

BUILDING REGULATIONS ADVISORY COMMITTEE

MINUTES OF THE SECOND MAIN MEETING IN 2010 HELD ON FRIDAY 16 JULY, 10 AM AT COMMUNITIES AND LOCAL GOVERNMENT (CLG) ROOMS G/A & G/B, GROUND FLOOR, ELAND HOUSE, BRESSENDEN PLACE, LONDON SW1E 5DU

PRESENT

- 10 A list of those present is at Annex A.

ITEM 1: WELCOME AND INTRODUCTION

1.1 Members, officials and observers were welcomed to the second main BRAC meeting of 2010. The Chair welcomed a new official to SBD: Steve Kelly who would be assisting with Parts B, E, J, K, M and N of the building regulations.

- 1.2 CLG updated the Committee on recent developments in CLG. A review of Non-Departmental Public Bodies was currently underway. BRAC would be informed of any
20 developments when these were made known.

ITEM 2: APOLOGIES FOR ABSENCE

2.1 Apologies were received from four members - Tracy Aarons, Lynne Sullivan, Alan Crane and Trevor Haynes. The Northern Ireland Observer, Seamus McCrystal, also sent his apologies.

ITEM 3: MINUTES OF THE FIRST MAIN MEETING HELD ON 5 FEBRUARY 2010 AND MATTERS ARISING

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3.1 The minutes of the main Committee meeting were agreed. There were the following matters arising/noted not covered by the current agenda:

- *Item 4.4, 4th bullet – Code Sustainable Non- Domestic Buildings:* this action has now been carried out

ITEM 4: 2010 IMPLEMENTATION

[BRAC(10)P18]

- 4.1 CLG presented P18 notifying BRAC of activities to support implementation of the
40 amendments to Parts L (Conservation of Fuel and Power), F (Ventilation) and J (Combustion Appliances and Fuel Storage Systems) of the Building Regulations scheduled to come into force on 1 October 2010. It was confirmed that this was subject to review by the Reducing Regulations Committee. In terms of dissemination activity, CLG were supporting eighteen regional events organised by the Building Control Alliance that were planned to take place through September and October; BRE, CIBSE and others were also running events. In respect of Accredited Construction Details, four operators who had expressed an interest in operating a scheme would shortly meet with CLG with a view to formally inviting schemes to come forward.

- 50 4.2 BRAC made the following comment relating mainly to Part L in discussion with CLG:

- Designers need commercial software packages well in advance of implementation of Part L with a lead in time of at least 6 months. This should be a future consideration in any Part L amendments. Various BRAC members supported this comment also noting that

the timely issuing of paper guidance was not sufficient alone in the run up to implementation of Part L amendments.

- 60 • Industry was confused on the implementation date and on transitional arrangements. One City Council was cited in this respect. Misunderstanding of the transitional arrangements could effectively give one year's grace or longer on actual implementation from the effective date, particularly for complex non-domestic projects being developed over typically longer time periods.
- Smaller organisations were said to lag the current requirements and have difficulty coming to terms with the new ones.
- Transitional arrangements and implementation was mentioned as being a particular issue for modifications to existing buildings.
- 70 • Industry is highly competitive at present and unwilling to devote scarce funds to CPD and training programmes with time and money issues paramount.
- One particular London Borough's budget for training would be trimmed. In addition to the Building Control Alliance events mentioned above; two in-house and eight other London based training sessions for building control staff have however been arranged with the focus being on building control personnel. Selective external invitees such as architects and other design professionals would be given the opportunity to attend the training sessions.
- 80 • The need for numerous third party documents was questioned. There may be too many required for convenience of use.
- Accredited Construction Details and Competent Persons Schemes in support of Part L need to be in place well before the implementation date. A timeline is needed for any 2013 amendments in this respect.
- 90 • The construction products sector has mixed views about Part L. They consider any possibility of delay to implementation to now be detrimental as industry technical support is well advanced or already in place to support a revised Part L. They agree SAP and SBEM software are required well before implementation date. The sector would prefer one scheme for Accredited Construction Details, not various schemes. Existing Accredited Construction Details would need to continue to be considered as effective until the new scheme was up and running. NHBC arrangements were mentioned. It was reiterated that implementation arrangements should be reconsidered for any 2013 amendments.
- 100 • A BRAC member considered CLG to have done a capable job in respect of the transitional arrangements. There could be more client and building control body interaction regarding transitional and implementation arrangements. His company was mentioned as organising 140 training events over the coming period.
- In response to BRAC, CLG replied that a departmental budget for training to Part L has been submitted. An internal discussion was now needed on how best to target training. Train the trainers and activity through sector trade organisations were mentioned as possibilities. It was considered that there would now be less third party design material required in support of Part L.

