

Consultation Questions – LABC Response

We strongly encourage responses via the online survey, particularly from organisations with access to online facilities such as local authorities, representative bodies and businesses. Consultations receive a high-level of interest across many sectors. Using the online survey greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised.

To respond to the consultation through the online survey, please access this link:
<https://www.surveymonkey.co.uk/r/TQW8GQ9>

Respondent Details

Please provide the below respondent details

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- g. Please state whether you are responding on behalf of yourself or the organisation stated above:
The Organisation

Which description below best identifies you or the organisation you are responding to this consultation on behalf on?

- Builder/Developer
- Installer/Specialist sub-contractor
- Designer/Engineer/Surveyor
- Local Authority
- Building Control Approved Inspector
- Competent Persons Scheme Operator
- Manufacturer/Supply chain
- Property Management
- National representative or trade body
- Professional body or institution
- Research/Academic organisation
- Energy sector
- Other (please specify): _____

Please tick the one box which best describes the size of your or your organisation's business.

- Micro – typically 0 to 9 full-time or equivalent employees (incl. sole traders)
- Small – typically 10 to 49 full-time or equivalent employees
- Medium – typically 50 to 249 full-time or equivalent employees
- Large – typically 250+ full-time or equivalent employees
- None of the above (please specify): _____

Chapter 2 The Future Homes Standard

Q1 Do you agree with our expectation that a home built to the Future Homes Standard should produce 75-80% less CO₂ emissions than one built to current requirements?

- a. Yes
- b. No – 75-80% is too high a reduction in CO₂
- c. No – 75-80% is too low a reduction in CO₂

If no, please explain your reasoning and provide evidence to support this.

LABC are not in a position to offer expert opinion but would suggest a higher target than 75-80%

Q2 We think heat pumps and heat networks should typically be used to deliver the low carbon heating requirement of the Future Homes Standard. What are your views on this and in what circumstances should other low carbon technologies, such as direct electric heating, be used?

Space limitations and small high performance dwellings may require or be suitable for direct electric heating.

Q3 Do you agree that the fabric package for Option 1 (Future Homes Fabric) set out in Chapter 3 and Table 4 of the impact assessment provides a reasonable basis for the fabric performance of the Future Homes Standard?

- a. Yes
- b. No – the fabric standard is too demanding
- c. No – the fabric standard is not demanding enough

If no, please explain your reasoning.

Fabric standards are more easily understood and minimum standards should be closer to those that are expected in order to meet calculated overall targets.

Q4 When, if at all, should the government commence the amendment to the Planning and Energy Act 2008 to restrict local planning authorities from setting higher energy efficiency standard for dwellings?

- a. In 2020 alongside the introduction of any option to uplift the energy efficiency standards of Part L
- b. In 2020 but only in the event of the introduction of a 31% uplift (option 2) to the energy efficiency standards of Part L
- c. In 2025 alongside the introduction of the Future Homes Standard
- d. The government should not commence the amendment to the Planning and Energy Act

Please explain your reasoning.

In order to avoid further confusion and have greater control over compliance with any requirements introduced

Q5 Do you agree with the proposed timings presented in Figure 2.1 (displayed in Chapter 2) showing the Roadmap to the Future Homes Standard?

- a. Yes
- b. No – the timings are too ambitious
- c. No – the timings are not ambitious enough

If no, please explain your reasoning.

Chapter 3 Part L Standards for New Homes in 2020

Q6 What level of uplift to the energy efficiency standards in the Building Regulations should be introduced in 2020?

- a. No change
- b. Option 1 – 20% CO₂ reduction
- c. Option 2 – 31% CO₂ reduction (the government's preferred option)
- d. Other

Please explain your reasoning.

Future technology can be incorporated as development improves giving longer term benefits than those of option 2. Higher standards of fabric efficiency will give immediate benefit for lower initial cost.

Q7 Do you agree with using primary energy as the principal performance metric?

