

Project:	Part L Review	Date held:	9 th December 2004
Meeting:	Dwellings IAG Meeting	Reference:	
Held at:	Ashdown House, Victoria Street, London	Made by:	GH/SJI
Present:	See attached attendance list	Distribution:	All Dwellings IAG members

Item	Action
<p>1. Welcome and introductions</p> <p>1.1.1 Simon Barnes welcomed members of IAG1 on behalf of ODPM. He thanked them for their contribution to the review process and stressed the importance ODPM attaches to the good relationship it has with industry representatives. He then handed over to Ted King to chair the meeting.</p> <p>2. Review Paper TWPL(04)P21: Collation of Consultation Issues</p> <p>2.1. Outline of aims for this agenda item</p> <p>2.1.1 Ted King introduced this item by explaining what ODPM aimed to achieve from it. The Review Paper, which had been previously circulated to those attending, attempts to distil and summarise views expressed in over 400 responses during consultation. The aim of the meeting is to ensure that the paper accurately reflects the balance of opinion from the consultation and that no important messages are missed. Only 6 respondents had asked for their responses to be kept confidential and the responses of the remainder will be available for inspection in due course. The Review Paper will provide a more concise and accessible summary, which will be available on the ODPM website after being revised to take account of feedback from the two IAG meetings this week.</p> <p>2.1.2 This part of the agenda proceeded by inviting Steve Irving to introduce sections of the review paper and to invite comments from participants. Steve Irving then explained that the paper attempted to reflect both the numerical analysis of the responses and the "weight" of individual responses, taking account of the vehemence with which they were expressed or the clarity of the reasoning they offered. The following sub-headings align with headings and question numbers listed in the Review Paper. The notes aim to report only points raised by members of IAG and do not recount the summary of responses to each question given by Steve Irving. As a result, they may need to be read in conjunction with the corresponding paragraphs in the Review Paper to understand their context.</p> <p>2.2. Overall strategy</p> <p>2.2.1 Q1 – <u>Implementation into law</u> – a matter for ODPM lawyers - no points were raised</p> <p>2.2.2 Q2 – <u>Implementation time scales</u></p> <p>2.2.3 Andrew Warren noted that the Energy Performance of Buildings Directive (EPBD) requires a 5-yearly review, although it does not explicitly require a raising of standards at each review. Ted King drew attention to statements in the Energy White Paper, which suggest that standards would rise again in 2010.</p> <p>2.2.4 Richard Gales said that the linkage to other parts of the Regulations referred to in paragraph 8 of the review paper should include Part J, which has significant interactions with Part L.</p> <p>2.2.5 Jo Wheeler said there should also be a link to the Code for Sustainable Buildings; Ted King noted that the Code was much wider in scope than Part L but John Tebbit suggested that at least those aspects of it that deal with energy efficiency should be consistent with Part L. Andrew Warren observed that the Code for Sustainable Buildings relates to all three UK jurisdictions. Alan Christie noted the need for a link also with the Energy Efficiency Best Practice programme; likewise, Jo Wheeler with BREEAM and Ecohomes.</p> <p>2.2.6 Q3 – <u>Structure of Approved Documents</u> - general consultee support for splitting the ADs into four parts was noted - No points were raised</p> <p>2.2.7 Q4 – <u>Strategic nature of Approved Documents</u></p> <p>2.2.8 John Tebbit drew attention to the short time available for developing second tier documents; early clarification is needed from ODPM to make this possible</p> <p>2.2.9 Q5- <u>Commentary column</u></p>	<p>ODPM</p> <p>ODPM</p>

