

## BUILDING REGULATIONS ADVISORY COMMITTEE FOR ENGLAND (BRAC)

MINUTES OF THE FIRST MAIN MEETING IN 2012 HELD ON THURSDAY 23 FEBRUARY,  
10AM AT DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT (DCLG),  
MEETING ROOMS SFP/, GROUND FLOOR, ELAND HOUSE, BRESSENDEN PLACE,  
LONDON SW1E 5DU

### PRESENT

A list of those present is at **Annex A**.

### ITEM 1: WELCOME AND INTRODUCTION

- 1.1 Members, officials and observers were welcomed to the first main BRAC meeting of 2012. The Chair welcomed the five new members to their first BRAC meeting. He also thanked his predecessor, Michael Finn, for his 20 years service to BRAC both as a member then as BRAC Chair. In addition, he thanked Lynne Sullivan (who will continue to chair the Part L Working Group) and Thiru Moolan, who both left BRAC at the end of 2011, for their 10 years of service to the Committee and its working parties.

### ITEM 2: APOLOGIES FOR ABSENCE

- 2.1 Apologies were received from two members, Tracey Aarons and John Tebbit, and from the Northern Ireland observer, Seamus McCrystal, and the Welsh observer, Francois Samuel.

### ITEM 3: MINUTES OF THE THIRD 2011 MEETING HELD ON THURSDAY 6 OCTOBER AND MATTERS ARISING

- 3.1 The minutes of the last main Committee meeting were agreed with the following correction:
- *Attendees list on the minutes from October 2011 meeting to be updated to include Adrian Levett.* **Action DCLG**
- 3.2 All matters arising had been actioned except:
- *Item 5.2, page 3, 'BRAC Strategy Day', DCLG to e-mail list of themes from previous Strategy Days to BRAC Chair.* **Action DCLG**

### ITEM 4: UPDATE ON 2012 CONSULTATION ON CHANGES TO THE BUILDING REGULATIONS [BRAC(12)P1]

- 4.1 DCLG presented P1 which gave an update on the background to, and make-up of, the 2012 Building Regulations consultation. The presentation at Annex A to the paper was used as the basis to update BRAC members on progress made since the last meeting on 30 September. The paper also provides details of planned engagement with external partners during the consultation period.

BRAC had the following comments:

4.2 Section 1 of the consultation:

- Members liked the Easier to Read Summary but wondered if perhaps it should contain more detail.
- Whether there was a 'Plan B' / alternative to the voluntary approach being proposed for Changing Places. DCLG responded that engagement indicates there is no problem with a voluntary approach and there is a willingness to proceed with it.
- BRAC was informed that the Building Standards Division at the Scottish Government had done research into the provision of Changing Places toilets and would be happy to share this. Although they could regulate, they are currently pursuing a voluntary approach. It was suggested that it would be useful to get the devolved administrations involved in the working groups for the voluntary approach.
- In relation to security, it was queried whether the distress caused to home owners by burglary were being taken into account. DCLG noted that this was difficult to monetise. *Note: Home Office figures for the economic and social cost of crime have been utilised within DCLG's research. This figure takes account of costs associated to the emotional and physical impact of burglary, as well as the costs to the health services in relation to victims along with victim support services.*
- A standard for domestic security should be established, as in car security. It was noted that NHBC was already taking account of minimum standards on Domestic Security. An alternative would be to leave it to insurers to drive standards. DCLG agreed that standards were needed.
- It was noted that improved security could simply displace crime, rather than reduce it. DCLG agree that this was a difficult area to resolve.
- The new Approved Document K has not taken account of all BRAC's recommendations on the new format, such as bigger and clearer diagrams. DCLG noted this but confirmed that the version in the consultation was a draft and clarity of diagrams etc would be addressed once the final content and format has been agreed.
- BRAC asked about the likely impact / costs of the changes to Radon maps. DCLG said that earlier work suggested a relatively low cost of approximately £1.5m a year but additional work is being undertaken to refine this cost. A BRAC member confirmed that housebuilders are already using the latest maps
- Regarding access statements, it was queried whether there had been discussions with regulators of other regimes, such as planning. DCLG confirmed that Planning had been involved in developing the policy.

4.3 Section 2 (Energy Efficiency) of the consultation:

- A member asked how the moratorium on small businesses would work. DCLG responded that Ministers recognise that applying the moratorium to the



construction industry will be very complex and question 1.1 of section 1 of the consultation asks specifically for views on applying it.

