



Government unveils proposed changes to the Building Regulations including proposed energy efficiency requirements on property owners

The Department for Communities and Local Government (DCLG) has issued a consultation paper on detailed proposals on changes to the Building Regulations (the Regulations). The consultation package is largely deregulatory in nature (flowing from the Red Tape Challenge) and it is therefore expected that most of the changes proposed will be welcomed by the building industry. Having said this the proposed changes to Part L (energy efficiency), are likely to draw the most comments. These proposals include requirements on owners to make energy efficiency improvements to property as a consequence of other building works. The Consultation was published on 31 January 2012 and closes on 27 April 2012.

The proposals are in four parts as set out immediately below and what follows is a very high level summary of some of the main proposed changes in each section:

- Section one – Parts A, B (including Local Acts), C, K, M and N, Access Statements, security, Changing Places toilets and Regulation 7
- Section two – Part L (Conservation of fuel and power)
- Section three – Part P (Electrical safety – dwellings)
- Section four – the building control system.

Section one provides an overview and includes the following proposals:

- **Replacing the currently-referenced standards in Part A (Structure) with the new British Standards based on Eurocodes**

The proposal is to update the standards currently referenced in the guidance in Approved Document A by referring to the new British Standards based on Eurocodes. This is to ensure that a regulatory framework is provided that ensures buildings are structurally safe in a way that complies with European requirements.

- **Making minor changes to the technical guidance in Approved Document B (Fire safety) to resolve practical problems in the application of Requirement B2 (Internal fire spread (linings))**

The proposal is to reduce the regulatory burden and to facilitate the use of more energy efficient lighting systems without having a detrimental effect on fire safety, while also ensuring that those products which are currently used will remain acceptable.

- **Aligning the existing guidance in Approved Document C (Site preparation and resistance to contaminants and moisture) with the most up-to-date radon maps to ensure the safety provisions are targeted appropriately**

The current Regulations require developers and builders to include reasonable precautions in new buildings to avoid radon impacts on occupants' health. However, the current accompanying statutory guidance refers to out of date maps. The proposal is to extend the guidance to require radon protective measures to be fitted to all new buildings in England.

- **Clarifying the guidance on Access Statements in Approved Document M (Access to and use of buildings)**

Part M sets out minimum requirements to ensure that a broad range of people are able to access and use facilities within buildings. The Regulations provide flexibility in determining what level of provision is reasonable on a case by case basis. However, applicants must set out their proposals by submitting Access Statements.

It is proposed to reduce the compliance burden on applicants by moving to "a graduated, risk based approach proportionate to varying scale and type of development", and away from reliance on Access Statements as the only tool to communicate compliance. It is thereby intended to eliminate unnecessary bureaucracy and cost to industry whilst seeking to maintain or improve outcomes for the broadest range of users. Revised guidance will be made in October 2012 and come into effect in April 2013.

- **Rationalising the guidance supporting Parts M, K and N (Access, Protection from falling, collision and impact and Glazing respectively) to remove unnecessary costs on business**

The proposals involve rationalising areas within existing guidance which overlap or are duplicated, and will result in the repeal of Part N completely, with guidance from Part N and Part M consolidated in a new version of Part K of the Regulations. The stated intention is not to make changes to technical requirements but will simplify compliance and reduce confusion and complexity for Industry.

- **Setting out the intention to take forward the repeal of the fire protection provisions in the Local Acts**

An estimated 23 local Acts have one or more provisions relating to fire protection and these Act provide a discretionary power for local authorities to require additional measures in certain types of building (such as warehouses, tall buildings and car parks). It is proposed to reduce inconsistencies and unnecessary regulatory burdens relating to the fire protection requirements imposed by local Acts and to remove the potential for anti-competitive behaviour between local authorities and private sector approved inspectors.

- **Setting out the non-regulatory approach proposed in relation to domestic security and Changing Places toilets.**

The Government's stated view is that regulation should only ever be used as a last resort, and that alternative, non-regulatory approaches, should be favoured where they are equally or more effective in addressing a particular issue. It is proposed that before a regulatory option could be brought forward to improve the provision of Changing Places toilets, it would be necessary to establish and demonstrate that non-regulatory approaches would not work.

- **Regulation 7**

The EU Construction Products Regulation (Regulation 305/2011) came into force in April 2011 with most of its provisions applying from 1 July 2013. From that date, most construction products will have to be tested against harmonised EU standards and CE marked before they can be placed on the market in the UK. It is therefore proposed that that Approved Document 7 is amended to clarify that the declarations of performance and CE marking required under the EU Regulation will become the main source of information on the performance characteristics of construction products from July 2013.

Section two – Part L (Conservation of fuel and power)

This section includes proposals for tighter carbon dioxide emission standards for new homes and non-domestic buildings, to take the next step towards 'zero carbon' standards, plus tighter performance standards for works to existing buildings. The consultation proposes a carbon reduction of 8% on 2010 levels for new homes and 20% for new non-domestic buildings.

The proposals include requirements for building owners to install energy efficiency improvements when they are doing other work to their homes. The requirement to make improvements would be triggered even when making small improvements, such as replacing a boiler or more than 50% of the windows in the property.

It is proposed that the requirement to make improvements when increasing space would apply from October but the requirement to make improvements when changing a boiler or windows would not apply until April 2014.

Section three – Part P (Electrical safety – dwellings)

The preferred proposals include amending Part P to make a greater proportion of electrical installation jobs non-notifiable and allowing DIYers and other unregistered installers (firms not registered with a Part P Competent Person Self-Certification Scheme) to employ a third party qualified electrician to inspect and test their work as an alternative to using a building control body. It is proposed to implement these proposals by publishing a new edition of Approved Document P containing revised guidance, and amending the Regulations 2010 as appropriate.

Section four – the building control system.

This Section includes proposals on:

- improving local authority building control processes;
- improving private sector Approved Inspector arrangements;
- strengthening enforcement;
- extending the competent person self-certification schemes framework and introducing specialist third party certification schemes; and
- introducing 'Appointed Persons' to act as compliance co-ordinators on construction sites.

Resources:

[Consultation on proposed changes to the building regulations, DCLG, 31 January 2012](#)

Key Contact



Jonathan Bower
Partner
T: 0845 415 6863
E: Jonathan.Bower@bondpearce.com

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