Item	Action
2.2.10 Ted King observed that the present two-column format of the Approved Documents (which ODPM tries to keep consistent across all Parts of the Regulations) does not lend itself well to the incorporation of a commentary column. There is strong support for the idea, which is welcomed by BRAC and a way of accommodating it will be found.	
2.3. Regulatory Impact Assessment	
2.3.1 Q6 – <u>Target improvement</u> - it was noted that the majority of consultees felt the target improvements were challenging but achievable in most sectors - No points raised	
2.3.2 Q7 – <u>Cost benefit data</u>	
2.3.3 John Tebbit said that work by Leeds Metropolitan University should help considerably in establishing the baseline for practice in 2002; some adjustment to the floor area/form factors might be appropriate in the light of this work. Steve Irving thanked the Construction Products Association for its contribution to this work; the contributions of Elmhurst Energy and the House Builders' Federation were also gratefully acknowledged. Bill Kaye asked if this work would be made public; John Tebbit agreed to enquire if and how that could be done.	JT
2.3.4 Q8 – <u>Categories of risk</u>	
2.3.5 Bill Kaye suggested that the risk arising from passive smoking should be considered in the light of higher standards for airtightness. Ted King responded that this is a matter for Part F, as greater airtightness need not imply lower ventilation rates.	
2.3.6 John Garbutt said that concerns about shortages of insulation were unfounded. John Tebbit said that shortages arising after the previous revision were confined to a few products used in large industrial building construction.	
2.3.7 Q9 – <u>Disproportionate effects</u>	
2.3.8 Rick Wilberforce said that the problems identified by respondents for metal window frames apply only to steel and manufacturers of aluminium window frames are confident that they can comply. He also disagreed with responses to the effect that window energy rating systems unfairly disadvantages soft-coat low-emissivity glass – this is not a view held by manufacturers.	
2.3.9 Richard Gales drew attention to the omission of oil in fuels mentioned in paragraph 37(b); it should be added.	
2.3.10 Howard Porter noted the difficulty of achieving compliance for some dwellings where gas is unavailable.	
2.3.11 Seb Berry disagreed with responses which suggest that low and zero carbon LZC fuels are unduly favoured over long lasting measures such as insulation. It was pointed out that insulation could only be reduced to fairly stringent “longstop” levels, which limits the extent to which LZC can displace insulation.	
2.3.12 John Tebbit said that the important issue of high overall standards limiting the scope for trade-off needed further investigation; adjustments to the longstop levels might have to be considered.	
2.3.13 Q10 – <u>The building control system</u>	
2.3.14 Andrew Warren noted that work for the Energy Efficiency Partnership for Homes showed disappointing levels of compliance in homes built to 2001 standards, with a higher failure rate for larger detached houses. The report is available at www.est.org.uk/partnership/uploads/documents/Houses_airsightness_report_Oct_04.pdf	
2.3.15 Richard Gales drew attention to the limited period in which building control authorities have to take action – 6 months or 1 year. Ted King noted that changes in this area would have to apply across all parts of the Regulations and that the matter is currently under consideration.	
2.3.16 John Tebbit raised the need for a comprehensive “reality check”, involving the enforcement of standards and the supply of appropriate products; better liaison is needed between ODPM and building control. In that context, Andrew Warren drew attention to the duty placed on local authorities to ring fence resources for building control, which is not being complied with in all cases.	