- CLG noted that as far as Part L supporting software was concerned the SAP methodology had been published, with SBEM software also having been made available. CLG recognised that timely availability of software capable of robustly modelling build solutions was required it was however considered that “approved” software for compliance purposes was not a necessity before 1 October.
- On the number of Accredited Construction Details Schemes, CLG responded that forthcoming meetings would discuss this and other related issues. The points from the construction products sector in this respect were noted.

ITEM 5: FUTURE ITERATION OF PART H (DRAINAGE AND WASTE DISPOSAL)

[Oral Update]

5.1 CLG explained that updates are due shortly from Defra on work that relates to Part H. These include the Mandatory Build Standards that stem from the transfer of private sewers, and the National SuDS Standards that result from the Floods & Water Management Act. CLG will assess what changes may be needed to align Part H with these standards.

5.2 A BRAC member added that sewerage undertakers would have no responsibility for surface water drainage; SuDS Approval Bodies will need to sort this aspect out. He also noted that rainwater harvesting is perceived to be a difficult area and that highways will need to be designed on the basis of water percolation rather than on a run-off basis.

ITEM 6: BETTER/ DEREGULATION INITIATIVES

[BRAC(10)P19]

6.1 CLG introduced P19 which covered Consolidation of the Building and Approved Inspectors Regulations (Initiative “A”); Repeals or Amendments to the Fire Protection Measures in Local Acts (Initiative “B”) and the Future Programme for Building Regulation Changes (Initiative “C”). BRAC was asked to note that the Consolidation would include simple re-numbering and re-ordering of some of the requirements in the Building Regulations and the Building (Approved Inspectors etc) Regulations.

6.2 In response to a comment from the Chair reminding BRAC that Option 1 (a simple Consolidation) had been favoured by many BRAC members as the preferred approach, CLG advised Option 1, if adopted, would continue to pose difficulties regarding numbering sequence and general presentation tidiness of the information. Option 2 does not change any of the requirements but simply restores sequential numbering and groups related requirements together. For example, all the energy performance requirements would be found in one place.

6.3 In respect of the Approved Documents the re-numbering may not align with the numbering in the ADs. CLG would publish amendment slips for printed Approved Documents cross-referencing the numbers of the regulations. Recent paper copy purchasers would automatically receive the addendum sheets, but it was accepted that others would not. Web held copy would be amended to reflect the cross referencing changes.

6.4 It was noted that Consolidation is expected to be effective from 1 October. A public announcement would be made in early September.

6.5 BRAC made the following comment in discussion with CLG on Initiative “A”:

- A number of members welcomed Consolidation. The efficiency of changing regulations in this way was questioned by one member as the current regulation numbers are considered to be a user convenience reference. The logic of using the Option 2 approach was however acknowledged by BRAC.
- Comment was made that CLG should make such changes if they consider it necessary. Consolidation was neither new regulation nor deregulation. It might however be better to consolidate in April 2011 so as to stagger regulatory changes and avoid potential user confusion. Another member wanted consolidation without undue delay.
- BRAC asked whether there could be a dual numbering system?
- The point was made that proposed training courses could additionally be used to convey information on the planned consolidation.
- In response CLG said that BRAC concerns would be considered further. If certain of the concerns particularly regarding timing of the changes were accepted it would not be possible to consolidate according to the current time plan.
- CLG clarified that the Schedule 1 references (e.g. A1, A2 etc) will **not** change as a result of consolidation.

