

Compliance with Part L in the non-domestic sector

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Request for feedback

- Welsh Government has reviewed experiences and views on the transition, compliance and enforcement of the current Part L of Building Regulations
- Key questions:
 - Is Part L 2010 currently being delivered, and if not, why not?
 - What could be done differently to support better compliance with Part L 2010 and future compliance with Part L 2013?
- Process (December 2011):
 - Questionnaire sent to all LA BCBs in Wales, 2 AIs and 10 major contractors
 - Feedback from 3 LAs, 2 AIs and 2 major contractors – none from mid or north Wales
 - Questionnaires supported by interviews with LABC Management Team and with one AI, plus further input from other AI

Request for feedback

Generally perceived that compliance is of less concern than for new build dwellings

This is due to:

- Larger projects, involvement of more professionals in the design team
- Use of larger companies with budgets for training
- A site manager who can ensure attention paid to robust details etc

Compliance may be more of an issue where:

- Domestic-type dwellings are being constructed – student accommodation, care homes etc
- Domestic-plus scale non-domestic buildings are being constructed eg village hall

Choice of Building Control Body (BCB) – contractors only

- Selection is dictated by client - private sector tends to choose AIs, public sector tends to choose LA BCBs
- Offer a similar level of service and fees
- BCBs now more involved in assisting the understanding of requirements (for Part L) and developing compliant solutions (not just role as an inspector), AIs are attending more DTMs
- Could BCB involvement in the design process be improved? Yes. Earlier engagement by BCBs would be a benefit

Understanding of the regulations – all stakeholders

- Understanding the regulations:
 - Any difficulties understanding them – approx 50% said no, approx 50% said yes
 - Contractors struggling to get design stage SBEM/DSM models early enough – how was the design deemed to comply?
 - May have targets from clients which are not compatible with Part L 2010
 - Difficulty understanding SBEM – “black box”
 - Lack of clarity about consequential improvements (Part L2B)
- Larger developers have a better general understanding, some contractors have to rely on expert consultants

Understanding of the regulations – all stakeholders

- Should the Approved Documents (ADs) be changed other than 2013 update? Generally no, basic principles are adequately conveyed, but issues with SBEM
- Some find the ADs too complicated, generally less familiar with the Building Services Compliance Guide, clearer language would be good
- Reference to the ADs alone does not show compliance – need SBEM and the supporting documents
- Some non-alignment of Part L and BREEAM – need to undertake multiple Energy Performance Certificate (EPC) assessments - an EPC of 40 may satisfy BREEAM 2008 Excellent, it may not satisfy Part L2 (2010), so need to overachieve on one requirement to satisfy the other

Understanding of the regulations – all stakeholders

- How could understanding be improved? Access to improved or greater levels of education and training, and simplification of the guidance
- How could guidance be improved? Simplified guidance, particularly with regards the elemental approach; consequential improvements in L2B; and ‘deemed to comply’ methods of compliance.

Design and as-built performance gaps – contractors only

Part L 2010 requires new approach - early consideration of passive solutions, thicker walls, consideration of solar gains and less glass

Why might there be a difference between the design intent and actual performance?

- Inappropriate brief/desire from clients - asking for large glazed areas (esp in schools); decorative lighting; air conditioning as standard; lightweight timber-frame. Need to educate clients/end users
- Same issue applies to speculative buildings – need to educate commercial letting agents about what a Part L 2013 building will actually be like

Design and as-built performance gaps – contractors only

Constructing the building

- They have a general understanding of the requirements – air tightness, U-values and spec etc, but needs competent site manager to ensure robust detailing is delivered
- Updating the SBEM model with as-built data – can be some delays
- Good understanding of materials, differences between products, required installation etc, but robust checking and testing is needed
- When suggested, the idea of standard checklist for compliance – voluntary but checkable – was supported
- Providing as-built documentation to the BCB is often a low priority
- Do ensure good feedback provided from construction site to design and development teams

Verification and checking – BCBs only

Experience of checking Part L compliance

- Generally have sufficient skills, no need to refer to external expertise
- Don't usually think about time to be spent on Part L compliance checking when setting the fee. Time needed would be project specific, influenced by the design and size
- One respondent noted that typically 50% of the time on project is allocated to Part L, with occurrences of 70-80% as the impact of the 2010 update was realised

