

Project:	Part L Review	Date held:	3 December 2008
Meeting:	IAG WG6 (Compliance and Feedback) Meeting number 3	Reference:	WG6 M3
Chair:	David McCullogh	Group Coordinator	Malcolm Bell
Held at:	Faber Maunsell offices, The Johnson Building, 77 Hatton Garden, London EC1N 8JS.	Made by:	Malcolm Bell
Present:	See attached attendance list	Distribution:	All IAG WG6 members and corresponding members

Item	Action
<p>1. Welcome and Introductions</p> <p>1.1.1 The Chair welcomed the members of the meeting and thanked them for their attendance. Each member introduced themselves and indicated their affiliation.</p> <p>2. Minutes of the last meeting, held 23 June 2008.</p> <p>2.1.1 The minutes were accepted as a true record of the meeting with no amendment.</p> <p>3. Matters arising (not covered elsewhere on the agenda)</p> <p>3.1.1 There were no matters arising that were not identified on the agenda.</p> <p>4. Reports to TWPL (BRAC technical working party on part L) 16 July and 29 September 2008</p> <p>4.1. Summary report on working party discussions to TWPL 16 July (Paper 1).</p> <p>4.1.1 The chair summarised the report he presented to TWPL on 16 July. The paper had been circulated to members in July and was included with the agenda for the current meeting of WG6 (WG6 M3 paper 1).</p> <p>4.1.2 In discussion of the paper the following general comments were made:</p> <p>a) In tackling the problem of improving actual performance and compliance the strategic use of an over design (confidence or safety factor) approach would need to recognise the differences between controlling the accuracy of design calculations and methods and controlling actual construction so that it delivered the designed performance. It was recognised that controlling the design process may be much easier to tackle in 2010 than tackling the more difficult problem of ensuring actual performance in construction, where a much longer term strategy would be required. This was referred to in the paper to TWPL in September and the presentation on current thinking (item 5) on this agenda, where it is suggested that for 2010 a number of proposals are made to ensure greater confidence in the quality of inputs such as U values into the National Calculation Methods (SAP & SBEM or DSMs).</p> <p>b) A number of comments were made about the potential of competent persons schemes to assist in the control of design calculations but it was pointed out also that in placing increasing reliance on such schemes there is an increasing need to ensure that there is adequate feedback on what such schemes deliver in terms of actual performance and the use of such feedback to ensure that competency levels are high. Some had concerns about the current level of control on competency across the board whether supported by specific schemes or not. The point was also made that it will be important for existing core competencies within professional bodies need to be increasingly recognised and enhanced so that industry and the professions take the lead responsibility for ensuring compliance & performance. Where building control can have confidence in recognised competencies they would be able to adopt an effective risk based approach and focus much more on areas where competency was not so well</p>	

