

Annex B:

Response Form

The purpose of this form is to help consultees marshal their thoughts and to facilitate collation and analysis of the many responses that are expected.

In answer to each question consultees can choose to tick boxes and/or to provide suggestions and observations in more detail. In particular, if you disagree with any proposal, please add comments and provide practical alternatives. It is not essential to form a view against every question – respond only where you wish.

The list of questions is not exhaustive, and there is no intention to discourage consultees from expressing views “outside the box”. The last question is completely open to enable consultees to make suggestions or observations that do not fit into the preceding format.

We would prefer replies by email. To this end, an editable version of the consultation questionnaire can be downloaded from the “Proposals for amending Part J of the Building Regulations” link at www.communities.gov.uk/consultations

Alternatively, please return hard copies of the completed questionnaire along with any material that you feel would add usefully to your response.

Proposals for amending Part J of the building regulations: consultation

Respondent Details:	
Name: Dr Hywel Davies	Please return by: 26 November 2009 Responses should preferably be submitted by email to: adjresponses2009@bsria.co.uk Alternatively, hard copy responses should be sent to: Gerald McInerney Sustainable Buildings Division Department for Communities and Local Government Zone H9 5th Floor Eland House Bressenden Place London SW1E 5DU
Organisation: CIBSE	
Address: 222 Balham High Rd London SW12 9BS	
Telephone: 020 8772 3626	
Fax:	
e-mail: hdavies@cibse.org	
Are you responding as an individual? Or are you representing the views of an organisation? Organisation If you are responding on behalf of an organisation, please say who the organisation represents and, if applicable, how the views of members have been assembled. CIBSE is a professional institution for Building Services Engineers. The views of members were sought through the CIBSE policy committee, e-brief and website	
Is your response confidential? If so please explain why. (See disclaimer on page 13) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Comments: 	
Provision is made throughout this questionnaire for you to make 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)			
House or property developer	<input type="checkbox"/>	Local authority – Planning	<input type="checkbox"/>
Commercial developer	<input type="checkbox"/>	Local authority – Other (please specify)	<input type="checkbox"/>
Housing association (registered social landlord)	<input type="checkbox"/>	Approved Inspector	<input type="checkbox"/>
Property management: Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Public sector <input type="checkbox"/>		Professional body or institution	<input checked="" type="checkbox"/>
Builder – Main contractor (commercial/volume house builder)	<input type="checkbox"/>	Trade body or association	<input type="checkbox"/>
Builder – Small builder (repairs/maintenance, etc)	<input type="checkbox"/>	Householder: Homeowner <input type="checkbox"/> Tenant <input type="checkbox"/>	
Builder – Specialist sub-contractor	<input type="checkbox"/>	Energy sector: Generation <input type="checkbox"/> Transmission <input type="checkbox"/> Distribution <input type="checkbox"/> Supplier <input type="checkbox"/> Energy service company <input type="checkbox"/>	
Manufacturer	<input type="checkbox"/>	Other non-governmental organisation	<input type="checkbox"/>
Architect	<input type="checkbox"/>	Specific interest or lobby group	<input type="checkbox"/>
Civil/structural engineer	<input type="checkbox"/>	Research/academic organisation	<input type="checkbox"/>
Consultancy	<input type="checkbox"/>	Journalist/media	<input type="checkbox"/>
Individual in practice, trade or profession	<input type="checkbox"/>	Development funder	<input type="checkbox"/>
Local authority – Building control	<input type="checkbox"/>	Other (please specify):	<input type="checkbox"/>
Geographical Location			
England	<input checked="" type="checkbox"/>	Wales	<input type="checkbox"/>
England and Wales	<input type="checkbox"/>	Other (please specify)	<input type="checkbox"/>

Air supply for combustion in air tight homes

1. Do you agree that the provisions for Air supply in Approved Document J (AD J) need to be modified for very air tight buildings?

Yes No Don't know

2. Do you agree that adventitious ventilation (e.g. uncontrolled ventilation through gaps cracks and joints in the building fabric) should be ignored in dwellings where the design air permeability is less than 5.0 m³/hr/m²?

