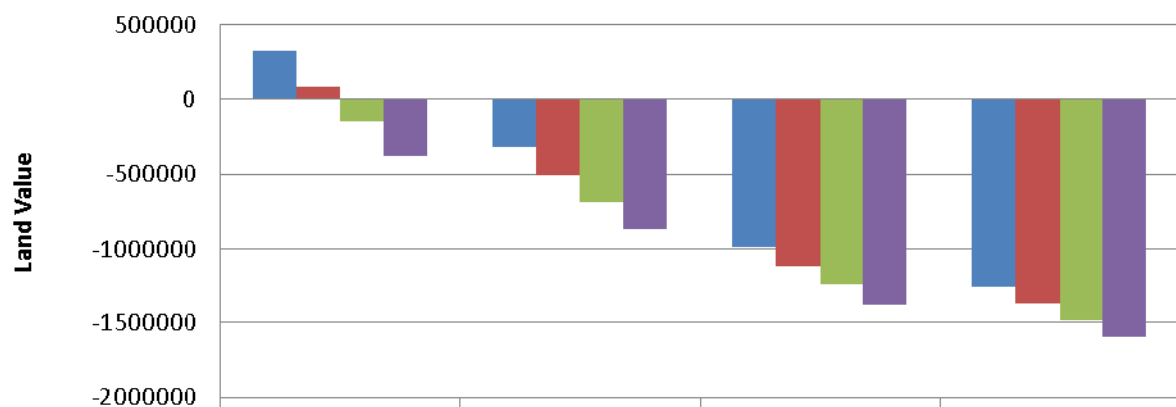


RCT residual values with 25% plus sprinklers



	RCT South	Pontypridd, Porth and Taff Valley	RCT North East	Rhondda Valley
0% Affordable	351260	-288740	-958740	-1238740
10% Affordable	111260	-478740	-1088740	-1348740
20% Affordable	-118740	-658740	-1218740	-1458740
30% Affordable	-348740	-838740	-1358740	-1568740

RCT residual values with 40% plus sprinklers

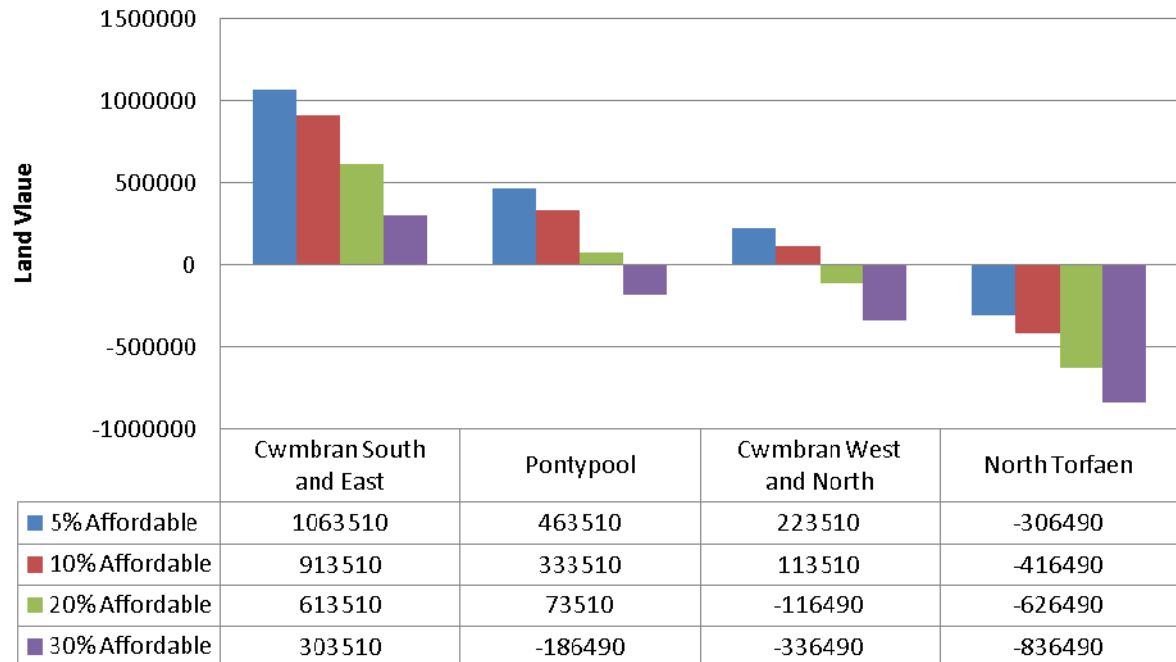


	RCT South	Pontypridd, Porth and Taff Valley	RCT North East	Rhondda Valley
0% Affordable	324260	-315740	-985740	-1265740
10% Affordable	84260	-505740	-1115740	-1375740
20% Affordable	-145740	-685740	-1245740	-1485740
30% Affordable	-375740	-865740	-1385740	-1595740

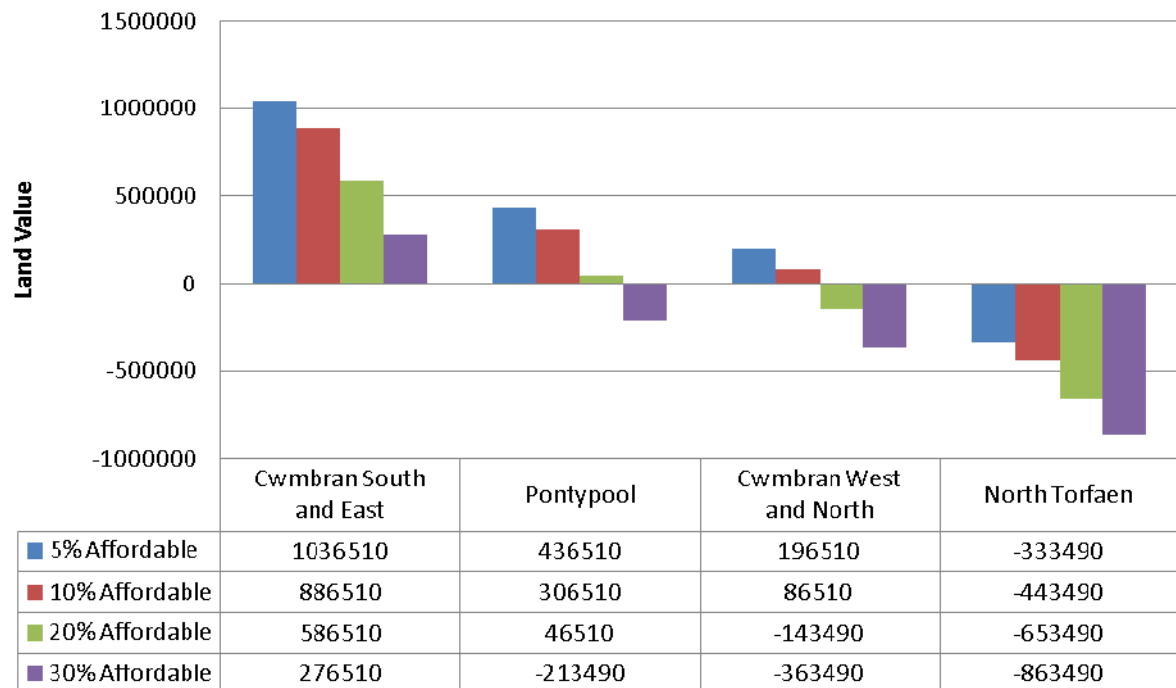
APPENDIX 6

Torfaen

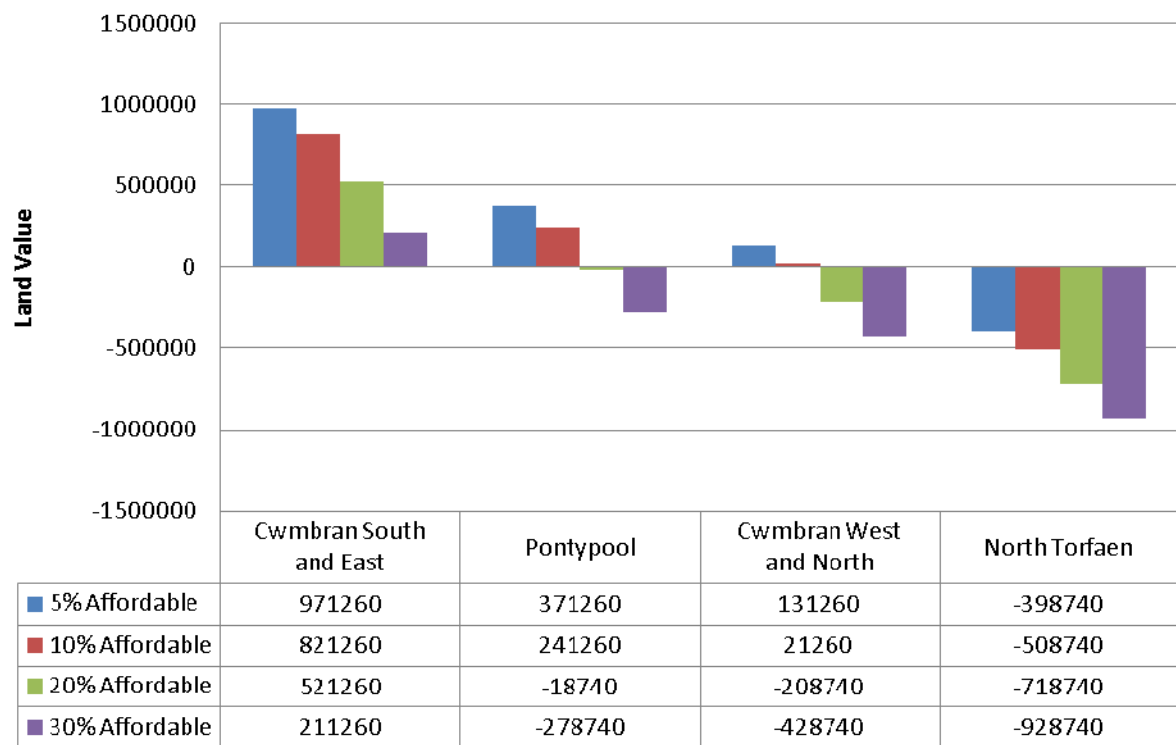
Torfaen residual values with 25% improvement



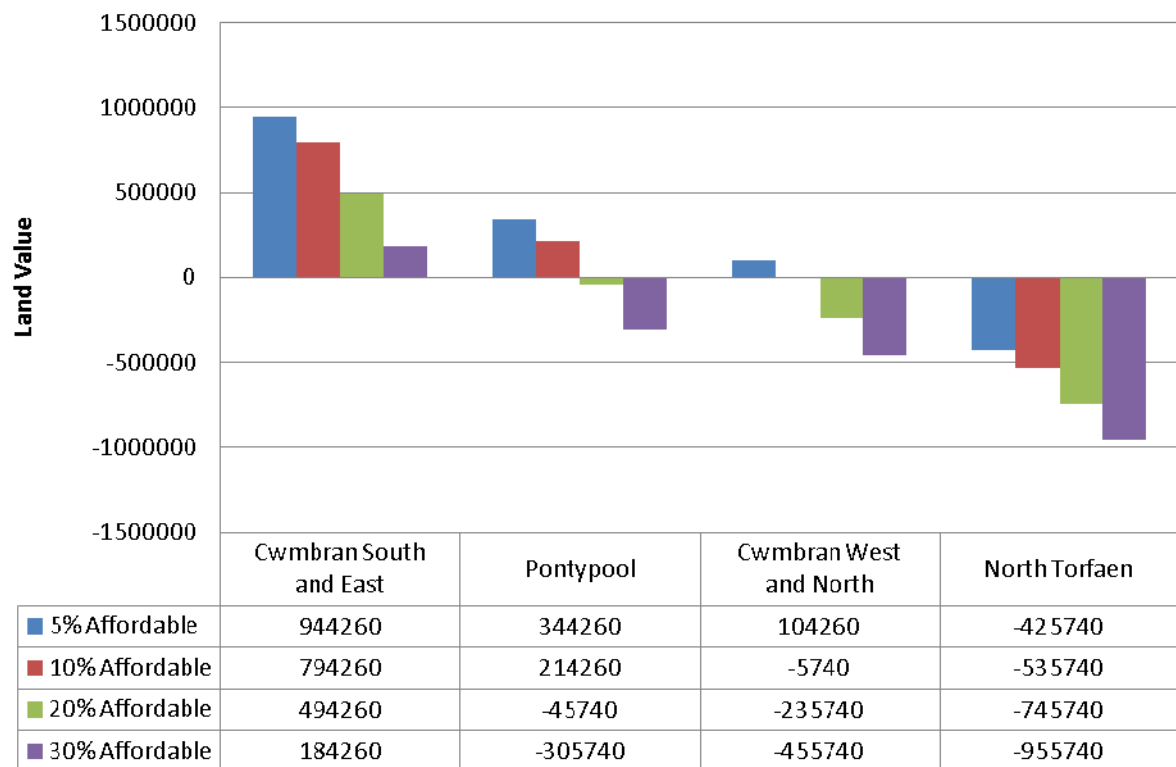
Torfaen residual values with 40% improvement



Torfaen residual values with 25% plus sprinklers



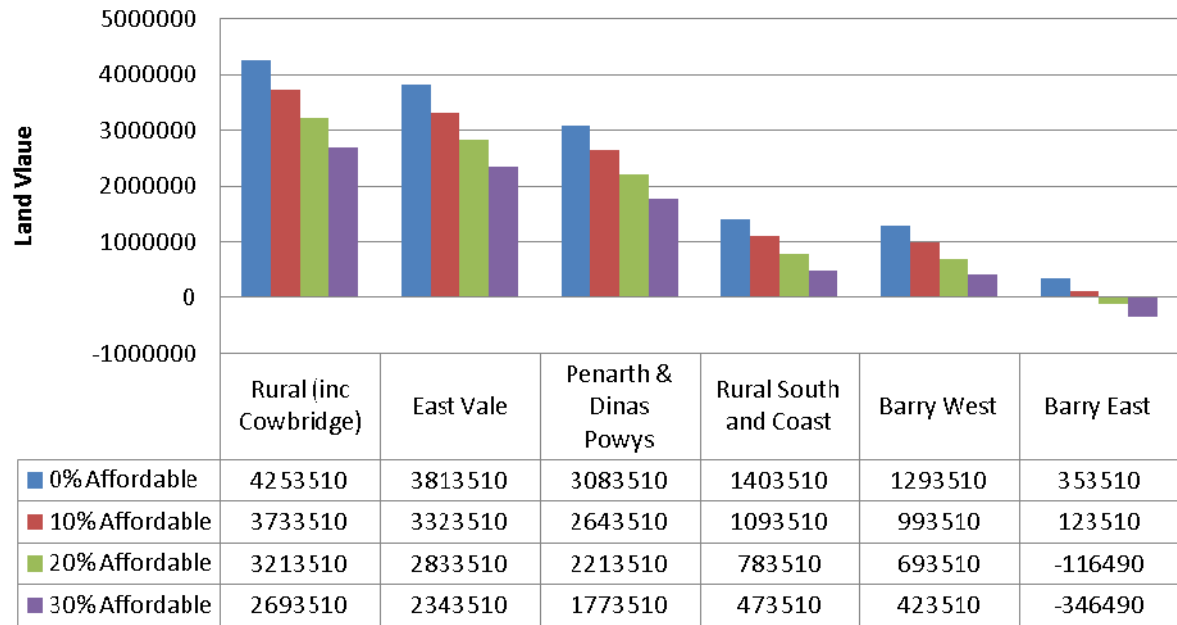
Torfaen residual values with 40% plus sprinklers



