

Buildings Standards Branch
Properties Division
CPD
Goodwood House
44-58 May Street
Belfast BT1 4NN

Date: 26 July 2023

Dear Consultee

CONSULTATION ON A RANGE OF TECHNICAL ISSUES RELATING TO BUILDING REGULATIONS

I am writing to inform you of a discussion document reviewing energy efficiency requirements and related areas of Building Regulations, issued by the Department for a 16-week consultation period.

Building Regulations apply to most building work and are made principally to ensure the health, safety, welfare and convenience of people in and around buildings, the conservation of fuel and power, the protection and enhancement of the environment and the promotion of sustainable development.

The document includes pre-consultation detail outlining potential next steps on a range of inter-related areas, including:

- conservation of fuel and power
- ventilation
- mitigation of overheating in dwellings; and
- electric vehicle charging infrastructure to parking spaces at buildings.

The consultation will help prepare for quite significant changes, including steps that would make conventional boilers using the highest carbon intensity fuels, such as home heating oil, unviable in most new buildings. It explores expectations for low-carbon heating, such as heat-pumps or heat networks for new buildings and considers wider issues, such as embodied carbon in materials and background assumptions in assessment methodologies.

The consultation is technical in parts and assumes some familiarity with the current Building Regulations application processes, the technicalities of assessments and typical building outcomes.

This consultation was indicated as part of a programme for energy related aspects of the Building Regulations published in the Executive's Strategy- A Path to Net Zero Energy.

A further consultation, accompanied by proposed regulations, Technical Booklet guidance and impact assessments, will be required prior to the implementation of any changes.

Consultation documents are available on the Department's website and include the following: –

- Review of energy efficiency requirements and related areas of Building Regulations

- Discussion Document and Pre-consultation on next steps.
- Preliminary Stage Rural Impact Assessment
 - Equality Impact Screening

Details of awareness events will be published on the consultation webpage in due course.

Responding to this consultation

Should you wish to respond to this consultation, I would encourage you to use the online facility on the Citizen Space portal. A link can be accessed via the Department's website – www.finance-ni.gov.uk/consultations/

A hard copy or a copy in an alternative format may be obtained by telephoning 028 9025 7048 or by emailing info.bru@finance-ni.gov.uk

I look forward to receiving your comments and views concerning the contents of this consultation package.

The Department will consider all responses to this consultation received on or before the **closing date, which is 11.59 pm on 15 November 2023** (*It is important to note that submissions made after this date cannot be considered*)

If you have any comments about the consultation process itself (rather than the content of the document) these should be directed to the Consultation Coordinator at the postal or e-mail address given above.

Yours faithfully



DC McDonnell
Director of CPD Properties Division

Response ID ANON-1VA9-1DDZ-M

Submitted to Review of energy efficiency requirements and related areas of Building Regulations
Submitted on 2023-11-15 16:57:46

Introduction

What is your name?

Name:

[REDACTED]

What is your email address?

Email:

[REDACTED]@midulstercouncil.org

Are you responding as an individual or representing the views of an organisation?

Organisation

What is the name of your organisation?

If responding on behalf of an organisation, please enter the organisation's name here.:

Mid Ulster District Council

The Department of Finance would like your permission to publish your consultation response. Please indicate if you wish your response to be treated as confidential.

No

If you wish your response to be treated as confidential, please provide your justification for doing so.:

We may wish to contact you again in the future, but we require your permission to do so. Are you content for the Department of Finance to contact you again in relation to this consultation exercise?

Yes

Section 1: Introduction and General Information

Section 2A: Background- legislative considerations and policy contexts

Q2A.1 Do you agree that coming into force considerations would be best addressed through review of Article 19 of the Order, rather than by transitional provisions of any amendment to Part F?

Yes

Comment (if any):

This is best dealt with through a Review of Article 19.

Also, as part of this review consideration should be given to the introduction of –

1. No commencement before Approval &
2. No occupation before a completion certificate has been issued.

Q.2A.2 Do the current arrangements here, with up to three year phasing in period, support an argument for a more ambitious uplift, as it provides scope for processes to be developed and training to take place?

Not Answered

Comment (if any):

From a Building Control perspective, it is not felt that the three year phasing in period is relevant as an application received within the first six months of changes may commence immediately so building control staff are in the position that they have to be up to speed with the changes immediately and it is felt that this is why the publication six months prior to coming into operation is more important.

It is felt that if a more ambitious uplift is to be proposed then all stake holders i.e., network providers, utility regulators, product suppliers, installers, education authorities all need to be confident that the skills, knowledge, infrastructure etc. is there to support this.

Ambitious targets clearly mean there is/will be a need for training across the industry, including local Council Building Control. The industry needs to find

a method of training the small/ medium enterprises which make up so much of the local construction industry. This should not be left to Building Control to carry out at the point of construction.

It is our view that a rigorous advertising and marketing of the changes by the department for industry prior to the changes being implemented is essential. This should also be supplemented with training for Building Control staff.

Q.2A.3 What do you consider should be the maximum time permissible for previously approved applications to commence on site after the introduction of the new standards?

Comment (if any):

As there is potentially two years between this and future changes reducing the three year period for previously approved applications to two years may be better.

Article 19 of the order states "works to which the plans relate have not been commenced within three years from the deposit of the plans. The wording of the order states the council "may" by notice declare the plans of no effect. Consideration should be given to the automatic expiry of the application after a specified time from initial deposit of the application whether it has achieved approval or not.

Q.2A.4 Do you have a view on any specific regulations or definitions which would benefit from reform, with a view to simplifying or clarifying Part F regulations? If so, please provide details.

