

2012 Consultation on changes to the Building Regulations in England

Introduction & Section One of the Consultation

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An introduction to the consultation:

- Context of the review
- Overview of the consultation
- Timings
- How to respond

Section 1 of the consultation:

- Deregulatory and simplification proposals
- Regulatory proposals
- Cross-cutting proposals
- Non-regulatory approaches

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
- Greater scrutiny of analysis and policy by RPC and RRC
- A moratorium on regulation that affects micro-businesses and start-ups until April 2014

- And the Red Tape Challenge too...

- Minister Andrew Stunell launched a **call for ideas** from external partners in July 2010
- Over 200 responses (and 600+ on Changing Places toilets), 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** was launched on 31 January 2012
- The consultation is 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
 - 4 – Changes to the **building control system**
- The package is 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

We are proposing that changes **come into force** on:

- Domestic **consequential improvements (extensions)** – **October 2012**
- **Deregulatory** changes – **April 2013**
- **Regulatory** changes – **October 2013** (with aim of having published 6 months before this)
- **Remaining** domestic and non-domestic **consequential improvements** – **April 2014**

Also signalled that we would consider **timings** and **transitional** arrangements as part of the consultation eg to minimise the impacts on small businesses

To respond -

- Consultation documents available on DCLG website (Future of Building Regulations page) with impact assessments, supporting research and response forms:
<http://www.communities.gov.uk/planningandbuilding/buildingregulations/buildingregulationschanges/>
- Email responses to – preferably on standard form:
building.regulations@communities.gsi.gov.uk

Consultation timetable -

- Consultation closes 27 April
- But responses requested on Part L consequential improvements / Green Deal aspects by 27 March



Proposals in Section One of the Consultation

The consultation proposals

Section one

Section one provides an introduction to, and overview of, the consultation package as a whole and a number of changes

It includes 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 new Approved Document K (there will no longer be a Part N)
- Technical amendments to Approved Document B on **wall linings and light diffusers** (the latter a significant financial out)
- Amending guidance on **Access Statements** to promote their use where they add value rather than as a matter of course

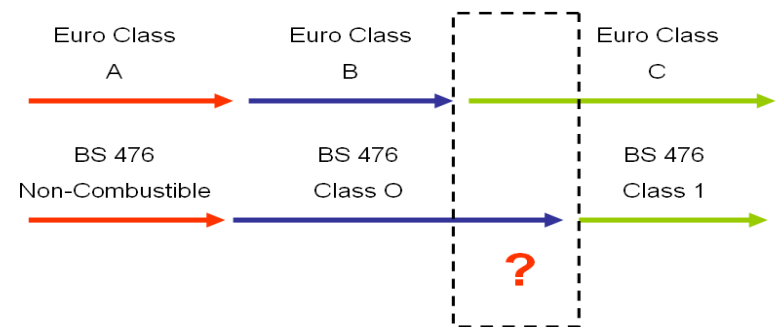
A new Approved Document K

- Merging guidance on Parts K, M and N
- Moving the detailed guidance on stairs, ramps & manifestation from Approved Document M into new Approved Document K
- No more Approved Document N
- New style for approved documents - more user friendly layout and language



Part B (Fire safety)

- Proposals for **new guidance** on **lighting diffusers**
- **Deregulatory**, a significant ‘out’
- Considering **new guidance** on decorative wall coverings, subject to research findings
- **Intention to remove** a number of fire safety provisions from **Local Acts**



Part M (Access to and use for buildings)

- **Access Statements**
 - Proposals to **modify** Approved Document **guidance** to shift from **reliance** on **written Access Statements** to a more risk based approach
- **Clarification** of relationship of **Approved Document M & the Equality Act 2010** including application of 10 year exemption for service providers
- **Roundtable** of construction professions to discuss how designers can be **supported in delivering inclusive design**

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:

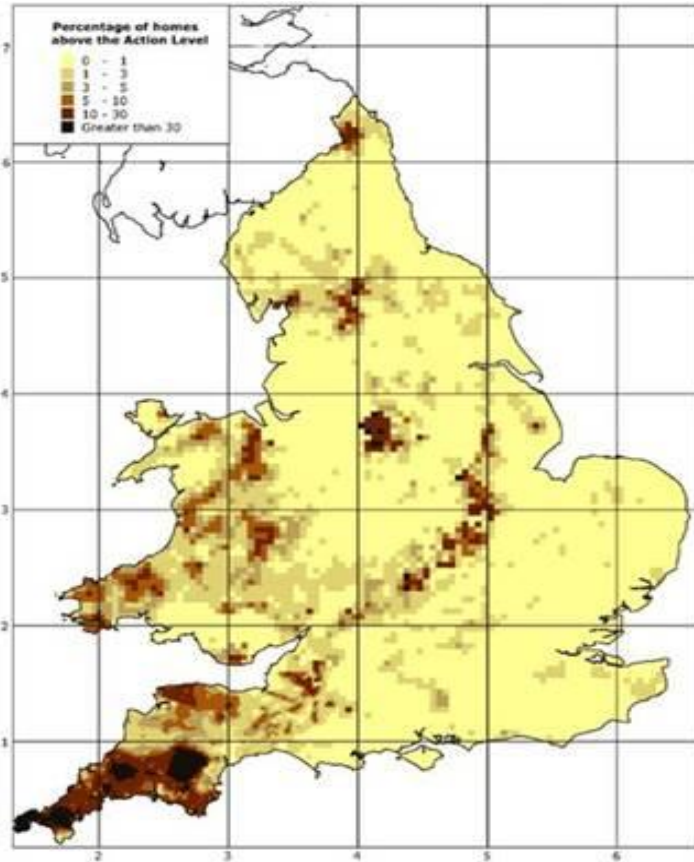
- **Domestic security** – we have decided to work with Home Office and industry to try and promote voluntary adoption of suitable minimum standards
- **Changing Places toilets** – looking to facilitate external partners coming together to realise opportunities to increase provision voluntarily in the first instance

Part A (Structure)

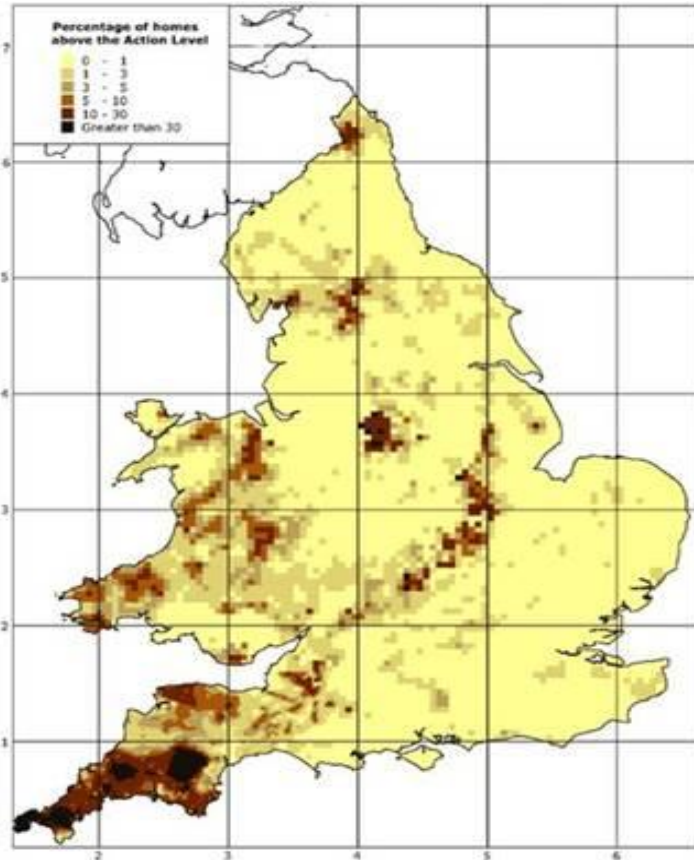
- Proposals to **amend** Approved Document A
 - **Replace** current **references** to withdrawn British Standards for structural design with reference to **Eurocodes**
 - Possible **additional guidance** on role of ‘other’ structural standards
 - Changes to guidance linked to **Eurocodes** implementation including **recalibration of Diagrams 6 & 7** (limiting building heights) and **A3** (Disproportionate collapse) **robustness guidance**
 - Amendment of **Table 5** on **wall ties** standards and spacing
- Discussions on clarification of guidance related to **foundation depths** and to **recovering roofs**