- a. Yes – primary energy should be the principal performance metric
- b. No – CO₂ should remain the principal performance metric
- c. No – another measure should be the principal performance metric

Please explain your reasoning and provide evidence to support this.

Agree that 'energy use' is a more appropriate metric moving forward as use of available 'low carbon' energy does not encourage better performing buildings.

Q8 Do you agree with using CO₂ as the secondary performance metric?

- a. Yes
- b. No

Please explain your reasoning.

Consider this a necessary metric until such time as primary energy production can be shown to achieve near zero carbon emissions.

Q9 Do you agree with the proposal to set a minimum target to ensure that homes are affordable to run?

- a. Yes
- b. No

Please explain your reasoning.

Government has yet to describe how 'affordability' will be defined and calculated. 'Affordability' will vary between regions and a realistic 'national' standard would not be achievable. Disseminating a level of affordability on a regional or more local basis would lead to confusion and uncertainty in design and calculation procedures.

Q10 Should the minimum target used to ensure that homes are affordable to run be a minimum Energy Efficiency Rating?

- a. Yes
- b. No

If yes, please suggest a minimum Energy Efficiency Rating that should be achieved and provide evidence to support this.

If not, please suggest an alternative metric, explain your reasoning and provide evidence to support this.

While this is likely to be the most easily understood metric by end users. Targets must be measurable and achievable. Government has not indicated how this will be defined and calculated. LABC are not in a position to suggest minimum levels.

Q11 Do you agree with the minimum fabric standards proposed in table 3.1?

		Yes	No – should be more insulating	No – should be less insulating
External walls	0.26 W/m ² .K		X	
Party walls	0.20 W/m ² .K		X	
Floor	0.18 W/m ² .K		X	
Roof	0.16 W/m ² .K		X	
Windows, roof windows, glazed roof lights, curtain walling, and pedestrian doors	1.6 W/m ² .K		X	
Roof-lights	2.2 W/m ² .K		X	
Air permeability	8m ³ /m ² .K at 50Pa		X	

If you do not agree with any one or more of the proposed standards, please explain your reasoning and provide evidence to support this.

Values should be nearer those used for target setting given in SAP appendix R to avoid unworkable designs based on this table which may be considered misleading. Alternatively clear reference should be made to appendix R for target setting and design purposes.

Q12 Do you think that the minimum fabric standards should be set in the Building Regulations or in the Approved Document (as is the current case)?

- a. In the Building Regulations
- b. In the Approved Document**

Please explain your reasoning.

LABC recognises the need to limit poor performing individual elements but consider that there should be options to 'offset' areas of under performance by improvements elsewhere. This is more easily achieved by setting minimum fabric standards in the approved document.

Q13 In the context of the proposed move to a primary energy metric and improved minimum fabric standards, do you agree with the proposal to remove the fabric energy efficiency target?

- a. Yes
- b. No**

If no, please explain your reasoning.

Fabric efficiency remains fundamental to the energy performance of a building and should be measurable.
LABC understand that research is available that shows adoption of a heat pump and using emission factors in SAP 10.1 significantly lower standards of fabric efficiency can be shown to meet the proposals for a notional house in the proposed 2020 Part L.

Q14 Do you agree that the limiting U-value for roof-lights should be based on a roof-light in a horizontal position?

- c. Yes**
- d. No

If no, please explain your reasoning and provide evidence to support this.

Q15 Do you agree that we should adopt the latest version of BR 443?

- c. Yes**
- d. No

If no, please explain your reasoning and provide evidence to support this.

Q16 Do you agree with the proposal of removing the fuel factors to aid the transition from high-carbon fossil fuels?

- a. Yes**
- b. No

If no, please explain your reasoning.

Q17 Do you agree with the proposed changes to minimum building services efficiencies and controls set out in table 3.2?