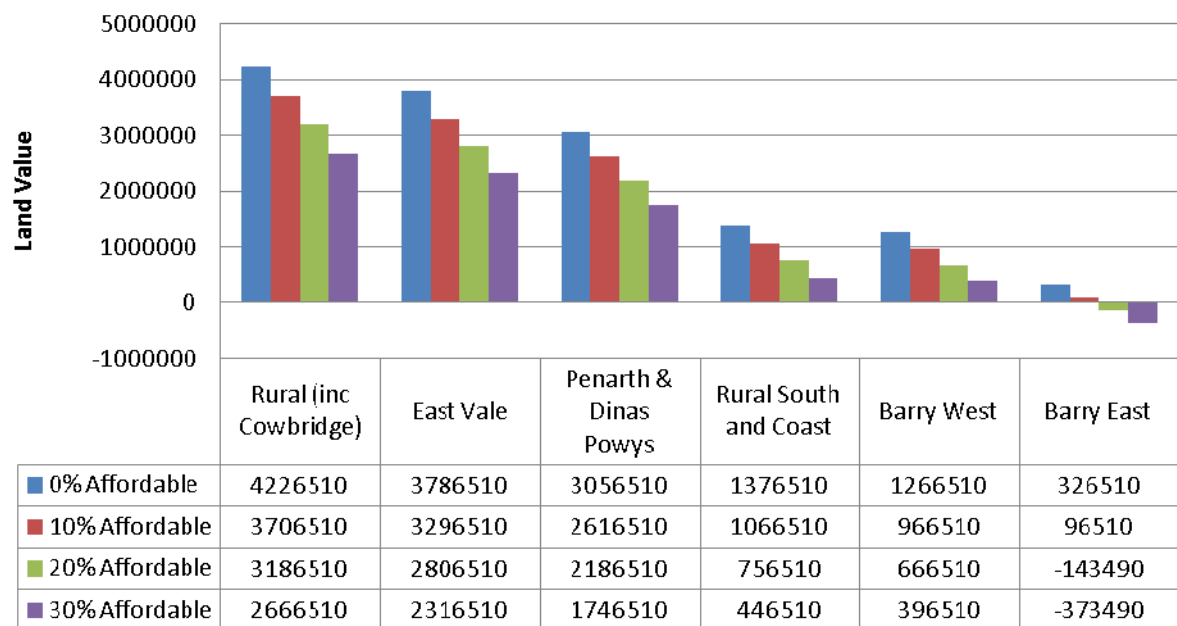
APPENDIX 7

Vale of Glamorgan

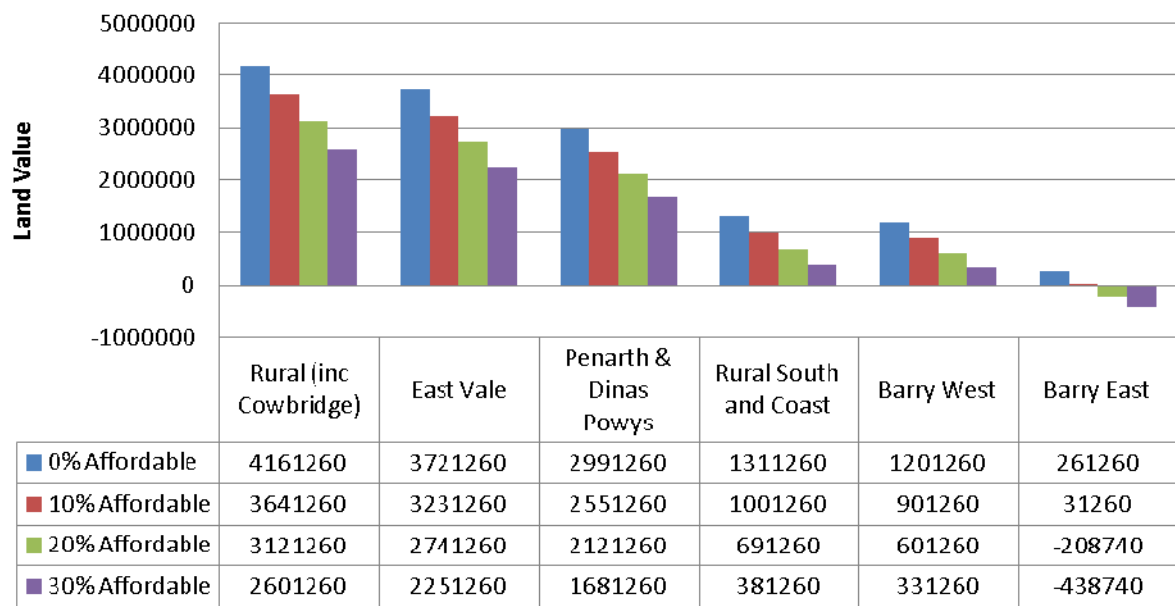
VOG residual values with 25% improvement



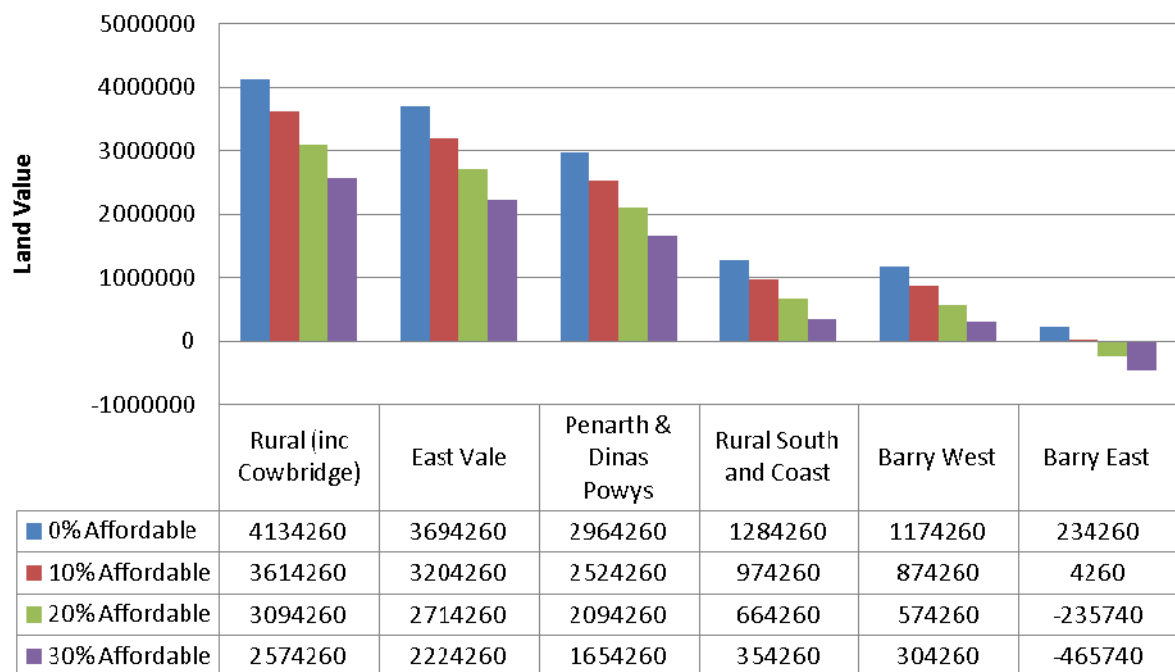
VoG residual values with 40% improvement



VoG residual values with 25% plus sprinklers



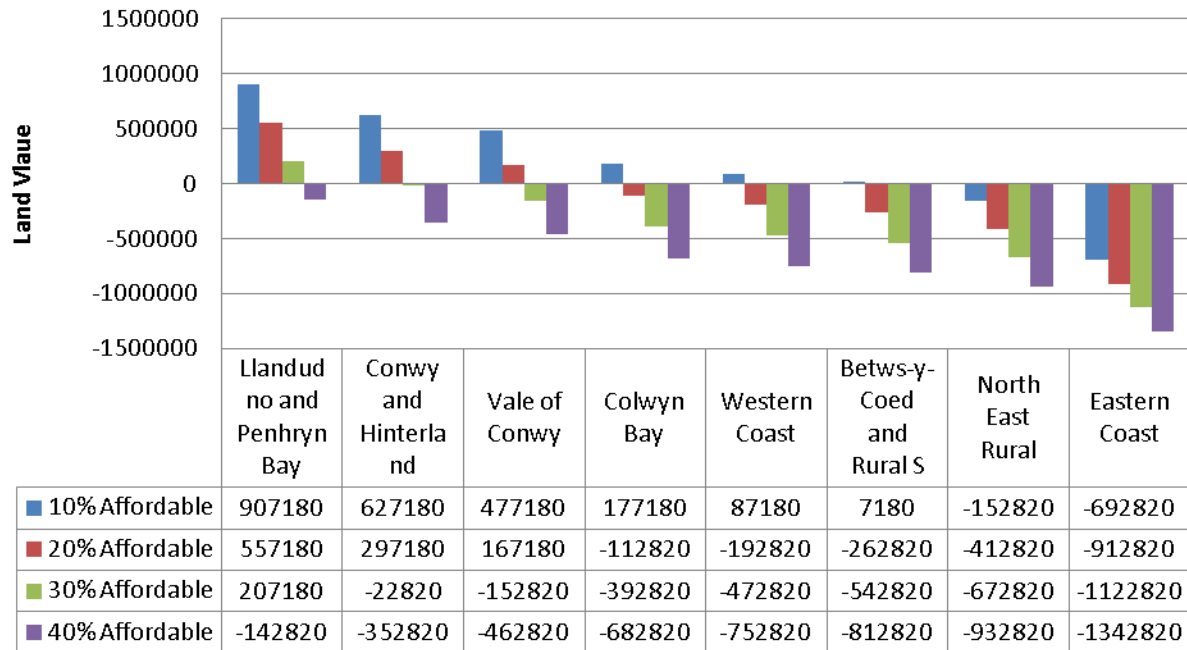
VoG residual values with 40% plus sprinklers



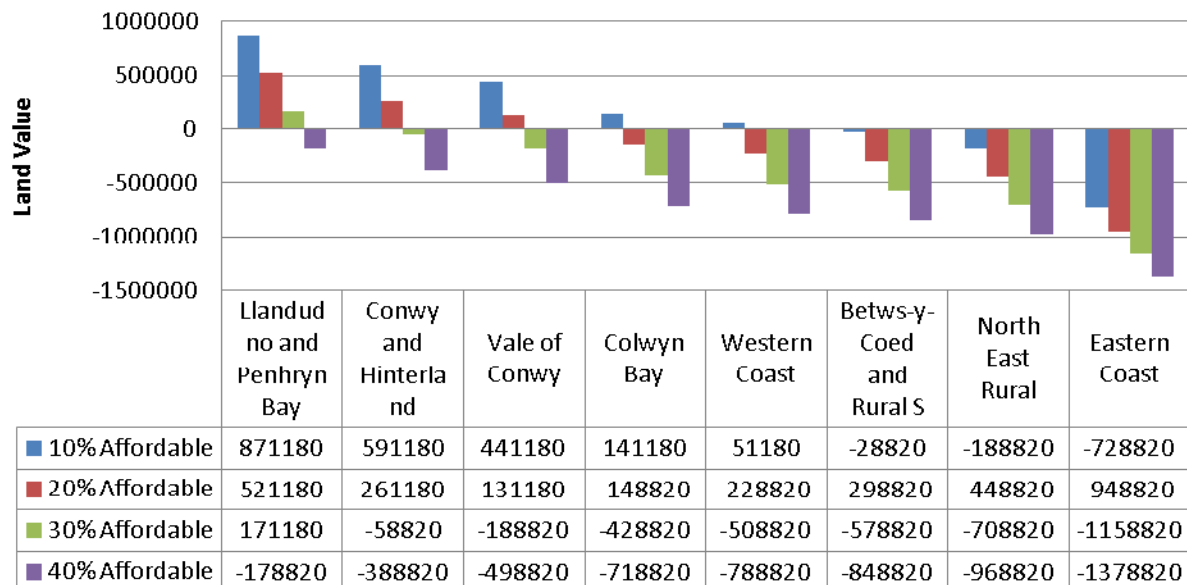
APPENDIX 8

Conwy

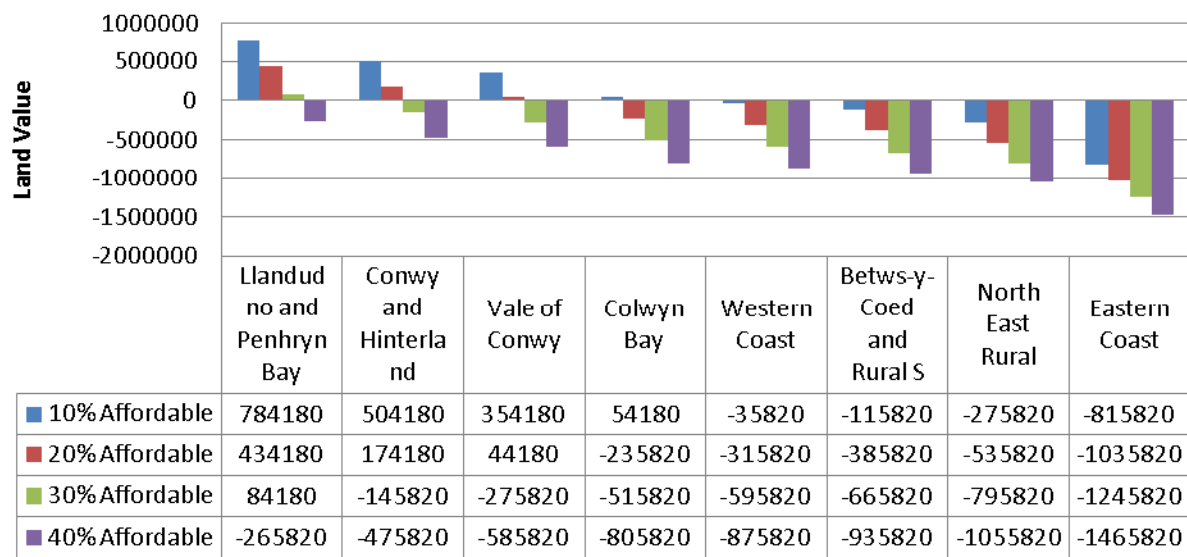
Conwy residual values with 25% improvement



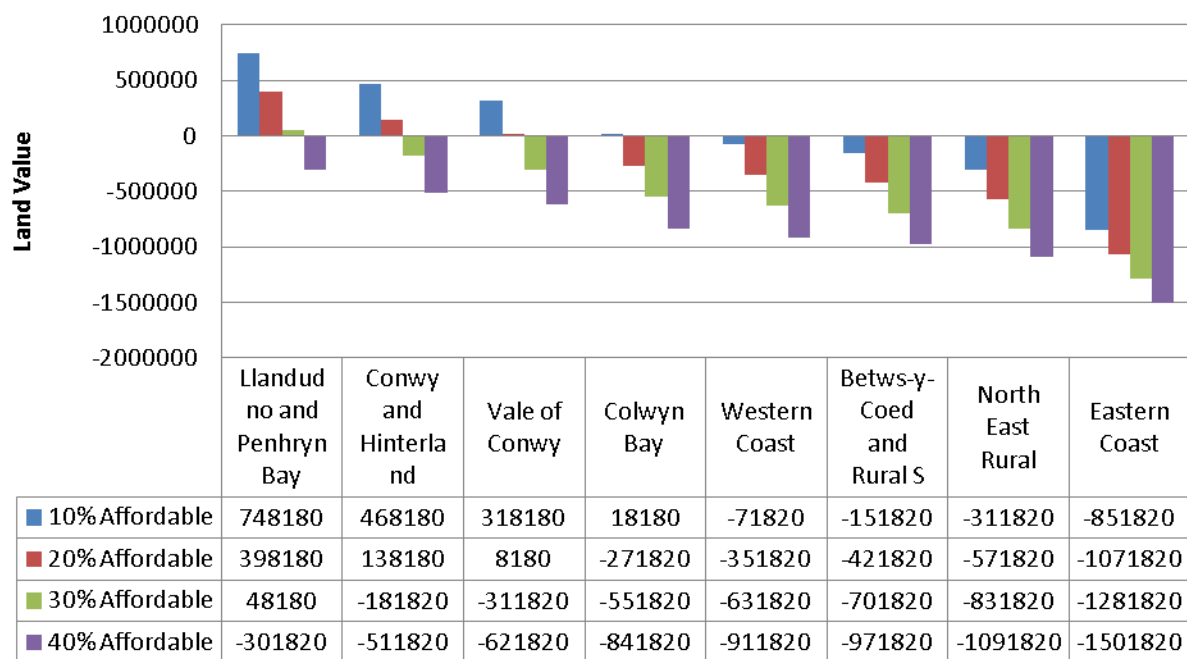
Conwy residual values with 40% improvement