2.4. Draft ADL1A – New Dwellings

- 2.4.1 Q11 – Regulation 13 – no points were raised.
- 2.4.2 Q12 – Seven step approach
- 2.4.3 Steve Irving observed in his introduction that this was a question that polarized attitudes, particularly on the phasing out of the elemental method of showing compliance.
- 2.4.4 John Tebbit said that early availability of a simple tool for SAP assessment was the key to clarifying how difficult it would be to cope without an elemental method. John Pilkington said that insulation manufacturers want to do their calculations independently, which would be made possible by such a development.
- 2.4.5 Low energy lights were also discussed at this point. John Tebbit noted their unpopularity but Andrew Warren countered that the situation had improved with the availability of a wider range of fittings.
- 2.4.6 Bill Kaye felt that there was inadequate reference to solid fuel in ADL1 and that there should be reference to appliances as well as systems. Steve Irving explained that the relevant information is contained in SAP, rather than in ADL1 itself.
- 2.4.7 Q13 – Terraces and flats – no discussion
- 2.4.8 Q14 – Worst acceptable standards
- 2.4.9 Steve Irving noted that these standards placed a limit on the degree of flexibility available for trading-off insulation and that the levels might need to be adjusted in some cases. John Tebbit felt that there was no clear rationale for the levels set.
- 2.4.10 Andrew Warren suggested that insulation requirements for under-floor heating might need to be made explicit; Steve Irving explained that this would be done a second tier guidance document.
- 2.4.11 Q15 – Quality of construction
- 2.4.12 Steve Irving noted a possible link with the Secure and Sustainable Buildings Act and the role for Approved Persons in delivering quality of construction. Ted King confirmed that powers now exist but that new secondary legislation has yet to be enacted.
- 2.4.13 John Tebbit drew attention to the effectiveness of intervention by the Law Society, when specific items are included in the standard search form used by solicitors when houses are bought and sold. This had been effective in the case of the display of SAP ratings and could be more widely used.
- 2.4.14 Phil Lever raised the role of robust details in this context; Ted King responded by drawing attention to the distinction between average U-values for an element of construction and thermal bridging at or around a particular feature. Graham Raven stressed the importance of having a single set of robust details; Ted King said this is what is planned.
- 2.4.15 John Tebbit noted that present coverage of robust details was restricted with respect to the types of insulation covered. Graham Raven was concerned about possible confusion between robust details as a concept and the activities of Robust Details Ltd.
- 2.4.16 Q16 – Model Designs
- 2.4.17 The need for a SAP design tool in this context was acknowledged. Alan Christie said that there are still some technical details to be resolved before a revised specification of SAP2005 can be released, which is expected to be around the end of January.
- 2.4.18 John Tebbit said the feedback from consultation reported in paragraph 59 of the Review Paper is not widely held by the construction industry: masonry construction can achieve a U-value of 0.27 within an overall thickness of 300mm. Cliff Fudge responded that, although this is true in general, it is not so for all types of blocks currently used.
- 2.4.19 Q17 – Checklist approach
- 2.4.20 Richard Gales and Bill Kaye both drew attention to the limited range of competence of the schemes offered by some organisations, unlike those of their own organisations, OFTEC and HETAS, which are comprehensive.
- 2.4.21 Q18 – Other comments – There was no discussion on this question

2.5. ADL1B – Work in existing dwellings

- 2.5.1 Q19 – Regulation 13: Energy performance statements
- 2.5.2 John Tebbit questioned if it was reasonable to require it from a contractor engaged to replace a single element (such as windows) when consequent works might fall beyond that contractor's expertise and asserted a need to be realistic about what could be enforced.
- 2.5.3 John Pilkington noted that some works (such as cavity wall insulation) are already subject to guarantees and independent notification.
- 2.5.4 Q20 – General energy efficiency improvements and controlled elements
- 2.5.5 There was lengthy discussion about the £8,000 cost threshold, relating in large part to how it is interpreted
- 2.5.6 Concern about range of expertise also applies in this case. Ted King said that the person ordering the work would be expected to be responsible for consequent work.
- 2.5.7 Bill Kaye said that works aimed principally at improving energy efficiency should not count towards the £8000 threshold and that there is a danger that this regulation could cause householders to do nothing rather than risk having to spend more.
- 2.5.8 Andrew Warren noted the possible consequences for the Energy Efficiency Commitment, which has to date excluded measures required by Building Regulations. He hoped that arrangements could be agreed so that measures could be supported under EEC where appropriate.
- 2.5.9 Jo Wheeler drew attention to the need to provide fiscal incentives to raise levels of compliance.
- 2.5.10 Lizzie Pomeroy sought clarification on the position for multi-residential buildings. Ted King responded saying that assessment was to be on the basis of individual dwellings. Andrew Warren pointed out that there were exceptions to this and drew attention to an opportunity for synergy with the Green Landlord's Tax Allowance.
- 2.5.11 Q21 – The appropriateness of the proposed levels of improvement
- 2.5.12 Rick Wilberforce said that the view from consultation that window energy ratings would have an adverse effect on soft coat low-e glass was not shared by the manufacturers, who would welcome an A-G labelling and hope that it gained from existing public awareness of appliance labels.
- 2.5.13 Q22 – Assessments of cost-effectiveness – no points were raised
- 2.5.14 Q23 – Other comments on ADL1B
- 2.5.15 Rick Wilberforce said that the position on conservatories is not clear to everyone and needs to be made more specific. Ted King agreed to write to Rick in response.

