

# RESPONSE PROFORMA

## Enabling Electronic Communication of Building Control Documents: Consultation

### Respondent Details:

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Please return by: **7 January 2008**

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to:

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**Is your response confidential? If so please explain why. (See disclaimer on page 18)**

**Yes**  **No**

**Comments:**

Provision is made throughout this questionnaire for you to provide additional comments. If, however you wish to provide more detailed comments on any aspect of the consultation then please feel free to append additional materials and supplementary documents, clearly marked and cross referenced to the relevant questions, as necessary.

Organisation type (tick one box only)			
Approved Inspector	<input type="checkbox"/>	Manufacturer	<input type="checkbox"/>
Architects	<input type="checkbox"/>	Other non-governmental organisation	<input type="checkbox"/>
Civil/Structural Engineer	<input type="checkbox"/>	Private individual (unaffiliated)	<input type="checkbox"/>
Commercial Developers	<input type="checkbox"/>	Professional body or institution	<input checked="" type="checkbox"/>
Consultancy	<input type="checkbox"/>	Property funder	<input type="checkbox"/>
Fire & Rescue Authority	<input type="checkbox"/>	Property Management (Facility Manager)	<input type="checkbox"/>
Housing Association (Registered Social Landlords)	<input type="checkbox"/>	Property Manager (Energy Manager)	<input type="checkbox"/>
House or property developer	<input type="checkbox"/>	Research/academic organisation	<input type="checkbox"/>
Individual in practice, trade or profession	<input type="checkbox"/>	Specific interest or lobby group	<input type="checkbox"/>
Journalist/media	<input type="checkbox"/>	Testing bodies	<input type="checkbox"/>
Local authority – Building Control	<input type="checkbox"/>	Trade body or association	<input type="checkbox"/>
Local authority – Environmental Health	<input type="checkbox"/>	Insurer	<input type="checkbox"/>
Local authority – other (please specify)	<input type="checkbox"/>	Other:	<input type="checkbox"/>

## Questions

**Q1.** Do you support the general principles of e-enabling building control communications?

Yes  No

**Comments:**

**Q2.** Do you support the general principles of removing the need for signatures from the documents specified?

Yes  No

**Comments:**

**Q3.** Do you support the general principle of enabling the use of electronic signatures on the documents specified?

Yes  No

**Comments:**

**Q4.** Overall, do you think the proposed amendments to the legislation will help to improve the building control approval process?

Yes  No

**Comments:** Inasmuch as it will speed up the process. The cost to the public of accessing this information if it is lodged electronically should be no more than is currently incurred accessing information stored in hard copy. For the general public the application process is not a financial but merely a time burden. The benefit must lie with building Control and the professionals.

**Q5.** These proposals would enable the use of electronic communications for the full range of delivery or service circumstances set out in subsections (a) to (f) of section 94 of the Building Act 1984. Do you agree that it is appropriate to remove the need for delivery of hard copies of documents in all these circumstances?

Yes  No

**Comments:** provided that the level of public access is maintained at no extra cost to the public.

**Q6.** We consider that Table 1 in Annex A sets out all building control transactions, apart from enforcement notices. Are there any documents that have been missed from the table, or any other documents that would be inadvertently e-enabled by these amendments that have not been highlighted in this consultation?

Yes  No

**Comments:** Part L calculations as undertaken and submitted by a competent person or 'the person undertaking the work' are included but overall part L compliance is missing. There are five criteria to be satisfied under Part L2 (non-dwellings) are:

- Achieving an acceptable Building Emission Rate (using the national calculation method – this is partly covered by a reference in the consultation)
- Limiting on design flexibility
- Limiting Solar Gains in summer
- Quality of construction and commissioning
- Providing Information e.g. CIBSE Building Logbook TM31

The checklist from Approved Document L2A is appended for ease of reference (see end of this form).

**Q7.** This consultation document focuses on the transactions between applicants, local authorities, approved inspectors and competent persons; are there any other bodies or persons that could inadvertently be impacted upon in ways not defined here?

Yes  No

**Comments:**

**Q8.** Although local authorities, approved inspectors and competent persons will be able to choose the method of electronic communication, the format of electronic signatures and the technical solutions; they are being encouraged to implement, at a minimum, the use of basic electronic communication by 2012. Do you support this?