Conwy residual values with 25% plus sprinklers



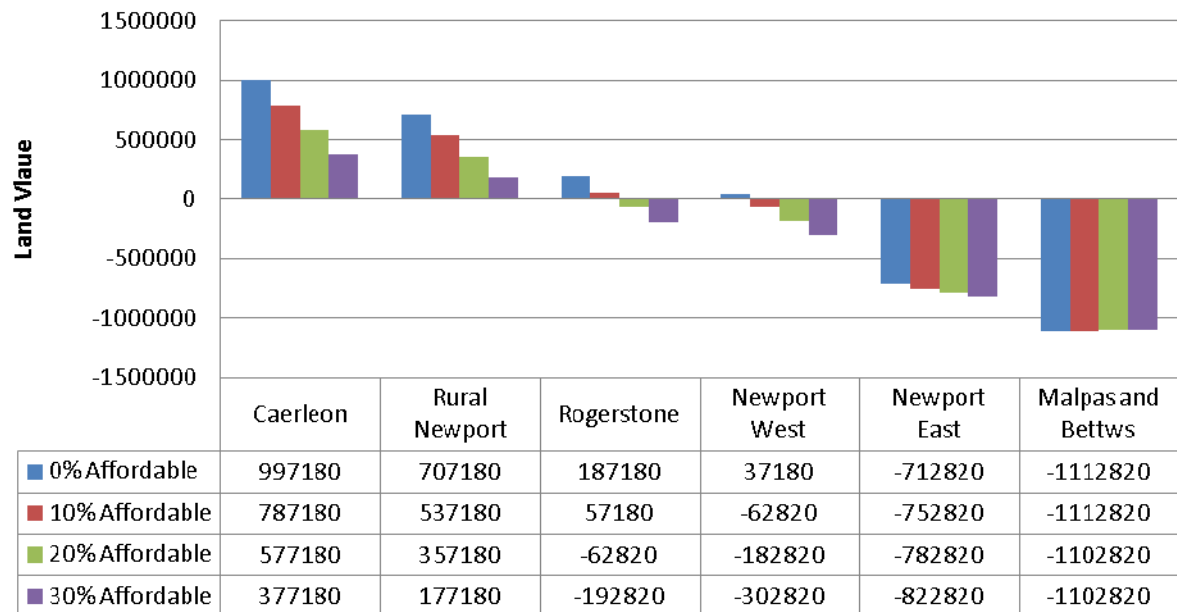
Conwy residual values with 40% plus sprinklers



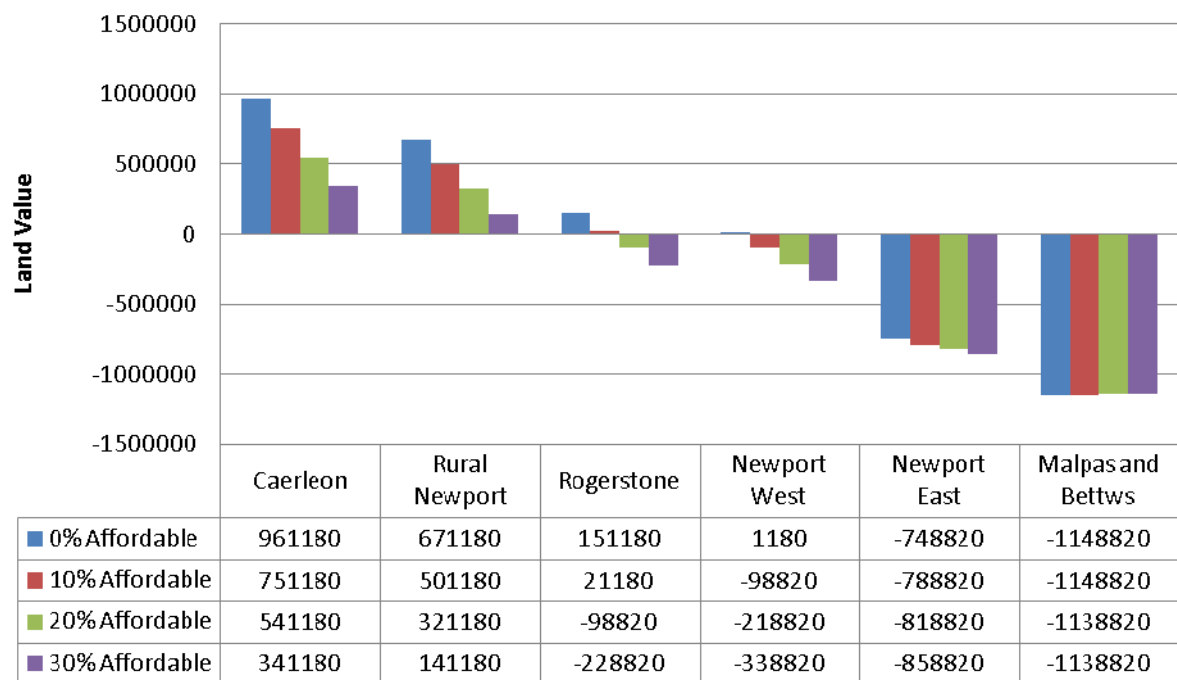
APPENDIX 9

Newport

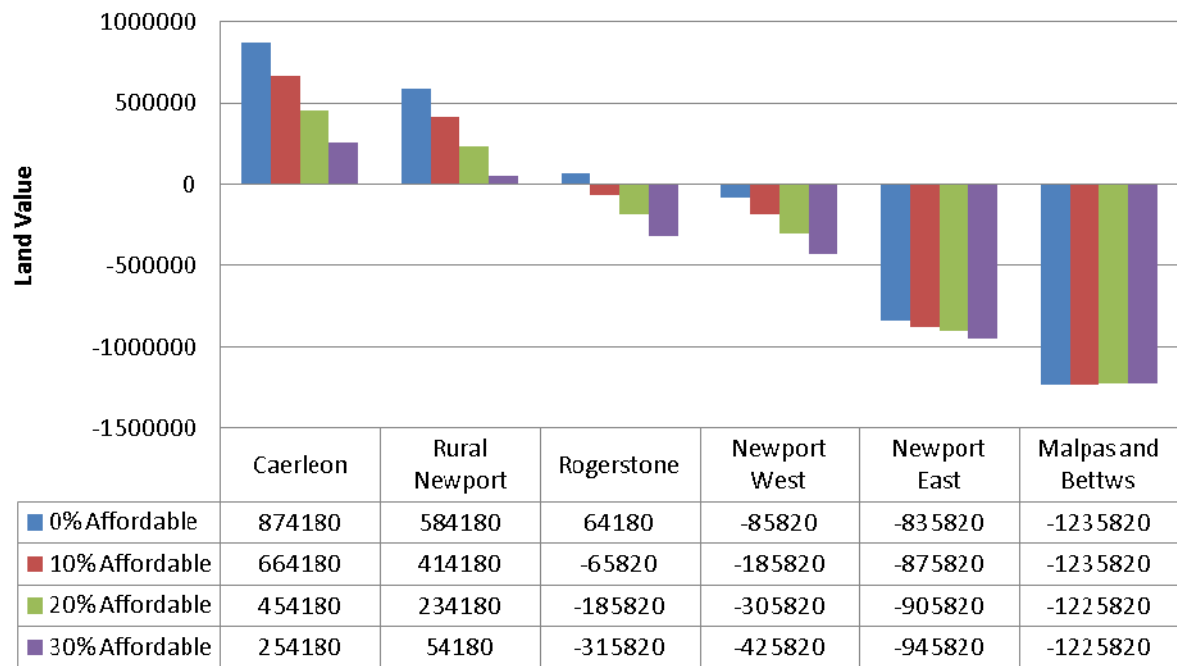
Newport residual values with 25% improvement



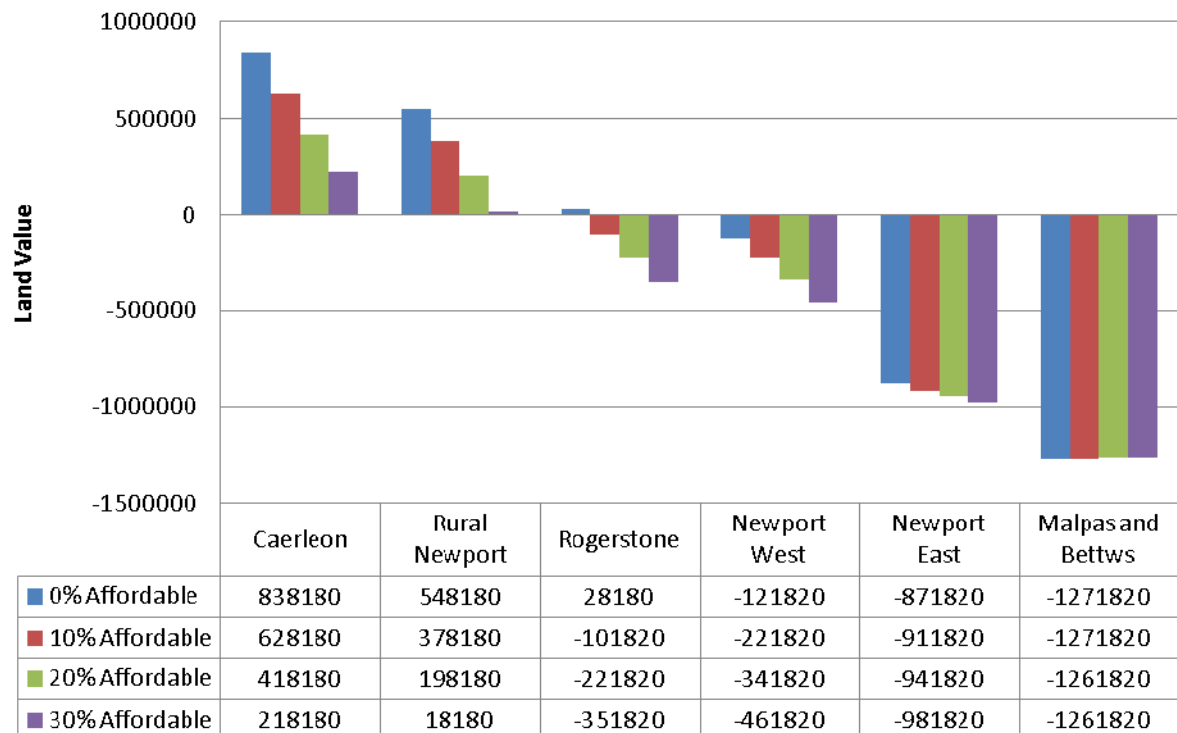
Newport residual values with 40% improvement



Newport residual values with 25% plus sprinklers



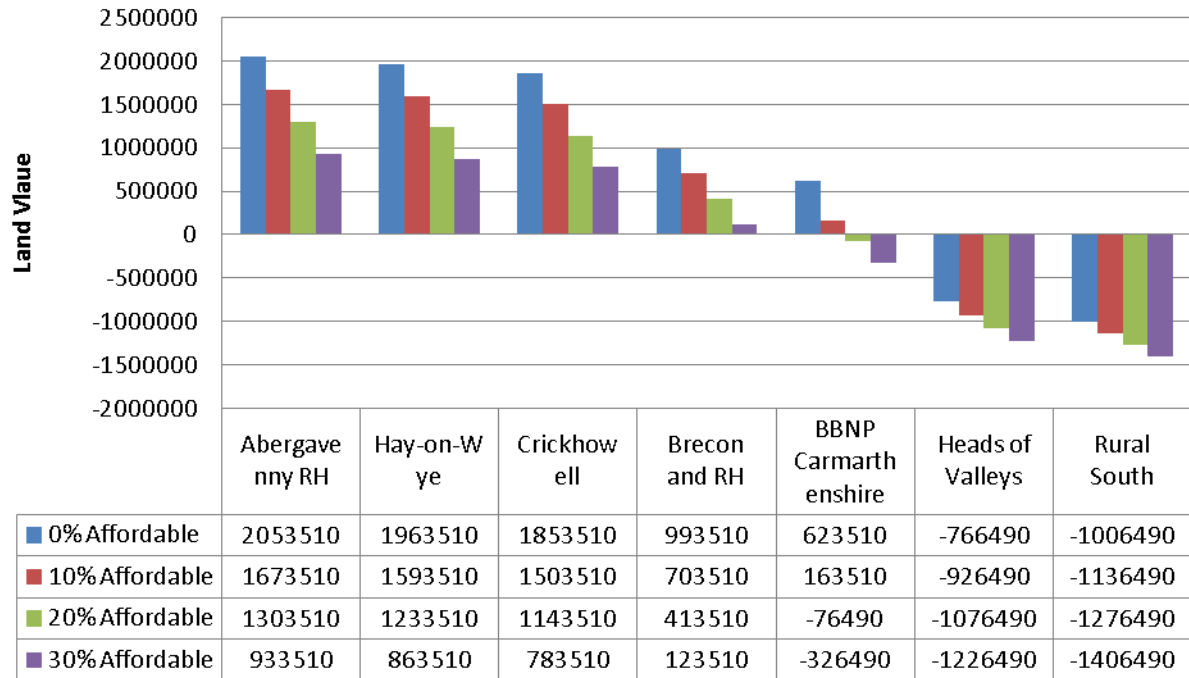
Newport residual values with 40% plus sprinklers



