

Annex A


RESPONSE FORM

Proposals for amending Part L (Conservation of Fuel and Power) of the Building Regulations and Approved Document L: Consultation


Respondent Details:	
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Is your response confidential? If so please explain why. (See disclaimer on page 9) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Comments: The CIBSE response is not confidential.	


Provision is made throughout this questionnaire for you to provide additional comments. If, however you wish to provide more detailed comments on any aspect of the consultation then please feel free to append additional materials and supplementary documents, clearly marked and cross referenced to the relevant questions, as necessary.

The Department of Communities and Local Government wishes to engage better with its stakeholders by automatically notifying you of changes to the regulations and approved documents and of consultations on building regulations issues. Because of the UK Data Protection Act 1998 we need your consent before we can do this. Please indicate your consent by ticking the consent box below.

I/We hereby consent to the recording, storage and processing of my/our personal information by the Department of Communities and Local Government, and any data processor you may use, for the purpose of enabling stakeholder engagement 

Organisation type (tick one box only)

House or property developer	<input type="checkbox"/>	Approved Inspector - Corporate - Individual	<input type="checkbox"/> <input type="checkbox"/>
Commercial Developers	<input type="checkbox"/>	Local authority – other (please specify)	<input type="checkbox"/>
Housing Association (Registered Social Landlords)	<input type="checkbox"/>	Fire & Rescue Authority	<input type="checkbox"/>
Property Management	<input type="checkbox"/>	Other non-governmental organisation	<input type="checkbox"/>
Builder – Main Contractor (commercial/volume housebuilder)	<input type="checkbox"/>	Householder	<input type="checkbox"/>
Builder – Small Builders (repairs/maintenance/extensions)	<input type="checkbox"/>	Trade body or association	<input type="checkbox"/>
Builder – Specialist Sub Contractor	<input type="checkbox"/>	Research/academic organisation	<input type="checkbox"/>
Manufacturer	<input type="checkbox"/>	Professional body or institution	

Architects	<input type="checkbox"/>	Testing bodies	<input type="checkbox"/>
Civil/Structural Engineer	<input type="checkbox"/>	Specific interest or lobby group	<input type="checkbox"/>
Consultancy	<input type="checkbox"/>	Journalist/media	<input type="checkbox"/>
Individual in practice, trade or profession	<input type="checkbox"/>	Insurer	<input type="checkbox"/>
Local authority – Building Control	<input type="checkbox"/>	Other (please specify):	<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
Geographical Location			
England	<input type="checkbox"/>	Wales	<input type="checkbox"/>
England and Wales	<input type="checkbox"/>	Other (please specify) CIBSE covers the whole of the UK and has members internationally	

Legislative Changes

1. Are you satisfied with the way in which the changes made by SI 2007/3384 have been reflected in the proposed new versions of Approved Documents L?

Yes: No:

Comments:

Important anomalies have been addressed and highlighted which clarifies the information and will ensure an appropriate and consistent approach by industry practitioners.

2. If you are not satisfied with the way in which the legal changes have been reflected please explain:

- which amendment(s) you are not satisfied with;
- why you are not satisfied with them;
- what specific changes you would like to see made;
- why do you think those changes should be made.

Comments:

Factual Corrections

3. Are you satisfied with the factual corrections made in the prospective Approved Documents L?

Yes: No:

Comments: **CIBSE is generally satisfied that discrepancies, errors and omissions have been addressed. However there are still some corrections that need to be made. There are specific comments in our answer to Question 5.**

4. If you are not satisfied with the factual corrections that have been made please explain:

- which correction(s) you are not satisfied with; why you are not satisfied with them;.
- what specific changes you would like to see made;
- why you think those changes should be made.

Comments: We are content with the corrections that have been made subject to our response to Q5

5. Are there any other factual corrections you consider are needed, and if so what are they and what changes need to be made, and why do you think the changes need to be made?

