

FBE Workshop: The Enforcement of Part L

Workshop hosted by the Foundation for the Built Environment

Held at BRE, Garston, 10 March 2004

Key concerns

The main concerns emerging from the presentations and discussion were:

- There was a widespread feeling that the 2002 ADs were generally too complex, and too wide ranging to be understood fully either by industry or by Building Control bodies.
- Compliance checking, and the standards sought by the Building Control bodies, was variable between bodies. This was thought to be due to variations in interpreting the requirements, or to cost competition among the compliance checking bodies.
- The provisions for airtightness and testing in non-domestic buildings were not being widely adopted or achieved. Early indications were that many dwellings built using Robust Details were also failing to achieve the desired airtightness standard. There was evidence that initial results were better where developers knew that their building would be tested.
- There is evidence that some notifiable refurbishment work, such as the replacement of boilers in the domestic sector, is being missed altogether. Refurbishment is a major avenue to bring about improvement in the existing stock, and future revisions may add to the numbers of refurbishment issues that may be involved.
- There was little understanding of the basic aims of Part L, which might be addressed by educating clients as well as the supply professions.
- Checking that what has been constructed is what was designed is increasingly difficult and may be outside the scope of Building Control bodies' knowledge. Legal means of enforcing compliance using Sections 35 or 36 appear too difficult to apply.
- The FENSA self certification scheme for glazing was seen as a success, having high awareness levels, low cost and wide membership. It had also been incorporated into Law Society guidance.

Summary of key issues

The main issues that emerged for consideration in planning the new revision of Part L, and its subsequent enforcement, were:

- Competition and variations in interpreting the guidance among Building Control Bodies has led some Building Control Bodies to require lower standards of compliance than others (e.g. whether or not an airtightness test has to be carried out). This diminishes the effectiveness of enforcing the adoption of the Regulations. A clear system of monitoring and quality control of Building Control Bodies is needed to ensure consistency of approach and interpretation of the Regulations between different Building Control Bodies.
- The current situation in which more or less stringent demands can be imposed on an applicant by different Building Control bodies diminishes the effectiveness of enforcing the adoption of the Regulations. A clear system of monitoring, quality control and enforcement of the Regulations is needed to ensure consistency of interpretation.

- In view of the current variability in interpreting the recommendation for airtightness testing, and the patchy effectiveness in achieving the recommended standard across most building sectors, airtightness testing should be made compulsory and extended to include dwellings.
- Simplicity would make both dissemination and enforcement easier.
- An energy target approach might be viewed as simpler to check and enforce. There was evidence that whole building approaches did encourage fabric and services designers to work together.
- Complexity might be addressed by breaking down the provisions into a series of clearly stated performance based targets that are each more simply checkable on a pass/fail basis, such as the airtightness provision and testing.
- Wider application of self certification schemes and Competent Persons schemes was seen as a way of addressing complexity. However, it would be difficult to generate self sustaining Competent Persons schemes without some initial funding.
- A clear system of quality control will also be needed to check the competencies of Competent Persons.
- A means is needed to improve the effectiveness of policing notifiable refurbishment or replacement work in dwellings. There may be potential to include details of such works in the Home Information Pack and Home Condition Report which would help to check what works have been carried out, and whether certificates of approval have been obtained from Building Control.
- Some clients do not currently see the energy Regulations or their own management of energy as important. A programme of education is needed to increase the market pull for buildings that meet the energy provisions and to encourage owners and managers to take energy issues, such as the use and upkeep of the building log book, more seriously.