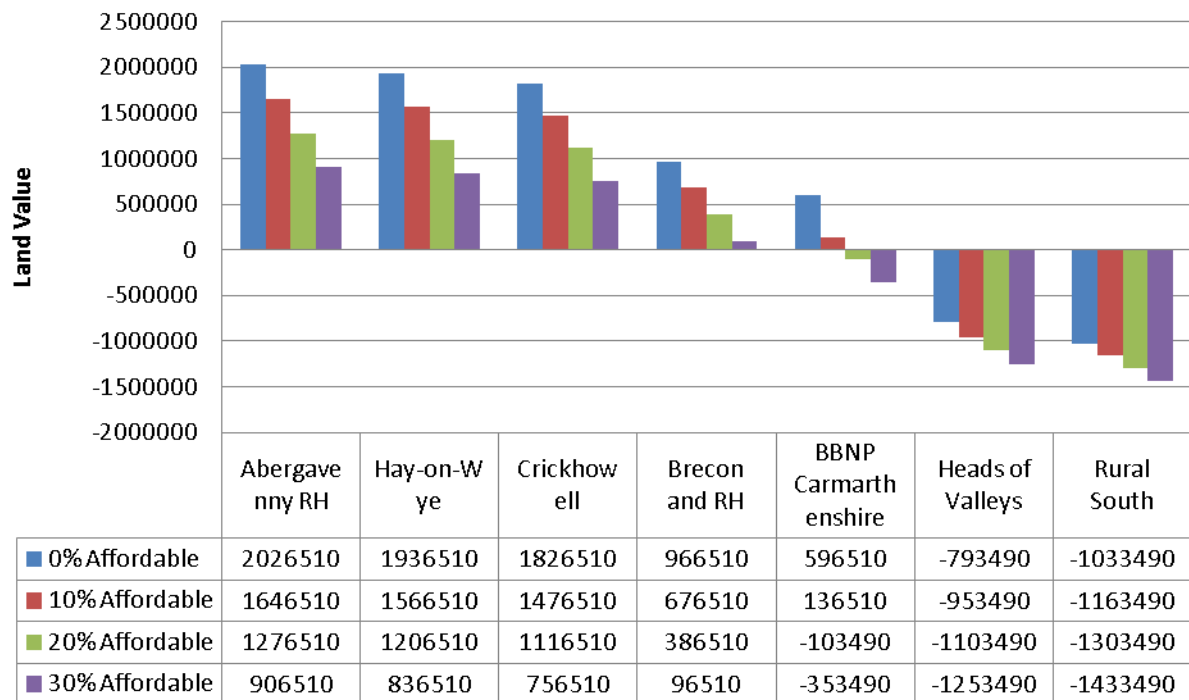
APPENDIX 10

Brecon Beacons National Park

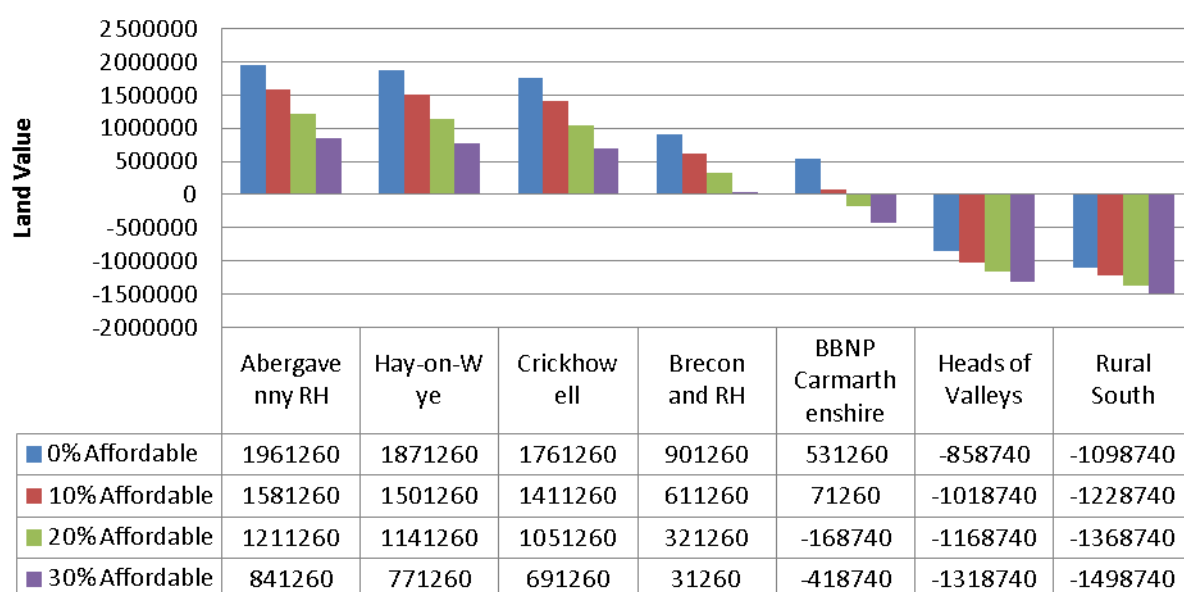
BBNP residual values with 25% improvement



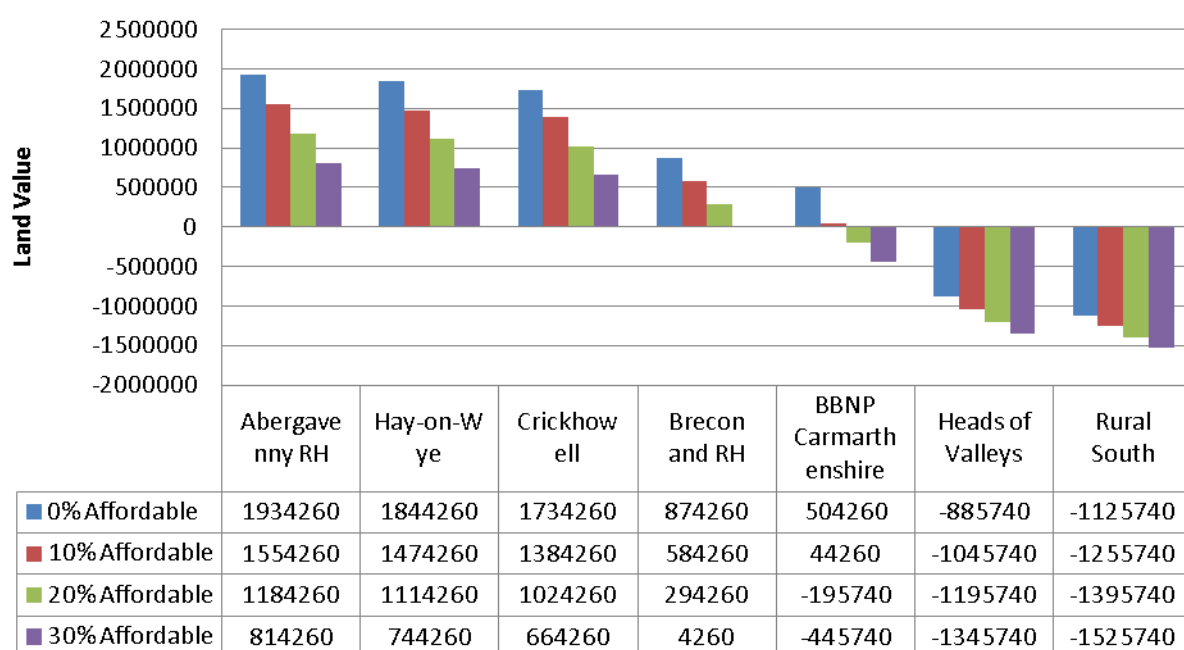
BBNP residual values with 40% improvement



BBNP residual values with 25% plus sprinklers



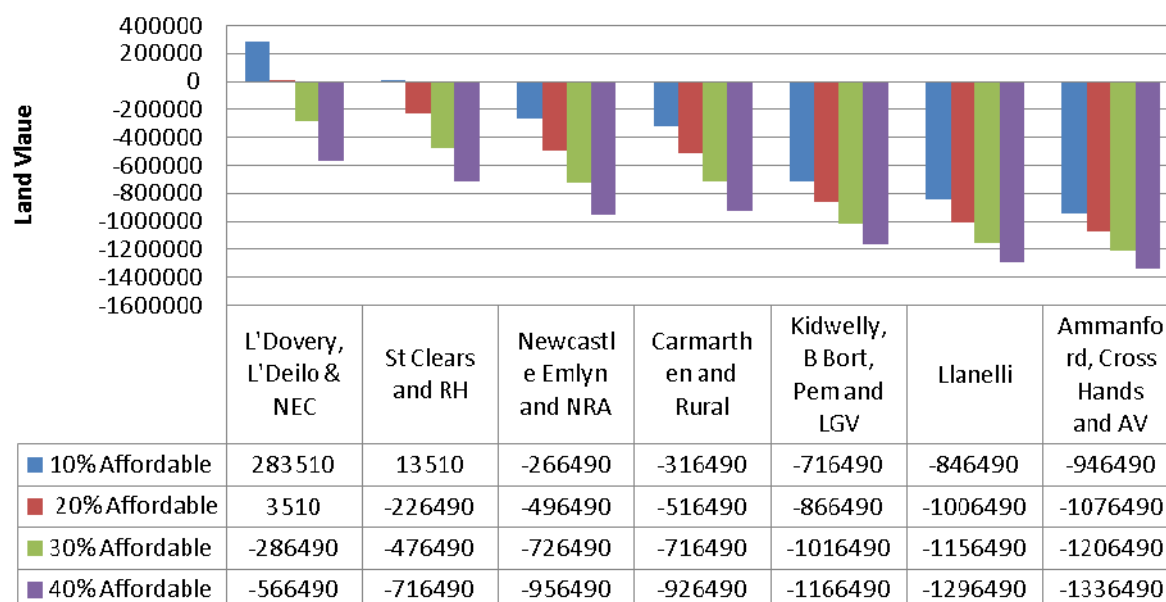
BBNP residual values with 40% plus sprinklers



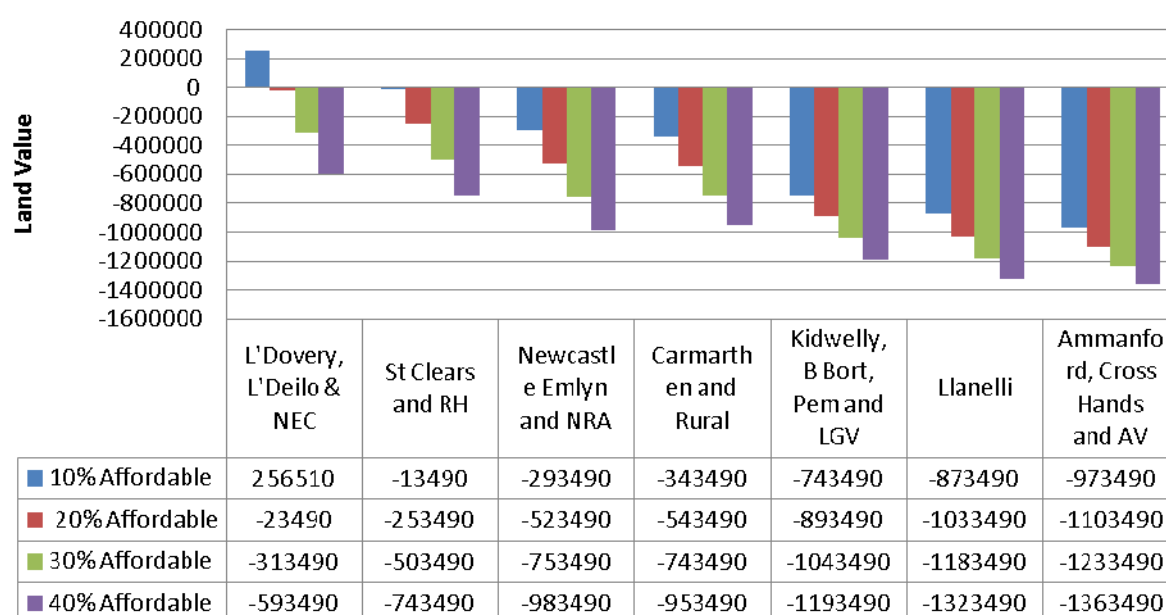
APPENDIX 11

Carmarthenshire

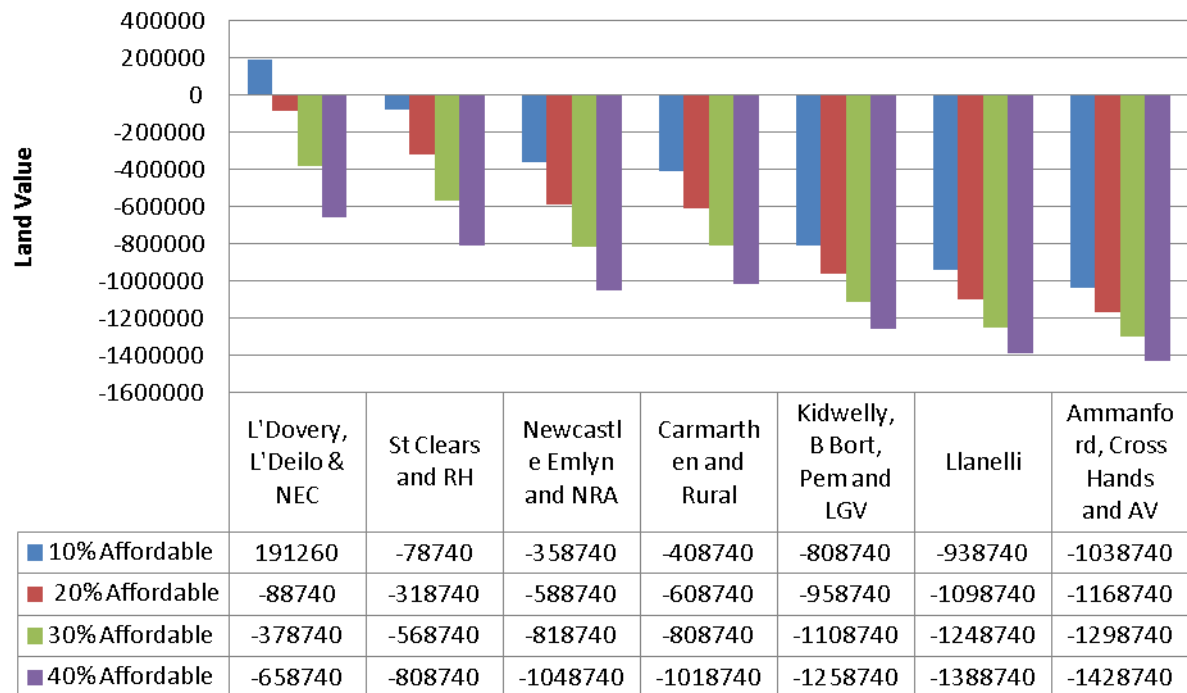
Carmarthenshire residual values with 25% improvement



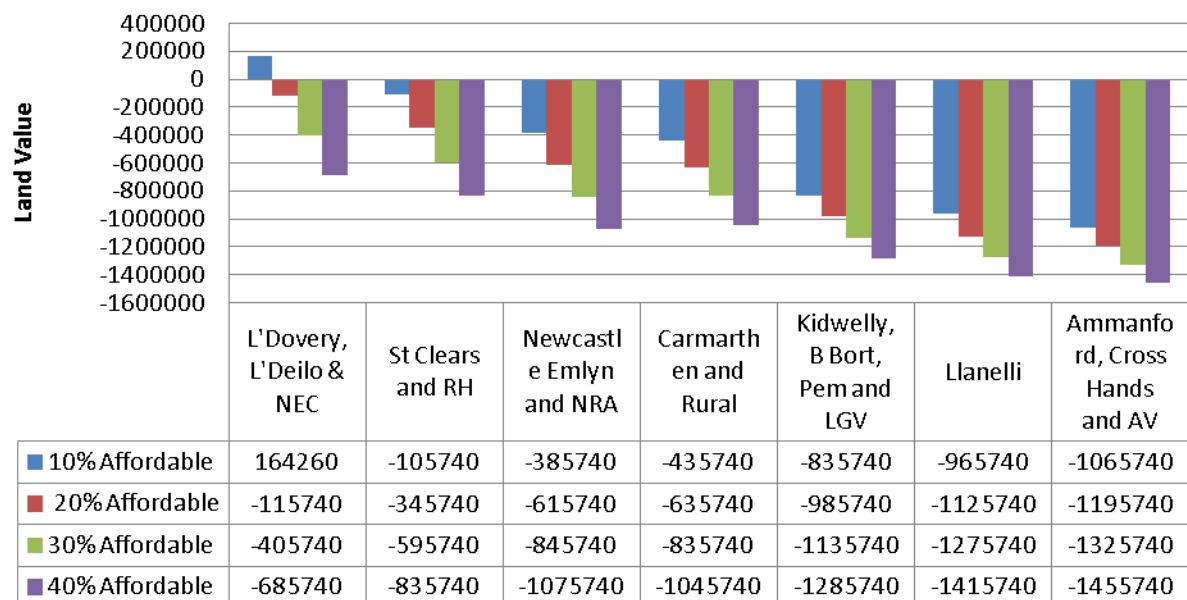
Carmarthenshire residual values with 40% improvement



