

# TIME TO PUT A STOP TO THE DISDAIN FOR REGULATIONS

Within the construction industry there is a total disregard for Part L. Unless the law is enforced energy saving will remain nothing but a trivial issue

In its latest briefing paper on energy efficiency in homes, the government proudly announces that during this decade, tightening the energy parts of the building regulations will deliver a reduction of almost one-and-a-half million tonnes of carbon.

Excellent news. But only true if every builder sticks to the rules, and complies with the plans approved by the local council. Which is far from the case.

Early last year, a Building Research Establishment study, which compared what was built with what was approved, revealed an enormous differentiation between the two. In the case of houses, approaching half were breaking the law.

That study was commissioned by the Energy Efficiency Partnership for Homes (of which I am the deputy chair). It surprised a lot of people. It helped convince the relevant ministry, the Office of the Deputy Prime Minister, that steps needed to be taken to improve compliance – not least by laying on extra training sessions for Building Control Officers (BCOs) in local councils, and others concerned with overseeing compliance. This is particular pertinent with revised energy regulations being introduced in England and Wales next month.

These are precisely the officials who were lynchpin of the Partnership's follow-up research. This was done by Future Energy. It began with the premise established in the first study: what appeared on the drawing board was frequently not what was appearing on the ground. It then asked some basic questions. Why was this happening? And what should be done to increase compliance with Part L1?

The conclusions were stark. It was very clear that few of those contacted regarded the energy parts of the Regulations with much more than cheerful disdain. Few knew much about energy saving technologies. Even fewer cared.

Not at all what the energy efficiency community anticipated.

New homes are in such demand, that they are frequently sold before being built – rendering any threat to withhold a compliance certificate futile.

Several BCOs admitted that they regarded energy saving as “a trivial issue”, and would never consider withholding approval based on non-compliance with part L. They would be perfectly happy to grant a certificate, just so long as the building was structurally sound and fire resistant.

The reason for such reticence is simple. Nowadays most homes are effectively overseen either by registered private inspectors, or by the insurance organisations Zurich Insurance

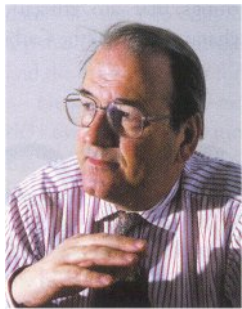
or the National Home Building Council. There has never been a prosecution for failure to comply with the energy parts of the regulations. Similarly, nobody has ever been sued for not bothering with Part L. And nobody ever spot-checks whether what the BCO has ultimately approved, really does comply.

Even the minority who are prepared to attend training courses look – often in vain – primarily for pretty basic information. What to look for from a building control. What does an energy meter look like. What insulation should be looked for, and where? Indeed the researchers found nobody in any building control department with any qualifications in building service engineering.

What should be done? For a start, training will have to improve, specifically raising the seriousness of part L compliance regarding climate change concerns. Such training will need to be less didactic, more workshop based. Heightened awareness will help ensure builders and developers in turn become more inclined to stick to the rules.

At present there is no consistent system for quality control across the country, permitting very variable interpretations. Only a national quality control system could establish this.

One of the key issues with compliance is actually being able



**‘IT WAS CLEAR THAT FEW BUILDING CONTROL OFFICERS REGARDED THE ENERGY PARTS OF THE REGULATIONS WITH MUCH MORE THAN CHEERFUL DISDAIN’**

to observe the elements that need to comply. At present there is no requirement for intervention at that key construction point which would influence the ultimate U-values, thermal bridging or air leakage. The study proposes that an additional inspection point be created, for this purpose – again highlighting to all involved the strategic importance of getting the energy saving requirements right.

All this will cost money. But, as the study discovered, few local authorities seem to be following government requirements, and ring-fencing monies received for building control departments to that end. The Audit Commission might well have views.

The original BRE study showed how enormous was the gap between theory and practice. This follow-up work has some sensible ideas how the two can be better realigned.

When the BRE study was published, A Home Builders Federation spokesman rebuffed it, arguing that rectifying energy faults would only put their price up. Forgetting that compliance is a legal requirement, not an optional extra.

To those who continue to believe that the construction industry should remain unique amongst industries, there is a simple answer. No other industry in the land is permitted to remain so cavalierly in breach of the law. The time has come to ensure that the nation's carbon saving targets are met in practice. Not just in theory. ■

#### FURTHER INFORMATION

Andrew Warren is Director of the Association for the Conservation of Energy  
www.ukace.org