Yes No Don't know

Note: The Department has commissioned further research to look into this issue. Please append to your reply any technical information you may have that would contribute to this research.

Comments

Although not truly accurate it is a worst case assumption and simplifies the calculation

3. The Current guidance in Approved Document J provides for ventilators to be specified in terms of their free area or equivalent area. The Department is also currently consulting on proposals to amend Part F (Ventilation) of the Building Regulations which includes a proposal to specify ventilators in terms of equivalent area only.

Do you agree that ventilators provided for compliance with Part J should be specified in terms of their equivalent area?

Yes No Don't know

Comments

Free Area should be phased out and replaced with Equivalent Area

Note: **Equivalent area** is a measure of the aerodynamic performance of a ventilator. It is the area of a sharp-edged orifice which air would pass through at the same volume flow rate, under an identical applied pressure difference, as the opening under consideration.

4. In the light of increasing standards for air tightness do you think that the current diagram 12 in AD J (provision of ventilator communicating with a roof space) should be deleted?

Yes No Don't know

Better guidance on Biofuel technology

5. Is the proposed definition of solid biofuel: "Solid biofuel is derived from plants and trees. It can include logs, wood chips, wood pellets and other processed plant material" appropriate and accurate for the purpose of AD J (see para 0.4 40).?

Yes No Don't know

If your answer is No, please make suggestions for an alternative definition.

6. Do you agree that guidance on solid biofuel appliances should be incorporated into the guidance for solid fuel appliances in Section 2 of ADJ and that a separate section on biofuels is not necessary?

Yes No Don't know

Comments

7. Do you agree that flues of less than 125 mm diameter be permissible for solid biofuel boilers where recommended by the appliance manufacturer and supported by calculation?

Yes No Don't know

Comments

8. Do you agree that appliance manufacturers should be able to recommend alternative separation distances for products that have been tested and proven to conform to appropriate standards for low surface temperatures?

Yes No Don't know

Comments

Carbon monoxide alarms

9. Do you agree that CO alarms should be provided where new solid fuel appliances are installed?

- Yes – All solid fuel appliances
- Yes – But not for appliances that are effectively room sealed
- No
- Don't know

10. Do you think that CO alarms should be provided in conjunction with all combustion appliances?

Yes No Don't know

If your answer is yes, please provide any supporting evidence you have for your view especially in relation to the potential costs and benefits.

Whilst we accept the rationale of the proposal not to require CO for other appliances, we think that it is important to consider the impact of CO leakage from gas appliances and to investigate alternative measures to reduce the death rate, although we understand that these may not be measures that fall within the scope of building regulations.

11. Do you agree with the proposed specification of CO alarms i.e. conforming to BS EN 50291 and provided with lifetime batteries?

Yes No Don't know

If your answer is no please suggest why and offer an alternative specification

12. It could be argued that if hazardous appliance faults are more likely outside of the first six years of the life of the appliance (i.e. after the lifetime of the CO alarm), and if the CO alarm is only installed alongside a new appliance then the benefit of the alarm may be low. The Department would be particularly interested to hear from respondents if they have any views or information in this regard.

Comments

We agree with the logic for gas fired appliances. However because solid fuels are less homogeneous than gas there is a greater risk of CO for solid fuel

appliances so CO alarms would be prudent.

Concealed flues

13. Do you agree that ADJ should include detailed guidance on provisions for the inspection of concealed flues?

Yes No Don't know

Comments

14. Do you agree with the draft guidance on inspection for concealed flues (paragraph 146a) and Diagram 14?

Yes No Don't know

Comments

But may not always be possible to comply on refurbishment projects due to site constraints

If your answer is No, please make suggestions for alternative text.

Plumbing from condensing boilers

15. Do you agree that an advisory note on flue nuisance is helpful?

Yes No Don't know

16. Do you agree that a reference to the recommended minimum separation distances in Chapter 6 of the Guide to the Condensing Boiler Installation Assessment Procedure for Dwellings is appropriate?

