



Department for  
Communities and  
Local Government

# Building Regulations and the Building Control System in England – 2017

Discussion paper

DRAFT

March 2017

Department for Communities and Local Government



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Department for Communities and Local Government  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF  
Telephone: [REDACTED]

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## About this discussion paper

1. This paper sets out government's current thinking on the potential scope for reform and review of the Building Regulations and building control system in England over coming years. It is intended to provide a platform for government to discuss what might be done with a wide range of interested parties including, but not limited to, the construction industry, professional institutes and their memberships, groups with specific interests in aspects of building performance such as accessibility or energy efficiency and private individuals.
2. The areas for discussion set out in this paper fall into four broad categories, which cover the key aspects of the building control framework in England, namely:
  - the building control system
  - the Building Act and Building Regulations
  - the statutory guidance in Approved Documents
  - periodic review of the technical requirements in the Building Regulations and Approved Documents
3. This discussion paper sets out the policy background, the drivers for change and our current thinking; it does not include any firm proposals. Responses to this discussion document will inform the policy development process. The detail of any proposed reform will be subject to full consultation at a later date.

## How to respond

4. The closing date for comments is [date] which should be submitted via our preferred online form [[url-surveymonkey](#)].
5. You can also respond by email to [[email address](#)] but these should be submitted by [date] to ensure they are taken into consideration.



# Introduction

## Building Regulations and the governments objectives

6. The UK Construction sector was valued at £135 billion in 2015, and supports a workforce of 2.3 million people and accounts for around 6.1% of total economic output. The construction industry builds the factories, offices, schools hospitals and homes on which the future prosperity of the country relies. It is not just a vital part of our economy, it is a vital part of our society.
7. A substantial proportion of this construction activity is subject to control by the Building Regulations in order to ensure that once the building work is complete, the environment created is safe, healthy, supports the welfare of occupants, whilst also being energy efficient, secure and accessible. Building Regulations also have a critical and valuable role in responding to the changing world and environment in which we live. This includes responding to demographic change resulting from an ageing population; helping to mitigate the effects of climate change, whilst also helping to reduce the affect of buildings on the environment.

Government places a high value on ensuring that the legislative, regulatory and technical framework which controls building work is appropriate to achieve these outcomes. In particular, efficient operation of the building control system will support the strategy set out in our housing white paper: ['Fixing our broken housing market'](#), by providing a clear and stable framework for investment in building high quality new homes. It is also important that this framework supports the wider economy. In January this year government published a consultation green paper: ['Building our industrial strategy'](#) which set out how government aims to improve living standards and economic growth by increasing productivity and driving growth across the whole country. There are a number of key themes set out in this discussion document which are relevant to the issues in the housing white and green papers.

8. We need to create the right conditions for businesses which are starting up or seeking to grow, including small and medium homebuilders. Where business growth includes building work we want the building control system to be easy to understand and navigate. Competition amongst building control bodies has helped ensure good levels of service, but this needs to be framed within a transparent and accountable system based on effective competition, where important public services can be sustained, and where enforcement is effective in ensuring high levels of compliance. Supporting development of up to date skills and ensuring availability of an adequate workforce in building control services is also important in achieving these aims.

9. It is also important that consumers of building control services, and particularly small business and householders, should be able to hold inspectors to account where building work does not comply. These themes are explored in the first section of this document **‘Competition and compliance in the building control system’**.
10. We also want to ensure that as far as possible, legislation is clear and easy to understand to reduce dispute and improve productivity. This is particularly important to support new entrants to the housing market in order to stimulate competition amongst homebuilders. We are interested in views as to how this might be achieved, and set out some initial thinking in the second section of this document **‘Simplification and clarification of the legislation’**.
11. We also want to support growth by ensuring that Industry has certainty and clarity about how and when the Building Regulations will be changed and updated, and to ensure that guidance on how to comply is as clear and as easily understandable as possible. This is particularly important in giving small and medium sized home builders, and those involved in self-build or custom-build projects the confidence to help boost the number of homes built each year. The third section of this discussion document **‘The approved documents and Schedule 1 of the Building Regulations’** explores how government might do this by setting out plans for changes to the Building Regulations in a more structured and predictable process; simplifying guidance in the approved documents, including using plainer English and better illustrations; maximising use of digital platforms, and adopting a clearer more consistent structure in guidance.
12. It is also important in supporting innovation that the functional approach to regulation, which permits a wide range of different solutions to be considered compliant, are understood and appropriately used by builders, product manufacturers and designers. Ensuring that the building control system supports innovation is particularly important to support government’s objective of boosting productivity by encouraging use of modern methods of construction. We are considering the introduction of a procedural manual which sets out more clearly how to use these flexibilities and which also sets clearer expectations that building control bodies will work constructively to assess compliance of new approaches to building work, including for modern methods of construction.
13. The final section of this discussion document – **‘priorities for review of the technical requirements and the approved documents’** - looks at areas where there is a need to consider changing the technical requirements of the Building Regulations. These measures are important in ensuring that as the economy grows and construction technology evolves building work remains fit for purpose. It is also important that, as



home building numbers increase, those homes are of a high quality. We are interested in views as to what aspects should be highest priority for review taking into account the challenges of a changing climate such as overheating, indoor air quality and flood resistance; ensuring accessible housing needs are met as our demographics change; and supporting the Industrial Strategy's aims of delivering affordable energy and clean growth through cost effective energy efficiency measures to meet climate act targets.

## Building Regulations and the construction industry

14. A survey of building control bodies [Ref] in 2014/15 showed that 140,294 building control applications were received by the 123 local authority building control bodies in England that responded and 132,457 building control applications were submitted by 81 approved inspectors that responded for England and Wales. This suggests that every year in excess of 500,000 building projects are inspected by building control bodies. In addition, more than 3.5 million elements of building work were self certified through competent person schemes.
15. Ensuring that England has a building control function that is cost effective and proportionate is therefore an important consideration in improving productivity in the construction sector, whilst ensuring new buildings suitably protect the health, safety and welfare of their users.
16. The current framework of Building Regulations in England, introduced under the Building Act 1984, has largely achieved these outcomes and has progressively evolved to deliver targeted, cost effective interventions where building work takes place. Building Regulations also provide a level playing field for the construction sector by providing a common minimum set of standards which are well understood across what is a highly fragmented industry.
17. In looking at the Building Regulations system in England, the government is mindful of other priorities which may influence what changes might be made, for example increasing housing supply, reducing unnecessary regulatory burdens on business, the possible effect of leaving the European Union, improvement of international competitiveness and the need to improve the energy performance of buildings to help meet the government's carbon targets.

## Deregulation

18. Under the coalition government, deregulation and simplification of Building Regulations and housing standards realized over £150m of savings a year for business. The Small Business Enterprise and Employment Act required government departments to meet business impact targets. We will continue therefore to look for opportunities to simplify and deregulate where this can be done without compromising necessary standards of safety, sustainability and accessibility.

## Leaving the European Union

19. Building standards generally are matters for Member States under the principle of subsidiarity. The most significant piece of legislation affecting Building Regulations is the Energy Performance of Buildings Directive (EPBD). Our work on energy performance standards will continue to ensure that we meet the requirements of the EPBD while the UK remains a member of the European Union.