- The public may find it difficult to understand Consequential Improvements as they are currently set out; the way they are explained should be improved, preferably using better diagrams. This need for improved clarity also applied to AD L.
- Concern was raised about the Standard Assessment Procedure (SAP), the SAP consultation and the accuracy of SAP. There are many reasons why there is a gap between design and in-use energy consumption, including software, site issues and areas that SAP does not address. The Zero Carbon Hub and HBF have prepared reports on how to close this gap. In order to identify the size of the problem, it was agreed that industry now needs to measure the gap on homes built to Part L 2010 but, due to transitional arrangements, there may be insufficient homes to carry out empirical research. A linked concern was the robustness of U-values and the variation in U-values between different product manufacturers; a U-value database or a 'bank of accredited U-values' would be useful.
- DCLG advised that a paper for the 2016 Taskforce on SAP had been produced that covers most of the issues raised by the Committee and will be circulated to BRAC members **Action DCLG**
- BRAC considered that finding "outs" of £103million is a huge challenge. DCLG replied that any ideas would be welcomed.

#### 4.4 Section 3 (Electrical Safety) of the consultation:

- Technology has improved, such as residual current devices (RCD), since the introduction of Part P and BRAC asked whether this had been factored into the impact assessment in. DCLG confirmed it had.
- The success of Part P was acknowledged and DCLG was asked in considering future options not to lose sight of the effect it has had on raising awareness and improving standards of workmanship, which could be lost if Part P were to be relaxed.
- The proposed move to risk-based assessment has not been recognized in the consultation and this may change costs.

#### 4.5 Section 4 (Building Control System) of the consultation:

- The Chair noted that it was pleasing to see a number of issues that came through BRAC's Strategy Days being included in the consultation.
- Section 4 contains issues with most relevance to members of the public. However, it is a daunting document that should be made more accessible to the public, for instance through the Ideal Home Exhibition, or translated into relevance for homeowners to encourage genuine responses outside of vested interests.
- Concern was expressed over the size of the whole consultation package and that members of the public, businesses and some organisations may not respond because they do not have the resources to do so or are put off its size. Concern was also raised that other Government consultations are happening around the same time which puts further pressure on the resources of organisations and

individuals to respond, and it was suggested that departments should stagger consultations.

- DCLG responded that the size of the consultation was a result of having a 3 year cycle for proposed changes. DCLG also acknowledged that it finds getting the views of consumers difficult and members were asked that if they have thoughts or views on this then to e-mail these to the BRAC secretariat. **Action BRAC**

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4.6 DCLG noted that timing of the changes is part of the Consultation but the proposed coming into force dates are:

- (i) introduction of domestic consequential improvements for extensions: October 2012 to support the Green Deal
- (ii) deregulatory changes: April 2013
- (iii) regulatory changes: October 2013
- (iv) remaining domestic and non-domestic consequential improvements: April 2014

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## ITEM 5: RED TAPE CHALLENGE UPDATE

[BRAC(12)P2]

5.1 DCLG introduced P2 which was aimed to update BRAC on progress on the Cabinet Office's Red Tape Challenge initiative.

5.2 The main points raised by BRAC were:

- How does the star chamber work and how will opinions be taken into account. DCLG explained that the star chamber would have all the public comments and would include two Sector Champions who have experience of the industry, although both have a housing background.
- The Red Tape Challenge, Your Freedom etc seem to be populist mechanisms and views expressed may not be representative so need to be balanced by research and informed opinion.

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## ITEM 6: BUILDING REGULATIONS & STANDARDS DIVISION RESEARCH AND DEVELOPMENT PROGRAMME 2012/13

[BRAC(12)P3]

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6.1 DCLG introduced P3 which outlines the background and overall strategy to DCLG's Building Regulations and Standards research and development programme for 2012/13 and lists the proposals for externally commissioned work within the programme.

6.2 BRAC members had the following comments on the overall programme and the proposed projects:

- Supports the proposed research into Part M and access standards but consideration should also be given to research into bariatrics (particularly for Parts M and B), planning for adaptable features eg. under the New Deal for Older People, and to assess the costs, benefits and burden on developers.
- Supports the research into increased air tightness and indoor air quality but it should also cover mechanical heat with recovery ventilation (MHRV) systems. Scottish Building Standards are interested in this topic and have some research coming from Strathclyde University.

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- Consideration should be given to research into workmanship, eg are radon protection barriers breached by level access showers?
- Wide support for research into slips and trips.

6.3 The BRAC Research sub-group presented its report on research needs, which outlines immediate and medium/long term research needs, the UK research base and data collection and collation.