Yes  No

**Comments:** CIBSE believes that consideration should be given to the electronic storage and archiving of such documents if this is not already covered by the Electronic Communications Act 2000. Even electronically stored information can degrade in time and developments in ICT may affect information stored for a long time – this will be particularly pertinent for non-networked computer users.

**Q9.** For any authorities or bodies that are in the early stages of e-enablement, are there any unforeseen implications which have not been covered here?

Yes  No

**Comments:** best practice should be shared to help those authorities in the early stages of e-enablement. This might help the developers as well who are working across the UK as the consultation also says that it will be up to each individual authority to decide on its preferred method of electronic signatures and submission. Dealing with different local authority systems and requirements is time consuming and having a multitude of approaches is not desirable for the client side.

**Q10.** Do you support the fact that clients would be able to insist on continuing to carry out transactions in the ways currently prescribed by the Building Act and that local authorities, approved inspectors and competent persons will be required to allow this?

Yes  No

**Comments:** it is possible, even by 2012 that the client may not have access to electronic communication - for example for domestic loft conversions. we should not be introducing another difficulty for people to demonstrate compliance. Paragraph 3.37 make allowances for this. However people without access to electronic communication are likely to be a significant minority so perhaps an exception rule could be introduced in the future.

**Q11.** We have specified four documents that we consider do not need to be signed. Are you satisfied with these proposals for the identified documents, and are there any other documents that should be included in this list?

Yes  No

**Comments:** we are satisfied based on the explanation in paragraph 3.20 that these documents do not promise or confirm anything so they only need to include contact details.

**Q12.** We have specified 11 documents that could be signed electronically. Are there any other documents that should be included in, or removed from, this list?

Yes  No

**Comments:**

**Q13.** Do you agree that the priority documents that should e-enabled by 2012:

a) Are the right documents to focus on?

Yes  No

**Comments:** On the basis that the principle beneficiary of e-enabling will be the LABC departments and that the costs are explicitly ranked and the total administrative cost of each document is a good proxy for the likely cost reduction.

b) Will contribute to reductions in administrative burdens?

Yes  No

**Comments:** It depends how 'e-enabled' the authority is to begin with but our comments in Q9 apply here. Para 3.29 allows for the simplest typewritten signature to be provided so it should not need complicated systems. If something more complicated is needed, best practice could be shared to help those authorities in the early stages of e-enablement. This might be developer led or perhaps another body eg LABC, CIBSE or the Building Control Alliance could provide some guidance.

**Q14.** We would be grateful if you could provide us with the following information to feed into the full RIA:

Information requested	
Current time spent, and costs incurred, by your organisation in acquiring, completing and submitting hard-copy building control documents	Not applicable to CIBSE
Potential costs to your organisation of developing / upgrading and maintaining IT your systems to allow full use of electronic transmission of building control documents	Not applicable to CIBSE
Potential time that would be spent, and costs incurred, by your organisation in transmitting building control documents electronically	Not applicable to CIBSE

## APPROVED DOCUMENT L2A

### Appendix A: Compliance checklist

- 1 The following table provides a checklist of the evidence that could be compiled to facilitate for developers and BCBs the processes of demonstrating compliance with Part L. The checklist prompts for the evidence that needs to be provided to allow the check to be made and who could produce the evidence.
- 2 For most steps, the evidence could be provided by a registered Competent Person or a suitably qualified person acting for the developer and may be accepted at face value at the discretion of the BCB dependent upon the credentials of the person making the declaration. In the checklist, the 'Produced by' column indicates the expected source of the evidence, and the header and footer blocks of the checklist allow opportunity for the credentials of those submitting the evidence to be declared. If the evidence is not produced by a registered Competent Person, BCBs have the discretion to accept evidence from other groups of appropriately qualified and/or experienced individuals.
- 3 The final two columns enable recording the results of the checks.
- 4 As an aid to monitoring during construction and compliance checking two versions of the checklist could be produced, one for the building as designed, the other for the building as constructed (see paragraph 27). The parts of the checklist that are not relevant are shown on the checklist as N/A.
- 5 Editable versions of the checklist can be downloaded from the Planning Portal website.
- 6 Other than the CO<sub>2</sub> target that is mandatory, the other checks represent reasonable provision in normal circumstances. In unusual circumstances, alternative limits may represent reasonable provision, but this would have to be demonstrated in the particular case.