TK

2.6. Future performance standards

- 2.6.1 Q45 – Comprehensiveness and frequency of the forward look
- 2.6.2 John Tebbit suggested that TCER curve could be used to show the expected evolution of standards, allowing the consequences for insulation and heating systems to be worked out by anyone with an interest. This would be similar to what had been done for setting strategic targets for white goods.
- 2.6.3 John Garbutt said future targets should also be considered for worst-case insulation levels.
- 2.6.4 Steve Irving agreed that this could be done but suggested that it would also be useful to have illustrative examples for whole houses, prepared in conjunction with construction industry interests.
- 2.6.5 Jo Wheeler felt that there is an increasing need for joining up between building regulations and planning - look to the Code for Sustainable Buildings.
- 2.6.6 Richard Gales noted that the £8000 threshold will need revision to take account of inflation.
- 2.6.7 Andrew Warren raised the issue of swimming pool insulation (mentioned in paragraph 161 of the Review Paper). Ted King replied that more investigation was required and it was unlikely to be included in the present revision of Part L but would be dealt with in the futures paper. This had been agreed with ministers.
- 2.6.8 Q46 – Are the forecasts sufficiently realistic and challenging?
- 2.6.9 There was no discussion on this point other than to acknowledge that lack of hard information is a problem.
- 2.6.10 Q47 – Other comments on future performance standards

- 2.6.11 John Tebbit noted comments feedback from consultation about embodied energy and pointed out that it could conflict with internal market rules if it were to include energy used for transport of materials to site. He also said that embodied energy is being dealt with in a wider context by the European Union.
- 2.6.12 Howard Porter noted the general impact of EU legislation on product standards.

2.7. Adaptation strategy

- 2.7.1 Q67 – Comprehensiveness of the conclusions
- 2.7.2 Responding to paragraph 206 of the Review Paper, Seb Berry said that the Low and Zero Carbon working party had considered interaction between planning and building control, drawing attention to the examples set by Merton Borough Council and the London Authority.
- 2.7.3 Q68 – Other comments on adaptation strategy
- 2.7.4 Responding to consultation responses about thermal mass, John Garbutt said that it needed to be considered in the light of occupancy and heating regime, which both affect its impact.
- 2.7.5 Andrew Warren questioned the meaning of paragraph 208 (e) in the Review Paper, which suggests that U-values are improved by the effect of solar radiation incident of external surfaces. The concept of sol-air temperature takes account of this.

2.8. Implementing the Energy Performance of Buildings Directive (EPBD)

- 2.8.1 Q48 – Article 3
- 2.8.2 Responding to responses from consultation concerned about the focus on CO₂ reduction rather than energy efficiency, Ted King explained that the Government position was consistent with the Directive in this respect.
- 2.8.3 Q49 – Articles 4(1) and 4(2) – no points were raised
- 2.8.4 Q50 – Article 4(3)
- 2.8.5 Andrew Warren suggested that religious use could be used as a spurious cause for exemption, not least because many religious groups meet in dwellings. Care is needed in how exemptions are defined.
- 2.8.6 Q51 – Article 5
- 2.8.7 Bill Kaye was concerned that biofuels might not be within scope of LZC technologies. Ted King was able to reassure him on this point and refer him to the LZC Strategic Guide that would shortly be available on the web.
- 2.8.8 Q52 – Article 6
- 2.8.9 Steve Irving noted that some dwellings being constructed are over 1000 m² in floor area and could be subject to Article 6.
- 2.8.10 Q53/Q54 – Articles 7(1) and 7(2)
- 2.8.11 Andrew Warren pointed out that the conclusions in the text of the Review Paper seemed to be at odds with the numerical analysis on the need for a 3-year extension.
- 2.8.12 Steve Irving pointed to the weight of reasoning given in support of responses but it was felt that there had been no warning to respondents that reasoning was necessary for their views to be taken into account. Ted King agreed that the Review Paper should be revised in the light of the discussion.
- 2.8.13 Richard Gales was concerned about the level of training to be given to assessors, details of which he had been unable to find.
- 2.8.14 John Pilkington enquired if it had been decided that 3-years is an appropriate delay. Ted King responded that any request for extensions had to be notified to the European Commission together with appropriate justification. It was intended to do this during the first half of 2005.
- 2.8.15 Q55/Q56 – Article 7(3)/10 - no discussion
- 2.8.16 Q57/58 – Article 9/10
- 2.8.17 Richard Gales was concerned about the cost of implementation. Alan Christie responded that it was expected that the cost/benefit balance would only be found to be favourable for boilers with outputs greater than 100 kW when the Defra Article 8 Working Group reports. The advice option is likely to be recommended for smaller boilers.
- 2.8.18 Q61 – Other comments on EPBD Implementation – no discussion
- 2.8.19 Q63 – Simplified and detailed methods
- 2.8.20 Richard Gales expressed the view that a Euro-SAP (supported in consultation responses) was unrealistic.