Comment (if any):

1. Review of Regulation 38 and in particular the definition of a stand-alone building in Regulation 38(5).

Eg. Two identical buildings one of which is heated and the other not, and these buildings propose to have a similar size extension which regulation 40 may apply to.

Building 1- heated (Reg 38(3)(b) floor area greater than 100m² and but extension not greater than 25% of the useful floor area of the existing building – so Regulation 40 not applicable.

Building 2 unheated but same floor area, but if you take the definition for a building in the European Directive a building is "a roofed construction having walls, for which energy is used to condition the indoor climate". So as the existing building is not heated the extension may be classed as a stand-alone building meaning Regulation 40 does apply.

2. Review of Regulation 41 "Consequential Improvements" would also be beneficial see comments in latter section of consultation.

3. It is agreed that 'Places of worship' – should lose their exemption with regards Part F.

Section 2B: Background (developments elsewhere)

Q.2B.1 Have you modelling information directly comparing the compliant or 'notional' buildings across administrations, ideally using an up to date and consistent methodology for comparative analysis purposes (e.g. SAP 10)? If so, please provide a link or information on how to access this.

No

Comment (if any):

We have no information relating to this

Q.2B.2 Are there any additional local characteristics or issues around our local industry that the Department should be mindful of as we take forward proposals?

Comment (if any):

The dispersion of rural dwellings in NI (a high proportion of rural dwellings) would appear to be an issue in relation to the provision of any 'mains' type of energy supply. Consideration should be given to the increased costs to existing dwelling if the regulations lead to rising traditional fuel costs.

The lack of gas networks and NIE grid capacity to rural areas may mean that the impact on these areas is very significantly disproportionate to urban areas.

There may also be a negative impact by the lack of grid connections on the smaller builders who mainly work in the rural areas.

Lack of apprentices coming through local training centres. Specific apprenticeship schemes may need to be considered by industry.

Age profile of existing Building Control staff. Loss of skill set and likelihood of some staff retiring prior to implementation.

Implementation of new regulations likely to coincide with local changes to Building Control following the implementation of the Hackett report findings.

Q.2B.3 Do you agree with the proposed timing of uplifts planned for 2023/24 (Phase 3) and 2026/27 (Phase 4), which are intended to follow developments in England by 18-24 months in each case?

Not Answered

Comment (if any):

We currently do not hold sufficient information relating to the outcome of any consultations that have taken place with industry/ network providers to ascertain if the skills, technology and network capacity is readily available in order provide relevant comments to this question.

Section 3: Pre-consultation Phase 3 proposals for dwellings

Q.3.1 The Department's programme of proposals seeks to implement a 'Phase 3' uplift here in 2023 (likely now to be in 2024) to reflect the changes above. Do you agree that this is appropriate and that this should cover the extent of issues outlined in this section?

Yes

Comment (if any):

Council would be supportive of these uplifts but caveat that support with concern that it needs to be done in a cohesive manner with other stake holders (see Q 2A.2) which is outside the control of Building Regulations.

Section 3A: Part F (Conservation of fuel and power) proposals for new dwellings, Phase 3

Q.3A.1 Do you agree that a new primary energy metric and TPER targets should be introduced?

Yes

Comment (if any):

This needs to be introduced as it makes it more measurable especially with the decarbonization of the electricity grid.

This should be accompanied with a training regime in advance of implementation for Building Control professionals.

Q.3A.2 Are you content that a FEES metric and targets should be introduced in line with the assessment in England?

Yes

Comment (if any):

Yes, as the retention of the limiting u-value in line with RoI would have an impact on the SAP software.

Q.3A.3 Could you provide a specification that house builders are actually adopting in practice in order to be compliant with England's current requirements? Please provide details and commentary or explanation.

No

Comment (if any):

We have no comment on this particular issue as we are not aware of any specifications available. It is beyond our remit to provide such specifications.

Q.3A.4 Do you think the proposed Notional Dwelling fabric is suitable for Option 1 and Option 2's proposals?

Yes

Comment (if any):

The notional building fabric applies equally to Options 1 and 2 but may be more beneficial to Option 2 given the use of Heat pumps as there is a significant reliance on the fabric u-values for option 2.

Q.3A.5 Would you agree with replication of England's limiting U-values? We would be grateful for any evidence or reasoning if you think these should these remain in line with the Republic of Ireland or be otherwise different.

Yes

Comment (if any):

Agree with the replication of England's Limiting U-values.

Although being a Council with a Border to ROI, BC applications are submitted at time by agents from ROI.

An all-Island approach may therefore be considered useful if possible.

Q.3A.6 Do you agree that the Department should not introduce a cost (SAP rating) metric assessment?

Yes

Comment (if any):

This should not be introduced as the cost assessment is based on a neutral UK location which would mean that the outputs would not be accurate.

Q.3A.7 Do you agree that a delivered energy or energy use intensity metric is not needed as part of the Phase 3 uplift?

Yes

Comment (if any):

This is based on the reasoning given in consultation documentation.

Q.3A.8 Do you agree that a renewable energy ratio assessment is not needed as part of the Phase 3 uplift?

Yes

Comment (if any):

This is based on the reasoning given in consultation documentation.

Q.3A.9 Have you any comment to make on the metrics the Department is proposing to adopt for Phase 3?

No

Comment (if any):

Q.3A.10 Have you any opinion or evidence to support limiting the extent of variance for any individual dwelling when using a whole-block average performance to demonstrate compliance with TER, TPER or TFEE assessments?

No

Comment (if any):

Q.3A.11 Do you agree that the changes to the airtightness testing regime should include the measures introduced in England, but provide for a lower maximum permissible air permeability level than 8.0 m³/(h.m²) @ 50 Pa? If so, what should the maximum permissible level be?