6.6 CLG raised the issue of cavity wall insulation which is linked to the government's "green deal". This requires approved installers which a competent person scheme would provide. A reference in building regulations was required otherwise there is no link to CPS. A discussion with building control bodies is needed. The CLGA current application was noted.

6.7 In relation to CPS one BRAC member considered it should not be included in building regulations and should be placed elsewhere as it added no value. It was stated that building control bodies simply recorded the information with no other beneficial effect resulting.

6.8 The Chair welcomed Clare Farmer a new member of the SBD staff who is working with Ian Drummond on Consolidation and CPS and on other building control system issues.

6.9 CLG introduced the proposals under Initiative "B" relating to repeal or amendments to fire protection measures in local acts. Many of these acts are additional and specific in the demographic areas where they apply and therefore add cost. Warehouses, car parks, tall buildings and fire services access are some of the issues covered by these local acts. The first three could be repealed.

6.10 BRAC made the following comment in discussion with CLG on Initiative "B":

- BRAC asked if there was any impact on the Regulatory Reform Order; and was Section 20 (Fire Safety) of The London Building Act affected?
- The comment was made that fire sprinklers add security to buildings by reducing risk. This was considered a sustainability issue.
- Any important left-over issues should be considered for inclusion in an amended Part B.
- CLG responded that there would be no impact on the Regulatory Reform Order. Section 20 (Fire Safety) of The London Building Act would be affected.

6.11 CLG stated the government's commitment to localism which was aimed at moving decisions to local communities not necessarily to local authorities. There was a commitment to reduce regulation generally with a shift of influence to local communities. It was reiterated that fire protection was about the preservation of life and not about the economy of buildings.

220 6.12 CLG summarised the proposals under Initiative "C". This outlined the approach to amending the technical standards leading up to 2013 which was the date previously identified in the **Future of Building Control Implementation Plan**. This would mean publishing new technical standards in October 2012 for implementation in April 2013. Technical Parts A to P were going forward in this plan.

230 6.13 The need to look for deregulatory issues where possible provided the challenge with the emphasis on amendments focusing on essential changes. The concept of "one-in one-out" for regulations' amendments was mentioned. There would be an invitation for industry/external participation to provide input for proposed changes. Input would need to be evidence based.

6.14 CLG gave the time line for changes as a three stage process. The first stage, the start for which corresponds with this BRAC meeting, would be to invite response from external partners and BRAC. This would be done by the opening of an e-mail account and by asking partners to initiate responses. The second stage would involve a detailed partner discussions period with workshops being run by industry and also by CLG. The third stage would involve the distillation of options to go forward to Ministers and with a Ministerial statement resulting. This overall process would be announced later in July.

240 6.15 BRAC made the following comment in discussion with CLG on Initiative "C":

- Who or what is industry? What is the purpose of building regulations? Societal needs and aspirations do need to be considered in this process.
- Part M was mentioned as a good inclusive set of requirements.
- DD266 was noted as about to be converted to a full BS status document and a view was expressed that BRAC should take a direct interest in its development. The Chair responded that such direct interaction provided another work item and was outside of
250 BRAC's locus, as set out in Section 14 of The Building Act 1984. It was noted that CLG staff do sit on BSI committees as HMG representatives.
- The publication of all new versions of technical standards for 2013 implementation presented a large package of work– was this viable? Was there an intention to reduce the size of Approved Documents? There were views that Part P could be eliminated.
- In what format would CLG want qualified response information presented?
- Who would be approaching industry and would the institutions be approached directly?
- 260 • CLG responded that Annex B to P19 was not definitive and ideas on its contents were welcomed. We were bound by the Equalities Act. Impact assessments and workshops would be required as part of the process. Industry was considered to be a broad range of interested parties. Societal needs would need to be recognised with work on technical standards and their means of delivery being important aspects.
- CLG confirmed that a budget had been requested for this work. A high proportion of work would likely be done in-house as no external contractors have as yet been considered.