Table 3.2: Proposed revisions to minimum building services efficiencies and controls for new dwellings

Application	Proposed Part L 2020 standard	Yes	No – proposed standard goes too far	No – proposed standard does not go far enough
Gas boiler efficiency	92% ErP			
Heat pump efficiency	SCOP 2.80			
Comfort cooling efficiency	SEER 3.87			
Lighting	60 lamp lumens per circuit-watt			

If you do not agree with any one or more of the proposed changes, please explain your reasoning and provide evidence to support this.

LABC are not in a position to respond to this question

Q18 Do you agree with the proposal that heating systems in new dwellings should be designed to operate with a flow temperature of 55°C?

- a. Yes
- b. No – the temperature should be below 55°C
- c. No – dwellings should not be designed to operate with a low flow temperature
- d. No – I disagree for another reason

If no, please explain your reasoning and provide evidence.

LABC are not in a position to respond to this question

Q19 How should we encourage new dwellings to be designed to operate with a flow temperature of 55°C?

- a. By setting a minimum standard
- b. Through the target primary energy and target emission rate (i.e. through the notional building)
- c. Other

Please explain your reasoning.

Easily recognised

Q20 Do you agree with the proposals to simplify the requirements in the Building Regulations for the consideration of high-efficiency alternative systems?

a. Yes

b. No

If no, please explain your reasoning.

Q21 Do you agree with the proposal to adopt the latest Standard Assessment Procedure, SAP 10?

a. Yes

b. No

If no, please explain your reasoning.

SAP 10 currently contains alternative values to allow consideration of options 1 or 2 in this consultation. It is essential that values in SAP are aligned with the results of this consultation and not the reverse.

Q22 Do you agree with the proposal to update the source of fuel prices to BEIS Domestic energy price indices for SAP 10.2?

a. Yes

b. No

If no, please explain your reasoning.

Q23 Do you agree with the method in *Briefing Note – Derivation and use of Primary Energy factors* in SAP for calculating primary energy and CO₂ emissions factors?

a. Yes

b. No

If no, please explain your reasoning.

LABC not in a position to answer

Q24 Do you agree with the removal of government Approved Construction Details from Approved Document L?

- a. Yes
- b. No

If no, please explain your reasoning.

Q25 Do you agree with the proposal to introduce the technology factors for heat networks, as presented in the draft Approved Document?

- a. Yes
- b. No, they give too much of an advantage to heat networks
- c. No, they do not give enough of advantage to heat networks
- d. No, I disagree for another reason

Please explain your reasoning.

This is likely to unfairly penalise properties not able to access heat networks such as small scale developments.

Q26 Do you agree with the removal of the supplementary guidance from Approved Document L, as outlined in paragraph 3.59 of the consultation document?

- a. Yes
- b. No

If no, please explain your reasoning.

Requirements such as commissioning will rely on knowledge of the statutory instrument which is not always referred to by all those using the guidance.

Q27 Do you agree with the external references used in the draft Approved Document L, Appendix C and Appendix D?

- a. Yes
- b. No

If no, please explain your reasoning and suggest any alternative sources.

Q28 Do you agree with incorporating the Compliance Guides into the Approved Documents?

- a. Yes
- b. No

If no, please explain your reasoning.

Q29 Do you agree that we have adequately covered matters which are currently in the Domestic Building Services Compliance Guide in the new draft Approved Document L for new dwellings?

- a. Yes
- b. No

If no, please explain which matters are not adequately covered.

Insufficient time available for detailed comparison

Q30 Do you agree that we have adequately covered matters which are currently in the Domestic Ventilation Compliance Guide in the new draft Approved Document F for new dwellings?

- a. Yes
- b. No

If no, please explain which matters are not adequately covered.

Insufficient time available for detailed comparison

Q31 Do you agree with the proposals for restructuring the Approved Document guidance?

- a. Yes
- b. No

If no, please explain your reasoning.

Q32 Do you agree with our proposed approach to mandating self-regulating devices in new dwellings?

- a. Yes
- b. No

If no, please explain your reasoning.