Part C (Site preparation & resistance to contamination and moisture) consultation

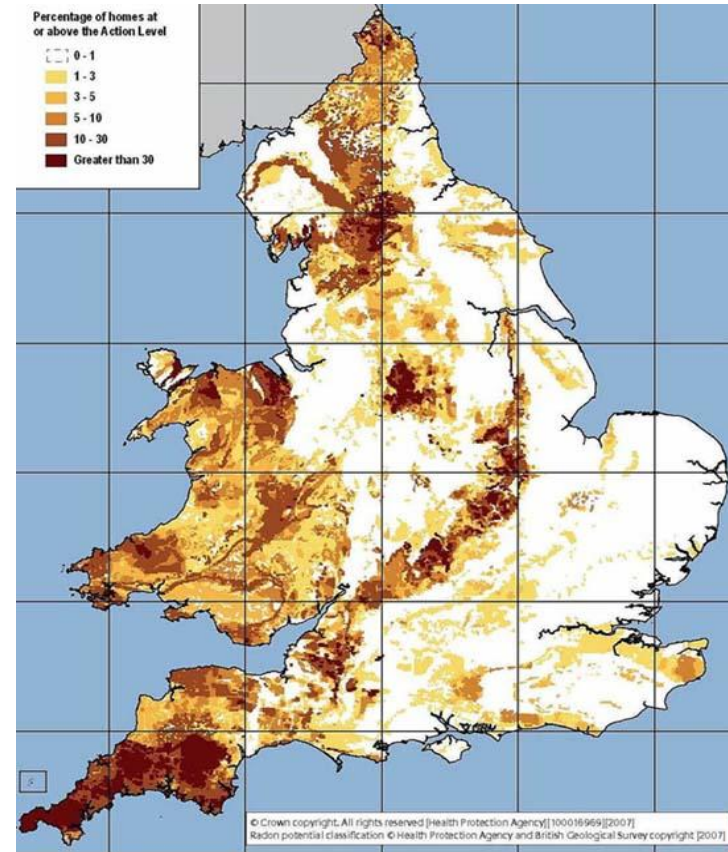
- Proposals to **amend guidance** to align it with the **2007 radon maps** published by the Health Protection Agency (and guidance in BRE publication BR211)
 - 2007 maps show a **wider spread** of areas with **higher radon** risk than 1999 maps
 - July **2008 Circular Letter** encouraged use of 2007 maps as **best practice** outlined intention to regulate
 - Proposals require **new maps** or **site-specific** risk assessment to be used
- Considering **removal** of Approved Document C **Annex on contaminated land** if not helpful guidance



Current guidance in AD C refers to 1999
Health Protection Agency maps



Current guidance in AD C refers to 1999 Health Protection Agency maps



Revised map published by the Health Protection Agency in 2007

Approved Document supporting Regulation 7 (Material and Workmanship)

Cross-cutting proposal

- Amend the Approved Document supporting Regulation 7 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

Consultation discussion on **domestic security**

- Promote **voluntary** industry adoption of suitable minimum standards
- Work with **key partners** including industry and **Home Office** to assist consumers in making **more informed choices** at the point of purchase
- Explore further **a targeted approach** in areas of higher rates of burglary

Consultation discussion on Changing Places Toilets

- Toilet **facilities** for adults with multiple or profound disabilities
- Changing Places **Campaign** has been **successful where**
 - conditions are favourable in increasing provision of these changing facilities
 - corporate **awareness** and 'buy in' identified as factors for success
- Current indications are that **industry is willing** to develop further this **voluntary** approach
- Facilitate **external partners** coming together to **realise opportunities** to increase provision **voluntarily** in the first instance

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
- Reviewing **Part E4** (Acoustics in schools) – DfE will be consulting on changes to their guidance on this issue later this year