Not Answered

Comment (if any):

It is felt following the evidence that lowering the maximum permissible level to 5.0 m³/(h.m²) would only impact 9.5% of dwellings that this would be reasonable impact on industry and there should be a minimal effect on Building Control from an enforcement perspective.

We also welcome the introduction of testing to every dwelling as this will get a fair representation of what is being built, therefore closing the performance gap.

Q.3A.12 Do you agree that all current fuel factors in TBF1 should be removed, so that targets (TER) are no longer relaxed where higher carbon fuels are used?

No

Comment (if any):

No, it is felt that this is decision that cannot be properly determined until a more comprehensive Rural Needs Impact Assessment is completed, as there is a lack of gas network and limitations with NIE grid capacity in rural areas.

In the absence of a comprehensive Rural Needs Impact Assessment the retention of emission fuel factors for areas with no access to the gas grid in the next uplift may be better.

Q.3A.13 Are you content with the likely outcomes for biofuels under Option 1 and the proposed Primary Energy metric ? If not, how should the regime be less, or more, permissive towards biofuels?

No

Comment (if any):

There should be more work around splitting the metrics in relation to Biofuels to see what additional measures would be required to fulfil compliance with Option 1 if you are using Biofuels.

Biofuels derived from waste have many advantages and should be encouraged. Biofuels derived from raw materials are counter intuitive and may need to be reduced. Clearly this can relate to what is put into a bio digester, rather than that technology.

Q.3A.14 Have you any evidence or concern around the extent of renewable generating technology expected under either Option 1 or 2?

Yes

Comment (if any):

No evidence but would have concerns around the onerous impacts of providing renewable technologies under Option 1 where it is not possible to provide an export connection. Building Control would also have concerns of how the provision of renewable technologies is comprehensively assessed across other agencies.

There may also be a conflict with planning in conservation areas, so consideration would also need to be given with planning legislation.

Would be of the view that if PV panels are proposed that they must be proven to be cost effective over the annual cycle of the building. E.g., fitting to South facing elevations.

Q.3A.15 Have you any comment on the proposed revised treatment of non-export connections?

Yes

Comment (if any):

The new SAP 10 software gives you the option to make an assessment of how much electricity is being exported under a beta factor, so it is the case that no electricity is being exported then it should be accounted for in the design stage.

It is essential that applicants have early engagement with NIE with regards to the connection type that will be available to them and this need to be highlighted in the technical guidance documents.

We would have concern that if a designer specifies an export connection and it then progresses on-site to an advanced stage and then discovers the export connection is not available or prohibitively expensive. A costed NIE confirmation may be beneficial at design stage and if not available then "non-export" should be assumed by default.

Q.3A.16 Do you agree that new heating systems should be designed and installed to operate with a maximum flow temperature of 55°C as per England's current guidance? If not please provide evidence to support a different maximum flow temperature, or position.

Yes

Comment (if any):

This is a sensible approach to future proof for any future retrofit to low carbon heating which operates more efficiently at lower flow temperatures.

Q.3A.17 Do you agree that replication of Sections 5 and 6 of England's Approved Document on building services and controls guidance into the next version of TBF1 would be appropriate for the Phase 3 proposals?

Yes

Comment (if any):

It would be better to replicate Sections 5 and 6 of England's approved documents as this would give a fixed point of what is required for building regulations approval.

Q.3A.18 Do you have any comments or issues around how UK and EU Ecodesign requirements might interact with Part F guidance requirements at Phase 3 or over the longer term?

Comment (if any):

Eco-design design standard is a dynamic design standard which are good in theory but in practice there is a disconnect between the new standards and enforcement by building control.

Q.3A.19 Do you agree that designers, should be able to demonstrate a water efficiency assessment as per Appendix A of England's Approved Document G?

Yes

Comment (if any):

Designers should be able to avail of the opportunity to demonstrate energy savings by taking account of the water efficiency similar to England's Approved Document G.

The query would be who is responsible for assessing the calculations and what would Building Control role be in enforcing that and verification of same at completion stage.

Q.3A.20 Have you any suggestion or further insight on how heat networks should be assessed under the Phase 3 proposals? If so, please outline the issue and suggested handling in your response.

No

Comment (if any):

Q.3A.21 Is the specification of the heat pump proposed for Option 2 appropriate? If not, how should it be amended?

Not Answered

Comment (if any):

No comments

Q.3A.22 Do you have concerns or evidence on the viability and risks associated with either Option 1 or Option 2?

Yes

Comment (if any):

This requires input and delivery by third parties such as NIE, and also the utility regulator as any concerns with regards to running cost impacts can be balanced by the by the utility regulator. These are two areas Building Control have no control over but has a direct impact on how we can enforce the building regulations depending on which option is chosen.

Q.3A.23 Should the Department implement Option 1 or Option 2 for the Phase 3 uplift?

Option 1

Comment (if any):

Option 1 is likely to be more achievable in the short term and reduces risk to the industry of skills shortage or lack of achievement in reaching performance, thereby turning end users against the technology, and availability of grid capacity.

However, this should be considered as a short term stepping stone to Option 2 on Phase 4.

Q.3A.24 Have you any comment on how the Option 2 specification should be improved, for Phase 3 or Phase 4 or 5?

Comment (if any):

Increase in grid capacity has to be a primary aim, particularly of gas grid. Once this is happening at pace, then change fuel factor to further disincentive gas usage.

Q.3A.25 Do you agree that the Department should adopt the new BREL type format for notice of compliance with emissions, renewables and other requirements in keeping with England's provisions? See Appendix B of Approved Document L1 (2021) for further detail

Yes

Comment (if any):

We do though have concerns that this checklist is only being done at completion stage of a dwelling, therefore it offers little value during the construction process.

