



Elmhurst Energy's draft response to:

Building Regulations Part L and F Review – Stage 2A

Prepared for: Welsh Government



Date: 11/02/2021

1. Introduction

Elmhurst Energy are pleased that Welsh Government have published a consultation on changes to Part F and L of the Building Regulations and as such we are delighted to respond to each question in turn.

The consultation asked 34 questions and we have answered them all below. We hope you find the responses considered and useful for taking building regulations forward in a progressive manner.

2. Part L standards for Existing Buildings

1. Do you agree with the proposed minimum fabric standards for extensions as set out in Table 4.1?

Yes.

2. Do you agree with the proposed minimum energy efficiency standards for windows and doors as set out in Table 10.1?

Yes.



3. Do you agree with the proposed minimum standards for (i) a non-exempt conservatory or porch (paragraph 10.29) and (ii) thermal separation for a conservatory or porch so as to be exempt from the energy efficiency requirements as provided in Section 10 (paragraph 10.28)?

No – Conservatories are habitable rooms and are a very inefficient form of building therefore we suggest they should not be exempt from any aspect of Building Regulations regardless of the presence of thermal separation.

Alternatively we would also suggest that a separate set of requirements could be created for exempt Conservatories that still require good levels of energy efficiency rather than allowing them to be exempt from the energy efficiency requirements entirely.

4. Do you agree with the proposed minimum standards for retained thermal elements for conversions as set out in Table 11.1 and the additional guidance to help address potential moisture risks?

Yes – We believe guidance should be separate to the approved document to ensure clarity.

5. Do you agree with the suggested knowledge/qualifications proposed for renovations, conversions or material change of use given in Section 11, where the suitability of an element needs to be assessed prior to the application of insulation, or where it is recommended that expert advice be sought?

Yes – accredited Retrofit coordinators should have appropriate knowledge to advise on renovations. For conversions/ change of use an accredited On Construction Domestic Energy Assessor should be consulted due to their knowledge of building regulations.

6. Do you agree with the removal of Appendix C from the current Approved Document?

Yes – however this should form separate guidance inclusive of moisture risk which is followed by Retrofit Coordinators.

7. Do you agree with the introduction of 'Boiler Plus' in Section 6?

Yes.

8. Do you agree with the minimum standards for building services in Sections 5 and 6?

Yes.

9. Do you agree with the proposal that when a space heating system is installed or replaced in an existing home, the system should be sized to allow the space heating system to operate at a flow temperature of 55°C or lower where feasible in Section 5?

Yes – Elmhurst believes homes should be future proofed wherever possible, however unintended consequences should be considered. For example, oversized radiators needed for low temperature systems may be positioned poorly, and the increased body of water may impact on the responsiveness of the system.

10. Do you propose any other future-proofing measure(s)?

No.

11. Do you agree with the proposed changes to consequential improvements in Section 12?

No – we recommend for a large extension (over 30m²?) rather than a prescribed simple list, undertaking a whole house assessment to identify appropriate measures for improving the whole dwelling. This should take into account energy efficiency, moisture risk, indoor air quality in accordance with PAS 2035 by a Retrofit Coordinator. A SAP assessment should be completed to generate energy use, carbon emissions and running costs figures which could then be used to demonstrate improvements, for example requiring a 10% reduction in energy use of the whole dwelling as part of constructing an extension.

12. Do you agree with the proposed approach for Self-Regulated Devices as in Section 5?

Yes.

13. Do you agree with the proposed new standards for Building Automation and Control Systems (BACS) and On-Site Electricity Generation as in Section 6?

Yes.

14. Do you agree with the proposed approach to mandate for the assessment and provision of information for Technical Building Systems as in Section 9?

Yes.



15. Do you agree with the proposed approach to change from the ‘equivalent carbon target approach’ to the “equivalent primary energy target approach’ in Section 13 to provide design flexibility?

No – use the metric that is most familiar i.e. carbon. Primary energy is not well understood and the government needs to decide which metric is the favoured one for Wales; carbon, energy or cost.

3. Part F changes for Existing Buildings

16. Do you agree with the proposed approach for ventilation provisions when installing energy efficiency measures as in Section 3?

Yes – ventilation and indoor air quality is key aspect in the wellbeing of home owners and tenants. Where expert advice is required a Retrofit Coordinator working to the PAS 2035 standard should be consulted to ensure a whole house approach to ventilation provision.

17. Do you agree with the proposal in Section 3 to include additional ventilation when replacing existing windows which either have no background ventilators, or where the size of the background ventilators in the existing window is not known?

