

# The existing homes alliance

## A position statement from the Existing Homes Alliance on the 2009 Building Regulations Parts L and F Consultation

### Consequential Improvements

The Existing Homes Alliance feels that the failure in the recent consultation on Part L of the Building Regulations (2009) to remove the threshold for consequential improvements (which currently applies only to buildings undergoing refurbishment of 1000m<sup>2</sup>) was a significant opportunity missed. Government recognises that energy efficiency measures are most cost effectively taken up as part of wider renovations (para 5.29) but, in the absence of the requirement for consequential improvements to be made on all buildings when other works are undertaken, the Existing Homes Alliance is concerned that Government is failing to promote take up of this essential opportunity.

The removal of the building size threshold for consequential improvements was proposed in the 2004 consultation on Part L and received endorsement from 88% of the respondents, only to be removed from the 2006 document by the then Minister. DECC and CLG then jointly published a promise to consult (in 2009) on the removal of the threshold in the Heat and Energy Saving Strategy consultation (Feb 2009, Q20). The reason given for the failure to keep this promise was that the introduction of consequential improvements for buildings under 1000m<sup>2</sup> was not cost effective<sup>1</sup> (quotes in Building, 2009). However, the impact assessment in evidence of this conclusion has not been published.

The Existing Homes Alliance therefore calls for a consultation on the removal of the threshold for consequential improvements to be released in the first quarter of 2010 or, in the absence of a consultation, for the evidence informing the decision not to remove the threshold to be published.

### Compliance

The Existing Homes Alliance is concerned that the current proposals to improve compliance with Part L of the Building Regulations will do little to address the unacceptably high current levels of non-compliance. In the consultation documentation, Government estimates that emissions from buildings being constructed under the 2006 regulations are currently on average 15% above the regulatory performance level (Annex B, p126).

The measures proposed in the consultation are firstly unambitious, aiming to reduce the estimated non-compliance by only 5%, to 10%. This indicates an unwillingness to act on the remaining 10% of anticipated savings that will not be achieved due to non-compliance with Building Regulations. In few other policy areas would such flouting of the law be tolerated.

Secondly, the proposed measures to improve compliance are weak, relying too much on design stage modelling rather than post construction testing. The evidence presented in the consultation documentation makes clear that there is a significant gap between theoretical (modelled) and realised (post-construction) energy performance. In the limited evidence presented, this gap could be as much as 27%. However, aside from improvements in the inspection of air tightness and building services commissioning, Government is only proposing further physical, post-construction inspection across the rest of the building fabric as a 'long-term' concept and gives no timeline for action.

The expected further extension of Part L to cover consequential improvement works must learn lessons on compliance from the experiences with new build and increased inspections and improved post constructions testing tools must be introduced.

### The Existing Homes Alliance

Steering Committee: AECB, Association for the Conservation of Energy, Camco, Chartered Institute of Housing, Federation of Master Builders, Green Alliance, Passivhaus Buildings, Places for People, PRP Architects, Sustainable Energy Academy, UK Green Building Council, WWF.

Observers: Energy Efficiency Partnership for Homes, Energy Saving Trust, Homes and Communities Agency, Sustainable Development Commission.

For a full list of our members and supporters see:  
[www.existinghomesalliance.org](http://www.existinghomesalliance.org)

<sup>1</sup> Building Magazine (14 Aug 2009) Government faces High Court over regulation U-turn. Available at: <http://www.building.co.uk/story.asp?sectioncode=29&storycode=3146760&c=0>