Q.3A.26 Do you agree that the Department's guidance should additionally require provision of a new non-technical Home User Guide in keeping with England's provisions?

Yes

Comment (if any):

Q.3A.27 Do you agree that the Department should require geo-located photographs to be lodged to support evidence of the as-built construction?

Comment (if any):

There may be merit in submitting geolocated photographs, but this again is putting an extra burden on Building Control to assess for minimal fees.

It is important that there does not become a culture that photographs become a substitute for site inspections. Also is there any guidance of what should be photographed?

Who will be expected to take this picture i.e., the builder or the person who will be producing the As-Built SAP?

Another query will be if no pictures at construction stage what will be the consequences of enforcement for building control, i.e., how does builder prove compliance?

Yes

Section 3B: Part F (Conservation of fuel and power) work to existing dwellings, Phase 3.

Q.3B.1 Do you support the addition of a Primary Energy and FEES metric assessment alongside the current Carbon emissions metric assessment when using the Equivalent Target Approach to demonstrate compliance in cases of work to existing dwellings?

Yes

Comment (if any):

Q.3B.2 Do you have any particular concerns or insight on the U-values used in standards related to existing dwellings for any of the various situations in other administrations?

No

Comment (if any):

Q.3B.3 Do you agree that our U-value standards should be largely in line with the proposed standards for new building elements in cases of extensions and replacement elements?

Yes

Comment (if any):

Yes, if they were in line, it would make Building Control checking easier. It will also raise the quality of the existing stock.

Q.3B.4 Do you agree that our U-value standards should be largely in line with the values used in England, in cases of a material change of use of a building, for renovated elements and where a change of energy status occurs?

Yes

Comment (if any):

Q.3B.5 Are there any particular areas where alternative performance values for fabric elements (such as EWI) should be considered? If so please provide evidence and an indication of the value you consider appropriate.

Not Answered

Comment (if any):

No comment

Q.3B.6 Do you agree that a maximum glazing area assessment should continue to form part of the requirements, where a material change of use to form a dwelling occurs?

Yes

Comment (if any):

It should continue to be part of the requirements

Q.3B.7 Do you agree that traditional construction should be referenced out to third party guidance, with a greater scope for bespoke consideration in these situations?

Not Answered

Comment (if any):

It would be helpful if a definition was provided for what is considered "traditional construction".

Q.3B.8 Do you agree that the Boiler Plus measures introduced in England in 2018 and thermostatic control measures introduced in 2022 should be replicated and included in revised guidance here?

Yes

Comment (if any):

Q.3B.9 Do you agree that where a new or complete replacement heating system is being installed in an existing dwelling, it should be installed to operate with a maximum flow temperature of 55°C?

Yes

Comment (if any):

This will future proof the building, but needs to be clearly detailed that this is only when a new or complete heating system is being installed due to implications of radiator sizes etc.

Q.3B.10 Do you agree that both an emissions and primary energy performance assessment should be applied to boiler replacements where a change of fuels is proposed?

Yes

Comment (if any):

Yes, agree it should be applied but the current fees received for such applications do not reflect the additional checks that may be required.

Q.3B.11 Do you have information or evidence to help assure the Department that reversion from liquid biofuels to conventional home heating oil need not be of concern?

No

Comment (if any):

No information or evidence available.

Q.3B.12 Do you agree that Technical Booklet F1 should be amended to follow the minimum services provisions of Section 5 and 6 of England's Approved Document L1, subject to further NIBRAC and public consultations? Have you any 'lessons learned' from the roll-out of these provisions elsewhere which merit consideration?

Yes

Comment (if any):

Yes, but subject to further public consultation as noted.

Q.3B.13 Do you agree that the consequential improvements similar to those applicable to extensions to dwellings in Wales should apply here?

Yes

Comment (if any):

Yes, but while the measure introduced in Wales are pragmatic there is an additional burden on building control fees that would need to be reviewed to allow for the additional time required to carry out the necessary checks.

Q.3B.14 Do you have any evidence or insight on the major renovation measures in place in the Republic of Ireland to suggest the Department should prioritise a similar approach here? If so, please include the evidence with your response.

No

Comment (if any):

No evidence or insight available.

Section 3C: Part K (Ventilation) dwellings- Phase 3

Q.3C.1 Do you agree that Technical Booklet K (TBK) should be split into two (similar to current Part F guidance), and that relevant guidance currently cited within the Ventilation Compliance Guides should be integrated within them?

Yes

Comment (if any):

This would make the guidance easier to interpret.

Q.3C.2 Do you agree that Technical Booklet K should cite background ventilator sizes in line with England and Wales?

Yes

Comment (if any):

Q.3C.3 Do you agree that revised TBK guidance should align with the three systems (natural, continuous mechanical extract and continuous supply and extract/MVHR) in keeping with air-permeability thresholds England and Wales?

Yes

Comment (if any):

Q.3C.4 Do you have any evidence or guidance that should prompt the Department to develop an independent approach to noise of mechanical ventilation systems in dwellings?

No

Comment (if any):

No evidence or guidance available.

Q.3C.5 Do you agree that the updated performance based specification in England's ADF1 (Ventilation – dwellings) should be replicated in equivalent guidance here?

Yes

Comment (if any):

This should keep it up to date with industry changes.

Q.3C.6 Do you support amendment of the Technical Booklet K guidance in line with the developments in England and Wales, to address ventilation alongside fabric retrofit work?

Yes

Comment (if any):

Yes, but we have some concerns from an enforcement perspective as retrofit works can come in piece meal and can be quite complicated at times with a lot of the proposed interventions already having taken place prior to going to site therefore verification may be difficult.

