



Department for  
Communities and  
Local Government

# A Building Regulations Update

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HBF Technical Conference 2012



- **New Ministers and our recent housing and growth announcement**
- **The 2012 consultation:**
  - Context of the review
  - Overview of the consultation
  - Next steps
- **Sections 1 - 4 of the consultation:**
  - Deregulatory and simplification proposals
  - Regulatory proposals
  - Cross-cutting proposals
  - Non-regulatory approaches
- **A fundamental review of housing standards**



## Department for Communities and Local Government

**Secretary of State for Communities and Local  
Government – The Rt Hon Eric Pickles MP**



# New DCLG Ministerial team



**Minister of State (Housing): Mark Prisk MP**

Housing, Local Growth, Cities and Regeneration  
High Streets, Town Centres and Markets



**Parliamentary Under-Secretary of  
State – The Rt Hon Don Foster MP**

Housing (supporting Mark Prisk)

***Building Regulations***

***Climate Change and Sustainable  
Development***

Integration and Race Equality  
Localism, Decentralisation and  
Community Rights



**Parliamentary Under  
Secretary of State (Planning)  
– Nick Boles MP**

Planning and Development  
Local Growth (supporting Mark  
Prisk)  
Deregulation

*Other Ministers: Senior Minister of State (Faith and Communities) – The Rt Hon Baroness Warsi (jointly with the Foreign and Commonwealth Office), Parliamentary Under-Secretary of State – Brandon Lewis MP, Parliamentary Under-Secretary of State (Lords) – Baroness Hanham*



- Pressure to **de-regulate** continues: major housing and growth package – 6 September 2012.
- **Boosting homebuilding:**
  - Investing £200m in building new homes for rent, and providing Government debt guarantees of up to £10 billion for developers
  - £280m extension of the 'FirstBuy' scheme
  - Unlocking stalled sites by allowing developers to appeal/negotiate S106 agreements which threaten viability
  - Resolving planning appeals faster
  - Review to rationalise the range of local and national standards applying to new build housing
- **Cutting red tape for home improvements and changes of use:**
  - Removing Planning requirements (but not Building Regs) for larger extensions and conversion of commercial premises into homes



## But what about the 2012 review?

### Government priorities:

- Deregulate and streamline wherever possible
- Regulate only when essential after all other approaches rejected
- Policies to support desire to be Greenest Government ever
- Further improve compliance

### How regulation is controlled:

- A one-in, one-out approach to regulation
- A Spending Review commitment to reduce the regulatory burden on housebuilders by April 2015
- A moratorium on regulation that affects micro-businesses and start-ups until April 2014
- And the Red Tape Challenge too...



- The then Minister Andrew Stunell launched [a call for ideas](#) from external partners in July 2010
- Over [200 responses](#) but not a lot of unexpected issues or suggestions
- Also drew upon the views submitted to the Cabinet Office's *Your Freedom* and DCLG's *Cut Red Tape* websites
- Generally [supportive of the regime](#) setting national minimum standards, particularly in relation to health and safety
- Some areas where [improvement was necessary](#) and some concern about the increasing complexity around the energy efficiency provisions
- Ministerial statement on 16 December 2010 setting out areas for further consideration...



- The consultation package for [England](#) was launched on 31 January 2012
- The consultation was made up of four sections:
  - 1 – An [introduction and overview](#) of the package, plus various technical amendments relating to Parts A, B, C, K, M, N and Regulations 7
  - 2 – Changes to the [energy efficiency](#) provisions in Part L
  - 3 – Changes to provisions on [electrical safety](#) in the home – Part P
  - 4 – Changes to the [building control system](#)
- The package was supported by [nine Impact Assessments](#)
- Also supported by an [easier to read summary](#) of the consultation proposals



- A significant deregulatory package – a net out of £63.1m per year
- However, these outs do not fall uniformly across industry
- Part L proposals for new homes represent an additional cost on housebuilders of £103m per year
- Recognise the challenge this represents – DCLG are committed to finding compensating outs or changing the package accordingly





Section one provided an [introduction](#) to, and overview of, the consultation package as a whole and a number of changes. It included a number of [deregulatory and simplification](#) proposals:

- [Rationalisation of Approved Documents K, M and N](#) to remove areas of conflict and confusion ie moving guidance on stairs, ramps & manifestation from ADM into a new Approved Document K (there will no longer be a Part N)
- Technical amendments to [Approved Document B \(Fire safety\)](#) on [wall linings and light diffusers](#)
- [Repeal](#) of the [fire safety](#) provisions contain in [Local Acts](#)
- Amending guidance on [Access Statements](#) in Approved Document M to promote their use where they add value rather than as a matter of course



## Regulatory proposals:

- Updating [Approved Document A](#) (Structure) so as to reference the new British Standards based on [Eurocodes](#)
- Updating [Approved Document C](#) (Site preparation and resistance to moisture) so as to reference the most [up-to-date radon maps](#) and ensure radon protection measures are properly targeted


## Non-regulatory approaches proposed:

- [Domestic security](#) – we have decided to work with Home Office and industry to try and promote [voluntary adoption](#) of suitable minimum standards



- **Two cross-cutting proposals:**
  - The revised Approved Document K that results from the rationalisation of Parts M, K and N was published in a **new style** - this new style also forms part of the consultation
  - Amendment to the Approved Document supporting Regulation 7 (Materials and workmanship) to clarify that Declarations of Performance and **CE marking** will become the main source of information on the performance characteristics of construction products from July 2013



 <b>nnnn</b>
XXX 04 nnnn-CPD-zzzz
<b>EN 13162</b> <b>YYY</b> <b>Thermal conductivity:</b> $\lambda_D = 0.037 \text{ W/mK}$ <b>Thermal resistance:</b> $R_D = 1,35 \text{ m}^2 \cdot \text{K/W}$ <b>Fire classification :</b> A1



Housing proposals **not brought forward** to consultation:

- **Revoking Part D** (Toxic substances) – not being considered further as evidence suggests urea formaldehyde still used
- **Reviewing Part H6** (Solid waste storage) – not being taken further pending work on the Waste Review and with local authorities on waste collection approaches



# The consultation proposals

## *Section two: Part L (Conservation of fuel and power)*

### **New Buildings**

- Take meaningful step towards **zero carbon**, 2016 (homes) and 2019 (non-domestic) whilst respecting deregulatory commitments and growth agenda – preferred options deliver an aggregate improvement of 8% on new homes and 20% on non-domestic

### **Compliance & Performance**

- Proposed **regulatory incentive** to develop and use quality assurance processes to help ensure **as-designed performance** of new homes is delivered on completion

### **Existing buildings**

- Some **tightening of performance standards** for extensions and controlled fittings and services and proposals to introduce ‘**consequential improvements**’

### **Latest...**

- Over the summer have been **considering responses** and how we could **simplify and refine** the Part L package...



### Part P (Electrical Safety - dwellings)

- Introduced in 2005 to reduce the number of electric shocks & electrical fires in the home
- However, the Building Regulations Review and *Your Freedom* website demonstrated concern from some about the costs associated with Part P
- We have re-examined the case for regulation and revisited the cost/benefit case. We have looked at revocation, no change and refining
- Our assessment is that the cost of Part P (and therefore potential benefit of revocation to business) is over £46m per year (but benefits amount to £51m).
- However, our preferred option is to refine the current regime to reduce the cost by a reduction in notifiable work and a role for third party certification – saving £16m pa





## Improving **Local Authority** processes

- Mandatory completion certificates
- Reduce number of statutory notifications, introduce “service plans”

## Improving **Approved Inspector** arrangements

- Reduce information sent with initial notice
- Remove Warranty Link Rule

## Strengthening **enforcement**

- Extend **time limits** for enforcement action and increase fines
- Introduce new civil enforcement sanctions

## **Alternatives** to supervision by **Building Control**

- Extend self-certification schemes and allow third-party certification
- Introduce option for developers to use Appointed Persons



- We continue to **develop and refine** the proposals
- We are **aiming for the changes** to come into force on:
  - **Deregulatory** changes – **April 2013**
  - **Regulatory** changes – **October 2013** (with aim of having published 6 months before this)
- Also signalled that we would consider **timings and transitional** arrangements as part of the consultation eg to minimise the impacts on small businesses