

Building Control: Options for the future

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What is Building Control?

- The Building Control System helps to deliver buildings which are safe, healthy and accessible for everyone, as well as energy efficient
- Minimum standards (Building Regulations) set centrally, enforced by Building Control Bodies locally
- It does not constrain development, innovation or design – it is rightly and clearly outcome focused
- It is generally delivered by highly professional and competent people
- It delivers real world benefits every day (buildings don't fall down, deaths due to fires in homes at lowest for 45 years, dramatic improvement in energy performance of new homes)

- Reality of Climate Change – Around a quarter of UK's emissions from the way we heat, light and run our homes
- Yet need more homes – Housing target for 2016 of 240,000 additional homes a year
- Building projects and buildings increasingly complex and technical
- Changing demographics and globalisation

...and how building control can contribute

- Deliver buildings that comply with all aspects of the Building Regulations
- Contribute to the meeting of zero carbon commitments and housebuilding targets
- Reduce burden and cost on industry to comply

the weaknesses in current system...

- Many people **don't know what building control is for** or how the system works (particularly in relation to other regimes such as planning)
- Regulations **change too frequently** never allowing sufficient time for industry to adapt
- Regulations are **too complex** and sometimes conflicting – need to make them easier to understand and to follow
- **Compliance** with some parts of regulations is low – in a BRE 2004 study 43% of new homes failed on airtightness regulations. Compliance also big issue for domestic refurb projects
- **Guidance is highly technical** and does not do enough to meet the needs of different types of audiences.
- **Enforcement** could be improved and **sanctions** are weak;

pre-consultation paper 2007, SAIC Report 2007, Ministerial Roundtable 2006

....and what we are doing about it

- Looking at practical, short-medium term solutions to make the building control system work better by addressing these weaknesses
- Not a 'blank sheet review' but may pick up issues for longer term changes
- Published *Future of Building Control* - Proposals covering the following:
 - A vision for building control
 - A better approach to updating regulations and guidance
 - Modernising inspection and enforcement
 - Alternative routes to compliance
 - Improved performance and capacity

A clear vision for building control

Our proposed vision is for a service which delivers safe, healthy, accessible and sustainable buildings for current and future generations

In practice this means that:

- Building Control bodies are **focused on raising compliance and protecting the public** as well as raising an income
- **Building control to have a relationship with the customer** and not only the builder, architect, agent, etc. - so the latter understands why they would want to buy the service, and how it adds value
- Building control to **increase customer awareness** through providing better, practical guidance e.g. on roles and responsibilities in the system; how to go about choosing a builder etc – rather than current situation where homeowners don't understand what building control is and isn't
- Sets the expectation **building control and planning** departments work closer together for the customer - rather than maintaining historical barriers to closer working;