6.4 The sub-group considered that research and development into wealth creation products and new technologies is well supported but there is a lack of research and development to support public good. Research is often reactive to technologies (eg. into heat pumps) but the technology may well have moved on by the time the results of the research is available. Research is needed into the durability of measures (eg. ventilation) and future systems (eg. DC electric, hydrogen storage and management, ground source heat management, U-values, collective heating systems and smart metering) to be able to answer questions that will be asked in a decade's time.

6.5 The role of Government's Chief Construction Officer in terms of research and development and BIS's Innovation Growth Team (IGT) was discussed. It was observed that the IGT road mapping would be a solution to BRAC's needs but it seems to have got lost. DCLG responded that work was underway and would try to get some information on progress. It was also suggested that Paul Morrell is invited to speak at the next BRAC meeting in June. **Action DCLG**

6.6 Whole life is often mentioned but BRAC consider that clear metrics are needed to determine what this means in practice.

6.7 A member felt that the Code for Sustainable Homes (CfSH) should be subsumed into the Building Regulations in order to save industry money, so research was unjustified. DCLG responded that the longer term future of the CfSH was under review but it should be kept up to date in the meantime.

6.8 A mechanism is needed to co-ordinate industry research and to encourage industry to provide data, particularly to manufacturers who wish to know how their products perform in practice.

6.9 After discussion, BRAC's list of research priorities are:

- Indoor Air Quality (IAQ) – there are many research papers but little of use
- Mechanical Ventilation with Heat Recovery (MVHR) – do trickle vents work?
- Part L – is it having an effect?
- Behaviour – do people know how to use technologies?
- Programs - can we trust software, particularly as we move towards absolute standards?
- Demographic and bariatric changes – what are the implications?
- Evaluation and monitoring of effects of changes
- New technologies – what are the potential impacts?
- Data collection and collation – potential for combining information and increasing availability

6.10 It was agreed that the BRAC Research Sub-group should carry on and meet regularly with officials, as BRAC should focus upon providing evidence to support decisions. DCLG welcomed this decision.

**ITEM 7: GREEN DEAL AND CONSEQUENTIAL IMPROVEMENTS [Presentation]**  
**AND ITEM 9: GREEN DEAL AND COMPETENT PERSONS SCHEME [BRAC (12) (P6)]**

7.1 Agenda items 7 and 9 were considered together.

7.2 DCLG gave a presentation on the Green Deal and Consequential Improvements for existing buildings. The aim of this presentation was to update BRAC on the progress of the work being done on this area, such as, triggers and measures, assessing the requirement, compliance progress and implementation.

7.3 DCLG introduced P6 which updated BRAC on the proposals for new conditions of authorisation for competent person schemes and explains how the conditions have been aligned with the Green Deal to allow the schemes fully to support its introduction.

7.4 BRAC had the following comments:

- Members welcomed the proposals but noted that it was reliant upon people doing what they were supposed to do, and had some concerns about workability. Local Authorities do not have the resources / capacity to deal with compliance and enforcement issues around Consequential Improvements and will prioritise other areas of building control before these. Enforcement needs to be robust to deter rogue contractors and to safeguard vulnerable consumers.
- Would contractors operating under a Competent Persons Scheme (CPS) (which covers specific areas and requires specific skills) be competent to do a Green Deal Installation? DCLG responded that CPS members will not do work beyond their skills and can only self-certify work covered by their scheme, but they can raise awareness and provide advice about other Green Deal work.
- There was a general feeling that the Consequential Improvements are misunderstood at present and the terms such as 'technically feasible' should be put into more straightforward language and / or use diagrams.
- PAS 2030: 2012 (Improving the energy efficiency of existing buildings) sets out requirements for Green Deal installation but there appears to be no contractual link between the home owner and installer. This raises questions about whether consumers will buy into the scheme and also raises concern about consumer protection and that liability needs to be dealt with from the outset. PAS 2030 is considered to be very superficial and doesn't cover quality, performance, aesthetics or social quality of cherished buildings. There needs to be more work done on the details of the Green Deal before being released to the market, including co-ordination of contractors. DCLG noted that CPS have consumer protection built in and installers assume liability; there is also strong consumer protection in the Green Deal. The market place will develop, and there will be contractual arrangements between the Green Deal provider and the homeowner; extensions would have BCB involvement.
- It was pointed out that there is a potential 'loophole' in the Green Deal if something is considered "not technically feasible or economically viable". DCLG were asked if they had considered this and who makes the decision? DCLG said this should be viewed as a safeguard, not a loophole, and the decision on historic buildings rests with the Conservation Officer.