# Competition and compliance in the building control system

20. Building control is currently carried out either by local authorities acting within their geographical boundaries or approved inspectors (mostly private companies) which may carry out building control functions anywhere in England. There are about 250 local authority building control bodies in England and 95 approved inspectors. This regulatory system is unusual in that there is competition to provide building control services between local authorities and approved inspectors. In addition, there are three self-regulatory measures to make it easier and cheaper to demonstrate compliance:

- use of standard 'Robust Details' for building work, designed to protect against sound infiltration from other parts of the building or adjoining buildings
- self-certification by installers registered with a competent person scheme for certain types of work such as replacement windows, heating and hot water systems, electrical work in dwellings and solid and cavity wall insulation. Currently, there are 3.5 million notifications per year of work by members of competent persons schemes
- certification by a registered third party of domestic electrical installation work.

21. We consider that the fundamental concepts on which the building control system is based are sound. At the heart of this is the responsibility of the person undertaking building work to ensure that work is compliant with Building Regulations' requirements. Compliance checking should continue to be undertaken by both public and private sector bodies; but self-regulatory approaches are appropriate for work where the incidence of risk is low.

## Challenges for the system

22. While the introduction of competition has had numerous benefits, it has been suggested that there is an imbalance in the operation of the two main types of building control body. Procedural differences, enshrined in legislation, may obstruct full and effective competition because some requirements are placed upon local authorities but not on approved inspectors; and *vice versa*.

23. Local authorities have to provide a building control service in their area (section 91 of the Building Act 1984). They can outsource services or enter into partnerships with other local authorities to provide joint services, but they cannot walk away from ensuring that a service is provided. Approved inspectors can pick and choose their customers and to some extent the services which they provide to those customers.



Local authorities also have to deliver functions which fall to them as a public authority, for example dealing with dangerous structures, demolition and enforcement.

24. Procedural differences are also reflected in the ability of building control bodies to meet their costs. Local authorities are required to follow a statutory charging regime. Approved inspectors have the freedom to set charges as they wish. These differing charging arrangements can limit equal and effective competition. And while approved inspectors can set charges to cover all their costs, local authority building control bodies are limited to charging for compliance checking and related activities only in respect of building work being carried out, not generally for the cost of dealing with risks (and associated costs) from existing buildings where no building work is being carried out - for example from dangerous structures, demolition or enforcement. Overall, in financial year 2014/15, the costs of local authority building control in England exceeded income by over £50 million<sup>1</sup> (ref). This difference has to be met from local authorities' general revenue funding and therefore is subject to the same budgetary pressures as other local authority services.

The quality of building work has been the subject of Parliamentary debate and has formed part of an examination and report by the All Party Parliamentary Group (APPG) for Excellence in the Built Environment<sup>2</sup>. Whilst the evidence presented to the APPG suggests an interplay of several factors, concerns were raised about the effectiveness of compliance checking and whether competition has driven down standards. If building control standards are driven down there is a risk that building owners are exposed to the effects of poor design and construction, underperformance or that the health and safety of building users is compromised. Recent cases have shown that poor workmanship has financial and reputational consequences for house builders.

25. Building Regulations cover matters related to the safety, sustainability, accessibility and the security of new homes. Many of the issues which concern home buyers, such as the quality of finishes, or appliances not fitted properly while very important to them in terms of what they were expecting are not covered by Building Regulations. Evidence from Local Authority Building control to the APPG investigation showed that local authorities receive a significant number of complaints about matters not related to Building Regulations [Ref LABC evidence].

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<sup>1</sup> <https://www.gov.uk/government/statistics/local-authority-revenue-expenditure-and-financing-england-2015-to-2016-individual-local-authority-data-outturn>

<sup>2</sup> All Party Parliamentary Group for Excellence in the Built Environment, *More Homes, Fewer complaints: Report from the Commission of Inquiry into the quality and workmanship of new housing in England*, (CIC website) House of Commons, July 2016

26. The vast majority of new homes are covered by warranties, issued by bodies like the National House Building Council (NHBC), Premier Guarantee, and LABC Warranty. It is for the warranty providers to determine the scope of their warranties and how they operate their warranty systems.
27. The Government recognises the force of the arguments put by the APPG report that the house building industry can improve its performance. It is for the industry to sort out problems of quality and workmanship. The NHBC has introduced a new programme of construction quality audit reviews with the aim of identifying and tackling build quality issues [ref from NHBC website]. This paper suggests and invites views on issues which the Government has identified can strengthen the building control system to ensure better compliance with Building Regulations requirements.
28. There are also challenges for some building control bodies, where reducing income, declining staff numbers and difficulties recruiting new staff may threaten their long-term viability, and we understand this is particularly the case for local authorities.
29. Some local authorities are already taking steps to address this. For example, to help improve efficiency and effectiveness a number of local authorities have set up partnership or joint working arrangements with other local authorities. Two have established local authority trading companies to act as approved inspectors outside their local authority area. In line with proposals to improve skills set out in the Housing White Paper, and restructuring to technical education, government would be interested in exploring industry's views as to how apprenticeships or technical education could be developed to support people into a career in building control.

**Question 1** We would be grateful for comments on whether barriers to effective competition between local authorities and approved inspectors exist.

**[Question 2 We would be interested in views as to the current effectiveness of compliance checking and how this could be improved.]**



## Standards and quality

30. Building control bodies and government have together, through the Building Control Performance Standards Advisory Group (BCPSAG), a sub-committee of the Building Regulations Advisory Committee (BRAC) for England, agreed a set of performance standards for building control bodies. Approved inspectors are required to work to the standards under a Code of Conduct to which they must adhere as a condition of approval by CICAIR (the body designated by the Secretary of State to carry out his executive and administrative functions in respect of approved inspectors); all local authorities have given an undertaking to abide by these standards. BCPSAG reports annually on performance against the standards.
31. BCPSAG are currently carrying out a fundamental review of the performance standards with the aim of ensuring that they remain relevant and up to date to match the current expectations of building control performance of those using the building control system. The review will also endeavour to make it easier to measure performance against the standards.
32. It has been suggested to us that building control bodies should be accredited by the United Kingdom Accreditation Service (UKAS) against formal quality standards and this should be a condition of operation. This would be similar to competent person schemes which are already accredited against a quality management standard. Many building control bodies already operate to quality management systems.
33. Concerns have also been expressed that some building control bodies do not have the necessary knowledge and skills to inspect all aspects of the requirements in the Building Regulations or to evaluate notices and certificates from different bodies as evidence on factors outside their competence (for example, CO<sub>2</sub> emission rate calculations, air tightness testing, ventilation air flow testing and sound insulation testing).

## Each home counts

34. The Each Home Counts report published in December [ref] has reviewed the quality and standards of work on the installation of energy efficiency and renewable energy measures.

**Question 3 We would be interested in views on how the building control performance standards could be developed to produce better outcomes for builders and building owners.**

**Question 4 We would also be interested in views on whether the knowledge and skills of building control bodies' needs to be improved and, if so, comments on how this might be best achieved.**

## Procedures

35. The procedures which govern how building control bodies operate are set out in the Building Act 1984, the Building Regulations 2010 (as amended) and the Building (Approved Inspectors etc.) Regulations 2010 (as amended).
36. Very generally, the way local authorities and approved inspectors approach their building control functions are similar – checking of plans, on site inspections and certification of compliant completed work. However, there are a significant number of procedural differences required in carrying out these general functions.
37. One example where procedures may not allow for a level playing field concerns the requirement for work undertaken by Approved Inspectors to be notified to local authorities. The principle behind that is that local authorities need to be notified of work being covered by Approved Inspectors (and under competent person scheme arrangements) given their overarching duty to provide building control in their areas. This will be important also to enable local authorities to be able to exercise their enforcement function of making sure that notifiable building work is subject to building control.
38. However, this is not a chargeable activity under the current charging arrangements so local authorities have to cover this cost. Also as soon as an initial notice is lodged a local authority cannot compete for the work. However, the system also potentially disadvantages approved inspectors as local authorities have up to five days to reject initial notices. Approved Inspectors have also expressed concerns that the current system gives local authorities a competitive advantage as they have access to detailed records of building work within the authority.