Skills gaps and technical knowledge – all stakeholders

- Will more demanding standards increase non-compliance either as designed (wrong specification) or as-built (poor detailing)? Most said yes particularly in the short term as are starting to fully understand the requirements, and because Part L 2010 is already pushing the boundaries of achievable performance
- Are there any significant skills gaps at present? What are they? Most think these exist at present due to an ageing work-force, lack of training investment due to current economy, and due to technological advances
- Are there likely to be additional skills gaps in the future? The points above apply

Skills gaps and technical knowledge – all stakeholders

What are the views on the readiness of the industry to meet Part L 2013 regulations? Are there any suggested ways to improve this?

- Mixed response
- Many believe the industry can be ready to meet new Regulations, it may take a little time to adjust
- Manufacturers typically seem to adapt, but the construction industry typically suffers with apathy, confusion and avoidance initially
- Early issue of the documents to allow time to understand and adapt to the new requirements

Analysis/Recommendations

Process

1. Earlier engagement by BCBs with the designers and contractors – this could be addressed by WG within guidance
2. Better input (rather than output) information from SBEM - useful for both contractors (especially with D & B route) and for BCBs
 - The contractors need to understand which areas are crucial and where a performance/specification change could put Part L compliance at risk
 - BCBs need to understand which, if any, elements are assumed to perform particularly well, to assess whether this is delivered in practice

SBEM is being developed for Wales, WG to review DCLG's proposals

Analysis/Recommendations

Process

3. There is interest in having a standard checklist for compliance which is voluntary but checkable to benefit contractors and BCBs. WG should consider this further, including discussing the idea with BCBs
4. Seek to resolve issues of non-alignment of Part L and BREEAM – WG B Regs team to raise this with WG Planning team (Part L 2013 and BREEAM will need to be aligned)
5. Consider if anything additional is needed to support domestic-type and domestic-scale projects - WG

Analysis/Recommendations

Improving understanding and guidance

1. Early issue of the documents is required to allow time to understand and adapt to the new requirements – WG to action
2. Improve/simplify the Approved Documents
 - Currently, reference to the ADs alone is insufficient to determine a pass or fail, the designer needs to have a building model eg SBEM
 - Ensure AD focuses more on the notional recipe to indicate what will pass, although designer will still need an SBEM or DSM model. Demonstrating compliance through $BER < TER$ will remain but no longer be key focus of guidance
 - Deliver clarity regarding the elemental approach, consequential improvements, and ‘deemed to comply’ approaches

Analysis/Recommendations

Improving understanding and guidance

3. Provide access to improved or greater levels of education and training to those in the construction sector – via WG and professional bodies
4. Consider if anything additional is needed to support domestic-type and domestic-scale projects - WG

Analysis/Recommendations

Educating clients

1. There is a need for clients to understand Part L 2013 and the constraints imposed by low carbon buildings so they tailor expectations accordingly eg levels of glazing, decorative lighting, air conditioning etc. They need to understand the role of thermal mass in moderating temperature swings and implications of lightweight structures. WG could create a model design guide. Plus other education routes?
2. There is a need for commercial letting agents and funders to understand Part L 2013 and the constraints imposed by low carbon buildings so they tailor their expectations and advise potential clients accordingly. What are the benefits/likely running cost savings? Typical lifecycle information could be provided as part of the model design guide. Plus other education routes?

Other points

Although the DCLG proposals for change to the system of Building Control will not apply to Wales the consultation includes:

- Looking at extending time period for enforcement from 2 years to 3 years and time to justify proceedings from 6 months to 1 year
- Extending the time limit to pull down, remove or alter non-compliant work from 1 year to 3 years (Section 36 Building Act 1984)
- Introducing enforcement sanctions such as fixed monetary penalties, variable money penalties, compliance notices, restoration notices, stop notices and enforcement undertakings
- Introducing Appointed Persons – employed by those undertaking the building work and given specific responsibility for co-ordinating compliance on site and acting as an interface with Building Control

These topic areas could also be reviewed by WG.