Q.3C.7 Have you any comment or insight on how the Department or others should support skills or cite competence standards for the design, testing and commissioning of ventilation systems in dwellings? Please include relevant details in your response.

No

Comments (character limit 3000):

This may be a matter for industry and educational authorities to comment on.

Q.3C.8 Have you any other evidence on issues or suggestions on ventilation standards in dwellings, which the Department should consider as part of the review of Park K (Ventilation)?

No

Comment (if any):

No evidence available.

Q.3C.9 Do you agree that CO2 monitoring should be a consideration for Phase 4?

Yes

Comment (if any):

With dwellings getting more airtight the provision of air quality monitors may be beneficial.

Q.3C.10 Do you support inclusion of ventilation guidance to more specifically consider clothes drying, in line with current provisions in Scotland ?

Yes

Comment (if any):

Although we don't disagree that there may be a benefit, it may be better set-in other standards such as for social housing as this is normally the type of housing stock that issues with damp and condensation occur.

Q.3C.11 Do you have any evidence or insight on other aspects of ventilation for dwellings which the Department should take into account?

Comments (character limit 3000):

No evidence

No

Section 3D: Mitigating overheating risks in dwellings – Phase 3

Q.3D.1 Do you agree that local regulation and guidance will be needed to mitigate overheating in new dwellings and residential buildings?

Yes

Comment (if any):

Yes, but again the fees received by building control do not reflect the additional burdens that will be placed on assessment times.

Q.3D.2 Do you agree with the proposed course of action whereby DSM modelling to TM59 requirements would be used in more complex situations but a simplified approach, largely following Scotland's proposals, could be applied in more straightforward situations?

Yes

Comment (if any):

Q.3D.3 Should the new requirements only apply to new-build situations (i.e. to the erection of a building) or should it also apply to material change of use situations and/or extensions and structural alterations?

Yes

Comment (if any):

Yes, should only apply to new build as may be unreasonable to change elevations etc. in existing buildings as may be restricted by another requirement such as planning.

Q.3D.4 Should the noise assessment levels be based on planning issues, or should bespoke noise assessment and testing be expected where openings are proposed for purge cooling of rooms in dwellings or similar buildings?

Comment (if any):

We suggest that this may be better placed as part of the planning assessment.

Q.3D.5 Are you content that the guidance in Appendix D of the current Technical Booklet K provides sufficient clarity on pollution assessment where natural purge ventilation for cooling is proposed?

Comment (if any):

Yes

Q.3D.6 Do you agree that guidance should be revised to support a 1.1m high guarding a openings for purge cooling, or should the current 800mm height for guarding at windows remain?

Comment (if any):

This issue needs to be considered along with Parts E, H and R and cannot be considered in isolation as it may create unintended outworking's.

We need to be careful that we don't over complicate the guidance by stating that guarding needs to be at 1.1m high as this leaves no room for error with regards to heights of means of escape windows.

Not Answered

Q.3D.7 Are there any other issues which should be taken into consideration in terms of the usability of openings for purge cooling?

Comment (if any):

No comments.

Q.3D.8 Have you any evidence or modelling to indicate if a requirement for cooling could result in new Carbon emissions or Primary Energy targets proposed in Section 3A (see Table 3A.1) being difficult, or impossible, to deliver in practice in some circumstances e.g. single aspect flats next to noisy/polluted roads? If so, please provide details and outputs.

Comment (if any):

No evidence available.

Q.3D.9 Can you evidence any 'lessons learned' from roll out of the overheating mitigation policies elsewhere that we should consider?

Comment (if any):

No evidence available.

Section 3E: Electric Vehicle infrastructure- background and Phase 3 proposals for dwellings

Q.3E.1 Do you agree with the proposed approach to use Building Regulations to legislate for EV infrastructure requirements?

No

Comment (if any):

It is felt that the assessment of the number of charging points and relevant infrastructure required should be considered earlier in the design stage of the works as the standard is based around the number of Parking Spaces. As this is something that is reviewed as part of the planning process it may be a better fit within their legislation.

Another issue that may arise and make it difficult for Building Control to assess is that with larger housing developments whilst planning normally get the full scheme submitted, Building Control regularly get these in smaller phases depending on demand for sale so would not have the full context to what parking will be available when the overall scheme is completed.

As parking spaces would not be considered when assessing fees for building regulation applications how will this be dealt with to account for the additional time resource being placed on building control?

Q.3E.2 Do you agree with the proposed approach to follow the technical provisions in England? The Department would be grateful for any comment on the guidance or out-workings there or in other regions.

No

Comment (if any):

It is felt that by developers submitting their applications in smaller numbers then the system may be open to abuse and consideration therefore should be given to removing the criteria of 10 parking spaces, meaning that it will be a requirement irrelevant of the number of parking spaces.

It is also felt taking a similar approach to RoI of providing the ducting infrastructure to all spaces and not charging points would be a better approach as we could end up with charging points at dwellings which may never have a need for them.

Another factor that needs to be considered is that the charging capacity is currently 7kw but as technology develops this may become outdated so may need to be upgraded so we would support the provision of ducting only.

Another issue that needs to be considered for NI is has consultation taken place with NIE to determine if their grid network will be capable of supporting EV charging points?

Q.3E.3 Do you agree that for new dwellings with associated parking spaces; one CP per dwelling or one per associated parking space (which ever is the lesser) should be required and that, in addition, for those buildings with more than ten associated parking spaces, ducting to the rest of the residential parking spaces to facilitate future installations, should also be required?

Not Answered

Comment (if any):

See comments in Question 3E.2

Q.3E.4 Do you agree with the proposed limitations 1 and 2 (as outlined in paragraph 3E.34 and 3E.35) restricting the application of the requirements for EV infrastructure at parking spaces associated with new dwellings?