# APPROVED DOCUMENT L2A (2006)

## Checklist for a new building that is not a dwelling

Site reference		Plot reference			
Developer		Contact	☎		
Building Control body		Contact	☎		
Calculation outputs produced by:		Contact	☎		
<i>Evidence of competency (e.g. approved Competent Person)</i>					
No.	Check	Evidence	Produced by	Design OK?	As built OK?
<b>1</b>	<b>Criterion 1 – Predicted carbon dioxide emission from proposed dwelling does not exceed the target</b>				
1.1	Calculated CO <sub>2</sub> emission rate from notional building kgCO <sub>2</sub> /m <sup>2</sup> .annum	Standard output from approved software	Approved Competent Person or Developer *	N/A	N/A
1.2	Improvement factor	From Table 1	Developer *		
1.3	LZC benchmark	From Table 1	Developer *		
1.4	<b>TER</b> (kg CO <sub>2</sub> /m <sup>2</sup> .a)	Standard output from approved software	Developer *		
1.5	<b>BER</b> (kg CO <sub>2</sub> /m <sup>2</sup> .a)	Standard output from approved software	Approved Competent Person or Developer *		
1.6	Are emissions from building less than or equal to the target?	Compare TER and BER	Approved Competent Person or Developer *		
1.7	Are as built details the same as used in BER calculations ?	Declaration	Developer *	NA	
<b>2</b>	<b>Criterion 2: the performance of the building fabric and the fixed building services systems should be no worse than the limits on design flexibility</b>				
<b>2a</b>	<b>Building fabric</b>				
2.1	Are U-values better than the limits on design flexibility?	Schedule of U-values produced as standard output from Approved software	Approved Competent Person or Developer *		
2.2	Is <b>air permeability</b> no greater than the worst acceptable standard?	Standard output from Approved software	Approved Competent Person or Developer *		
<b>2b</b>	<b>Fixed building services</b>				
2.3	Are all building services standards acceptable?	Schedule of system efficiencies produced as standard output from Approved software	Approved Competent Person or Developer *		
2.4	Does fixed internal lighting comply with paragraphs to 49 to 61.	Schedule of installed fixed internal lighting	Developer *		
2.5	Energy meters installed in accordance with GIL 65 ?	Metering strategy document	Developer *		
<b>3</b>	<b>Criterion 3: spaces without air conditioning have appropriate passive control measures to limit the effects of solar gain.</b>				

3.1	Method of showing compliance: para 64a, Gains $\leq 35 \text{ W/m}^2$ , or para 64b, Operative temperature $t > 28^\circ\text{C}$ for $\leq X$ hours per year, or para 64c, BB101?	Schedule for each zone	Developer *		
<b>4</b>	<b>Criterion 4: the performance of the building, as built, is consistent with the BER</b>				
4a	Building fabric				
4.1	Have the key features of the design been included (or bettered) in practice?	List of key features produced by Approved software to facilitate sample checking by BCB.	Building control body.	N/A	
	Building Fabric				
4.2	Is level of thermal bridging acceptable?	Schedule of accredited details used and their reference codes. OR Evidence that details adopted deliver equivalent performance	Developer *		
4.3	Has satisfactory documentary evidence of site inspection checks been produced?	Completed pro-formas showing checklists have been completed.	Developer *		
4.3	<b>Design air permeability</b> ( $\text{m}^3/(\text{h}\cdot\text{m}^2)$ at 50Pa)	Standard output from Approved software	Approved Competent Person or Developer *		N/A
4.5	Has evidence been provided that demonstrates that the <b>design air permeability</b> has been achieved satisfactorily	Pressure test results in comparison to design value OR Report on agreed programme of design development and component testing OR Modular buildings type test results	Developer *	N/A	
4b	<b>Commissioning of the fixed building services</b>				
4.6	Has commissioning been completed satisfactorily?	Commissioning report submitted in accordance with CIBSE Code M ?	Developer *	N/A	
4.7	Has evidence been provided that demonstrates that the ductwork is sufficiently airtight?	Report confirming that the results of the leakage tests are in line with the leakage specification.	Developer *	N/A	
<b>5</b>	<b>Criterion 5 - providing information</b>				
5.1	Has a suitable building log-book been prepared?	Completed CIBSE TM31 template (or equivalent)	Developer *	N/A	
<b>Schedule of supporting competencies</b>					
No.	* Organisation producing evidence		Evidence of competency		
2.4					
4.5					
4.6					
4.7					