Carmarthenshire residual values with 25% plus sprinklers

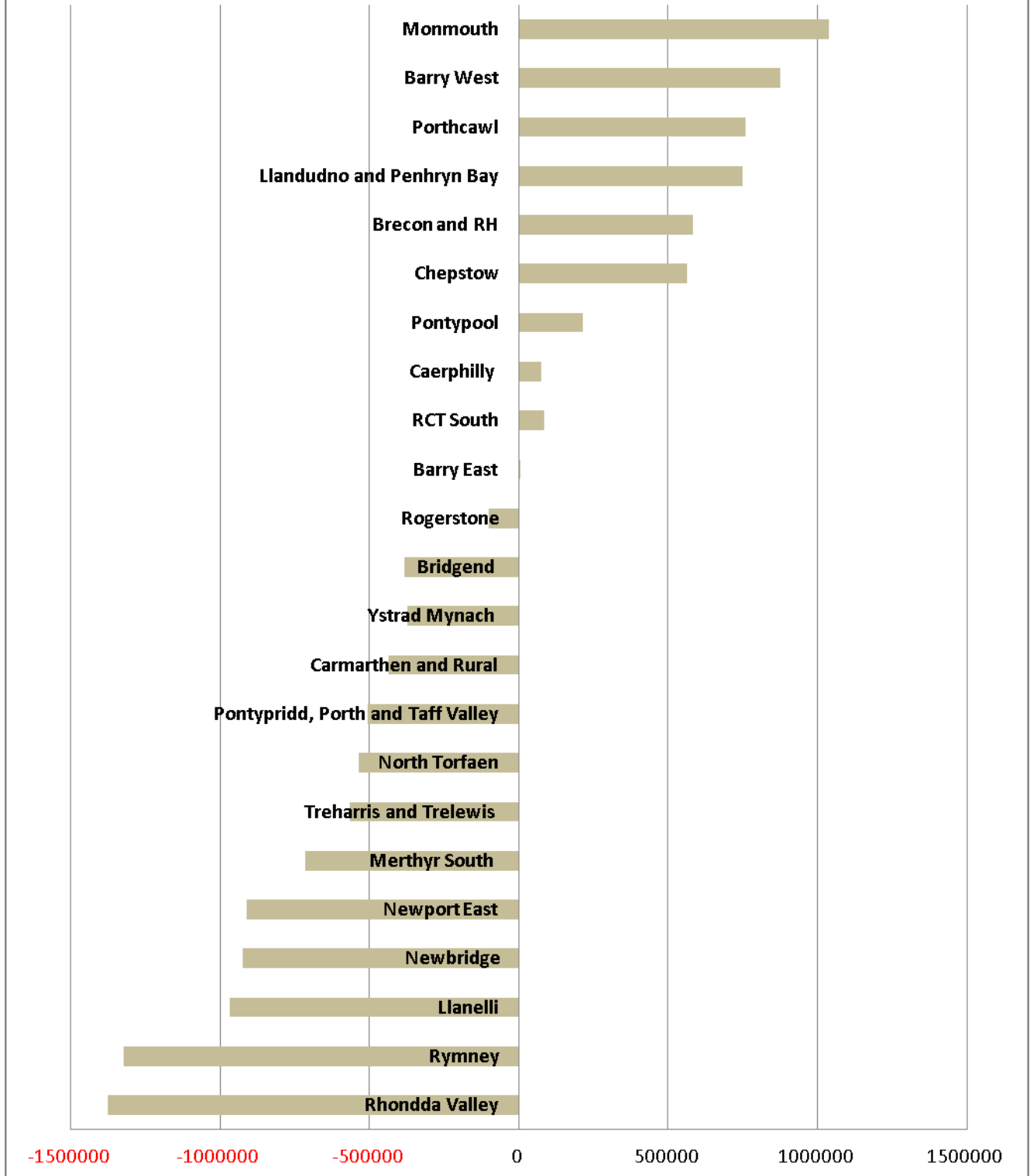


Carmarthenshire residual values with 40% plus sprinklers



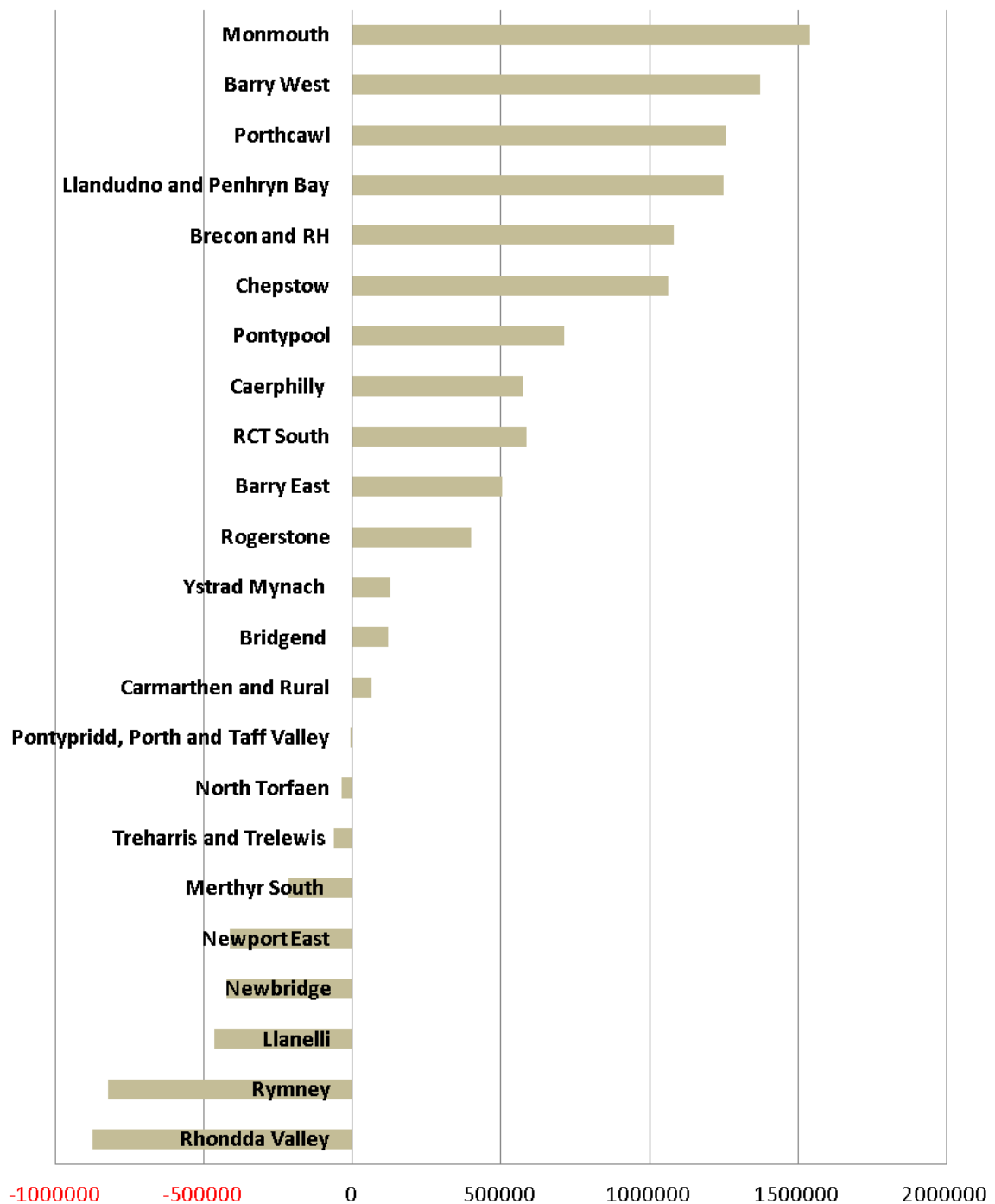
Appendix 12

Land value spread at 10% affordable housing (40% plus sprinklers)



Appendix 13

Land value spread at 10% affordable housing (40% plus sprinklers) - WG Sensitivity Analysis



Appendix 14

Evidence from HBF members on the average cost of remediating sites and addressing abnormal constraints

Developer no.1

- Site 1 - A former steelworks - £263k per acre.
- Site 2 – Industrial site without contamination - £130 per acre.
- Site 3 - Site in Aberdare including raising site - £205k per acre.
- Site 4 - Site in the Vale of Glamorgan - approx £400k per acre.
- **Average £250k per acre**

Developer no.2

Sites are relatively straightforward and some have benefited from prior remediation

- Site 1 - Park Road - £115k per acre
- Site 2 - Bagworth - £134k per acre
- Site 3 - Cleobury Mortimer - £147k per acre
- Site 4 - Yately - £169k per acre
- Site 5 - Humberstone - £227k per acre
- **Average - £159 per acre**

Developer no.3

- £250k per acre is reasonable

Developer no.4

- Site 1 – Former factory, contaminated site - £439335 per acre
- Site 2 – Sloping site, largely made ground - £192908 per acre
- Site 3 – Sloping greenfield site - £164500 per acre
- **Average - £265581 per acre**

Appendix 15

Evidence to support the estimated cost of remediating sites and addressing abnormal constraints

Report from Arup

Your ref
Our ref
File ref

ARUP

By Post & Email

Planning & Policy Advisor - Wales
House Builders Federation
PO Box 2512
Cardiff
CF23 0GB

4 Pierhead Street
Capital Waterside
Cardiff CF10 4QP
United Kingdom

t +44 29 2047 3727
f +44 29 2047 2277

bob.irvine@arup.com
www.arup.com

For the attention of Richard Price

Dear Sir

Brownfield Sites - Remediation/Reclamation Cost Estimates

Along with Integrale Geotechnique we have been approached by a number of major house builders in South Wales to confirm to you typical costs for the remediation/reclamation works on brownfield sites.

Arup has been involved in the remediation and redevelopment of many of the brownfield sites in South Wales. We have assisted a number of clients e.g. BP, ABP, Welsh Development Agency, in the investigation and development of remediation strategies for approval by the relevant Authorities; subsequently the detailed design, construction supervision and validation of the remediation works. Many of these sites have been or will be developed for housing such as Rhoose Point, Waterfront, Barry, Coed D'Arcy, Maesteg Washery and Llanilid.

We have successfully developed remediation proposals to address various types and quantities of contamination using appropriate methods agreed with the regulatory authorities.

Due to this variation in the nature of the contamination methods used the consequent cost varied from site to site. This cost was also affected by the size of the site (smaller the site, the higher the cost per acre), the historic use of the site and the risk posed to the environment. Reclamation/remediation costs for sites where residential development was proposed were generally higher than for other uses, particularly where domestic gardens were proposed.

As such, from our experience, the reclamation/remediation costs, including demolition of disused buildings varied between typically £100K to £250K per acre. In exceptional

circumstances with highly contaminated sites the remediation costs could exceed £250K/acre.

The above costs do not include for special measures to be incorporated by the developer to address the specific ground conditions. Based on an average of 15 units per acre, a typical cost per acre for these abnormalities would be circa £75K. This covers raft foundations at £2,500 per unit extra over normal strips, £750 per unit for gas barrier in the slab and importation of 600mm thick clean subsoil/topsoil in the gardens.

Therefore, the total cost of remediation/reclamation works and developers' abnormalities for development of brownfield sites for housing would be circa £175K to £325K per acre.

If you require further clarification or information please contact us. Hopefully the above provides a reasonable guide.

Yours faithfully

A handwritten signature in cursive script that reads "Bob Irvine".

Bob Irvine
Director

Appendix 16

**Evidence to support the estimated cost of remediating sites
and addressing abnormal constraints**

Report from Integrale Geotechnique

Provided separately as a PDF

#83 - Rhondda Cynon Taf CBC

2012 consultation on changes to the Building Regulations in Wales

Part L (Conservation of fuel and power)

Minor amendments indicated in red

Consultation

Response Form

Your name: Lisa Lloyd

Organisation (if applicable): Rhondda Cynon Taf CBC

(xxi) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational ☒ Personal Views ☐

(xxii) Are your views expressed on this consultation in connection with your membership or support of any group? If yes please state name of group:

Yes ☐ No ☐

Name of group:

(xxiii) Please tick the one box that best describes your organisation:

<p>Builders/Developers:</p> <p>Builder / Main contractor: <input type="checkbox"/></p> <p>Builder/ Small builder: (extensions/repairs/maintenance, etc) <input type="checkbox"/></p> <p>Installer/ special sub-contractor <input type="checkbox"/></p> <p>Commercial developer <input type="checkbox"/></p> <p>House builder <input type="checkbox"/></p>	<p>Property Management:</p> <p>Housing association (registered social landlord) <input type="checkbox"/></p> <p>Residential landlord, private sector <input type="checkbox"/></p> <p>Commercial <input type="checkbox"/></p> <p>Public sector <input checked="" type="checkbox"/></p>
<p>Building occupier:</p> <p>Home owner <input type="checkbox"/></p> <p>Tenant (residential) <input type="checkbox"/></p> <p>Commercial Building <input type="checkbox"/></p>	<p>Building Control Bodies:</p> <p>Local authority building control <input type="checkbox"/></p> <p>Approved Inspector <input type="checkbox"/></p>
<p>Energy Sector <input type="checkbox"/></p>	<p>Fire and Rescue Authority <input type="checkbox"/></p>

Designers/Engineers/Surveyors: Architect <input type="checkbox"/> Civil/Structural engineer <input type="checkbox"/> Building services engineer <input type="checkbox"/> Surveyor <input type="checkbox"/>	Specific Interest: Competent person scheme operator <input type="checkbox"/> National representative or trade body <input type="checkbox"/> Professional body or institution <input type="checkbox"/> Research/ academic organisation <input type="checkbox"/>
Manufacturer/ Supply Chain <input type="checkbox"/>	Other (<i>please specify</i>) <input type="text"/>

(xxiv) Please tick the *one* box which best describes the size of your or your organisation's business?

- Micro – typically 0 to 9 full-time or equivalent employees (incl. sole traders) ☐
- Small – typically 10 to 49 full-time or equivalent employees ☐
- Medium – typically 50 to 249 full-time or equivalent employees ☐
- Large – typically 250+ full-time or equivalent employees ☒
- None of the above (please specify) ☐

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

Yes ☐ No ☐

Name of scheme:

(vii) Would you be happy for us to contact you again in relation to this consultation?Yes ☒ No ☐

WG will process any personal information that you provide us with in accordance with the data protection principles in the Data Protection Act 1998. In particular, we shall protect all responses containing personal information by means of all appropriate technical security measures and ensure that they are only accessible to those with an operational need to see them. You should, however, be aware that as a public body, the Welsh Government is subject to the requirements of the Freedom of Information Act 2000, and may receive requests for all responses to this consultation. If such requests are received we shall take all steps to anonymise responses that we disclose, by stripping them of the specifically personal data – name and e-mail address – you supply in responding to this consultation. If, however, you consider that any of the responses that you provide to this survey would be likely to identify you irrespective of the removal of your overt personal data, then we should be grateful if you would indicate that, and the likely reasons, in your response, for example in the relevant comments box.

Questions:**New homes**

1. Do you agree with the Government's preference for a CO₂ saving of 40% reduction in carbon dioxide emissions compared to Part L 2010.