Q33 Are there circumstances in which installing self-regulating devices in new dwellings would not be technically or economically feasible?

- a. Yes
- b. No

If yes, please explain your reasoning and provide evidence.

While there are no obvious reasons, specialists in this area may have a different view

Q34 Do you agree with proposed guidance on providing information about building automation and control systems for new dwellings?

- a. Yes
- b. No

If no, please explain your reasoning.

Chapter 4 Part F Changes

Q35 Do you agree that the guidance in Appendix B to draft Approved Document F provides an appropriate basis for setting minimum ventilation standards?

- a. Yes
- b. No

If no, please explain your reasoning.

LABC are not in a position to comment

Q36 Do you agree that using individual volatile organic compounds, informed by Public Health England guidelines, is an appropriate alternative to using a total volatile organic compound limit?

- a. Yes
- b. No – the Public Health England guidelines are not sufficient
- c. No – individual volatile organic compounds should not be used to determine ventilation rates
- d. No – I disagree for another reason

If no, please explain your reasoning, and provide alternative evidence sources if appropriate.

LABC are not in a position to comment

Q37 Do you agree with the proposed guidance on minimising the ingress of external pollutants in the draft Approved Document F?

- a. Yes
- b. No

If no, please explain your reasoning.

Q38 Do you agree with the proposed guidance on noise in the draft Approved Document F?

- a. Yes
- b. No – this should not form part of the statutory guidance for ventilation, or the guidance goes too far
- c. No – the guidance does not sufficiently address the problem
- d. No – I disagree for another reason

If no, please explain your reasoning.

It is not measurable and therefore not enforceable.

Q39 Do you agree with the proposal to remove guidance for passive stack ventilation systems from the Approved Document?

- a. Yes
- b. No

If no, please explain your reasoning.

It is not sufficient just to 'remove' the option. It must be made clear that such systems can still satisfy requirements if part of a specialist installation.

Q40 Do you agree with the proposal to remove guidance for more airtight naturally ventilated homes?

- a. Yes
- b. No

If no, please explain your reasoning.

There may be an assumption of a 'less airtight' building at design stage, whereas at completion a high level of airtightness is achieved, leaving costly remedial work. Alternatively it may encourage poor design and construction so as not to necessitate mechanical ventilation.

Q41 Do you agree with the proposal to remove guidance for less airtight homes with mechanical extract ventilation?

- a. Yes
- b. No

If no, please explain your reasoning.

It is not clear what improvement this proposal will give

Q42 Do you agree with the proposed guidance for background ventilators in naturally ventilated dwellings in the draft Approved Document F?

- a. Yes
- b. No – the ventilator areas are too large
- c. No – the ventilator areas are too small
- d. No - I disagree for another reason

If no, please explain your reasoning.

Q43 Do you agree with the proposed approach in the draft Approved Document for determining minimum whole building ventilation rates in the draft Approved Document F?

- a. Yes
- b. No – the ventilation rate is too high
- c. No – the ventilation rate is too low
- d. No - I disagree for another reason

If no, please explain your reasoning.

Q44 Do you agree that background ventilators should be installed for a continuous mechanical extract system, at 5000mm² per habitable room?

- a. Yes
- b. No – the minimum background ventilator area is too low
- c. No – the minimum background ventilator area is too high
- d. No – other

If no, please explain your reasoning.

Q45 Do you agree with the external references used in the draft Approved Document F, in Appendices B, D and E?

- a. Yes
- b. No

If no, please explain your reasoning and suggest any alternative sources.

Q46 Do you agree with the proposed commissioning sheet proforma given in Appendix C of the draft Approved Document F, volume 1?

- a. Yes
- b. No

If no, please explain your reasoning.

Q47 Do you agree with the proposal to provide a completed checklist and commissioning sheet to the building owner?

- a. Yes
- b. No

If no, please explain your reasoning.