**Question 5** We would be interested in views on any procedures which could be simplified to reduce bureaucracy without affecting compliance.

**Question 6** We would be interested in views on whether there are changes which could be made to harmonise operating and procedural requirements for local authority building control bodies and approved inspectors.



## Building control charges

39. The charging regime for local authority building control bodies is governed by the Building (Local Authority Charges) Regulations 2010. The Regulations set out the activities for which charges can be levied; the processes which local authorities have to follow in developing and publishing charging schedules; and the overriding requirement that, taking one year with another, charges should cover the cost of those activities. The Chartered Institute for Public Finance Administration (CIPFA) has published guidance on how building control activities can be costed. By contrast, approved inspectors are free to negotiate charges for the work to suit their and their clients' business needs.
40. There is a risk that some building control bodies may be tempted to reduce their charges in order to get work and then reduce the amount of checking for compliance carried out.
41. It could be argued that there should be a common set of minimum charges for work across both public and private sectors to avoid the risk of building control bodies reducing their costs to get work and then reducing the amount of checking commensurately. The Government recognises this risk but does not support setting minimum charges; charging levels are business decisions for private sector bodies.
42. However, the local authority charge regulations were last reviewed in 2010 and the Government considers that the time is right to review these afresh. The Government would be interested in views on issues which should be addressed in that review. The scope of the review could include:
- The chargeable activities currently listed in the Regulations (recognising that it is only those functions placed upon local authorities in Part 1 of the Building Act 1984 which can be charged for);
  - Whether charges should be allowed to be made for administrative procedures such as handling notifications from approved inspectors and competent person schemes; and
  - Any administrative issues around the operation of the Charges Regulations which could be improved to remove burdens from local authorities.

**Question 7 We would be interested in views on whether building control charges should be reviewed and what issues should be addressed.**

## Improving transparency and accountability

43. It is important that there is transparency about the compliance checking process. The current system of record keeping requires that local authority building control departments receive approved inspectors' formal notices and certificates and make them publicly available for all approved inspector building control activity within its geographic boundary on a public register. Local authorities are covered by Freedom of Information Act requirements in respect of their own information. The building control performance standards already require building control bodies to maintain records so these can be made available, if there are complaints for example.
44. The Building Control Performance Standards Advisory Group (BCPSAG) has now amended a building control performance standard to require all building control bodies to make available, on request by a building owner, the inspection reports on the owner's building. The standard would apply only after a final or completion certificate is given or an approved inspector's initial notice cancelled. The new standard came into force on 1 April 2017.
45. We have also been working with local authorities and competent person scheme operators to develop mechanisms to improve the handling and availability of notifications of work undertaken by installers registered with competent person schemes and to reduce the cost to local authorities.
46. We are interested in other things which might be done to further enhance the transparency of the building control process.
47. It is also important that building control bodies should be accountable for the proper performance of their building control functions. For local authorities, complaints about poor performance may be made to the local government ombudsman service. For approved inspectors, complaints may be made to CICAIR that an approved inspector has breached its Code of Conduct. Neither the local government ombudsman nor CICAIR have powers to award compensation for poor performance.
48. It is also possible to make a claim against an approved inspector in the civil courts. The courts do have powers to award compensation

**Question 8 We would be interested in views on whether other building control records should be made more freely available for inspection.**

**Question 9 We would be interested in views on whether other measures of accountability might be introduced.**



## Enforcement

49. Building control bodies have a statutory duty to take all reasonable steps to satisfy themselves that building work complies with all relevant requirements of the Building Regulations. They carry out this task principally by giving advice and guidance on plans and on the work being carried out on site. A survey undertaken by the Building Control Alliance in November 2011 revealed that there were substantial numbers of such interventions by building control bodies. In most cases these interventions are successful and the work is found to comply, thus negating the need for formal enforcement under sections 35 or 36 of the Building Act 1984.
50. However, there are times when formal enforcement would be appropriate. The current responsibility for formal enforcement resides solely with local authorities. We are aware that there are sometimes resource issues affecting the ability of local authorities to take formal enforcement action when work is found to be non-compliant.
51. Approved inspectors have no powers to take formal enforcement action. If an approved inspector considers that formal enforcement action is needed, it must refer the case to the local authority, which many approved inspectors are reluctant to do.
52. Local authorities are not prevented from taking formal enforcement action where work has been self-certified by an installer registered with a competent person scheme.
53. Magistrates' Courts now have power to impose an unlimited fine for breaches of the Building Regulations. This Department consulted in July 2012 on introducing civil sanctions (monetary penalties, compliance notice, stop notices or enforcement undertakings) for non-compliance under powers in the Regulatory Enforcement and Sanctions Act 2008 which would give local authorities a wider and more flexible range of formal enforcement options, but this was not taken forward at that time.

**Question 10 We would welcome views whether we should further examine introducing civil sanctions against non-compliance to provide local authorities with a wider range of responses to non-compliance and reduce the costs associated with prosecution.**



## Simplification and clarification of the legislation

54. The Building Act 1984, which is mainly a consolidation of earlier building and public health legislation, provides the overall framework for the Building Regulations. In brief, it sets out the purposes for which building regulations may be made. It also sets out some of the procedures for the building control system.
55. The Building Regulations 2010 (as amended) set out the technical requirements for building work. These are set as broad performance-based “functional” requirements which enable designers and builders to find the most appropriate and cost-effective solutions to compliance.
56. The Building Regulations together with the Building (Approved Inspectors etc.) Regulations 2010 and the Building (Local Authority Charges) Regulations 2010 set out the detailed procedures which govern how the building control system operates.
57. This legislation has now been in place for over 30 years and has been amended and added to many times, for example to deal with new or additional areas of technical risk. The Regulations have also been used to implement elements of European legislation such as on the energy efficiency of buildings or requirements for the installation of the in-building infrastructure for electronic communications.
58. The Building Regulations and associated approved documents have proven to be largely effective in achieving the primary aims of the Building Act in securing health, safety, welfare, accessibility and conservation of fuel and power where building work takes place.
59. There have been comments that some parts of the Regulations, given the number of amendments made to them, have become somewhat complicated both as to language and the order of requirements and therefore difficult to follow. We would therefore welcome comments and suggestions on what changes might be made to simplify and clarify the requirements in the Regulations.

**Question 11 We would be interested in views on aspects of the Regulations which could be clarified and simplified.**

# A manual to the Building Regulations

60. The requirements of the Building Regulations have been developed in a targeted manner over an extended period of time to address specific types of building work, particular risks or specific objectives. A wide range of mechanisms are used to achieve these outcomes, including setting limits of application, differentiating which parts of the regulations apply to what type of building work (for instance not requiring compliance with all regulations where a building is subject to a material change of use) and modifying approaches between dwellings and buildings other than dwellings, and between new and existing buildings.
61. Overall, this means that determining which requirements apply and how best to demonstrate compliance has become increasingly complicated.
62. To help explain how this framework is intended to work, each of the approved documents provides guidance on their use and application in introductory sections which combine aspects of technical compliance with procedural and legal requirements. However, it is difficult to coordinate this across all of the approved documents to reflect changes to the system and Government policy.
63. There may be benefit in exploring whether to develop a manual to the approved documents which sets out how to interpret the Building Regulations, and how to use the approved documents to maximise utility of the functional system of regulation.