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- CLG emphasised that submissions need a considered evidence base, but that all submissions were important as a dialogue was required.
 - The Chair requested BRAC to send in views, comments etc.

Action: BRAC member responses

ITEM 7: COMPETENT PERSONS SCHEMES: CURRENT APPLICATIONS AND IMPLEMENTATION OF THE PROPOSALS IN THE RECENT CONSULTATION DOCUMENT [BRAC(10)P20]

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7.1 CLG presented P20 on Competent Persons Schemes (CPS). Applications from potential operators are due on 16 July and others may follow. BRAC was asked to note that it will be consulted on these applications with packages being sent to BRAC next week with a short period for comment following.

7.2 Ministers have indicated they need robustness in compliance and customer satisfaction in the operation of CPS schemes. Ministerial decision as to whether to go ahead with schemes would be made after the Summer Recess had begun

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7.3 Issues remained to be dealt with including possible UKAS accreditation for individual schemes and insurance based warranties. Discussions would continue.

7.4 CLG referred to the proposed authorisation date of 1 October for existing schemes and the transitional arrangements being put in place.

7.5 BRAC made the following comment in discussion with CLG:

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- There was broad BRAC support for this initiative.
- A need for customer awareness was mentioned.
- Roofs are critical areas with issues of insulation requirement and structural integrity being important areas of concern. The ability of some parts of the roofing industry and its current performance was questioned.
- The construction products sector supported roofing as a CPS as it potentially provides a framework for improvement. The current high incidence of non-notified and non-compliant roofing work was mentioned.
- Roofing work was noted as being a high accident incidence area for the construction sector.
- CLG responded by confirming that complex roofs would not be allowed within the CPS scheme. Also structural alteration would not be allowed. The aim was to drive up the level of compliance by use of CPS.
- CLG noted that National Occupational Standards will need to be addressed and this will include health and safety requirements. HSE do have an indirect input.

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ITEM 8: CODE FOR SUSTAINABLE HOMES: CONSULTATION RESULTS

[BRAC(10)P21]

8.1 CLG introduced P21 which updated BRAC on progress. Strong support was achieved from the consultation which ended in March and Ministers have asked for the Code to go ahead for publication in October.

330 8.2 CLG is currently looking at the consultation responses with contractors carrying out an analysis. The fit with policies is also being studied. BRE Global are reviewing the thermal issues and are due to report to CLG week commencing 19 July. Knowledgeable house builders are being sought for collaboration.

8.3 BRAC's views on the approach in Annex A including the cost baseline and impact analysis are being sought.

Action: CLG to e-mail Annex A to BRAC

340 8.4 BRAC made the following comment in discussion with CLG:

- The cost assessment should not be restricted to large schemes, individual dwellings and smaller schemes should be included as there is a disproportionate cost involved. £3,000 to £4,000 was mentioned as a potential assessment cost.
- Members thought a 1 October timescale could be difficult particularly given other CLG commitments due on that date.
- Impact assessment work should not be doubled-up.
- CLG responded that it would take BRAC's comments away to further consider.

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ITEM 9: EU CONSTRUCTION PRODUCTS REGULATION (NEXT STEPS AND PLANS FOR IMPLEMENTATION)

[BRAC(10)P22]

360 9.1 CLG presented P22 relating to the EU Construction Products Regulation (CPR) which will replace the current Construction Products Directive if/when it is adopted in Europe. The CPR is now going forward for discussion in the European Parliament after receiving Council initial approval on the text at the end of May. When it comes into force, the CPR will make CE marking compulsory for construction products marketed under a harmonised European Product Standard in the UK.

9.2 CLG commented that CPR was not considered to have much direct impact on the building regulations themselves, and one option was for the current Regulation 7 and supporting guidance to be amended to emphasise CE marking as the main method of showing compliance. However, there were significant new responsibilities for the construction products supply chain, and communication with the products manufacturing industry would be required.