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<p>controlled. It was pointed out that CLG were in the process of reviewing the operation and application of competent persons schemes, which would take into account a wide range of views. The aim of the review is to standardise and improve the operation of existing schemes and to look for opportunities to extend application of competent persons schemes to other areas of work where appropriate. More on this can be seen in the summary of responses to the consultation on review of building control on the CLG website.</p> <p>c) The discussion of competency was related to a number of comments on the previous discussions within the group on the development of a training strategy. The chair reiterated that the group's proposal for the early development of a training strategy had been taken up by CLG and that a training strategy group had been established and was due to have its first meeting after this working group meeting. The importance of the training strategy tackling the underlying cultural issues was pointed out by a number of members. Also, the need for an industry wide remit was reiterated. It was pointed out that the points made were reflected in the membership of the group, which covered the industry, the professions and the supply chain as well as the building control community.</p> <p>d) A number of members pointed out that although things seem to be improving with respect to airtightness there remained a considerable lack of understanding of energy efficiency in general within the industry.</p> <p>e) There was anecdotal evidence emerging, in the form of requests to BRE for independent assessments of energy consumption of particular dwellings, that underperformance was becoming apparent to home owners.</p> <p>f) With respect to the need for longer term methodological development in measuring performance it was pointed out that care should be taken to take into account dynamic performance of different solutions and that greater understanding is required in this area. CLG indicated that the general need was recognised and that some work on methodological development involving field trial research was in the pipeline. It is likely that more will follow as the long term development strategy to 2016 matures.</p> <p>g) The issues around that adoption in 2006 of a carbon based target, as opposed to an energy target was discussed. In particular, it was stressed that there is a need to ensure the efficient use of energy irrespective of its carbon implications. Also, that if energy efficiency is not given appropriate priority there is a danger of unintended consequences as a focus on low and zero carbon technologies could result in the inefficient use of energy by applying renewables. There was general acceptance of the need for the legislative structure to take this into account. It was recognised that the regulatory target will remain carbon based and it was understood that current thinking on proposals for 2010 (see agenda item 5) would include limitations designed to avoid the problems outlined.</p>	
<p>4.2. Report to TWPL 29 September : Compliance and feedback: The scope for improvements in 2010.</p>	
<p>4.2.1 A paper on possible improvements to regulations and guidance for 2010 was included with the meeting agenda (WG6 M3 paper 2). Since many of the issues discussed in the paper had been developed further since the meeting in September and had been subsumed into the current thinking on proposals for 2010, discussion was included in the presentation in item 5 of this agenda.</p>	
<p>5. Reports on IAG meetings (November 2008): update on current thinking for 2010 consultation document.</p>	
<p>5.1.1 MB presented the current thinking of the review policy team, which summarised material presented to the IAG meetings on 18 (dwellings) and 21 (non dwellings) November. In essence the slides reiterated that at the strategic level there would be no change in the approach to the regulations but that there were important tactical level changes, which were designed to aid both the setting of appropriate targets and standards and to enhance the opportunities for improving compliance and actual performance. The presentation slides are included with these minutes.</p>	

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<p>5.1.2 During the presentation the following points were made in discussion:</p> <ul style="list-style-type: none"> a) There was some initial concern expressed about the proposal to change the existing target setting method. However, following clarification, there was a general acceptance that the proposed method (based on a package of “reasonable” and cost effective concurrent performance standards applied to a notional building) had merit and clearly addressed the difficulties of the existing 2002 + a flat percentage improvement method. It was noted that the packages would be designed to ensure proportionality across building and dwelling types, to take into account the emission factors for the specific fuels proposed in the actual design and to deliver the required improvement (notionally 25% reduction in TER on 2006) across the board. b) One of the difficulties noted about the proposed revised method was the fact that aiming for Target Emission Rates (TERs) that sought to achieve 25% across the whole stock would be vulnerable to changes in the building mix, resulting in something less than 25% in reality. This was acknowledged and it was noted that similar comments were voiced by some members of the IAGs in November. Work is continuing on the nature of cost effective specifications. c) The proposal to make the target specification explicit within SAP/SBEM was seen as a positive aspect of the proposed target setting process. It was felt that this would aid design in providing a starting point and could aid the development of model designs. The idea of model designs was provided for in 2006 but not adopted by the industry. This idea should be developed so as to provide clearer guidance for the small developer and (particularly if they were reasonably conservative) would help in improving the level of compliance and performance. d) The presentation indicated that current thinking on limiting design flexibility was to use a Primary Energy Consumption Limit that was designed to address some of the points raised in item 4 about the danger of reducing the priority given to energy efficiency measures. The PECL would support the TER approach in such a way as to provide a balance between ensuring energy efficiency and providing reasonable flexibility in design, including encouraging the development of renewable energy provision. In a similar way, setting TERs using emission rates for a particular fuel proposed would avoid the problems that currently exist in which poor efficiency can be compensated for by the use of a low carbon fuel (principally bio-fuels). e) The problem of game playing by developers resulting in unintended consequences was raised in the context of the proposed changes to target setting. This was felt to be a real possibility and that the review process should include some work to test the potential for such game playing and the likely consequences. It was noted that this was attempted in 2006 and should be looked at to see if improvements can be made and a similar approach adopted for the 2010 review. f) The possibility of seeking to require a SAP/SBEM calculation together with an identification of the key design specifications that deliver the required DER/BER at application (design) stage was welcomed. It was recognised that this would have the potential to improve compliance since it would provide BCOs with a much clearer picture on which to base their approach to plan and site checking. It was suggested also that the submission could be in the form of a proposed energy performance certificate, which would include a list of additional improvement measures. It was argued that such an approach would both encourage thinking about going further than the minimum standard and provide a list of items that could aid decision making when changes were made during construction that increased emissions since the list would provide a basis for making compensatory changes in other parts of the construction. g) The question of the use of buildings and the impact on performance was raised. It was appreciated that the capacity for building regulations to have an impact was limited but, particularly in the area of metering and the provision of information together with the possibility of “smart” metering could have an impact. However this would need to be seen in the context of other government policy such as that being developed in DECC on behavioural change policy. Of course, it was recognised that behaviour must be supported by building technology that delivered the required performance in reality. h) There was broad agreement that the current thinking on regulation and approved guidance represents a step in the right direction. Also that there needs to be a longer 	