**Question 12 We would welcome views on the potential for a manual to the Regulations and what form that might take.**



# The Approved Documents and Schedule 1 of the Building Regulations

64. There are currently 15 'Parts' of the Building Regulations which set functional requirements in Schedule 1 of the Building Regulations. Statutory guidance on ways to comply with the various Parts of the Regulations is provided in 'approved documents'.
65. This guidance typically sets out one or more ways in which compliance with the relevant functional requirement could be achieved in common circumstances. The functional (rather than prescriptive) nature of the Regulations allows for alternative approaches to be proposed and adopted, providing that the building control body is satisfied that these alternative approaches constitute 'reasonable provision' against the functional requirement.
66. This creates a flexible system capable of dealing with a wide variety of circumstances and in a way which is technologically neutral, allowing innovation and supporting building control bodies to be responsive to the evolution of industry practice. However, there are some concerns as to whether this flexibility is recognised or being fully utilised.
67. The quality and clarity of guidance in the approved documents is critical in ensuring that this functional system works properly and efficiently. There are a number of specific areas for consideration (set out below).

## Updating the periodic programme of review of the Building Regulations.

68. Both the Building Regulations and the approved documents are subject to change over time. This can be in response to the way in which industry practice is evolving (technological innovation), as a result of particular incidents or events (for example significant building fires) or to meet wider government policy (such as improving building energy efficiency to reduce carbon emissions). Changes may also be necessary to keep references and terminology current, or for other more minor editorial reasons.
69. The way in which this process of change is managed is important to the building industry, including designers, product manufacturers, builders and developers of all scales. There is a need to ensure that industry has sufficient time to make business planning decisions and to manage long lead in times for larger more complex building projects. At the same time, updates need to be sufficiently regular to keep pace with

industry innovation or emerging risks, and to reflect political drivers for change where these are relevant.

70. The Future of Building Control in 2008 set out the then government's intention to consult on changes to Building Regulations on a three yearly cycle, with no part being consulted on more than once every six years (other than Part L, conservation of fuel and power which was to be reviewed every three years). This recognised the need to support industry in making longer term planning decisions. A three year cycle was also seen as a reasonable balance between longer periods between review (which may provide greater stability and higher economic benefit) and the pace of technical and political demand for change.
71. The government now works on a five year fixed term Parliamentary basis, whilst changes to the approved documents and Building Regulations have mostly continued to adhere to the three year timescale, including changes in 2010 and 2013.
72. There is a question as to how best to align the development of the regulations with industry's needs, to support investment and innovation and to minimise risks and whether a different review cycle would be better for industry. This will also need to consider how to accommodate issues which may emerge outside a structured timescale, as it is accepted that some flexibility is required outside a planned programme of review.

### **Process of updating the approved documents**

73. Ensuring that designers and builders have access to and are aware of the most up to date guidance in the approved documents is of critical importance so that they can be confident that they have complied with the Building Regulations.
74. Assessing the process for developing approved documents with a view to improving ease of use for business might include consideration of the following;
- whether approved documents should be published in draft form for a 'beta' testing period prior to coming into force in order to identify any proofing errors and to clarify interpretation
  - how to improve the way in which amendments to approved documents are recorded and audited between editions
  - how best to communicate changes to approved documents to industry, including reviewing the current use of circulars, circular letters and whether digital media (such as twitter) could be used to improve awareness of changes and updates
  - the potential use of 'testing panels' of practising professionals to evaluate and improve quality of guidance (rather than decided on policy) prior to its coming into force.



**Question 13 We would welcome views on the process and review cycle of updating the approved documents.**

## **Simplifying guidance in the approved documents**

75. Guidance in the approved documents has developed progressively since first publication over 30 years ago. There are an increased number of parts reflecting the broader base of current regulation, and individual parts have been expanded and modified over time to accommodate new priorities and requirements.
76. This iterative approach has led to a lack of consistency within and across the approved documents, with successive reviews having been focused on specific issues rather than looking at the set of documents as a whole. There is scope for improvement to make compliance easier for industry. In February 2017 DCLG published an independent research document: [‘Usability research: building regulations Approved Documents B and M’](#) on the Approved Documents and what could be done to improve them in terms of legibility and structure.

## **New style approved documents**

77. A new format for approved documents has been adopted which has already been applied to several new and amended documents. This involves simplifying and reducing guidance to the minimum necessary to support good levels of compliance; ensuring a consistent plain English drafting style and reviewing key terms and definitions for clarity and consistency.
78. Applying this format to the remaining documents could be carried out either as part of a rolling programme of reviews and updates or as a single exercise, separate from technical changes.

**Question 14 We would be interested in views on either applying the new style for Approved Documents as part of a rolling programme or as a single exercise.**

## **Format and structure of the approved documents**

79. There is an opportunity to consider the structure of the requirements in schedule 1 of the Regulations and the associated arrangement of approved documents and whether a simpler format would be beneficial, including;



- whether to split guidance between domestic and non-domestic building work to make it easier for operators who only operate in one sector, and if so how this split needs to be managed
- whether work on new buildings and work to existing buildings should be more clearly separated
- whether we should retain the current 'part' structure or consider alternative formats for example, reorganise how technical requirements are set out to make guidance more legible, and in some circumstances further reduce duplication
- how to ensure that the guidance is structured to be capable of absorbing new or modified requirements in the future without the need to create entirely new parts.

**Question 15 We would be interested in views on the structure of the technical requirements and the approved documents.**

## Priorities for potential review of technical requirements and the approved documents

80. There are a number of areas where DCLG has been active in evaluating the need for changes to technical standards, or where government has previously committed to taking action. These are areas where it may be either timely to evaluate key functional requirements, or where specific technical issues have been raised.
81. Given the potentially significant extent of simplification of the approved documents in this parliament, it is thought best to limit any changes to technical requirements only to those areas which support simplification or deregulation, or where a compelling case is made that current requirements need to be amended (ie are no longer fit for purpose). A longer term programme of review could then be developed for each of the approved documents.
82. Any changes to guidance in the approved documents that are taken forward would be subject to full public consultation, accompanied by an impact assessment setting out costs and benefits and aligned with government's overall policy on regulation.
83. At this point, a limited scope of review of certain key parts of the requirements might be best, in addition to the simplification work set out earlier in this document. The provisional scope of these proposed reviews is set out below to form the basis for wider discussion, prior to formal consultation on specific proposals, and subject to government decisions as to which work should be given priority in being taken forward:

**Question 16 We would welcome views on the priorities for potential review of technical requirements and the approved documents as set out below.**

### Part B – fire safety

84. The last major review of Part B of the regulations was completed in 2006 and was published in two volumes, one dealing with dwelling houses and the other dealing with all other types of building. Since then the approved documents have been amended in 2010 and 2013.
85. The reduction in the number of fires and associated deaths and injuries means we have a continuing success story on fire safety. In the past decade the number of fires attended in homes has fallen by 64% and accidental fire deaths have decreased by 36%. However, despite the progress made, we must not become complacent.