370 9.3 BRAC made the following comment in discussion with CLG:

- Bespoke construction products were cited as an area where the procurement process in the UK differs to that in many other EU countries. In this sector, the Regulation is likely to have a more significant impact than in others. Another member agreed that this presents

difficulties for bespoke products, but that the derogations in the Regulation will help address this problem.

- He also noted that BIS are to go ahead with work on carbon assessments in public procurement, and liaison is needed.

Action: CLG to contact BIS

ITEM 10: UPDATES FROM NORTHERN IRELAND, SCOTLAND AND WALES ADMINISTRATIONS [BRAC(10)P23]

10.1 Paper 23 was presented and updates in the paper from the Northern Ireland, Scotland and Wales Administrations were noted.

10.2 In his oral update, the **Scottish** observer advised that Sir Peter Housden was appointed as Permanent Secretary to the Scottish Government in June 2010. The observer then commented that the Building Standards Division in Scotland was coming under the same pressure as the Sustainable Buildings Division in England to reduce the regulatory burden on the construction industry. Also, the Building Standards Advisory Committee (BSAC) would be abolished on 1 August 2010.

10.3 In his oral update, the **Welsh** Observer wished the Committee to note that the National Assembly's powers had been extended (via a private member's Legislative Competence Order) to allow it to regulate in respect of domestic fire sprinklers. The next stage was for a 'Measure' (secondary legislation) to be brought forward to create the requirement to install sprinklers. A scrutiny process had now begun and a draft Measure and Explanatory Memorandum was on the National Assembly website. *Welsh Ministers* had stated that a robust assessment of costs and benefits would be expected.

10.4 There was no oral update from Northern Ireland.

10.5 BRAC asked the following questions in discussion with the Observers:

- Regarding P23 and the Welsh Assembly Government proposal to improve Part L 2006 emissions reduction by 55%; the technical meaning of this was questioned?
- How will the Welsh Assembly Government proposal deal with the issue of fire sprinkler maintenance?
- The **Welsh** Observer responded that the 55% reduction will be related to regulated emissions. The issue of maintenance of domestic fire sprinklers is still to be dealt with, but ultimately householders will have to take responsibility.

ITEM 11: ANY OTHER BUSINESS

11.1 The Chair welcomed Professor Jeremy Watson, Chief Scientific Adviser - CLG, who addressed the meeting because BRAC was a scientific committee. He spoke about his role with CLG since his arrival in October last year. Professor Watson had a watching brief for the work of BRAC and has a particular interest in zero carbon issues. His background was building physics. He was spending half his time with CLG and half with ARUP in his capacity as Director of Global Research.

11.2 Neil Cooper asked the Committee for ideas on items to be discussed at the forthcoming Away day. He presented an initial list for members to discuss.

11.3 BRAC members mentioned the availability of various recent publications.

11.4 Members were reminded that:

- The date of the next main BRAC meeting at CLG was 30 September 2010.

The meeting closed at approximately 1.20 pm.

BRAC Secretariat
Sustainable Buildings Division, CLG

July 2010

PRESENT**BRAC Members**

Mr M Finn	Chairman
Mr N Cooper	Deputy Chairman
Mr P Warburton	Member
Mr P Caplehorn	"
Mr N Cullen	"
Mr J Tebbit	"
Mr D Mitchell	"
Mr T Moolan	"
Mr A Levett	"
Prof K Bright	"
Mr A Shipley	"
Mr S Wielebski	"

CLG Officials / Sustainable Buildings Division

Mr A Burd	Head of Technical Policy
Mr G Bampton	Sustainable Buildings Division
Mr B Martin	"
Mr P Decort	"
Mr I Drummond	"
Ms M Chukwuma	"
Mr S Kelly	"
Ms T Cull	"
Ms C Farmer	"
Ms N Robinson	"
Mr P Watt	BRAC Technical Support, SBD

Observers

Prof J Watson	Chief Scientific Adviser, CLG
Mr F Samuel	Wales
Mr B Dodds	Scotland

BRAC Secretariat

Ms E Hopwood	BRAC Secretary
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