Yes.

18. Do you agree with the changes proposed in Section 3 for ventilation provisions when adding a new habitable room (not including a conservatory) to an existing dwelling?

Yes.



19. Do you agree with the changes proposed in Section 3 for ventilation provisions when Refurbishing a kitchen or a bathroom?

Yes.

20. Do you agree with the proposal that mechanical ventilation (including both continuous and intermittent ventilation) should be tested when installed in existing homes?

Yes – the Government should insist on the independent testing of a home's ventilation system's to ensure adequate design, installation and operation.

3. Part L changes for Non Domestic Buildings

21. Do you agree with the proposed approach for Self-Regulated Devices as in section 11 (approved document L2A) and section 15 (approved document L2B)?

Yes.

22. Do you agree with the proposed specifications for Building Automation and Control Systems (BACS) as in section 11 (approved document L2A) and section 15 (approved document L2B)?

Yes.



23. Do you agree with the proposed new standards for Building Automation and Control Systems (BACS) and On-Site Electricity Generation as in section 11 (approved document L2A) and section 15 (approved document L2B)?

Yes.

24. Do you agree with the proposed approach to mandate for the assessment and provision of information for Technical Building Systems as in section 7 (Approved document L2A) and section 14 (Approved Document L2B)?

Yes.

4. Mitigation of Overheating Risk in New Dwellings

25. Do you agree with the proposal to focus both on flats and on houses which do not have two or more parallel aspects to facilitate cross-ventilation?

No – we believe removing the overheating check entirely from SAP is not the optimal solution for this issue. We believe the SAP check should be used for all dwellings as an initial indication of whether the dwelling will not overheat, and should give a warning that further investigation is warranted either by the simple method or if required the detailed method.

26. Do you agree with the proposal to have both a simplified approach which provides prescriptive guidance and an approach based on dynamic thermal analysis to provide greater flexibility?

No – we advocate still using SAP as the indicator of risk, and invest in the methodology to improve it. SAP 10 already has made changes in this area in an attempt to provide a better indication of the risk of overheating. We believe SAP could be used to show 'Green' and 'Red' categories. Green would have little or no



risk of overheating, however if red is shown this would require dynamic simulation analysis to be used.

27. Do you agree with the prescriptive guidance for the simplified approach which aims to both control solar gains and provide ventilation to remove heat from the home?

Yes.

28. Do you agree with the guidance provided for the dynamic thermal analysis?

Yes

29. Do you agree with the proposed knowledge required for undertaking the dynamic thermal modelling?

No – Elmhurst believes due to the seriousness of this issue now and in the future this should be only completed by members of a new Government approved competent persons scheme members of which would be appropriately trained, subject to audit and hold insurance.

See research undertaken by University of Bath which questions the competency of existing building modellers [here](#).

30. Do you agree with the proposal for demonstrating that all reasonable passive measures have been applied before including active measures? If not, explain your reasoning and suggest alternative guidance.

Yes – passive measures should always be sought first; active measures should be discouraged where possible.

31. Do you agree that issues of external noise and air pollution, which may affect the use of mitigation measures (e.g. opening windows) are sufficiently addressed through the Planning system?

Unsure.

32. Do you agree that existing Parts of the Building Regulation are sufficient to address safety and security concerns due to the use of openable windows to control for overheating?

Unsure.

5. Transitional Arrangements

33. Do you agree that the transitional arrangements for the energy efficiency changes in 2021 should not apply to individual buildings where work has not started within 2 years of the coming into force date of the 2021 Part L and Part S amendments – resulting in those buildings having to be built to the new energy efficiency standard?

- b. No– Elmhurst believes that transitional arrangements have been abused meaning that some homes being sold today comply with regulations that were set over ten years ago. If the Government is committed to achieve its ambitions then the transition arrangements must be short, and strictly enforced. Elmhurst believe that within twelve months of the regulations being effective any new home must comply the new regulations at the point of building control approval. Compliance should be determined on a plot-by-plot basis, not for a whole site development. Elmhurst can think of no other industry which is permitted to use previous investment strategies to delay implementation of increased regulation. With the roadmap now clear swift implementation is justifiable. Leaving a reasonable transition to build the home, but ensuring that loop holes are not used that undermine consumer confidence in new build homes.

c. Feedback on the Impact Assessment

34. The Impact Assessment makes an estimate of the impact of the individual proposals. Do you think these provide a fair assessment of the costs and benefits?

Unsure.



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