No change to 2010	<input type="checkbox"/>
40% CO ₂ saving	<input type="checkbox"/>
25% CO ₂ saving	<input type="checkbox"/>
Something else (please explain below)	<input type="checkbox"/>
Don't know	<input checked="" type="checkbox"/>

Comments

The 40% saving will only be achievable if there is funding available to assist householders and measures need to be cost effective, especially in the current economic climate. The majority of housing stock in Wales is considered hard to treat and to meet these types of savings would in many cases require expensive measures and retrofitting can be especially expensive. Also householders than under heat their homes such as fuel poor households are probably the least carbon emitters and even with costly measures installed are unlikely to achieve these savings as they would be taken in comfort gain. The links to usage and fuel poverty needs to be considered further. New build housing is projected to still be the smallest number of homes compared to existing stock in 2050 which are already much more energy efficient from just their build type alone. There must be a balance to keep new developments viable to address housing shortages with maybe commuted sums rather than stringent % savings on new build stock so that these resources could be used for existing housing stock.

2. Do you agree with the proposal for an 'aggregate' approach to CO₂ target setting for new homes in 2015? The CO₂ target for any individual dwelling varies depending on the ease with which the building can achieve the target, with the overall required CO₂ saving achieved when aggregated over the build mix.

Yes ☒ No ☐ Don't know ☐

Comments

3. Do you agree with the proposal for a compliant option based on a consistent recipe of elemental specifications for fabric, services plus an additional CO₂ saving equivalent to an amount of photovoltaic (PV). Please justify your choice.

Yes ☒ No ☐ Don't know ☐

Comments

I agree it should depend on the type and size of the property and its energy usage.

4. The main difference between the recipes is the required system efficiency for each fuel, which is appropriate for the heating system type. By adopting this approach to different fuel types, there is no need for a separate fuel factor. Do you agree with the proposed approach?

Yes ☒ No ☐ Don't know ☐

Comments

5. For the CO₂ savings proposed, are the recipe specifications a sensible way of achieving them? Please justify your choice.

Yes ☒ No ☐ Don't know ☐

Comments

Recipe should include most appropriate measures for sensibly achieving CO₂ savings.

6. In approaching the selection of the amount of PV to be installed on dwellings, do you prefer?

Fixed percentage of building foundation area ☐

Proportion of gross internal floor area with a practical cap ☒

Don't know ☐

Comments

Perhaps look at actual or average energy usage of building and see if can achieve or significantly contribute to required level with PV?

7. Do you agree that the limits on design flexibility 'backstop' values for fabric elements in new homes should be changed from the current reasonable provision in the technical guidance to become mandatory?

Yes ☐ No ☐ Don't know ☒

Comments

8. Do you agree with the changes to the 'backstop' values proposed? Please explain your decision.

Yes ☐ No ☐ Don't know ☒

Comments

9. Do you have any other comments on the proposed changes to Approved Document L1A or the domestic National Calculation Methodology? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

None

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

Yes ☐ No ☐ Don't know ☒

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

New non-domestic buildings

12. Do you agree with the proposal for ~~2013~~ 2014 for non-domestic buildings to explicitly regulate energy efficiency separately from low carbon technologies through the assessment

of primary energy consumption (PEC)? Does PEC seem like a reasonable basis for standard setting?

Yes ☐ No ☐ Don't know ☒

Comments

13. Which package of fabric and services should be selected: 7% or 10%? Please give reasons for your choice.

7% ☐

10% ☐

Don't know ☒

Comments

14. Do you foresee any particular issues for certain categories of building to meet the TPEC or TER?

Yes ☐ No ☐ Don't know ☒

Comments

15. Which approach should be utilized to incorporate the contribution of low carbon technologies into the setting of the Target Emission Rate (TER), for non domestic buildings?

Fixed carbon reduction (in kg.CO₂/m²/year) ☐

Percentage of roof area of PV ☐

Percentage of floor area of PV ☐

Other ☐

Don't know

☒

Please give reasons for your choice

16. The proposals explain the Government's preference for a 20% aggregate improvement in CO₂ performance standards for new non-domestic buildings from ~~October 2013~~ June 2014. Which option do you prefer and why?

No change

☐

Target A: 10% aggregate improvement (1% PV)

☐

Target B: 11% aggregate improvement (No PV)

☐

Target C: 20% aggregate improvement (5% PV)

☐

Don't know

☒

Please give reasons for your choice

17. Do the proposed ~~2013~~ 2014 notional buildings as set out in the changes to the National Calculation Methodology seem like a reasonable basis for standards setting? Please provide comments on the method used to develop the notional buildings and particular elements of one or more of the notional buildings, if relevant.

Yes

☐

No

☐

Don't know

☒

Comments

18. Do you think that a further recipe should be created for buildings under 250m² and aligned with the proposed domestic recipe? Are there particular reasons why smaller buildings find compliance with the non-domestic recipes difficult? Please justify your views.

Yes

☐

No

☐

Don't know

☒

Comments

19. Although we recognise that some buildings may need to be serviced in a particular way for legitimate functional or environmental reasons, should Part L incentivise a lower carbon servicing strategy (as with the current Energy Performance Certificate methodology), by basing the notional building on mixed-mode ventilation?

Yes ☐ No ☐ Don't know ☒

Comments

20. Do you have any other comments on the proposed changes to Approved Document L2A or the non-domestic National Calculation Methodology? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

None

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

Yes ☐ No ☐ Don't know ☒

Comments

22. Overall, do you think the impact assessment is a fair and reasonable assessment of the potential costs and benefits of the proposed options for new non-domestic buildings?

Please justify your view and provide alternative evidence if necessary.

Yes ☐ No ☐ Don't know ☒

Comments

Cumulative impact of policies

23. Overall, do you think the assessment of the impact on development is broadly fair and reasonable? Please justify your view and provide alternative evidence if necessary.

Yes ☐ No ☐ Don't know ☒

Comments

National Planning Policy Review

24. What role should planning play in facilitating higher carbon standards? Should it focus on facilitating site wide energy opportunities that will be needed as we move towards zero or near zero carbon buildings?

Views

Planning should have fundamental role at initial stage of development and look at site wide opportunities for energy efficiency as we strive to achieve zero carbon targets.

25. What are the implications from future (and regular) changes to the Code for Sustainable Homes and BREEAM on the implementation of the policy?

Views

Will developments still be financially viable and further impact assessments should be done on whether they will hinder developments in the current market conditions

26. Are the costs of assessment and certification now disproportionate to the costs and benefits of achieving a minimum sustainable buildings standard level?

Yes ☐ No ☐ Don't know ☒

Comments

27. What should be the role of local planning authorities in setting local standards above and beyond Building Regulations? How can we ensure there is a level playing field of standards across Wales?

Views

This is a dangerous precedent to set. An increase in standards and the knock on effect of associated costs can conflict with increasing pressures to meet new housing targets and deliver more affordable

28. What do you see as the positive/negative impacts of removing Part B of the policy expecting buildings to be certified against Code/BREEAM?

Views

-

29. Is there a better, alternative, way to rewards and secure sustainable buildings (above the regulatory minimum) other than using national planning policy? What opportunities are there for future changes to Building Regulations?

Views

Tax relief? More guidance on permitted developments

30. To what extent are duplication of standard and approval systems an issue? Would the removal of the PfSB policy assist in reducing duplication?

Views

-

31. What opportunities are there for higher standards to be delivered on strategic sites identified as part of the Local Development Plan?

Views

Increasing standards may prevent development coming forward and may minimise the scope for planning contributions.

Existing buildings

- ~~32. Do you agree with the proposal to raise performance standards for domestic replacement windows? Please explain your answer.~~

~~Yes ☐ No ☐ Don't know ☐~~

~~Comments~~

33. Do you agree with the proposal to raise performance standards for domestic extensions? Please explain your answer.

Yes ☒ No ☐ Don't know ☐

Comments

Because opportunity to achieve extra carbon savings and costs of such work at the time of build can be cheaper than retrofitting

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

Yes ☐ No ☐ Don't know ☒

Comments

35. Do you agree that the exemption for conservatories or porches should be removed where an individual room heat or air conditioning unit is installed? How effective would this change be in limiting energy use/emissions, or are there other ways by which energy performance might be improved where conservatories or porches are installed?

Yes ☐ No ☒ Don't know ☐

Comments

36. Do you agree with the proposal to require consequential improvements upon extensions or increases in habitable space in existing homes below 1000m²? Please explain your view.

Yes ☒ No ☐ Don't know ☐

Comments

Because extra carbon savings could be made.

37. The consultation explains that the regulatory requirement for consequential improvements upon domestic extensions or increases in habitable space would be limited to a list of measures comprising a minimum standard of loft insulation, hot water cylinder insulation and the installation of cavity wall insulation.

Do you agree with this list of measures? ☒

Should this list be different (please explain below)? ☐

Another approach (please explain below) ☐

Don't know ☐

Comments

38. What effect do you think the requirements for consequential improvements may have on the demand for repair, maintenance and improvement activity? Please use evidence to explain your answer.

☐

Increase demand

Reduce demand

No effect

Don't know

☐
☐
☒

Comments

39. Do you agree with the proposal to introduce consequential improvements upon extensions or increases in habitable space in non-domestic buildings under 1000m²? Please explain your view.

Yes ☐ No ☐ Don't know ☒

Comments

40. The consultation proposes that for non-domestic buildings, any measure from list which is used to generate Green Deal assessments, the list in SBEM used to generate Energy Performance Certificate recommendations and the existing list of typical consequential improvement measures from Approved Document L2B should be eligible to be a consequential improvement. Do you agree?

Yes ☐

No ☐

Prefer a different list (please specify) ☐

Don't know ☒

Comments

41. Do you agree that there should not be major problems in extending the requirement for consequential improvements for the building control process? If you do foresee issues, what are they and how might these be addressed?

Yes ☐ No ☐ Don't know ☒

Comments

42. Do you have any other comments on the proposed changes to Approved Document L1B? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

43. Do you have any other comments on the proposed changes to Approved Document L2B? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

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

Yes ☐ No ☐ Don't know ☒

Comments

Compliance and Performance

47. For new dwellings, Welsh Government is proposing to develop a compliance checklist. Do you think such a checklist would be used sufficiently to warrant its development?

Yes ☐ No ☐ Don't know ☒

Comments

48. If such a checklist was developed, what should it cover?

Comments

49. If the checklist was taken forward, who should be involved in its development?

Comments

50. Would any other approach be likely to prove more effective instead (such as a PAS⁶ type approach).

Yes ☐ No ☐ Don't know ☒

Comments

- 51a. Would it be preferable for buildings of a domestic nature to be able to achieve compliance through applying the recipe in AD L1A, in acknowledgement of the domestic nature of such buildings, rather than demonstrating compliance with AD L2A?

Yes ☐ No ☐ Don't know ☒

Comments

- 51b. What are the arguments for and against this approach?

Comments

⁶ A PAS is a Publically Available Specification, and the PAS would set out a quality assurance approach.

52. Additional views and suggestions for addressing compliance and performance issues in new non domestic buildings would be welcome.

Comments

53. Is the newly formatted ADL1B easier to understand and use?

Yes ☐ No ☐ Don't know ☒

Comments

54. Are there any further amendments to the newly formatted ADL1B that you would recommend? If so, please provide details.

Yes ☐ No ☐ Don't know ☒

Comments

55. How do the consultation proposals impact on the work of Local Authorities and Approved Inspectors? Please give positive and negative impacts.

Comments

56. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

#85 - Tesco Stores Ltd

Tesco Part L 2013 Regulation Consultation Response

Tesco is committed to tackling climate change and we have pledged to become a zero carbon business by 2050, without the purchase of offsets. We therefore have a keen interest in building regulations that encourage a reduction in emissions.

We are already making good progress towards our interim targets to halve the carbon emissions from existing and new stores and distribution centres by 2020, against a 2006 baseline. Despite a 7.3% increase in floor space, Tesco's UK emissions fell 5% in absolute terms last year; the second year in a row they have declined. As part of our work to reduce the emissions from our new stores, we have built seven zero-carbon stores around the world. We opened the world's first zero-carbon supermarket in Ramsey, Cambridgeshire, in 2009 and in March this year opened our fourth British zero carbon store at Cefn Mawr in Wales.

We therefore support the Government's intention to make all new commercial buildings zero carbon by 2019 and agree that the Part L regulations are the most effective way of achieving this goal.

A summary of the key points made in this response is below:

1. Proposed carbon target reductions

- We support a 20% uplift in 2013 in principle as a necessary interim step towards the 2019 zero carbon target.

2. Encouraging best practice

- We think more could be done to encourage best practice across the construction industry to exceed, rather than meet, minimum compliance standards.

3. Suitability of SBEM as the Part L compliance tool

- While we agree that the 20% uplift is necessary, we have a number of concerns about the inflexibility of SBEM in assessing Part L compliance.
- Limitations imposed by SBEM are causing increasing difficulty in representing buildings and their carbon impact.
- The building profiles do not accurately reflect the majority of Tesco stores. The options available are no longer adequate to model energy consumption.
- Tesco makes use of complex designs which are more energy efficient but cannot be accurately reflected in Part L under the current SBEM model.

4. Fuel Factors

- The reduction or removal of fuel factors is unnecessary due to the minimum standards proposed in Part L 2013.
- Until the UK has a fully covered gas grid, those who cannot access gas should not be penalised.

5. National Planning Policy

- We strongly agree with the proposed removal of Part B in PfSB National Planning Policy. It should be for Building Regulations to set national rather than local targets so we achieve a level playing field.

1. Proposed carbon target reductions

Of the carbon reduction targets proposed, we favour the more ambitious 20% aggregate improvement on Part L 2010. We believe progress at this rate is necessary if we are to remain on course to hit the 2019 national target. The alternative 11% option could leave too large a gap to make up from 2016.

2. Encouraging Best Practice

When several companies are involved in the construction of a project, as is often the case on commercial sites, each may look to minimise costs by working only to the minimum levels to be compliant with Part L. This can mean that, overall, the building can still fall short of Part L compliance. **To encourage best practice across the industry and raise standards, a set of widely publicised recommended standards that exceed the minimum compliance levels should be published. Clearly set out recommended standards would also promote a wider understanding of Part L requirements.**

3. Suitability of SBEM as the Part L compliance tool

While we agree that the 20% uplift is necessary, the rigid and narrow approach to meeting these targets is becoming a severe restriction. We have a number of concerns about the inflexibility of SBEM in assessing Part L compliance.

When Part L first came in with more elemental models in 2002, compliance very much depended on fabric improvements. With the 2006 regulations, fabric improvements and also changes in building form became the most significant factors in building compliance. The current 2010 regulations have shifted the focus to more efficient services in addition to the previous factors. Until this point, SBEM modelling was a satisfactory compliance tool.

Due to the progress we have made in reducing our carbon emissions, we are now at a stage where carbon reductions are becoming more difficult to achieve in terms of hitting our targets. Therefore more advanced and innovative solutions are required. SBEM, in its current form, is not well placed to reflect these new types of solutions. If the government are to achieve further efficiencies through to zero carbon, they need to drive building owners to dynamically model building usage with greater accuracy than is currently possible. While we acknowledge SBEM needs to provide a level and standardised way of comparing similar buildings, SBEM modelling needs to be updated to reflect the changing nature of the regulations it is assessing; as happened in 2002 and 2006.

To illustrate, there are several complex design issues that are key to our building design which are currently not accounted for which can have a

serious impact on our compliance rating. Updates to Appendix Q miss many of the technologies important to Tesco's carbon reduction strategy. We believe that SBEM modelling is falling behind the technology curve, with the result being a compliance model that actively stifles innovation rather than acknowledging and rewarding the sort of building solutions we will need to implement on the road to zero carbon.