86. As set out above, the guidance's format and structure could be simplified. Given that the continuing reduction in fires and fire casualties suggests that existing levels of protection are adequate. However, there are some aspects of the current guidance that could be considered further.

## **Property protection**

87. A key question when considering changes to existing regulation or guidance is whether the benefits of improved fire safety beyond life safety should be considered against the cost to business of specific measures. While these other benefits could be recognised in an impact assessment, it is established practice that only life safety benefits should be counted against costs, when deciding whether there is a case for regulation.

## **Property protection – commercial buildings**

88. For non-domestic buildings, our position is clear; businesses should be making their own decisions on commercial property protection in conjunction with their insurers. If the fire sector considers that businesses would benefit from additional protection, they should make their case direct to those businesses.

## **Property protection and resilience – housing**

89. For housing, it has been argued that the benefits of increased property protection from fire protection measures (in particular those which reduce spread of fire between flats in blocks or in terraces) should form part of the primary cost-benefit consideration. There gives rise to the question as to whether fire safety measures in Part B should seek to address not only life safety, but also whether a building is resilient to fire, for example, by it being constructed in a way that seeks to resist disproportionate loss of housing.

**Question 17 We would welcome views on technical options, costs and benefits of introducing requirements for housing in terms of fire resilience and/or property protection.**

## **Specialised housing**

90. There is a growing trend in providing housing that supports people (including people with significant care needs) to live in their own home for longer. There are benefits of this approach to both individuals and society and government would not want to see unnecessary burdens placed on housing providers that would adversely affect the supply of such housing. However, this form of housing can present a significant challenge for the existing frameworks that control fire safety, as the combination of



property type, occupation and management leads to different fire safety challenges to those posed by either more “traditional” sheltered accommodation or residential care homes.

91. Work is already underway to consider how to respond to these challenges. The recent revision of British Standard 9991 looked to address the issue of extra care housing in new buildings. In addition, the fire and rescue service has recognised that there is a lack of consistency in how fire safety regulations are being applied to existing specialised housing. The Chief Fire Officers Association are therefore leading on the development of guidance to assist regulators and the housing and care sectors in defining the right and appropriate level of fire safety in this type of accommodation.
92. Consideration could be given to the adequacy of the existing Approved Document B in respect of specialised housing and any necessary changes could be informed by both of the pieces of work mentioned above.

**Question 18 We would welcome views on the technical options, costs and benefits of how the different forms of housing provision involving a care element are defined/differentiated (especially in advance of occupation); what are the associated fire safety challenges; and, what are the appropriate fire safety measures?**

## Smoke alarms

93. A provision for the use of smoke alarms in new housing has been included in Part B since 1992. Since that time the guidance has always sought the use of mains powered alarms as these were considered to be the most reliable option.
94. In recent years, however, the technology of alarms and in particular the availability of long life batteries has resulted in self contained alarms that can operate for 10 years without the need for a replacement battery.
95. For most mains powered alarms the manufacturers recommend replacement after 10 years. There are concerns that mains powered alarms can be difficult or costly to replace and this may discourage householders from replacing them when they have come to the end of their working life. Views might be invited as to whether now is the time to allow for the use of long-life battery powered alarms under Building Regulations.
96. There is also some doubt over the efficacy of the provisions for heat alarms in Approved Document B. The current arrangements provide for their use where kitchens are directly connected to stairways, but it may be that they offer no additional protection given that smoke alarms are located in the stairway.

**Question 19 We would welcome views on technical options for fire detection and alarms in dwellings, and information on associated costs and benefits.**

## **Basements**

97. Approved Document B currently requires basements to have a means of ventilation in the event of fire. Previous research [Ref] has set out concerns that using this method for smoke ventilation in basements could present unacceptable risks to fire-fighter safety. As a result, fire and rescue service guidance now discourages the use of these vents during fire fighting operations.
98. There is limited statistical data available on fires in large basements as they tend to be rare. However fires in large or deep basements do present specific risks that need to be considered.

**Question 20 We would welcome views on technical options, costs and benefits to see if a more practicable and proportionate solution can be found to fire protection in large/deep basements.**

## **Means of escape for disabled people**

99. The use of refuge spaces as part of an evacuation strategy for disabled people is well established. But this approach can present operational challenges for the person responsible for managing fire safety in a building and can affect the efficient use of space in a building.
100. One option would be to allow the use of hardened evacuation lifts as an alternative to the provision of refuges. This approach may be more cost effective for some buildings and could significantly reduce the whole life costs, whilst speeding emergency egress of disabled people.

**Question 21 We would welcome views on technical options, costs and benefits of allow the use of hardened evacuation lifts as an alternative to the provision of refuges.**

## **Links with the fire safety order**

101. The Regulatory Reform (Fire Safety) Order 2005 sets out the statutory framework for fire safety in occupied buildings. Its sets out duties for assessing the fire safety provisions in existing buildings through risk assessment and requires appropriate management and maintenance processes are in place.



102. In support of the Order, a series of 11 guidance documents were published which amount to around 1800 pages, much of this guidance covers similar ground to that covered in Approved Document B. The guides have not been updated since they were published some 10 years ago.
103. There is a question as to whether it is still necessary to retain this suite of documents alongside the guidance given in Approved Document B. One approach may be to produce a single guide supporting the Order which covers those responsibilities set out in the Order whilst directing the reader to Approved Document B as a benchmark for matters relating to physical fire precautions.

**Question 22 We would welcome views on how government guidance on fire safety in both new and existing buildings can be better aligned and on the option of replacing the suite of guides to the fire safety order with a single guide.**

## Part C - site preparation and resistance to moisture

104. Approved Document C was issued in 2004 and last amended in 2013, principally to refer to the updated radon maps.

### Moisture

105. Since Approved Document C was last fully reviewed in 2004, energy conservation measures have resulted in increased requirements for insulation and air-tightness. This has implications on the risk of moisture problems occurring. Research is being undertaken to examine whether the moisture provisions remain appropriate. The research is also examining moisture risks associated with retrofitting of insulation to existing buildings.
106. The current guidance on walls in Approved Document C also looks at resistance to rain and resistance to condensation separately. In reality, the effects of these sources of moisture upon the building are inter-related so further work may be needed to consider if it is advisable to amend the guidance to take account of both effects, taking account of the results of the current research.

### Site investigation

107. It is for consideration whether site investigation should be a separate section in Approved Document C, as this applies to geotechnical investigations relating to structural stability and to geoenvironmental investigations relating to contamination.



## Sub-soil drainage

108. Part C requires sub-soil drainage to be provided to prevent ground moisture entering the inside of the building or damaging the building. The guidance in Approved Document C regarding sub-soil drainage does not address these functional requirements (which are addressed elsewhere in Approved Document C), so there is a question about the continued need and usefulness of these provisions.