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<p>term approach to the deeper problems of achieving the level of performance defined by the regulations and the group wished to support CLG in driving the research and development agenda that would be needed for 2013 and 2016.</p> <p>i) In the interests of coordination the group recognised the need to ensure that the proposed changes should take into account the changes likely in the approach to building control in general. This was acknowledged by the CLG and the supporting development team.</p>	
<p>6. Update on the review programme</p>	
<p>6.1.1 PDeC indicated that it is intended to go out to consultation during the first quarter of 2009 and that, inter alia, the following points should be noted:</p> <p>a) The consultation will have β versions of SAP and SBEM available so that consultees could explore the implications of the proposals.</p> <p>b) Three broad options would be presented:</p> <ul style="list-style-type: none"> o Do nothing o Maintain the target setting approach as for 2006: Viz – 2002 + additional uplift o The notional 2010 building specification and the primary energy limit <p>c) Current thinking is that the consultation should focus on the proposals for 2010 with the best understanding at the time of the approach for 2013. A more comprehensive Forward Thinking Paper for 2013 would be published later, perhaps alongside the Part L 2010 Statutory Instrument.</p> <p>d) The focus on 2010, which will ensure energy efficiency improvements, the retention of a performance-based approach and avoid stifling innovation or future solutions will help to ensure that progress on Part L 2010 is not dependent on the ongoing zero carbon discussions. However a separate consultation on the definition of and allowable solutions for zero carbon is expected to be launched on 15 – 18 December 2008, the results of which will influence the analysis of the outcome of the 2010 Part L consultation.</p> <p>6.1.2 Following the consultation exercise in 2009 the expectation is that the new Part L will come into force at the same time as other building regulation changes in 2010 with at least six months notice so that building control bodies and industry can prepare.</p> <p>6.1.3 In the context of the programme it was pointed out how important it would be to ensure that the training process is fitted into the implementation timetable. This was acknowledged and would be considered as part of the training strategy to be developed in conjunction with the Training Strategy group due to meet for the first time on 3 Dec 08 following the WG6 meeting.</p>	
<p>7. Any other Business</p>	
<p>7.1.1 A request was made to consider the application of performance guarantees as a mechanism for improving performance and compliance. The general view was that such an approach was likely to be considered in the context of 2013 and beyond rather than something that would be possible in 2010.</p> <p>7.1.2 PDeC Made reference to the ongoing role of the group beyond the 2010 review. He indicated that it was well recognised in government (and as reaffirmed to parliament) that there was a need to develop the long term programme needed to improve both compliance and the link to actual performance. A representative group drawn from important stakeholders was required to provide the necessary advice and guidance for any medium to long term programme. The current group would be well placed to form the core of such a body but no decisions had yet been made on how an advisory group would be formulated.</p>	
<p>8. Date of Next Meeting</p>	
<p>8.1.1 To be arranged following the launch of the consultation next year.</p> <p>8.1.2 The chair thanked members for their input and closed the meeting</p>	
<p>Meeting concluded at 12:15.</p>	

End of items _____

WG6 Attending members		
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(A=Apologies)