Not Answered

Comment (if any):

See comments in Question 3E.2

Q.3E.5 Do you think there should be a limitation to the application of the requirements, on the grounds of additional grid connection costs that may accrue to developers as a result of the provision of CPs?

No

Comment (if any):

It would appear that basing the provision on cost will create difficulties in Building Control enforcing and may lead to issues of inconsistencies as to what is considered to be a reasonable or in some case not a reasonable cost of providing the requirements.

Q.3E.6 If the answer to Q 3E.5 is yes, do you think the amount of £3600 (which is currently under review) is appropriate and do you have any comment on how it should be assessed?

Not Answered

Comment (if any):

N/A

Q.3E.7 Do you agree that where a major renovation results in a residential building being associated with more than 10 parking spaces, then CPs should be provided at a rate of one per dwelling , or one per associated parking space (whichever is the lesser) and that that ducting should be installed in each associated car parking space, to support the future installation of an EV CP?

No

Comment (if any):

See comments in Question 3E.2 and additional comments below.

Currently if buildings are undergoing major renovation as per the definition Building Control would not normally be made aware of parking spaces and therefor it may be hard to determine this. For this reason, it may be better to follow the approach of RoI and get ductwork provided to all in-curtilage spaces.

Another issue with existing dwellings is that there is probably a higher likelihood that there will not be the grid capacity to provide charging infrastructure and as this is something outside Building Controls remit it leaves us in a difficult position to enforce.

Q.3E.8 Do you agree with the proposed limitations to these requirements in the case of major renovations, as outlined in paragraph 3E.41-3E.47, or have you any further comment on them?

No

Comment (if any):

Limitation 3 – Work to carpark may be done outside scope of work to building so building control may not be aware of it.

Limitation 4 – how would Building Control assess the capacity of an existing electrical supply?

Limitation 5 – Building Control is not in a position to determine if the installation would exceed 7% costs of renovations.

Q.3E.9 Do you agree that where a dwelling is created through a material change of use, a CP should be required at any parking space associated with the new dwelling?

No

Comment (if any):

As before the assessment of parking provided should be dealt with earlier in the design stage so would be better considered then.

Q.3E.10 Do you agree with the proposed limitations to the application of the requirement, where a newly created dwelling is established under a material change of use, as outlined in paragraph 3E.51-3E.55?

No

Comment (if any):

See response to 3E.7 and also below.

Limitation 2 – Work to carpark may be done outside scope of work to building so building control may not be aware of it.

Limitation 3 – How would Building Control assess the capacity of an existing electrical supply?

Q.3E.11 Should a cost cap apply, instead of limiting the number of CPs on the basis of the existing supply, where a new electrical supply connection to the building occurs alongside a major renovation, or a material change of use that creates a new dwelling?

No

Comment (if any):

It is felt that basing the provision on cost will create difficulties in Building Control enforcing and may lead to issues of inconsistencies as to what is considered to be a reasonable or in some case not a reasonable cost of providing the requirements.

How would Building Control determine the cost be claimed by a developer are a reasonable amount for that work?

Q.3E.12 Should there be a requirement for cable routes to all spaces associated with dwellings newly created by way of a material change of use, in circumstances where a building has more than 10 parking spaces?

Not Answered

Comment (if any):

As before the assessment of parking provided should be dealt with earlier in the design stage so would be better considered then - see previous comments.

Q.3E.13 Do you have any other views that you wish to provide on the EV section of the consultation (e.g. the minimum standard of EV charge point or safety and accessibility within the built environment)?

Comment (if any):

No further comments

No

Section 4A: Part F (Conservation of fuel and power) proposals for new buildings other than dwellings Phase 3

Q.4A.1 Do you agree that the Department should adopt the same Primary energy metric for new non-domestic building assessments, as proposed for domestic buildings?

Yes

Comment (if any):

Q.4A.2 Do you agree that the Department should develop proposals to adopt the Notional Building specification in line with England's Part L 2022 specification and requirements? If not, why not? please provide evidence of why and how the specification should be altered.

Yes

Comment (if any):

Q.4A.3 Do you agree that the Department should develop proposals to adopt the limiting fabric U-values in line with England's Part L 2022 requirements? If not, please provide evidence of how the specification is impractical here and what alternative standard should be required.

Yes

Comment (if any):

Q.4A.4 Do you agree that the Department should develop proposals to adopt maximum permissible air-permeability values for new builds of 5.0 m³/(h.m²) @50Pa, or should it maintain consistency with England's approach?

Maximum of 5.0 m³/(h.m²) @50Pa.

Comment (if any):

Q.4A.5 Do you agree that the Department should develop proposals to adopt the limiting services standards in line with the requirements in England, Wales and Scotland? If not, please provide evidence of how the specification is impractical here and what alternative standard should be required.

Yes

Comment (if any):

Q.4A.6 Do you agree that the Department should develop proposals to include the limiting services standards within the Technical Booklet guidance documents, or is a more explanatory, separate Non-domestic Building Services Compliance Guide preferable? Please provide reasoning in your response.

YES, services guidance should be within the Technical Booklet

Comment (if any):

Note: For Q.4A.7 - we are unable to comment or provide evidence

Q.4A.7 Do you agree that the Department should develop proposals to require BACS in new buildings? If so, should the threshold be at 290kW or 180kW? Please provide evidence or reasoning for your view.

YES – at 290kW, YES – at 180kW

Q.4A.8 What is your view on the value of requiring either TM54 modelling of actual energy use in buildings >1000m² (as applicable in England) or Scotland's conversion to Zero Direct Emissions Heating reports?

Comment (if any):

This would be an additional measure that puts extra burden on Building Control staff to assess and not sure how relevant it is if can be done on software not approved by government.