**Question 23 We would welcome views on the technical guidance, structure and content in Approved Document C relating to moisture, site investigation and sub-soil drainage.**

## Flood resistance/resilience

109. Flood resilience is not a requirement of the Building Regulations, as national planning policy is clear that inappropriate development in areas at risk of flooding should be avoided; where development cannot be avoided it should be made safe and resilient and without increasing flood risk elsewhere.
110. Although not a requirement, Approved Document C does provide guidance about mitigating some effects of flooding, including the use of :
- sub-soil drainage to control groundwater
  - non-return valves and anti-flooding devices to prevent backflow from sewers and drains
  - water resistant construction to resist groundwater entering through floors
  - provisions to inspect and clear sub-floor voids following flooding.
111. Approved Document C also refers to guidance given in '[Improving the flood performance of new buildings - flood resilient construction](#)' published on GOV.UK website. We have since worked with BSI and industry to update and expand this document into '[BS 85500 Flood resistant and resilient construction. Guide to improving the flood performance of buildings](#)' and have arranged for the core content to be freely downloadable from the BSI website.
112. The industry-led '[Property Flood Resilience Action Plan](#)', published on GOV.UK website in September 2016, recommended exploring the use of Building Regulations to promote the use of resilient repairs. Government is working with an Action Plan Task Group to identify cost-effective resilience measures that could be considered for inclusion into the Building Regulations or referred to in Approved Document C.
113. The Environment, Food and Rural Affairs Committee published their investigation into 'Future Flood Prevention' on 2 November 2016 on the Parliament.uk website.

Their report supported the use of voluntary approaches, such as those given in the Property Flood Resilience Action Plan, to improve the use of flood resilience measures. However, they considered that if a voluntary code was not agreed by the end of 2016, then building regulations should be amended by the end of 2017 to require such measures to be used in all newly built properties. Although the government response was that industry should be given more time to produce their voluntary code, the work that we are doing with the Action Plan Task Group and the responses we get from this discussion document will be used to identify cost-effective measures that can be considered for inclusion into the Building Regulations (including introduction of a possible Optional Requirement for resilient wiring – see below).

114. In the meantime, the existing planning regime should ensure that flood risks for new buildings are assessed and any identified risks are mitigated.

**Question 24 We would welcome views on our position on flood resilience in building regulations and whether there are any practical options we have not considered.**

### **Optional requirement in flood risk zones**

115. There appears to be a general agreement amongst professionals involved in flood resilience research that locating sockets in new-build homes above flood level, and wired from above, is a sensible measure to allow buildings to be re-occupied sooner following a flood. It is a measure which would not appear to present a significant cost impact on industry.

**Question 25 We would welcome views on potential to introduce an optional requirement relating to design of electrical installations in high flood risk homes.**

## **Part E – Resistance to the passage of sound**

116. Approved Document E was last reviewed in 2003, and amended in 2010, 2013 and 2015.

### **Format of statutory guidance**

117. Approved Document E currently includes extensive guidance on forms of construction that have been shown in the past to meet the necessary level of sound insulation. With advances in construction technology it may be that this guidance is now no longer useful and all or some of it could be removed (this would not, however, remove or reduce the required performance standard for resistance to the passage of sound).



**Question 26 We would welcome views on the structure and content of the guidance in Approved Document E**

**Technical performance requirements**

118. The Department commissioned an extensive study into sound insulation between homes in response to concerns that certain construction types were providing unsatisfactory performance whilst meeting the standards imposed by Part E. The findings of this work will be published shortly and the implications will need to be considered.
119. The study concludes the changes to Part E in 2003 have resulted in very high levels of compliance (98%) due to the introduction of mandatory acoustic on-site testing or the use of the Robust Details scheme. However, there is a small percentage of properties (less than 1% of new-build) that have been tested and shown to comply with the performance requirements in the approved document but which would have failed to achieve the minimum performance targets for constructions given in the previous edition. This is a complex technical matter that needs further consideration.

**Question 27 We would welcome views on the adequacy of the current performance requirements set out in Approved Document E.**

**Scope of application of sound insulation requirements**

120. Currently the requirements of Part E apply to rooms for residential purposes including hotel and motel accommodation. Whilst there remains a case for regulation of acoustic performance in places of permanent residence, it is for consideration whether these provisions are properly targeted and whether regulations continue to be necessary in premises such as hotels and motels where acoustic performance is a commercial issue.



## Part F - ventilation

### Simplification

121. Approved Document F was revised in 2010. The principal change in 2010 was guidance to provide additional purpose-provided ventilation for more airtight dwellings.
122. The *Domestic Ventilation Compliance Guide* currently sits as supplementary guidance to the Approved Document. Options which may be considered for the future of this guidance would be to incorporate key requirements into a revised Approved Document, allowing the compliance guide to be withdrawn.

**Question 28 We would welcome views on simplifying the structure and content of the guidance in Approved Document F and the domestic ventilation compliance guide.**

### Ventilation system types

123. There is some evidence that continuously running fans in homes may be turned down or off in order to reduce noise nuisance. The current Approved Document F provides some guidance on noise. This guidance could be examined with a view to reducing instances of noise nuisance from mechanical ventilation fans, including continuous extract.
124. The guidance may also need to be reviewed in order to better represent the range of modern ventilation system types available. There may be questions as to whether the detail provided in the guidance is clear, proportionate and avoids creating technological barriers which limit choice in complying with the performance standards.

**Question 29 We would welcome views on how well the guidance in Approved Document F is suited to the range and types of technical solutions available for ventilating homes.**

### Installation quality

125. Concerns have been raised about the quality of installation of mechanical ventilation systems, particularly ductwork design and installation. There may be some value in investigating ways in which installation quality could be improved. This could include options within guidance and whether competent person scheme membership is a significant indicator of good practice, and if so how to encourage membership of such schemes.

**Question 30 We would welcome views on ways in which guidance could improve the installation quality of ventilation systems.**

#### **Air quality**

126. Approved Document F currently contains a section on minimising ingress of external pollution into buildings, but this is not directly associated with a functional requirement and sits in an appendix to the document. In response to growing concern about air quality, there is a question as to whether this part of the guidance needs to gain extra prominence, perhaps by bringing the guidance into the main body of Approved Document F.

**Question 31 We would welcome views on the structure and content of the guidance in Approved Document F with respect to minimising the ingress of pollutants in new homes.**

127. It may also be necessary to consider options for controlling particular indoor air pollutants at source, including assessing ways in which these substances could be controlled either within the Building Regulations or through other supporting mechanisms.

**Question 32 We would welcome views and evidence on controlling pollutants at source.**

#### **Ventilation in existing buildings when energy efficiency improvements are carried out**

128. Where energy efficiency improvements, such as external, internal or cavity wall insulation, are carried out on existing buildings, this can make the building more airtight and reduce ventilation performance. The work in existing buildings section of Approved Document F contains guidance for some common types of work such as replacing windows, but there may be a case for considering whether further guidance is necessary to address ventilation provision for a wider range of energy efficiency improvements.

**Question 33 We would welcome views on the content of the guidance in Approved Document F with respect to ventilation provision when energy efficiency improvement work is carried out.**

#### **Research by DCLG**



129. DCLG has commissioned a study into new-build naturally ventilated dwellings. The aim of this research is to estimate the effectiveness of the additional provisions brought into Approved Document F 2010 for more airtight buildings. The full report will be published in due course, but the key findings were:
- a. the research found a number of common areas where ventilation provision in dwellings was often not in line with guidance.
  - b. the vast majority of homes in the study met key air quality indicators for relative humidity and markers for bio-effluents, although volatile organic compounds were found to be above guidance levels for 6 out of the 10 dwellings in the detailed monitoring study.
  - c. evidence was not conclusive on whether Building Regulations guidance is inadequate, although there are suggestions for areas where the guidance could be reviewed.