A Better Approach to Delivering Regulations and Guidance

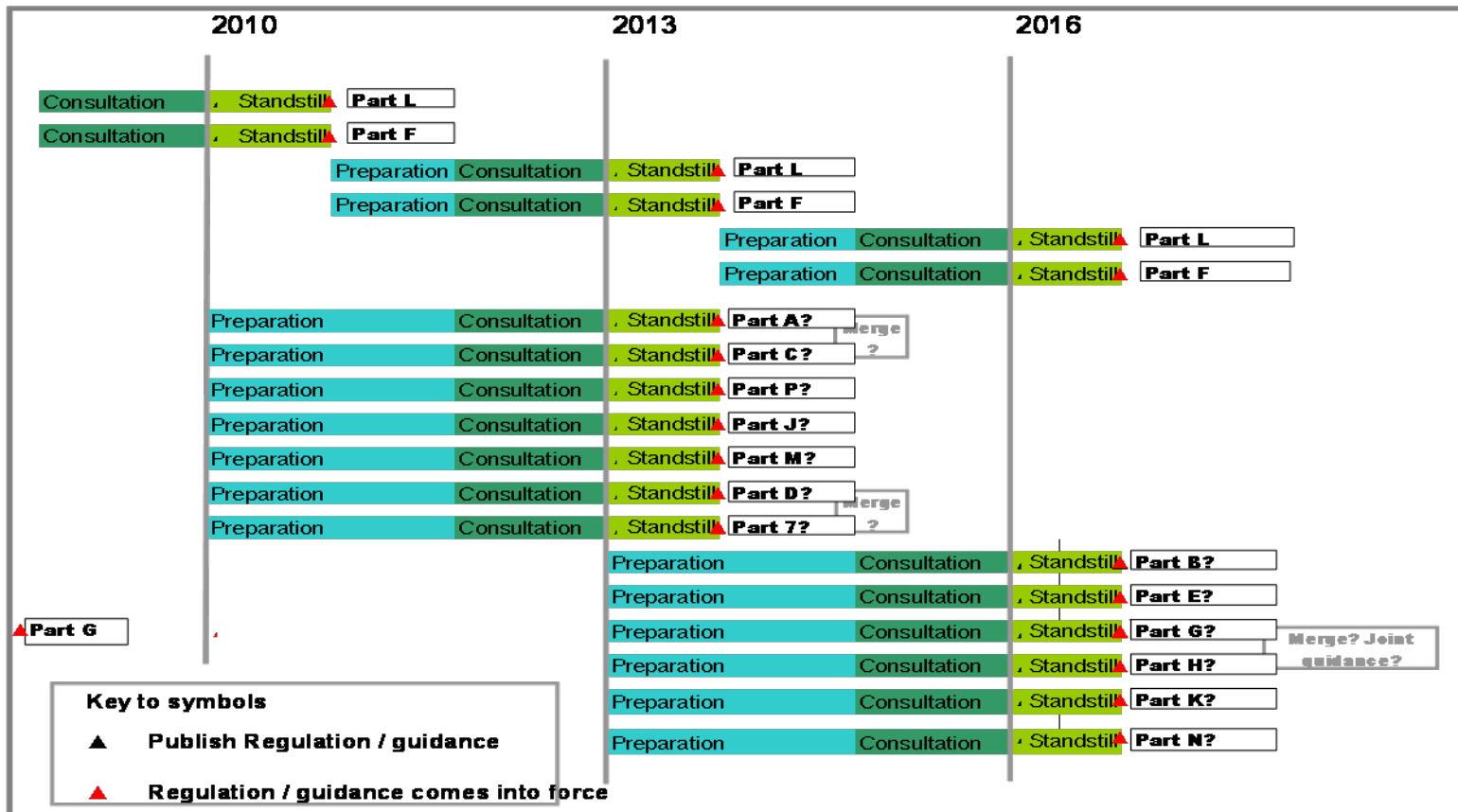
- **Introduce planned and regular review of building regulations** and guidance. Changes will be made at the same time every 3 years, rather than the current practice of continual changes (on average 3 Parts are changed every year). Should make it easier for industry and building control to plan and prepare.
- Introduce **fixed 6 month period** between announcement of changes and implementation date so that industry and building control can gear up.
- Introduce system of **Forward Planning** whereby each time we make changes to regulations and guidance we say what we want to do next time and what possible issues for longer term may be.

3 – year review, what might it look like?

- We are currently developing this, welcome comments from consultation
- Currently nothing fixed except
 - Part L (conservation of fuel & power) and F (ventilation)- 2010, 2013, 2016
 - Part G (hygiene) in 2009
- Building around a three-year cycle, with a “two-cycle rule”
- Looking for logical grouping (eg Part A with Part C?) reflecting
 - How Parts work together or are used together
 - Which Parts or ADs might be merged
 - How guidance can be improved (paper and on-line)
 - Which Parts and guidance need to be changed, when and how, to respond to common drivers eg flooding and adaptation

Periodic Review, what might it look like?

Illustration (only) of a possible Periodic Review Programme for the Building Regulations 03/04/2008



- Streamline and merge **Approved Documents** over time and e-enable guidance to reduce overlaps and make more user friendly. Apply consistent style guide (Part L review is a good opportunity). Current technical, non-accessible language doesn't help in raising awareness and compliance. There is a misunderstanding that Approved Documents *are* the regulations, rather than guidance offering one way of complying. New policy on 3rd party references.
- Introduce **better customer-focused guidance** in the form of tailored guides for specific high risk projects (**domestic extensions and loft conversions**), to address low compliance in these areas. Will reduce time BC has to spend 'hand-holding' on these projects and will increase compliance by helping show how to comply. Better informed public and builders.
- Make **better use of the internet**, such as Interactive House on the Planning Portal, development of a standard application form, to improve accessibility of the Building Regulations and associated guidance. Ask whether the branding of the Planning Portal needs to be changed to reflect its importance in hosting building regulations content.