Section 4B: Part F (Conservation of fuel and power) proposals for work to existing buildings other than dwellings Phase 3

Q.4B.1 Do you support the addition of a Primary Energy metric assessment alongside the current Carbon emissions metric assessment when using the Equivalent Target Approach to demonstrate compliance in cases of work to existing buildings?

Yes

Comment (if any):

Q.4B.2 Do you have any particular concerns or insight on the U-values used in standards related to existing buildings other than dwellings for any of the various situations in other administrations?

No

Comment (if any):

No concerns. It should assist getting consistency in u-values across the building types.

Q.4B.3 Do you agree that our U-value standards should be largely in line with limiting standards for new building elements in cases of extensions and replacement elements on buildings other than dwellings?

Yes

Comment (if any):

Q.4B.4 Do you agree that our U-value standards should be largely in line with the values used in England, in cases of a material change of use of a building, for renovated elements and where a change of energy status occurs involving buildings other than dwellings?

Yes

Comment (if any):

Q.4B.5 Are there any particular areas where alternative performance values for renovated elements or services should be considered for buildings other than dwellings? If so please provide evidence and an indication of the value you consider appropriate.

Not Answered

Comment (if any):

No evidence available

Q.4B.6 Do you agree that a maximum glazing area assessment should continue to form part of the requirements for extensions and be included where a material change of use occurs to buildings other than dwellings?

Yes

Comment (if any):

Q.4B.7 Do you agree that traditional construction should be referenced out to third party guidance, with a greater scope for bespoke consideration in situations applicable to traditionally constructed buildings other than dwellings?

Not Answered

Comment (if any):

It would be helpful if a definition was provided for what is considered "traditional construction".

Q.4B.8 Do you agree that where a new or complete replacement heating system is being installed in an existing building, it should be installed to operate with a maximum flow temperature of 55°C?

Yes

Comment (if any):

This will future proof the building, but needs to be clearly detailed that this is only when a new or complete heating system is being installed due to implications of radiator sizes etc.

Q.4B.9 Do you agree that Technical Booklet F2 should be amended to follow the minimum services provisions of Section 5 and 6 of England's Approved Document L2, subject to further NIBRAC and public consultations? The Department would be grateful to understand any 'lessons learned' from the roll-out of these provisions elsewhere.

Yes

Comment (if any):

Yes, but subject to further public consultation as noted

Q.4B.10 Do you have any evidence on the success or otherwise of consequential improvements? if so, please include this with your response.

No

Comment (if any, character limit 3,000):

No evidence available

Q.4B.11 Do you think consequential improvement requirements should be a. retained (i.e. maintained in keeping with England), b. amended (for example to apply where the principal works are of a particular value, rather than being based on the total floor area of the existing building), c. extended to apply to all extensions, or otherwise extended; or d. revoked? Please provide a reasoning for your response and evidence that supports any changes you would propose.

d

Comment (if any):

We would be of the view it may time to revoke this requirement. This is based on the following –

- Building owner/designers are now more conscious of their energy use and already make provisions for upgrading when practical and feasible.
- It is also found that when we receive an application for extension, they may already have carried out other works in the recent past that will have improved the energy conservation.
- Instances that the building being extended is relatively new so the scope for doing improvements is limited.

Q.4B.12 Do you have any evidence or insight on the major renovations measures in place in the Republic of Ireland to suggest the Department should prioritise a similar approach here for buildings other than dwellings? If so please include the evidence with your response.

No

Comment (if any):

No evidence available.

Section 4C: Part K (Ventilation) buildings other than dwellings Phase

Q.4C.1 Do you agree that Technical Booklet K should take a similar approach to noise and installation of ventilation systems, as England and Wales?

Yes

Comment (if any):

Yes, but this is additional assessment that the current building control fees do not reflect.

Q4C.2 Do you agree that Technical Booklet K should replicate the proposed performance based guidance outlined for dwellings?

Yes

Comment (if any):

Q4C.3 Do you agree that Technical Booklet K (TBK) should bring the Appendix D guidance on polluted external air into the main body text of TBK?

Yes

Comment (if any):

Q4C.4 Do you agree that the list of sources for design guidance provided in ANNEX F should be replicated in the new TBK, for application to specialist building types?

Yes

Comment (if any):

Q4C.5 Are there any specific concerns or issues with the updated references proposed in the Table in ANNEX F, that the Department should consider? If so, please provide details.

Not Answered

Comment (if any):

No comments.

Q4C.6 Do you agree that requirements for air quality monitoring, similar to those introduced in England and Wales, should be included in the Phase 3 uplift package to Part K (Ventilation)?

Yes

Comment (if any):

Q4C.7 Question omitted following correction issued October '23

Yes

Comment (if any):

Q4C.8 Do you agree that additional requirements for ventilation in offices, similar to those introduced in England and Wales, should be included in the Phase 3?

Yes

Comment (if any):

Section 4D: Electric vehicle infrastructure- Phase 3 proposals for buildings other than dwellings

Q4D.1 Do you agree with the proposed use of Building Regulations to implement Article 8.2 for the provision of EV charging point infrastructure at buildings other than dwellings?

Not Answered

Comment (if any):

It is felt that the assessment of the number of charging points and relevant infrastructure required should be considered earlier in the design stage of the works as the standard is based around the number of Parking Spaces. As this is something that is reviewed as part of the planning process it may be a better fit within their legislation.

As parking spaces would not be considered when assessing fees for building regulation applications how will this be dealt with to account for the additional time resource being placed on building control?

Q4D.2 Do you agree that ducting infrastructure for one in five parking spaces and one charging point, should be installed when a non-residential buildings with more than 10 non-residential car parking spaces is being erected or is undergoing a major renovation?