Comments: Table 3 Clause 4.8 in Section 4 in both the existing and revised ADL2B itemises Limiting U value Standards for building elements yet includes both thermal elements (walls, floors etc) and fittings (windows). This is contrary to AD definitions and is confusing. The terminology of ‘element’ at the column heading in the table should be re-phrased to prevent confusion. As well as preventing confusion it will ensure consistency and assure legal correctness (if a window is a fitting and not an element then the requirements of the table may be deemed not to apply, creating a loophole).

References to BR 443

6. The proposed references to BR 443 in the proposed Approved Documents have the effect of recommending that the guidance in paragraph 3.10.2 for establishing the thermal performance of multi-foil insulation products should be followed. Do you agree that this is the guidance that should be given for establishing the thermal performance of multi-foil insulation products? Please give reasons for your answer.

Comments: CIBSE agrees that the proposed reference to BR 443 for the establishment of thermal performance of multifoil products is the correct approach, based on the current state of knowledge. BR 443 is widely accepted and understood; most importantly the use of the hot box measurement technique for U values is simple, accurate, robust and repeatable. No other techniques have yet proven themselves to be so rigorous. Dynamic in-situ tests may be developed to demonstrate more accurate assessments but these will have to be proven consistently. Until then, the current technique remains the best approach.

7. If you think that different guidance should be given in relation to multi-foil insulation, please say what you think that guidance should be? Please give reasons for your answer.

Comments: Not Applicable

Q8. Excluding your views on paragraph 3.10.2, do you agree with the references to BR 443 within the proposed Approved Documents? Please give reasons for your answer.

Comments: CIBSE agrees with the references to BR 443 in the proposed ADs. It demonstrates that CLG has addressed the High Court Judgement and clearly and specifically states the acceptable requirements to all concerned.

Q9. Excluding your views on paragraph 3.10.2, if you disagree with any of the references to BR 443, please say what you think should be put in place of that reference. Please give reasons for your answer.

Comments: Not Applicable

Q10 Please give any further comments you have in relation to the use that is made of references to BR 443 in the proposed Approved Documents.

Comments: None

Impact Assessment

Q11a. If, following consultation, the references to BR 443 were retained as set out in the proposed documents, would it change your current behaviour and the decisions you are likely to make about the use of either multi-foil and/or any other insulating products in construction details in relation to compliance with building regulations? Please give reasons for your answer.

Comments: Yes - The absence of clear guidance means that practitioners may be misled into false judgements and suppliers may choose to promote their products based on unfairly promising data - so a clear, proven acceptable and measurable standard must be stated.

If CLG were not to adopt BR 443 as proposed, CIBSE would wish to be assured that a suitably robust, consistent and accepted technique would be used as an

alternative so that our members can be assured of a sound legal standard in practising their professional work to comply with the Building Regulations.

Adoption of BR 443 as proposed offers greater clarity in the expression of the Regulations and guidance. This reduces the risk of non-compliance and associated costs, and increases the prospects of achieving the overall carbon emissions reductions which Part L (2006) is intended to deliver.

Q11b If you answered yes to 11.a. please explain how your behaviour or decisions would be affected. In the case of BCBs please explain in particular whether it would make you scrutinise more closely and/or reject works proposals involving the use of multi-foil products in accordance with manufacturers' guidelines more often than you do at present.

Comments: Clearer and fairer judgements can be made about the selection of appropriate, alternative insulating materials.

Q12.a. If, following consultation, the references to BR 443 were removed in full or amended so as to omit the use of paragraph 3.10.2, and no further information was added in place of these amendments, would this change your current behaviour and the decisions you are likely to make about the use of either multi-foil and/or any other insulating products in construction details in relation to compliance with building regulations? Please give reasons for your answer.

Comments: Most practitioners would continue as they have done in the past but there is a significant danger that many would select new insulation materials on the basis of less robust thermal-performance data.

Q12.b. If you answered yes to 12.a. please explain how your behaviour or decisions would be affected. In the case of BCBs please explain whether it would cause you to approve proposals involving the use of multi-foil products in accordance with manufacturers' guidelines more often than you do at present.