However without mandating this provision as opposed to 'recommending' it is unlikely to be uniformly adopted.

Chapter 5 Airtightness

Q48 Do you agree that there should be a limit to the credit given in SAP for energy savings from airtightness for naturally ventilated dwellings?

- a. Yes
- b. No

If no, please explain your reasoning.

Q49 Do you agree that the limit should be set at $3\text{m}^3/\text{m}^2.\text{h}$?

- a. Yes
- b. No – it is too low
- c. No – it is too high

If no, please explain your reasoning and provide evidence.

Q50 Is having a standard level of uncertainty of $0.5\text{ m}^3/\text{m}^2.\text{h}$ appropriate for all dwellings undergoing an airtightness test?

- a. Yes
- b. No – a percentage uncertainty would be more appropriate
- c. No – I agree with having a standard level of uncertainty, but $0.5\text{ m}^3/\text{m}^2.\text{h}$ is not an appropriate figure.
- d. No – I disagree for another reason

If no, please explain your reasoning.

$0.5\text{ m}^3/\text{m}^2.\text{h}$ is too high

Q51 Currently only a proportion of new dwellings are required to be airtightness tested. Do you agree with the proposal that all new dwellings should be airtightness tested?

- a. Yes
- b. No

If no, please explain your reasoning and provide evidence to support this.

Q52 Currently, small developments are excluded from the requirement to undergo any airtightness tests. Do you agree with including small developments in this requirement?

- a. Yes
- b. No

If no, please explain your reasoning and provide evidence to support this.

Q53 Do you agree that the Pulse test should be introduced into statutory guidance as an alternative airtightness testing method alongside the blower door test?

- a. Yes
- b. No

If no, please explain your reasoning.

Q54 Do you think that the proposed design airtightness range of between 1.5 m³/m².h and the maximum allowable airtightness value in Approved Document L Volume 1 is appropriate for the introduction of the Pulse test?

- a. Yes
- b. No

If no, please explain your reasoning and provide evidence to support this

But it should not be necessary to carry out a blower test if a result less than 1.5 is achieved but a minimum figure of 1.5 satisfies design emission rates for the purposes of compliance with Building Regulations

Q55 Do you agree that we should adopt an independent approved airtightness testing methodology?

- a. Yes
- b. No

Please explain your reasoning.

LABC do not agree that air-tightness testing can be considered as a competent person scheme for the purposes of building regulations. Certification is required to demonstrate compliance with a particular regulatory requirement which tests a combination of building components and is not a type of work listed in schedule 3 as required by regulation 12(6) of the building regulations.

Q56 Do you agree with the content of the CIBSE draft methodology which will be available via the link in the consultation document? Please make any comments here.

LABC are not in a position to comment

Chapter 6 Compliance, Performance and Providing Information

Q57 Do you agree with the introduction of guidance for Build Quality in the Approved Document becoming part of the reasonable provision for compliance with the minimum standards of Part L?

- a. Yes
- b. No

Please explain your reasoning and provide evidence to support this.

This is a pointless exercise until it is mandatory for developers of new dwellings to deposit plans and obtain a notice of passing or a plans certificate before commencement, as most references require information to be shown on design drawings.

Q58 Do you have any comments on the Build Quality guidance in Annex C?

There are many published guides that are suitable and give more informed information such as those published by The Zero Carbon Hub. These should be referenced as good practice guides and not repeated in an AD.

Q59 Do you agree with the introduction of the standardised compliance report, the Building Regulations England Part L (BREL) report, as presented in Annex D?

- a. Yes
- b. No there is no need for a standardised compliance report
- c. No – I agree there should be a standardised compliance report but do not agree with the draft in Annex D

If no, please explain your reasoning

Provision of this report can only be on or after completion which makes it useless for a site inspection check list. Current EPC regulations require the 'person carrying out the work to confirm to the energy assessor any specification changes from the design SAP, as do building regulations. Current proposals are little different and therefore are unlikely to improve 'the gap'.