Modernising Inspection and Enforcement

- **Remove Statutory Notification Stages** and replace with a “Service Plan” between building control and customer. Will result in better engagement with owner and builder, and require each project to be risk assessed, rather than applying standard inspection regime.
- Provide model Service Plans and guidance on **how to risk assess** certain projects. Better risk assessed inspections will provide better service to customers, allow focus of limited LA resources on Govt priorities (e.g. energy efficiency) and other local high risk areas, thereby increasing compliance.
- Make issuing of **completion certificates** mandatory. Recent survey found that 97% already do. Requiring LAs to issue them addresses two tier system (Als have to issue), helps consumer (esp with introduction of HIPs).
- Linked to completion certificates (difficult to issue without inspection) and to mitigate risk that poor performing LAs use the removal of statutory notification stages as a pretext for not inspecting, introduce **one mandatory inspection**.
- Introduce **better sanctions** as current enforcement regime is cumbersome, time consuming and limited in options. Stop notices and fixed monetary penalties which match value of building work to act as more effective deterrent to non-compliance. (Already consulting on extended time limits for prosecution (6 months to 2 years) to better tackle flagrant non-compliance).

- Consult on stopping the use of **Building Notices for major projects like new buildings, extensions and conversions**
 - At present, use of BNs go beyond original intent (making it easy for homeowners to do simple work).
 - Lack of information means LAs can't risk assess and then need to spend more time on site, hand-holding builders on poorly conceived projects.
 - Want to ensure most low complying projects e.g. extensions and loft conversions, would need to be submitted with full plans, which offer more protection for the customer (fewer opportunities to escalate costs) who should also receive better end product.
 - Would significantly reduce burden on LA, allowing alignment of resources with priorities, but would mean that plans and detailed information would have to be provided at the outset.
 - Need to engage with householders on this proposal. Mini-survey at Ideal Home Show and National Homebuilding and Renovation Show

Alternative routes to compliance

- Whether extension of “Robust Details” tool **to cover energy efficiency** requirements (air-tightness testing) is possible. Will address lower compliance in v technical areas which can require expensive testing.
- Improve and extend **Competent Person Schemes** (self-certification by registered installers) into other appropriate areas to help improve compliance, reduce burdens on LAs. Will consult on proposal for schemes to cover third-party certification (e.g fixed building services). Remain unconvinced that self-certification of projects needed or wanted.
- Encourage, rather than regulate the **Appointed Person** role to act as a single point of contact responsible for co-ordinating compliance on site and addressing problem that a) no one takes responsibility on complicated developments and b) the over-reliance on building control to ensure compliance.
- Promotion of a **fast-track, industry-led scheme to resolve disputes about compliance** alongside a **modernised formal procedure**. Currently only a formal system of appeal to SoS which is protracted , restrictive, outdated and fails to meet consumer needs.

Improved performance and capacity

- Further develop and promote the voluntary **performance indicators** to drive improvement and obtain greater buy-in from industry. Accusation that presence of private sector in system could drive down standards. Indicators have been introduced but early days in process and Government needs to continue to highlight support for current set, help focus industry-led monitoring system and help steer their future development.
- Work with industry to set up **peer review** across private and LA building control to address clear concern that barriers to improved performance are not picked up because lack of performance info. Peer Review will re-assure us and stakeholders that current system is working and that a consistent approach to service is being taken across both sectors.
- Promote shared approaches to working to improve quality and efficiency of the building control service (LABC Partner Authority scheme; NHBC/Milton Keynes Training scheme)
- Reviews of **Approved Inspector regulations** and the **LA Charges regime**, addressing the barriers that prohibit a level playing field.

Current activity and next steps

- Consultation closes 10th June
- Participate and feed in your views
www.communities/futurebuildingcontrol and
<http://minibuildingcontrolsurvey.communities.gov.uk> (mini-Building Notice survey)
- Underpinned by Consultation Impact Assessments, Survey of Building Control Bodies (Building Control Alliance)
- Publication of Consultation Summary and Implementation Plan
- More consultations needed as agreed proposals are developed

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