Yes No Don't know

Comments

Flues and adjacent pitched roofs

17. Do you agree with the proposed clarification of Diagrams 17 & 41?

Yes No Don't know

Comments

Error with diagram 41. Diagram goes from H to J but table includes 'I' so letters I to P are out of sequence.

If your answer is No, please make suggestions for an alternative.

Bunding of domestic oil tanks

18. Do you think that the risk based approach to bunding of domestic oil tanks should be replaced with a provision applying all tanks?

Yes No Don't know

Comments

If your answer is yes can you provide any evidence that would show that such a provision would be cost effective?

19. The department would be interested in suggestions of alternative regulatory or non-regulatory options for improving the protection of the environment from domestic oil storage tanks.

Comments

Exempt buildings

Combustion appliances and flues can be installed in buildings that are exempt from the requirements of Part J (and most other parts) of the Building Regulations. These exemptions are set out in Schedule 2 of the Regulations and include certain conservatories, garages and ancillary boiler houses. Some stakeholders have suggested that these exemptions should be changed or removed to ensure that all such installations are controlled.

20. Do you agree that the provisions of Part J should be extended in scope to include some or all buildings where combustion appliances may be installed that are currently exempt?

Yes No Don't know

Comments

It is absurd to exempt appliances which, if incorrectly incorporated into those spaces, could have lethal consequences.

Flue notices

Some stakeholders have suggested that there is limited compliance with the requirement for flue notices other than for masonry chimneys and fireplaces.

21. Do you think that the existing provisions for flue notices are adequate?

Yes No Don't know

Comments

22. Do you think that the provisions for flue notices should be limited in scope to only to masonry chimneys and fireplaces?

Yes No Don't know

Comments

Gas Pipes

23. The Health and Safety Executive have published a Preliminary Consultation on the recommendations contained in the Gill Report on the 2004 ICL Plastics explosion. This consultation includes a reference to the potential to amend building regulations to prohibit the use of LPG pipework through an unventilated void.

If this is considered necessary, the Regulations could either be extended to control the installation of gas pipes or informative text could be included in the Approved Document to alert the reader to existing gas safety provisions.

In respect of provisions for the installation of gas pipes in buildings which option do you support?

- A) Amend the Building Regulations and include guidance on gas installation in Approved Document J.
- B) Include informative text in the Approved Document to alert the reader to the requirements of gas safety legislation and cross reference to existing guidance.
- C) Do nothing.
- D) Don't know.

Comments

Note: The HSE consultation and the ICL Inquiry Report can be accessed via the HSE website at www.hse.gov.uk/lpgconsultation/index.htm

Impact Assessment

24. Please enter below any additional suggestions or observations that you would like to make on the Impact assessment for the proposals for amending Part J of the Building Regulations.

Comments

General suggestions and observations

25. Please enter below any additional suggestions or observations that you would like to make on the proposals for amending Part J of the Building Regulations.

Comments

Question 4: diagram 12 is "provision of ventilator communicating with a roof space" it is "Material change of use: fire protection of chimneys passing through other dwellings". Hence the answer of Don't Know.

The gas safe register uses IGEM and BSI standards. If not already done, we suggest CLG contact IGEM and BSI to check that there is no overlapping or contradictory advice in section 3 - gas appliances.

However, CIBSE has a more fundamental question. Installation of gas appliances is regulated under the Gas Safety Regulations, and these are implemented and enforced, with criminal sanctions and a record of recent custodial sentencing of the worst offenders, by the HSE through the Gas Safe Register. They specify requirements for gas installers, and require work to meet their specified requirements. It is therefore unclear how the requirements of Part J add to the Gas Safety Regulations regime. It is even less clear what role Approved Document J, as a guidance document, plays for gas installations, where the requirements are clearly set down as such, and not as guidance.

CIBSE therefore proposes that CLG should consider exempting gas appliances from Part J, on the grounds that they are adequately regulated by the Gas Safety regime. This would be a deregulatory measure, would be in line with commitments to simplify the building regulations, and potentially generate a small saving for industry and the building control system.

Approved Document J could then be renamed Approved Document J (Non-gas fired Combustion appliances and fuel storage systems) of the Building Regulations.