## Part G - sanitation, hot water safety and water efficiency

### Overlap with other legislation

130. There is a significant overlap between the hot water safety (G3) and water efficiency (G2 and Regulation 36) requirements of Part G and the [Water Quality \(Water Fittings\) Regulations](#). Government is considering whether removing one or both of these requirements could result in streamlining regulation and improving accountability for compliance. An alternative split has been suggested, with those aspects relating to supply (eg backflow and misuse) being covered by the Water Quality (Water Fittings) Regulations and aspects relating to consumer protection (eg contamination, hot water safety, waste and undue consumption) being covered by Part G.

**Question 34 We would welcome views on how best to address the legislative overlap between requirement G2 and G3 and the Water Quality (Water Fittings) Regulations.**

### Hot water safety

131. Further research has been carried out since Approved Document G was last reviewed on aspects of hot water safety, safety devices on unvented hot water storage systems, use of plastics pipework for discharges from safety devices and storing water above 100°C in small plumbed-in catering devices. This research report will be published shortly. Consideration may need to be given as to whether Approved Document G should be amended in line with the conclusions of this research.

**Question 35 We would welcome views on the structure and content of the guidance in Approved Document G relating to hot water safety.**



## Part H - drainage and waste disposal

132. Approved Document H was last amended in 2015 to incorporate additional guidance on waste storage but the guidance on drainage systems stems from 2002.

### Automatic adoption of sewers and lateral drains

133. The transfer of ownership of private sewers and lateral drains in 2011 was intended to protect occupants of homes from having to deal with sewage problems and instead placing the responsibility with those organisations better placed to respond, ie the sewerage undertakers.

134. The transfer was intended to address existing properties, with automatic adoption of all new sewers and lateral drains by the sewerage undertaker intended to protect new homes. However, automatic adoption has not been introduced, due to reasons of additional costs and time.

**Question 36 We would welcome views whether compliance with the requirements of Part H could trigger automatic transfer of certain sewers and lateral drains to the sewerage undertaker.**

### Sustainable drainage systems

135. Section 171 of the [Housing and Planning Act 2016](#) requires the government to undertake a review of the implementation of national planning policy on sustainable drainage systems. The Building Regulations already require surface water to be disposed of as sustainably as possible, ie to the ground unless not practicable. There are a number of specific areas where further consideration on sustainability might prove valuable;

- There appears to be a broad consensus that restricting flows from a site to pre-development rates and volumes does reduce flood risk elsewhere. However, in some cases (for example at the lower end of a catchment) it may be advantageous not to attenuate flows, to provide more capacity for later flows from the higher end of the catchment.
- Industry guidance on water quality aspects is less straightforward but can be broken down into interception storage and contaminated runoff. Whether some of these aspects should be brought into requirement H3 could be examined.

**Question 37 We would welcome views on the structure and content of the guidance in Approved Document H relating to sustainable drainage systems.**

### **Drainage of paved areas**

136. The drainage of paved areas applies only to hardstandings used for access and there may be a benefit in moving this section to Approved Document M.

**Question 38 We would welcome views on the structure and location of the guidance in Approved Document H relating to the drainage of paved areas.**

### **Building-over sewers**

137. Requirement H4 and its statutory guidance was written before the transfer of private sewers and lateral drains. It uses "shown on a map of sewers" as a way of distinguishing between those sewers serving a number of properties and those that serve only a few.
138. There is a presumption that building-over should generally be allowed, except where there was a significant risk, but the way that the guidance in H4 has been interpreted has led to unnecessary consultation and fees. How to better balance the needs of sewerage undertakers to protect their infrastructure with the need to ensure that burdens on development are proportionate and reasonable could be explored.

**Question 39 We would welcome views on the structure and content of the guidance in Approved Document H relating to the building over of sewers.**

### **Solid waste storage**

139. Provision of suitable waste storage (for bins etc) is covered by planning and the requirements of the local waste collection authority, as well as the Building Regulations.
140. In practice, there is little that can be changed once planning approval has been given and the scheme is at Building Regulations stage. The relevant provisions in the Building Regulations could therefore perhaps address only carry distances and be moved into Part M. As part of this, there would need to be research into assessing whether the current carry-distances are still appropriate, particularly where wheelie bins are used, or whether they can be extended to enable more centralised collection to be used.

**Question 40 We would welcome views on the structure and content of the guidance in Approved Document H, particularly whether the scope could be reduced to carry distances and whether these sit better with requirement M.**



## Part J – combustion appliances and fuel storage systems

141. Part J requires carbon monoxide alarms when solid fuel appliances are installed in homes as the evidence currently shows these are responsible for a disproportionate number of carbon monoxide poisonings compared to other fuels. Modern gas appliances are room sealed and have in-built safety features so the risk of poisoning is lower. Published statistics continue to show a decline in the number of accidental carbon monoxide poisonings<sup>3</sup>. We will keep the evidence and cost benefit analysis for carbon monoxide alarm requirements under review.
142. We consider that the functional requirements relating to combustion safety and fuel storage in Part J of the Building Regulations remain fit for purpose. However, as part of the wider exercise to simplify and restructure Approved Documents, there is an opportunity to improve clarity of the guidance and check that standards referred to are up to date. There should however be no expectation that it will be possible to reference updated standards in the Approved Documents without a cost benefit analysis and further consultation.

**Question 41 We would welcome views on the structure and content of the guidance in Approved Document J, particularly where there may be opportunities to update standards referred to**

## Part L – Conservation of fuel and power

143. The Government is committed to meeting its statutory duties under the Climate Change Act. The Act requires that UK emissions of greenhouse gases in 2050 are reduced to at least 80% below 1990 levels. To ensure progress towards this target, the Act includes a legal framework of five-yearly carbon budgets.
144. Emissions from buildings accounted for 18% of UK greenhouse gas emissions in 2015, mainly from use of fossil fuels. Electricity consumption in buildings contributed a further 15% of UK emissions<sup>4</sup>. The fixed heating, ventilation, cooling and lighting of our buildings are energy uses that are controlled by the Building Regulations where building work takes place. It follows that improving Part L energy performance standards can make an important contribution to reducing carbon emissions and fuel bills.

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<sup>3</sup> [Cross Government Group on Gas Safety and Carbon Monoxide \(CO\) Awareness, Annual Report 2015/16](#)

<sup>4</sup> [Meeting Carbon Budgets: 2016 Progress Report to Parliament, Committee on Climate Change, June 2016](#)



145. The UK also needs to build more new homes and the Government wants to set robust but affordable energy performance requirements in building regulations that builders can meet in ways which do not have any negative effects on housing supply. We need to consider whether it is realistic for house builders to meet higher standards without unduly affecting site viability or housing delivery.

### Cost effectiveness review

146. The Housing and Planning Act 2016 placed a statutory duty on government to undertake a review of energy performance standards for new homes in England. The government plans to extend this review to cover non-domestic buildings and work to existing buildings so it can consider the potential for further reductions in carbon emissions and fuel bills. This review will encompass the assessment as to whether the current standards in building regulations in the UK meet “cost optimal” levels as required under the Energy Performance of Buildings Directive.
147. The aim of this review is to identify what energy improvements are cost effective and feasible. It is not a set of firm proposals to strengthen energy performance requirements. This review is expected to be completed in 2017.
148. [To support this review and add transparency, an external Call for Evidence is [being considered/is underway<sup>5</sup>] to improve robustness of the data assumptions about the current and projected costs of making energy improvements.]
149. The government's Housing White Paper – Fixing our Broken Housing Market<sup>6</sup> set out that the government would consult on improving energy performance requirements for new homes in this Parliament if the evidence supports doing so without making homes unaffordable for those who want to live in them. [Similarly the Government would consult on improving energy requirements for non-domestic buildings and work to existing buildings where there are cost effective opportunities to do so and this is sensitive to the affordability for businesses and consumers.] More detail will be set out in the Clean Growth Plan [add link].