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- 2.8.21 Ted King expressed ODPM's concern about the CEN standard for boiler inspections. Gordon Anderson added that around 60 standards currently in development are in some way relevant to EPBD; Paul DeCort said that the number identified as truly relevant was 31, of which many fewer are crucial to the implementation of the EPBD. A paper by Brian Anderson about the work of CEN may be made available.
- 2.8.22 Ian Andrews enquired about the status of Article 9; Ted King confirmed that the UK view is that it does not apply to dwellings.
- 2.8.23 Q73 – General comments on EPBD implementation
- 2.8.24 Richard Gales emphasised the importance of paragraph 214 in the Review Paper – the need for a more coherent strategy involving fiscal incentives.
- 2.8.25 Gordon Anderson referred back to paragraph 183, asking who would pay for training. Ted King replied that it was in the remit of the Defra Working Group on Article 8.

2.9. Dissemination strategy

- 2.9.1 Q69/72 – Dissemination strategy
- 2.9.2 Malcolm Hannah outlined the actions currently being undertaken, which involve 33 organisations representing about 100,000 members. Building control bodies are seen to be a key target; the Energy Saving Trust and the Carbon Trust are key partners. At present, the ODPM is seeking to move from the dissemination phase into the training phase. Richard Gales requested that a list of the organisations involved be made available.
- 2.9.3 John Tebbit said that manufacturers have previously delivered training based on the elemental method but lacked the resources and skills needed to provide training for a whole building method.
- 2.9.4 Andrew Warren enquired when it would be known how much ODPM would be able to contribute. Ted King replied that a bid for funding had been made.
- 2.9.5 Gordon Anderson asked if the information was to be targeted only at industry or consumers as well. Malcolm Hannah replied that the main focus was on industry but that consideration is also being given to information to consumers. Ted King referred the precedent set by a leaflet on Part P.
- 2.9.6 Richard Gales was concerned that the trade would be swamped by the changes.
- 2.9.7 John Tebbit referred to support by Phil Hope for consumer information. Andrew Warren noted a recent statement by Margaret Becket to the effect that resources would be available.

MH

3. Programme

- 3.1.1 The aim is to report to the Building Regulations Advisory Committee in time to contribute to its meeting in May 2005.
- 3.1.2 This will enable recommendations to be put to ministers in late May, ministerial endorsement in June and laying before parliament in late July, with the regulations coming into force at the end of December 2005.
- 3.1.3 A Statutory Instrument to cover the boiler efficiency amendment will be effective from 1/4/05.
- 3.1.4 In answers to questions, Ted King said the boiler exceptions procedure was likely to be available in February and that the Approved Documents would be available in late July or August.

4. Any other business

- 4.1.1 Kevin Kearney said that misinformation about Part P is widespread; Ted King drew attention to the leaflet aimed at providing information to consumers, which is to be available from shops and trade bodies.
- 4.1.2 Ian Hornby asked when SAP 2005 will be available; Ted King expects a full working draft by Easter.

5. Next meeting

- 5.1.1 In order to contribute report to BRAC in time for its May meeting (see paragraph 3.1.1 above), a further pair of IAG meetings will be arranged for the 17th and 18th of March. This group, IAG1, will meet on the Thursday 17th of March 2005 commencing at 1030hrs in Room H3/H4, Great Minster House, Horseferry Road, London SW1

6. Close

- 6.1.1 The meeting closed at 15:20

End of items

Attachment 1 - IAG Dwellings Attendance List

(includes some who were invited but were unable to attend)

Brian	Anderson	BRE	andersonb@bre.co.uk
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