Comments: Most practitioners would continue as they have done in the past but marketing pressure to achieve ever-higher insulation standards could increase inappropriate uptake of multi foil products.

Proposed stylistic changes

Q13. Do you consider the proposed change of style to the front section of the prospective Approved Documents provides a clearer and more easily understandable explanation of the requirements as compared with the previous versions? Please give reasons for your answer.

Comments: CIBSE very much endorses the improvement in style. It is much clearer, more logical and simpler to read. This helps to ensure consistent understanding and application.

Q14a. Do you consider it is helpful to have the appropriate text of the Building Regulations and an explanation of the legal requirements affecting the particular aspect of the works included in the Approved Documents? Please give reasons for your answer.

Comments: Yes. It is very important for practitioners to appreciate the context and rationale of the regulations.

Moreover, the recent consultation on the Future of Building Control highlighted that stakeholders need clarification on the distinction between the Approved Documents and Regulations [The Future of Building Control p. 12 Section D]. In response to this consultation CIBSE stated that there is a clear need to distinguish between the Requirements of the Regulations and the Guidance in the Approved Documents. This is a distinction that we frequently have to explain even to relatively experienced practitioners, and we believe it is a major education and communication challenge to overcome. We support an evolution of the structure of the Regulations supported by "Technical Guidance" - the material is technical and it is guidance - which may involve an amalgamation of certain Parts over time. We believe that the objective ought to be the provision of clear Regulations and guidance, and should not be unduly concerned with numbers of documents for its own sake.

There is also a need to address situations where the "guidance" is only meaningful if it is taken as a requirement. For example, for Part L, some of the details of the compliance checklist in the Appendix to ADL2A are really requirements. Whilst it is understood that these are too detailed for the appropriate Part of Schedule 1, there needs to be some mechanism for setting out where there is an obvious way of "making reasonable provision" and complying with the Regulatory requirement. The corollary of this is that where things are "only guidance" they don't have to be done, they can be ignored, and compliance begins to suffer.

Q14b. If your answer to 14a is Yes do you consider this is best conveyed through an appendix or by extracts set out at relevant points in the technical guidance, or both?

Comments: Both are appropriate. Usually extracts at relevant points are best as they are most pertinent. However, long or complex explanations are best referred to in an Appendix – the guiding rule is to ensure simplicity and clarity for the reader.

Please see our response to Q 14a above. As well as extracts or appendices as appropriate a reminder of the difference between the Approved Documents and Regulations pointing out that ADs are guidance would be helpful.

Q15. Are you content with the wider use of references to other publications by CLG and other third party documents exhibited in the 2006 editions and these drafts? Please give reasons for your answer.

Comments: CIBSE welcomes the wider reference to other (3rd Party/ 2nd Tier) documents. CIBSE publishes a number of the specific technical documents which provide leading techniques and methods of demonstrating compliance with the technical aspects of the regulations. External reference ensures:

- a) wider awareness of the appropriate techniques available and acceptable (eg calculation of summer solar overheating risk); and
- b) uptake of the latest approaches and application of the latest data, as any revisions can be done in external documentation. This ensures that the regulation strives to achieve the highest possible standards at all times without the need to update the legislation.

External references should be subject to a clear and transparent procedure for public comment or peer review.

Q16. If your answer to 15 is no, do you think the extent of guidance should be reduced or do you suggest there are other ways of conveying this guidance?

Comments: Not Applicable

Q17. Are there any other changes would you suggest to improve the house style of future Approved Documents? If so, what are they, and what are the reasons for your suggestion?

Comments: The house style is clear. However there has been a suggestion (at the consultation seminar) that moving to single column printing rather than the established double column per page would assist the many who read the documents electronically as it does not require repeated reverse-scrolling. This is a sound suggestion and CIBSE takes a neutral position – we would support the majority view.

CIBSE typesets material solely for online use in single column format.

CIBSE Response

Other Comments: (e.g. Do you find the guidance helpful?)

The guidance is extremely helpful.