We have a number of specific issues we would like raise:

- I. **The two supermarket templates available in the NCM building profiles fail to reflect the reality of the range of buildings supermarkets operate in.** A range of stores from small 300m² single storey buildings with 3m ceilings, up to 11,000m² mezzanine shops with 8m ceilings and under-croft levels, needs several templates to represent them with any degree of accuracy. We would be happy to discuss potential new templates with officials.
- II. **Much of our progress towards the challenging corporate carbon targets we have set ourselves is achieved through efficient running of our estate and careful consideration of set points (e.g. room temperature) and equipment used in store. Using rigid and poorly matched NCM templates ignores these important carbon benefits.** At a time when it is getting more difficult to find carbon savings, this source of inaccuracy is a significant hindrance. While we accept standardised NCM templates will never totally match the detail of a full dynamic simulation or the reality of a building, we feel more templates are needed to make the compliance modelling fairer and a better reflection of the reality of buildings.
- III. **Limited options force us to pick closest equivalent solutions for newer advanced systems which are not accounted for in SBEM.** This can be a particular problem in engineering services. Limited options force us to pick best-fit solutions for newer advanced systems which are not accounted for in SBEM. For example, there is no suitable option within SBEM for the mixed mode ventilation systems we use in some of our stores. The problem here is two fold:
 - o Firstly, we do not get the full compliance benefit of the more efficient solution.
 - o Secondly, we also run a risk that we could fail an audit based on Criterion Four of Part L. The local building authority is left to decide if the assumptions and allowances made are an acceptable compromise between the actual and standard systems and that they reflect what we are proposing to install.

Flexibility could be introduced within the SBEM to allow for more retail specific complex design such as cold-aisle retrieval and gas fired air-handling units. Alternatively, if SBEM cannot be made to account for these beneficial complex designs, then a standardised national method for justifying a best-fit solution would make the process clearer and fairer.

CHP is another key technology not adequately accounted for by SBEM. It is modelled on an annual basis so does not make proper allowance for those who flex CHP operation to match demand. This sort of inflexible modelling forces us to make decisions on whether to design for Part L compliance, or real world energy efficiency.

3. Fuel Factor

The reduction of the fuel factor proposed in 2013 in line with its complete removal by 2019 is another area of concern for Tesco. Many of our stores use electricity due to the existing connection in acquired and leased buildings or where gas is not available. Until the UK has a fully covered gas grid, those who cannot access gas should not be penalised. It is also an onerous burden on building officers to check whether gas could have been used instead on every site.

Our small Express stores, which use electricity, have very little in the way of services and heat demand. The little demand they have can be met using electric air-source heat pumps which are in fact more efficient than their gas counterparts. Using electricity also makes it easier to incorporate renewables generation.

We agree with the Government's view that the minimum standards proposed in Part L 2013 will close the loophole where buildings can be built to lower fabric standards than a gas-supplied building whilst meeting the regulatory CO₂ emissions. Given that this loophole will be closed, we see no justification in penalising those not unable to use gas by reducing fuel factor.

5. National planning policy

We strongly agree with the proposed removal of Part B in the PfSB National Planning Policy. We believe that planning authorities should have no role in the complex technical design decisions involved in building development. It should be for Building Regulations to set national rather than local targets so we achieve a level playing field. The building industry should have a single message and single legislative requirements on individual elements or issues. Overlapping standards and requirements prevent a consistent and fair approach. The benefits are clarity, certainty, less regulatory burden and more economical construction. BREEAM and CSH should remain voluntary with the key aspects being drawn into regulation if deemed important enough to be mandatory.

If you would like to discuss any of the issues raised in our response in further detail, please let me know.

Yours sincerely

Tony McElroy
Head of Welsh Government Affairs
Tesco Stores Limited

#88 - Carillion

2012 consultation on changes to the Building Regulations in Wales

Part L (Conservation of fuel and power)

Consultation Response Form

Your name: Claire Batey

Organisation (if applicable): Carillion

(xxv) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational ☒ Personal Views ☐

(xxvi) Are your views expressed on this consultation in connection with your membership or support of any group? If yes please state name of group:

☐ ☒ Yes No

Name of group

(xxvii) Please tick the one box that best describes your organisation:

<p>Builders/Developers:</p> <p>Builder / Main contractor: <input type="checkbox"/></p> <p>Builder/ Small builder: (extensions/repairs/maintenance, etc) <input type="checkbox"/></p> <p>Installer/ special sub-contractor <input type="checkbox"/></p> <p>Commercial developer <input type="checkbox"/></p> <p>House builder <input type="checkbox"/></p>	<p>Property Management:</p> <p>Housing association (registered social landlord) <input type="checkbox"/></p> <p>Residential landlord, private sector <input type="checkbox"/></p> <p>Commercial <input type="checkbox"/></p> <p>Public sector <input type="checkbox"/></p>
<p>Building occupier:</p> <p>Home owner <input type="checkbox"/></p> <p>Tenant (residential) <input type="checkbox"/></p> <p>Commercial Building <input type="checkbox"/></p>	<p>Building Control Bodies:</p> <p>Local authority building control <input type="checkbox"/></p> <p>Approved Inspector <input type="checkbox"/></p>
<p>Energy Sector <input type="checkbox"/></p>	<p>Fire and Rescue Authority <input type="checkbox"/></p>

Designers/Engineers/Surveyors: Architect <input type="checkbox"/> Civil/Structural engineer <input type="checkbox"/> Building services engineer <input type="checkbox"/> Surveyor <input type="checkbox"/>	Specific Interest: Competent person scheme operator <input type="checkbox"/> National representative or trade body <input type="checkbox"/> Professional body or institution <input type="checkbox"/> Research/ academic organisation <input type="checkbox"/>
Manufacturer/ Supply Chain <input type="checkbox"/>	Other (<i>please specify</i>) <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> Carillion is a large support services and construction company that includes an Energy Services division and a Specialist Services division that includes provision of Approved Inspector services. </div>

(xxviii) Please tick the *one* box which best describes the size of your or your organisation's business?

- Micro – typically 0 to 9 full-time or equivalent employees (incl. sole traders) ☐
- Small – typically 10 to 49 full-time or equivalent employees ☐
- Medium – typically 50 to 249 full-time or equivalent employees ☐
- Large – typically 250+ full-time or equivalent employees ☒
- None of the above (please specify) ☐

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

Yes ☒ No ☐

Name of scheme:

Multiple.

(vii) Would you be happy for us to contact you again in relation to this consultation?Yes ☒ No ☐

WG will process any personal information that you provide us with in accordance with the data protection principles in the Data Protection Act 1998. In particular, we shall protect all responses containing personal information by means of all appropriate technical security measures and ensure that they are only accessible to those with an operational need to see them. You should, however, be aware that as a public body, the Welsh Government is subject to the requirements of the Freedom of Information Act 2000, and may receive requests for all responses to this consultation. If such requests are received we shall take all steps to anonymise responses that we disclose, by stripping them of the specifically personal data – name and e-mail address – you supply in responding to this consultation. If, however, you consider that any of the responses that you provide to this survey would be likely to identify you irrespective of the removal of your overt personal data, then we should be grateful if you would indicate that, and the likely reasons, in your response, for example in the relevant comments box.

Questions:**New homes**

1. Do you agree with the Government's preference for a CO₂ saving of 40% reduction in carbon dioxide emissions compared to Part L 2010.

No change to 2010	<input type="checkbox"/>
40% CO ₂ saving	<input checked="" type="checkbox"/>
25% CO ₂ saving	<input type="checkbox"/>
Something else (please explain below)	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Comments

Yes -In respect of the reduction in carbon dioxide emissions we agree with the 40% reduction - it may be simpler if elemental items such as insulation requirements for floor, walls and roofs are fixed and will not change in future. However, it is important that the required threshold is not onerous to achieve, particularly in consideration of the current economic conditions.

2. Do you agree with the proposal for an 'aggregate' approach to CO₂ target setting for new homes in 2015? The CO₂ target for any individual dwelling varies depending on the ease

with which the building can achieve the target, with the overall required CO₂ saving achieved when aggregated over the build mix.

Yes ☒ No ☐ Don't know ☐

Comments

3. Do you agree with the proposal for a compliant option based on a consistent recipe of elemental specifications for fabric, services plus an additional CO₂ saving equivalent to an amount of photovoltaic (PV). Please justify your choice.

Yes ☒ No ☐ Don't know ☐

Comments

Yes - the recipe approach is a good solution for SMEs. This will allow SMEs to adopt a standard specification and assist with compliance. This may also encourage innovation and improvement techniques.

4. The main difference between the recipes is the required system efficiency for each fuel, which is appropriate for the heating system type. By adopting this approach to different fuel types, there is no need for a separate fuel factor. Do you agree with the proposed approach?

Yes ☒ No ☐ Don't know ☐

Comments

5. For the CO₂ savings proposed, are the recipe specifications a sensible way of achieving them? Please justify your choice.

Yes ☒ No ☐ Don't know ☐

Comments

Yes – this may be simpler for contractors as Part L SAP is perhaps complex. This works towards standardisation in construction and best practice. However, there could be maintenance issues for the end user with regard to PV and there is little suggestion of alternatives.

6. In approaching the selection of the amount of PV to be installed on dwellings, do you prefer?

Fixed percentage of building foundation area

☒

Proportion of gross internal floor area with a practical cap

☐

Don't know

☐

Comments

A percentage of building foundation area is reasonable though this may not necessarily fit with high rise /apartments.

7. Do you agree that the limits on design flexibility 'backstop' values for fabric elements in new homes should be changed from the current reasonable provision in the technical guidance to become mandatory?

Yes ☒ No ☐ Don't know ☐

Comments

The limits proposed seem to align with and work towards stretching CO2 targets.

8. Do you agree with the changes to the 'backstop' values proposed? Please explain your decision.

Yes ☒ No ☐ Don't know ☐

Comments

9. Do you have any other comments on the proposed changes to Approved Document L1A or the domestic National Calculation Methodology? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

No comment.

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

Yes ☐ No ☐ Don't know ☐

Comments

No comment.

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

Yes ☐ No ☐ Don't know ☐

Comments

No comment.

New non-domestic buildings

12. Do you agree with the proposal for 2013 for non-domestic buildings to explicitly regulate energy efficiency separately from low carbon technologies through the assessment of primary energy consumption (PEC)? Does PEC seem like a reasonable basis for standard setting?

Yes ☒ No ☐ Don't know ☐

Comments

We support a fabric first approach. This appears to be a sensible solution considering the varying energy requirements from different building types.

13. Which package of fabric and services should be selected: 7% or 10%? Please give reasons for your choice.

7% ☐

10% ☒

Don't know ☐

Comments

14. Do you foresee any particular issues for certain categories of building to meet the TPEC or TER?

Yes ☒ No ☐ Don't know ☐

Comments

The industrial sector may struggle to meet TPEC in a cost effective manor, shell and core developments may also pose problems. Having two sets of calculations also potentially adds complexity.

15. Which approach should be utilized to incorporate the contribution of low carbon technologies into the setting of the Target Emission Rate (TER), for non domestic buildings?

Fixed carbon reduction (in kg.CO₂/m²/year) ☒

- Percentage of roof area of PV ☐
- Other ☐
- Don't know ☐

Please give reasons for your choice

It is important to encourage renewable technologies; however, we favour a carbon reduction approach as it avoids the risk of PV being seen as a requirement, which could potentially reduce innovation.

16. The proposals explain the Government's preference for a 20% aggregate improvement in CO₂ performance standards for new non-domestic buildings from October 2013. Which option do you prefer and why?

- No change ☐
- Target A: 10% aggregate improvement (1% PV) ☐
- Target B: 11% aggregate improvement (No PV) ☐
- Target C: 20% aggregate improvement (5% PV) ☒
- Don't know ☐

Please give reasons for your choice

20% may avoid the target being changed again in the future, however, it is important to avoid targets being too onerous to achieve in the current economic climate.

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

Yes ☒ No ☐ Don't know ☐

Comments

18. Do you think that a further recipe should be created for buildings under 250m² and aligned with the proposed domestic recipe? Are there particular reasons why smaller buildings find compliance with the non-domestic recipes difficult? Please justify your views.

Yes ☒ No ☐ Don't know ☐

Comments

19. Although we recognise that some buildings may need to be serviced in a particular way for legitimate functional or environmental reasons, should Part L incentivise a lower carbon servicing strategy (as with the current Energy Performance Certificate methodology), by basing the notional building on mixed-mode ventilation?

Yes ☒ No ☐ Don't know ☐

Comments

20. Do you have any other comments on the proposed changes to Approved Document L2A or the non-domestic National Calculation Methodology? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

No comment.

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

Yes ☐ No ☐ Don't know ☐

Comments

No comment

22. Overall, do you think the impact assessment is a fair and reasonable assessment of the potential costs and benefits of the proposed options for new non-domestic buildings?

Please justify your view and provide alternative evidence if necessary.

Yes ☐ No ☐ Don't know ☐

Comments

No comment

Cumulative impact of policies

23. Overall, do you think the assessment of the impact on development is broadly fair and reasonable? Please justify your view and provide alternative evidence if necessary.

Yes ☐ No ☐ Don't know ☐

Comments

No comment

National Planning Policy Review

24. What role should planning play in facilitating higher carbon standards? Should it focus on facilitating site wide energy opportunities that will be needed as we move towards zero or near zero carbon buildings?

Views

Direct carbon reductions should be addressed or dealt with by Building Regulations. Planning may look at sustainability more strategically.

25. What are the implications from future (and regular) changes to the Code for Sustainable Homes and BREEAM on the implementation of the policy?

Views

There should be one national mandated standard with one aspirational standard for each relevant area; CSH for domestic BREEAM for non domestic.

26. Are the costs of assessment and certification now disproportionate to the costs and benefits of achieving a minimum sustainable buildings standard level?

Yes ☐ No ☒ Don't know ☐

Comments

27. What should be the role of local planning authorities in setting local standards above and beyond Building Regulations? How can we ensure there is a level playing field of standards across Wales?

Views

We do not believe that setting standards above and beyond building regulations is a planning function.

28. What do you see as the positive/negative impacts of removing Part B of the policy expecting buildings to be certified against Code/BREEAM?

Views

Exemplar standards should be encouraged but not mandated.

29. Is there a better, alternative, way to rewards and secure sustainable buildings (above the regulatory minimum) other than using national planning policy? What opportunities are there for future changes to Building Regulations?

Views

Support for educating the user marketplace to reward best practice by recognising their efforts.

30. To what extent are duplication of standard and approval systems an issue? Would the removal of the PfSB policy assist in reducing duplication?

Views

Duplication is time consuming and has limited benefits. Worse is when the duplicate controls contradict each other and worse still is the situation where the race to be 'greener' leads to irrelevant impositions or impositions that are poorly timed in regard to the most efficient design and construction programmes.

31. What opportunities are there for higher standards to be delivered on strategic sites identified as part of the Local Development Plan?

Views

Applying a strategic discussion to strategic developments makes sense. A blanket approach which applies strategic impositions to relatively simple projects is destructive.

Existing buildings

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

Yes ☒ No ☐ Don't know ☐

Comments

33. Do you agree with the proposal to raise performance standards for domestic extensions? Please explain your answer.

Yes ☒ No ☐ Don't know ☐

Comments

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

Yes ☒ No ☐ Don't know ☐

Comments

35. Do you agree that the exemption for conservatories or porches should be removed where an individual room heat or air conditioning unit is installed? How effective would this change be in limiting energy use/emissions, or are there other ways by which energy performance might be improved where conservatories or porches are installed?