Not Answered

Comment (if any):

See response to Question 4D.1.

Q4D.3 Do you agree with the proposed limitations (outlined in para 4D.13- 4D.18) to the application of EV charging requirements for new non-residential buildings and for major renovations of such buildings? If not, please comment on how should they be changed

No

Comment (if any):

Limitation 1 – number of parking spaces not determined by Building Control

Limitation 3 – this work might be carried outside the scope of a building control application for major renovation.

Limitation 4 – Building Control is not in a position to determine if the installation would exceed 7% costs of renovations.

There is a need to proceed with caution until research into fire safety of charging points is completed.

Q4D.4 Do you agree that more onerous residential requirements should apply in mixed-use building situations and shared parking arrangements?

Not Answered

Comment (if any):

See comments to question 4D.1.

Section 5: Considerations for Phase 4 uplifts

Q5.1 Do you agree that, for Phase 4, the Department should expect to replicate measures introduced in England's Future Homes and Future Buildings (2025) in the first instance, or is there a particular administration that we should seek to align with for Phase 4? If possible, please provide supporting evidence for your preference.

Yes

Comment (if any):

As we are reliant on software providers whose main market is England it would be better to align with England.

Q5.2 Would you support a ban on direct emissions heat generators or combustion appliances, similar to Scotland's measures banning such appliances? (Please take into account your answer to question Q3A.23 on which Option you have supported.)

No

Comment (if any):

No as it is not evident that the current NIE infrastructure can support a change that requires all buildings to have heat pumps.

Q5.3 Do you support efforts to more closely align the NCM and targets towards passive house standards, where possible?

No

Comment (if any):

No as there will be less standardization of dwellings leaving it harder for Building Control to determine what are acceptable levels therefore adding to an already complex assessment time. Also not sure if the industry has the skill in place that would be required.

Department should monitor developments ongoing in Scotland with regard to passive house standards as this might guide phase 4 and 5 uplifts.

Q5.4 Have you any advice or evidence as to how further verification measures might help ensure the standard is delivered in practice (please provide details)?

No

Comment (if any):

No evidence available

Q5.5 Are there any other particular or detailed issues that the Department should be considering for new build Part F requirements for non-domestic buildings as part of Phase 4 developments?

Not Answered

Comment (if any):

No comment.

Q5.6 Are there any other issues which the Department should be considering for Phase 5? Please note that some further/concurrent issues are discussed in Section 6 which may influence input on this.

Yes

Comment (if any):

It might be useful to review building control enforcement framework and submission for non-compliance.

Section 6: Concurrent issues - headline summary

Section 6A: National Calculation Methodology issues

Q.6A.1 Do you agree that the local NCM should be consistent with England? If not, please provide thoughts on how it should be varied, for example with the use of a local NI weather file, or with local cost or carbon intensity factors, rather than UK averages, in building regulation assessments.

Yes

Comments (if any):

Section 6B: Embodied Carbon

Q.6B.1 Do you have any comments on EPDs that you would like to bring to the attention of the Department at this stage?

No

Comment (if any):

No comments.

Q.6B.2 Have you any insight or evidence on the likely professional costs incurred in carrying out a whole lifecycle assessment of carbon in a project? For example, is it likely to be comparable to the cost of a traditional Bill of Quantities? If so, what phases of the lifecycle assessment and data were included?

No

Comment (if any):

No evidence available

Q.6B.3 Have you any opinion or insight on how to address any of the challenges listed? For example, a view on the extent and scope of assessments.

No

Comment (if any):

No comment

Q.6B.4 Do you agree that the intricacies and implications of embodied carbon mean it is best considered at a UK wide level and that the Department should concentrate efforts on attending to the current gap in standards compared to other regions, in the first instance?

Not Answered

Comment (if any):

Due to the complexities involved with embodied carbon assessments these would be better dealt with at a UK wide level as Building Control may struggle with capacity to oversee and manage any enforcement requirements.

Q.6B.5 Would you support the development of an advisory Information Note or Appendix to Technical Booklets on Part F to support embodied carbon assessment?

No

Comment (if any):

As any advisory note will not be enforceable by Building Control the information is unlikely to be looked at so may be a waste of resources at this time to develop it.

Q.6B.6 Have you any practical suggestions for how circular economy principles may be best encouraged in construction or, if necessary, regulated for in the future?

Yes

Comment (if any):

Demolition and disposal of material should ideally be controlled by an application process and certificate of disposal.

Section 6C: Over-sized new homes

Q.6C.1 Have you any evidence on new build dwelling sizes that should be taken into account in future policy making on larger dwellings?

Not Answered

Comment (if any):

Building Control would be confident that the dwelling size data extracted as part of the consultation from EPC's would be reflective of what is being built.

Q.6C.2 Do you believe that action should be taken to better highlight the higher total energy demand for large, less spatially efficient dwellings? If so, how should this be best achieved?

No

Comment (if any):

It could be highlighted on the EPC, but it is felt may be pointless exercise as the majority of the houses in excess of the HAG standards are being built by future owner occupiers and they will be aware of the costs involved with the dwelling.

Section 6D: Performance gap

Q.6D.1 Do you have any particularly local evidence on design vs as-built performance gaps?

No

Comment (if any):

There does be changes on-site to what is designed/ specified and what is then provided on-site, but it is difficult to extract data in support of this.

Q.6D.2 Do you have any evidence or insight supporting specific actions to address specific performance gaps in Parts F or K of the Building Regulations?

Yes

Comment (if any):

There should be a more formalised process in place for the signing off by energy assessors.

Also, obtaining approval prior to commencement and a completion certificate prior to occupation would be beneficial.

Annexes