Q60 Do you agree with the introduction of photographic evidence as a requirement for producing the as-built energy assessment for new dwellings?

- a. Yes
- b. No

If no, please explain your reasoning

These requirements are not appropriate for inclusion in Building Regulations. There is potential to confuse requirements between Building Regulations and the Energy Performance of Buildings (England & Wales) Regulations. With two separate enforcement bodies.

Q61 Do you agree with the proposal to require the signed standardised compliance report (BREL) and the supporting photographic evidence to be provided to Building Control?

- a. Yes
- b. No

If no, please explain your reasoning

Failure to obtain photographic evidence at an appropriate time would result in failure to satisfy Building Regulations leaving a difficult, costly and potentially damaging (to build quality) route necessary to demonstrate compliance.

Q62 Do you agree with the proposal to provide homeowner with the signed standardised compliance report (BREL) and photographic evidence?

- a. Yes
- b. No

Please explain your reasoning.

Agree that the purchaser should be provided with evidence of what standard a dwelling has been constructed to but photographs are unnecessary. While this may be a recommendation of an AD which is 'guidance', enforcement is likely to be difficult and associated costs would be prohibitive. Suitability of photographic evidence is very subjective, again making enforcement unlikely. If it can't be enforced it shouldn't be included.

Q63 Do you agree with the proposal to specify the version of Part L that the home is built to on the EPC?

- a. Yes
- b. No

Please explain your reasoning.

This should be made very clear to prospective purchasers and is potentially the strongest lever for developers to meet current rather than 'past' provisions.

Q64 Do you agree Approved Document L should provide a set format for a home user guide in order to inform homeowners how to efficiently operate their dwelling?

- a. Yes
- b. No

If yes, please provide your views on what should be included in the guide. If no, please explain your reasoning

It would be difficult if not impossible to enforce such a requirement. Provision of this information is very important but should be encouraged through other means.

Chapter 7 Transitional Arrangements

Q65 Do you agree that the transitional arrangements for the energy efficiency changes in 2020 should not apply to individual buildings where work has not started within a reasonable period – resulting in those buildings having to be built to the new energy efficiency standard?

- a. Yes – where building work has commenced on an individual building within a reasonable period, the transitional arrangements should apply to that building, but not to the buildings on which building work has not commenced
- b. No – the transitional arrangements should continue to apply to all building work on a development, irrespective of whether or not building work has commenced on individual buildings

If yes, please suggest a suitable length of time for the reasonable period in which building work should have started

LABC agree with this proposal but it is essential that 'commencement' is clearly defined.

12 Months maximum for the first building on a site following deposit of plans or Initial Notice and not more than 6 months after that initial commencement date for any other building included on the IN; BN or deposited plan

If no, please explain your reasoning and provide evidence to support this.

Q66 Do you foresee any issues that may arise from the proposed 2020 transitional arrangements outlined in this consultation?

- a. Yes
- b. No

Please explain your reasoning and provide evidence to support this.

Section 16 of the Building Act 1984 refers to 'plans' not individual buildings shown on those plans; similarly section 32 refers to commencement of work shown on deposited plans not individual buildings. A previous argument put forward by the department was that a commencement was related to 'the plans' not part, therefore staged commencements could not be considered. Commencement of one building was commencement of work shown on deposited plans.

Q67 What is your view on the possible transitional arrangements regarding changes to be made in 2025?

See responses to Q65 &66 above.

Chapter 8 Feedback on the Impact Assessment

Q68 The Impact Assessment makes a number of assumptions on fabric/services/ renewables costs, new build rates, phase-in rates, learning rates, etc for new homes. Do you think these assumptions are fair and reasonable?

LABC is not in a position to respond to this question

Please explain your reasoning and provide evidence to support this.

Q69 Overall, do you think the impact assessment is a fair and reasonable assessment of the potential costs and benefits of the proposed options for new homes?

LABC is not in a position to respond to this question