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<sup>5</sup> [placeholder for Call for Evidence document]

<sup>6</sup> [Housing White Paper](#)

## Boilers

150. The Department for Business, Energy and Industrial Strategy (DBEIS) and DCLG have also been working on separate proposals<sup>7</sup> for changes to the minimum energy efficiency standards and control requirements that apply in building regulations upon boiler replacement in an existing home in England.

## National Calculation Methodology

151. DBEIS are currently undertaking a review of the Governments Standard Assessment Procedure (SAP) for the energy rating of dwellings and have identified that some technical changes should be made. These changes are designed to keep pace with research, innovation and technology developments and to help reduce the discrepancy between calculated and actual performance. Proposed changes<sup>8</sup> would also update the fuel emission factors e.g. to reflect the reduced carbon intensity of grid electricity.
152. DCLG is similarly exploring the possibility of making technical changes to the Simplified Building Energy Model (SBEM). Potential changes include reflecting proposals to update emission factors and developing the model to handle a wider range of technologies.

## Approved Documents and Compliance Guides

153. As part of the exercise to improve and simplify guidance, we want to look at the structure of the Approved Documents and Building Services Compliance Guides supporting Part L. The Building Services Compliance Guides currently sit as supplementary guidance to the Approved Documents. Options which may be considered for future guidance would be to incorporate key requirements into revised Approved Documents and having two (rather than 4) volumes, one for domestic and one for non-domestic buildings, incorporating works to both new and existing properties
154. There may also be an opportunity to check that the standards referred to are up to date, however there should be no expectation that we will be able to simply reference updated industry standards without cost benefit analysis and further consultation.

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<sup>7</sup> [Heat in Buildings - the future of heat](#)

<sup>8</sup> [SAP 2016 proposals](#)



**Question 42 We would welcome views on the structure and content of the Approved Documents and Building Services Compliance Guides supporting Part L**

## **Part M – access to and use of buildings**

155. Part M (Access to and use of buildings) of the Building Regulations was last updated in March 2015 to integrate new Optional Requirements for dwellings as a result of the Housing Standards Review. Guidance was split into two volumes, with Volume 1 dealing with Dwellings, and Volume 2 dealing with Buildings Other than Dwellings. Volume 1 follows the newer approved document format whilst Volume 2 remains in the older format.
156. Government Ministers and officials are engaged in providing evidence to the Women and Equality Select Committee inquiry into Accessibility and the Built Environment. Government will consider the recommendations of the select committee report alongside other submissions and the results of research in deciding on the programme of work necessary to ensure that requirements in Part M and Approved Document M remain fit for purpose.

### **Part M research**

157. DCLG has commissioned a scoping research project which is in final stages of reporting and which will be published in due course. This looked at two distinct issues;
- Part One – an assessment of the available evidence of benefits of accessible housing standards
  - Part Two – an initial assessment as to how well the requirements in Part M for buildings other than dwellings are meeting the needs of disabled people in practice.

### **Part M Volume 1 – dwellings**

158. Research into the benefits of accessible housing is intended to help develop an evidence base to support local authorities in developing planning policies utilising Part M Optional Requirements for Accessible and Adaptable dwellings (M4(2)) or Wheelchair user dwellings (M4(3)). It will also help determine what further evidence is needed to support any further review of Part M requirements for Dwellings in the longer term. The results of his research will be published in due course.
159. Optional Requirements 'M4(2) Accessible and Adaptable dwellings', and 'M4(3) Wheelchair User Dwellings' came into force in October 2015.. Government will keep under review what further research should be commissioned in order to support review of these technical standards in the future, including exercises to learn from the implementation of the Optional Requirements in new homes.



160. Government is committed to ensuring that this policy framework – which links planning policy and Building Regulations – provides the housing needed by older and disabled people. Government has therefore introduced amendments to the Neighbourhood Planning Bill which would place a duty on the Secretary of State for Communities and Local Government to produce strengthened planning policy to ensure that local authorities have positive policies for delivery of housing to meet these needs.
161. As set out in the housing white paper: '[Fixing our broken housing market](#)' this will ensure that local authorities continue to have local discretion in setting priorities and determining how policy can work best, whilst ensuring that more accessible homes are built including specialist accommodation as well as general needs housing complying with Category 2 and Category 3 Optional Requirements.

## **Part M Volume 2: buildings other than dwellings**

162. Research undertaken into the requirements of Part M for buildings other than dwellings is intended to inform government as to whether there are any critical issues with compliance, and to reassure government that guidance in the Approved Document is effective in setting minimum standards for accessibility. The specific objectives of the research were to identify;
- where existing guidance may require updating or improvement to ensure it remains fit for purpose
  - if alternative approaches (such as those emerging from changes in technology) could deliver outcomes more cost effectively than current requirements
  - how improved compliance can be made easier for industry
  - emerging issues where new guidance might be needed
  - opportunities for simplification in existing guidance and whether any of the existing requirements are no longer relevant or necessary.
163. The results of this research will be published in due course in line with departmental policy. Alongside submissions made in response to this document, and taking into account the recommendations of the Women and Equalities Select committee inquiry, this will help to inform decisions as to whether there is a need to take forward review of current guidance on Buildings other than Dwellings, and if so, which areas might be of priority for consideration. If it is decided that a review is appropriate, suitable consultation and engagement will be undertaken with key interested parties and disabled people.

**Question 43 We would welcome views on the structure and content of the guidance in Approved Document M – Volume 2, Buildings other than Dwellings.**

## Electric vehicle charging infrastructure

164. DCLG officials are working with the Department for Transport to find ways in which the Building Regulations system could encourage the uptake of ultra low emission vehicles. There may be potential through the Building Regulations system to increase the number of electric vehicle charging points in connection with buildings, and infrastructure to allow the future installation of charging points.

**[Open to further text from DFT being introduced here (at write round)]**

**Question 44 We would welcome views on the potential to introduce requirements for electric vehicle charging points in building regulations.**

## Overheating

165. The affects of overheating, including in buildings, has been highlighted as a key risk for the health and productivity of people and businesses in the UK. The Committee on Climate Change<sup>9</sup> recommend that action needs to be taken to tackle the risks of overheating in new homes. Government has a duty under the Climate Change Act to respond to this.

166. Current policy documents that refer to climate change adaptation or overheating in homes, such as the National Planning Policy Framework or Housing Health and Safety Rating System are intended to help manage the incidence of overheating in homes at a national level. However, it is clear from work undertaken by various industry led groups, including the former Zero Carbon Hub, that our understanding of overheating has sufficiently developed to consider whether further steps should be taken. This is a highly complex area of technical assessment and design, which raises many difficult questions as to how risks can be effectively assessed and whether regulatory or non-regulatory intervention is appropriate.

167. Therefore DCLG has let a research contract to better understand the risks of overheating in new homes and create tools and/or guidance to help house builders

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<sup>9</sup> [Progress in preparing for climate change: 2015 Report to Parliament, Committee on Climate Change, June 2015](#)



**Question 44** We would welcome views on the potential to introduce requirements for overheating in building regulations.

CLG10009583/43