- As there are potentially a very high number of consequential improvements to be required from boiler and window replacements, is industry geared up for this, are the consequential improvements likely to be evaded and how heavy will the policing arrangements be? DCLG stated that there appears to be sufficient capacity at current rates, although the rates will increase dramatically in the future and then decline as fewer unimproved properties remain. Ministers want a light touch approach for enforcement; they would wish a boiler replacement to be delayed until a consequential improvement had been completed. CPS certificates will state that consequential improvements may be needed, which will be flagged up to potential buyers during conveyancing.

7.5 DCLG stated that Part L policies need to be finalized before recess and, as there will only be a very limited opportunity for input at the next main BRAC meeting in June, it intends to have a bespoke Part L BRAC Technical Working Party in April. The Working Party will be open to all BRAC members and details of the meeting will be sent to all BRAC members. **Action DCLG**

## ITEM 8: BEHAVIOUR CHANGE

[BRAC(12)P5]

8.1 DCLG introduced P5 which updated BRAC on officials' current thinking on how to achieve widespread community engagement and behaviour change to support the Green Deal and other initiatives. It sought BRAC input on how we can help people to use less energy in their homes.

8.2 BRAC made the following comments:

- The influence of peer groups and communities is important. The way in which the public reach decisions depends on having a consistent message and how a 'brand' is perceived.
- As far as possible, energy saving measures should be passive or automatic, and not rely on householder action.
- Having very clear and easy to use smart meters that link activities with cost should encourage householders to save energy. Smart meters need to be of primary benefit to the consumer, not the energy provider.
- There should be an insistence on more intelligent systems being provided (eg TVs that automatically switch off when on stand-by), as even where smart meters are provided they are often not used and become an ornament.
- Generic guidance on energy saving is not useful and specific advice is needed on how to make best use of systems, particularly when different systems are present in the same property.

8.3 DCLG's Chief Scientist commented that the content and presentation of messages need to be carefully considered. As an example, he quoted recent research that found that after homeowners had been told of the cost of turning down their thermostat by 1°C, many turned it up by 1°C as they considered the cost to be worth it. He also invited BRAC members to submit challenges for the DCLG Social Behaviour Network to work on.

**ITEM 10: UPDATES FROM NORTHERN IRELAND, SCOTLAND AND WALES  
ADMINISTRATION [BRAC (12)P7]**

- 10.1 The Scottish observer presented an oral update on P7 on regulations and standards in his administration. He noted that better regulation challenges seem to be resulting in more centralized policies.

**ITEM 11: ANY OTHER BUSINESS**

- 10.11.1 The BRAC Chair informed members that the deputy chair position was vacant and if any members wanted to express an interest in this they should speak directly with him.
- 10.11.2 All comments on BRAC papers should be e-mailed to the BRAC secretariat, who will then pass them on to the appropriate policy officer.
- 10.11.3 It was suggested that an official from DECC and/or its Energy Efficiency Deployment Office is invited to present at a future main BRAC meeting **Action DCLG**
- 20.11.4 The BSRIA presentation on compliance to be circulated, via the BRAC secretariat. **Action: DCLG**
- 10.11.5 Peter Caplehorn reported on a meeting held between BSI and representatives of government departments to discuss BSI publishing documents that the departments could not maintain or develop.
- 10.11.6 The LABC/ACAI reports on the customer opinion survey and compliance interventions will be discussed in a future meeting.

**BRAC Secretariat  
Building Regulations and Standards Division, DCLG  
March 2012**



**PRESENT (for all or part of the meeting)*****BRAC Members***

Neil Cooper	Chair
Keith Bright	Member
Peter Caplehorn	"
Emma Clancy	"
Alan Crane	"
Nick Cullen	"
Andrew Eastwell	"
Clifford Fudge	"
Trevor Haynes	"
Adrian Levett	"
David Mitchell	"
Neil Smith	"
Andrew Shipley	"
Paul Timmins	"
Stephen Wielebeski	

***DCLG Officials***

Bob Ledsome	Deputy Director, Building Regulations and Standards Division, DCLG
Anthony Burd	Head of Technical Policy, BRSD
Shayne Coulson	BRSD, DCLG
Paul Decort	"
Ian Drummond	"
Antonio Irranca	"
Steve Kelly	"
Stephen Porter	"

Prof Jeremy Watson	Chief Scientific Adviser, DCLG
Nick Price	BRAC technical support, BRSD
Robbie Allen	BRAC Secretariat, BRSD

***Observers***

Bill Dodds	Building Standards Division (BSD), Scottish Government (SG)
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