Yes ☒ No ☐ Don't know ☐

Comments

We acknowledge this will be difficult to enforce as householders will fit heating/cooling equipment post-build.

36. Do you agree with the proposal to require consequential improvements upon extensions or increases in habitable space in existing homes below 1000m²? Please explain your view.

Yes ☒ No ☐ Don't know ☐

Comments

37. The consultation explains that the regulatory requirement for consequential improvements upon domestic extensions or increases in habitable space would be limited to a list of measures comprising a minimum standard of loft insulation, hot water cylinder insulation and the installation of cavity wall insulation.

Do you agree with this list of measures?

☒ Yes

Should this list be different (please explain below)?

☐

Another approach (please explain below)

☐

Don't know

☐

Comments

38. What effect do you think the requirements for consequential improvements may have on the demand for repair, maintenance and improvement activity? Please use evidence to explain your answer.

Increase demand

☐

Reduce demand

☐

No effect

☐

Don't know

☒

Comments

39. Do you agree with the proposal to introduce consequential improvements upon extensions or increases in habitable space in non-domestic buildings under 1000m²? Please explain your view.

Yes

☒

No

☐

Don't know

☐

Comments

Consequential improvements should be affordable and suitable, without being a deterrent to potential improvements.

40. The consultation proposes that for non-domestic buildings, any measure from list which is used to generate Green Deal assessments, the list in SBEM used to generate Energy Performance Certificate recommendations and the existing list of typical consequential improvement measures from Approved Document L2B should be eligible to be a consequential improvement. Do you agree?

Yes

☒

No

☐

Prefer a different list (please specify)

☐

Don't know

☐

Comments

41. Do you agree that there should not be major problems in extending the requirement for consequential improvements for the building control process? If you do foresee issues, what are they and how might these be addressed?

Yes ☒ No ☐ Don't know ☐

Comments

If the improvements are as noted they will be simple and should not in themselves attract an additional fee.

42. Do you have any other comments on the proposed changes to Approved Document L1B? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

The flowchart is effective.

43. Do you have any other comments on the proposed changes to Approved Document L2B? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

Comments

No comment.

44. Do you think that the Impact Assessment is a fair and reasonable assessment of the potential costs and benefits of raising the performance standards for replacement domestic

windows and domestic/non-domestic extensions? Please justify your view and provide alternative evidence if necessary.

Yes ☐ No ☐ Don't know ☐

Comments

No comment.

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

Yes ☐ No ☐ Don't know ☐

Comments

No comment.

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

Yes ☐ No ☐ Don't know ☐

Comments

No comment.

Compliance and Performance

47. For new dwellings, Welsh Government is proposing to develop a compliance checklist. Do you think such a checklist would be used sufficiently to warrant its development?

Yes ☒ No ☐ Don't know ☐

Comments

48. If such a checklist was developed, what should it cover?

Comments

Details of Fabric approach adopted, air tightness, appliance design intention performance, commissioning and servicing / running requirements, low/zero carbon design intentions and service / running implications.

49. If the checklist was taken forward, who should be involved in its development?

Comments

Developers, Designers, Building Control and Consumer representatives.

50. Would any other approach be likely to prove more effective instead (such as a PAS⁷ type approach).

Yes ☐ No ☐ Don't know ☒

Comments

PAS could be offered as an alternative.

51a. Would it be preferable for buildings of a domestic nature to be able to achieve compliance through applying the recipe in AD L1A, in acknowledgement of the domestic nature of such buildings, rather than demonstrating compliance with AD L2A?

Yes ☒ No ☐ Don't know ☐

Comments

This simplifies the process for SMEs. Although general approach should be as for domestic, there should be different specifications to take advantage of the more 'commercial' nature of systems.

51b. What are the arguments for and against this approach?

⁷ A PAS is a Publicly Available Specification, and the PAS would set out a quality assurance approach.

Comments

52. Additional views and suggestions for addressing compliance and performance issues in new non domestic buildings would be welcome.

Comments

53. Is the newly formatted ADL1B easier to understand and use?

Yes ☐ No ☐ Don't know ☒

Comments

54. Are there any further amendments to the newly formatted ADL1B that you would recommend? If so, please provide details.

Yes ☐ No ☐ Don't know ☒

Comments

55. How do the consultation proposals impact on the work of Local Authorities and Approved Inspectors? Please give positive and negative impacts.

Comments

UK wide Approved Inspectors will need a Welsh 'expert' but will also have more sympathy with frustrations of a national (UK) developer. Local Authorities may not understand any frustration in this area and may end up being avoided. Local Authority inspection regimes may need to be re-thought although it is understood that most already are reflective of the compliance agenda.

56. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

It must be taken into account that In Wales there are 1.3million existing homes with a 5,000-10,000 per annum new build rate. Whilst new build needs to be targeted, consequential improvements could have the greatest impact for this exercise

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2 November 2012

Building Regulations Consultation
Construction Unit
Environment and Sustainable Development Directorate
Welsh Government
Rhyd y Car Offices
Merthyr Tydfil
CF48 1UZ

2012 consultation on changes to the Building Regulations in Wales Part L (Conservation of fuel and power)

Thank you for the opportunity to respond to the consultation dated 31 July 2012.

RICS Wales is the principal body representing professionals employed in the land, property and construction sector and represents some 4000 members divided into 17 professional groups. As part of our Royal Charter we have a commitment to provide advice to the Government of the day and in doing so we have an obligation to bear in mind the public interest as well as the interest of our members.

New homes

1. Do you agree with the Government's preference for a CO₂ saving of 40% reduction in carbon dioxide emissions compared to Part L 2010.

RICS Wales strongly supports moves towards stricter low carbon building regulations in principle. However in practice we feel that it is vital that close co-ordinations is maintained with Westminster on standards that are imposed in England. There is a risk that by being too far in front of England that Wales could actually achieve adverse consequences by making construction in England much more attractive and deterring building in Wales, thereby increasing the ageing profile of the Housing stock in Wales meaning more people living in more energy inefficient dwellings.

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2. Do you agree with the proposal for an 'aggregate' approach to CO₂ target setting for new homes in 2015? The CO₂ target for any individual dwelling varies depending on the ease with which the building can achieve the target, with the overall required CO₂ saving achieved when aggregated over the build mix.

RICS Wales supports this.

3. Do you agree with the proposal for a compliant option based on a consistent recipe of elemental specifications for fabric, services plus an additional CO₂ saving equivalent to an amount of photovoltaic (PV). Please justify your choice.

RICS Wales supports this.

4. The main difference between the recipes is the required system efficiency for each fuel, which is appropriate for the heating system type. By adopting this approach to different fuel types, there is no need for a separate fuel factor. Do you agree with the proposed approach?

Fuel factors are supposed to be the mechanism whereby - currently high carbon - electricity is not demonised to the point of desertion before the establishment of its much talked about but very slow coming reduced carbon status. Such desertion could have potentially adverse consequences by reducing the marketplace to such a point where investment would be less attractive. We feel that further study and consultation on this point is necessary.

5. For the CO₂ savings proposed, are the recipe specifications a sensible way of achieving them? Please justify your choice.

Please see answer to question four.

6. In approaching the selection of the amount of PV to be installed on dwellings, do you prefer?



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PV is a proxy for LZC so the question is - Should floor plan be the amount determinant for LZC provision. As useable floor area is probably a determining factor of heating use and a reasonable indicator of potential occupancy levels then why not? It should be aggregate floor area rather than foundation area to reflect energy use potential rather than merely roof area which is an indicator only of potential PV installation - not referenced to potential energy use.

7. Do you agree that the limits on design flexibility 'backstop' values for fabric elements in new homes should be changed from the current reasonable provision in the technical guidance to become mandatory?

RICS Wales supports the FEES approach.

8. Do you agree with the changes to the 'backstop' values proposed? Please explain your decision.

RICS Wales does not support this.

9. Do you have any other comments on the proposed changes to Approved Document L1A or the domestic National Calculation Methodology? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

No.

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

No comment.

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

No comment



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New non-domestic buildings

12. Do you agree with the proposal for ~~2013~~–2014 for non-domestic buildings to explicitly regulate energy efficiency separately from low carbon technologies through the assessment of primary energy consumption (PEC)? Does PEC seem like a reasonable basis for standard setting?

This seems reasonable.

13. Which package of fabric and services should be selected: 7% or 10%? Please give reasons for your choice.

Either seems reasonable.

14. Do you foresee any particular issues for certain categories of building to meet the TPEC or TER?

Double calculations could make design and compliance issues more complicated.

15. Which approach should be utilized to incorporate the contribution of low carbon technologies into the setting of the Target Emission Rate (TER), for non domestic buildings?

Fixed carbon reduction.

16. The proposals explain the Government's preference for a 20% aggregate improvement in CO₂ performance standards for new non-domestic buildings from ~~October 2013~~–June 2014. Which option do you prefer and why?

RICS Wales feels 10% should be chosen due to present economic circumstances, with the option to review as the economy changes.

17. Do the proposed ~~2013~~–2014 notional buildings as set out in the changes to the National Calculation Methodology seem like a reasonable basis for standards setting? Please provide comments on the method used to develop the notional buildings and particular elements of one or more of the notional buildings, if relevant.

This seems reasonable.



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18. Do you think that a further recipe should be created for buildings under 250m² and aligned with the proposed domestic recipe? Are there particular reasons why smaller buildings find compliance with the non-domestic recipes difficult? Please justify your views.

RICS Wales agrees that the domestic type approach is sensible.

19. Although we recognise that some buildings may need to be serviced in a particular way for legitimate functional or environmental reasons, should Part L incentivise a lower carbon servicing strategy (as with the current Energy Performance Certificate methodology), by basing the notional building on mixed-mode ventilation?

RICS Wales would support this.

20. Do you have any other comments on the proposed changes to Approved Document L2A or the non-domestic National Calculation Methodology? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

No comment.

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

No comment.

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

No comment.



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Cumulative impact of policies

23. Overall, do you think the assessment of the impact on development is broadly fair and reasonable? Please justify your view and provide alternative evidence if necessary.

No comment.

National Planning Policy Review

24. What role should planning play in facilitating higher carbon standards? Should it focus on facilitating site wide energy opportunities that will be needed as we move towards zero or near zero carbon buildings?

RICS Wales feels planning should consider strategic issues which provide/encourage the provision of as wide an infrastructure as possible to allow for the widest following technical solutions

25. What are the implications from future (and regular) changes to the Code for Sustainable Homes and BREEAM on the implementation of the policy?

RICS Wales believes there should be one national mandated standard with one aspirational standard for each relevant area CSH for domestic BREEAM for non domestic

26. Are the costs of assessment and certification now disproportionate to the costs and benefits of achieving a minimum sustainable buildings standard level?

No.

27. What should be the role of local planning authorities in setting local standards above and beyond Building Regulations? How can we ensure there is a level playing field of standards across Wales?

There should be one national standard in order to provide for consistency to the construction and design industry.

28. What do you see as the positive/negative impacts of removing Part B of the policy expecting buildings to be certified against Code/BREEAM?

RICS Wales feels exemplar standards should be encouraged but not mandated.



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29. Is there a better, alternative, way to reward and secure sustainable buildings (above the regulatory minimum) other than using national planning policy? What opportunities are there for future changes to Building Regulations?

Assist in educating the user marketplace to reward exemplars by favouring their efforts

30. To what extent are duplication of standard and approval systems an issue? Would the removal of the PfSB policy assist in reducing duplication?

RICS Wales supports the removal of the policy..

31. What opportunities are there for higher standards to be delivered on strategic sites identified as part of the Local Development Plan?

Applying a strategic discussion to strategic developments makes sense. A blanket approach which applies strategic impositions to relatively simple projects is destructive

~~32. Do you agree with the proposal to raise performance standards for domestic replacement windows? Please explain your answer.~~

33. Do you agree with the proposal to raise performance standards for domestic extensions? Please explain your answer.

We agree. It seems reasonable that extension should improve in standards as they are raised in other areas.

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

We agree with this. It is reasonable non domestic should improve as standards are raised in other areas.

35. Do you agree that the exemption for conservatories or porches should be removed where an individual room heat or air conditioning unit is installed? How effective would this change be in



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limiting energy use/emissions, or are there other ways by which energy performance might be improved where conservatories or porches are installed?

RICS Wales would support this in principle but feels enforcement would be extremely difficult with the possibility of post inspection additions.

36. Do you agree with the proposal to require consequential improvements upon extensions or increases in habitable space in existing homes below 1000m² ? Please explain your view.

We agree. The issue of dealing with Energy performance is significant and consequential improvement here is a good way of maintaining momentum.

37. The consultation explains that the regulatory requirement for consequential improvements upon domestic extensions or increases in habitable space would be limited to a list of measures comprising a minimum standard of loft insulation, hot water cylinder insulation and the installation of cavity wall insulation.

RICS Wales agrees with this list of measures.

38. What effect do you think the requirements for consequential improvements may have on the demand for repair, maintenance and improvement activity? Please use evidence to explain your answer.

With this sensible list we feel there will be little effect.

39. Do you agree with the proposal to introduce consequential improvements upon extensions or increases in habitable space in non-domestic buildings under 1000m² ? Please explain your view.

RICS Wales agrees.

40. The consultation proposes that for non-domestic buildings, any measure from list which is used to generate Green Deal assessments, the list in SBEM used to generate Energy Performance Certificate recommendations and the existing list of typical consequential improvement measures



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from Approved Document L2B should be eligible to be a consequential improvement. Do you agree?

RICS Wales agrees.

41. Do you agree that there should not be major problems in extending the requirement for consequential improvements for the building control process? If you do foresee issues, what are they and how might these be addressed?

RICS Wales agrees.

42. Do you have any other comments on the proposed changes to Approved Document L1B? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

No comment.

43. Do you have any other comments on the proposed changes to Approved Document L2B? Please make it clear which issue each comment relates to by identifying the relevant paragraph number.

No comment.

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

No comment.

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

No comment.

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



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No comment.

47. For new dwellings, Welsh Government is proposing to develop a compliance checklist. Do you think such a checklist would be used sufficiently to warrant its development?

Yes.

48. If such a checklist was developed, what should it cover?

Details of Fabric approach adopted, air tightness, appliance design intention performance, commissioning and servicing / running requirements, LZC design intentions and service / running implications

49. If the checklist was taken forward, who should be involved in its development?

Developers, Designers, Building Control and Consumer representatives

50. Would any other approach be likely to prove more effective instead (such as a PAS30 type approach).

This could be offered as an alternative approach.

51a. Would it be preferable for buildings of a domestic nature to be able to achieve compliance through applying the recipe in AD L1A, in acknowledgement of the domestic nature of such buildings, rather than demonstrating compliance with AD L2A?

No.

51b. What are the arguments for and against this approach?

Although general approach should be as for domestic, there should be different specifications to take advantage of the more 'commercial' nature of systems.



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52. Additional views and suggestions for addressing compliance and performance issues in new non domestic buildings would be welcome.

We would recommend examination of DCLG Working group report on compliance and performance as part of 2013 Part L work for comparison.

53. Is the newly formatted ADL1B easier to understand and use?

54. Are there any further amendments to the newly formatted ADL1B that you would recommend? If so, please provide details.

55. How do the consultation proposals impact on the work of Local Authorities and Approved Inspectors? Please give positive and negative impacts.

National Approved Inspectors will need a Welsh 'expert' but may also have more sympathy with frustrations of a national (UK) developer. Local Authorities may not understand any frustration in this area and may end up being avoided. Local Authority inspection regimes may need to be re-thought (although it is understood that most already are reflective of the compliance agenda)

56. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

If you have any queries in respect of this response please do not hesitate to contact me.

Yours sincerely,

David Morgan
Policy Manager



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