

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:	
<p>Name: John Switzer</p>	<p>Please return by: 26 November 2009</p> <p>Responses should preferably be submitted by email to:</p>
<p>Organisation: Clarehill Plastics Limited</p>	<p>adjresponses2009@bsria.co.uk</p>
<p>Address: 21 Clarehill Road Moir Craigavon Co. Armagh Northern Ireland BT67 0PB</p>	<p>Alternatively, hard copy responses should be sent to:</p> <p>Gerald McInerney Sustainable Buildings Division Department for Communities and Local Government Zone H9 5th Floor Eland House Bressenden Place London SW1E 5DU</p>
<p>Telephone: 028 9261 1077</p>	
<p>Fax: 028 9261 2672</p>	
<p>e-mail: john@clarehill.com</p>	
<p>Are you responding as an individual? Or are you representing the views of an organisation?</p> <p>The views contained within this submission are those of Clarehill Plastics Limited (CPL), a manufacturer of rotationally moulded fuel storage containers under the Harlequin brand. By unit sales volume, CPL is the second largest supplier of domestic oil tanks in England and Wales.</p> <p>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.</p>	
<p>Is your response confidential? If so please explain why. (See disclaimer on page 13)</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Comments:</p>	

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 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 checked="" 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 type="checkbox"/>	Wales	<input type="checkbox"/>
England and Wales	<input type="checkbox"/>	Other (please specify)	<input checked="" 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

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

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.

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

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

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

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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

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

The risk based approach to determine whether or not a Bunded Tank is required at domestic installations, has unfortunately become a Cowboys' Charter. Its continued existence provides a loophole which is being exploited by a small yet significant rogue element within the industry, to install Single Skin Tanks at tanks where the Building Regulations require a Bunded Tank be installed.

It is also clumsy. In the real world even an obligatory risk assessment cannot be relied upon to provide the level of environmental protection required at domestic installations, as full implementation would require a detailed inspection of an area of no less than 2,500 square metres¹. Being solely dependent upon a visual inspection of the installation area, it also fails to provide any protection whatsoever to unknown and unsuspected water sources e.g. aquifers.

The premise of the assessment is also fundamentally flawed, in the context of fuel storage requirements at commercial, industrial and institutional installations where bunding is now compulsory at all aboveground, externally positioned, fuel storage installations with an installed capacity of 200 litres or more². Ironically, such sites will often incorporate pollution prevention features such as interceptors, spill kits and spill control procedures which are rarely (if ever) found at domestic installations. Therefore, the implications of a comparatively small spillage at a domestic storage installation can be much more severe than a larger

spill at a commercial, industrial or institutional installation.

To underscore how the current risk based approach is failing, CPL analysed ADJ compliance across a random sample of 200 Single Skin Oil Tanks installed in England and Wales since 2002. Over 85% of Single Skin Oil Tank installations analysed omitted secondary containment as required by ADJ³ and were thus deemed to be non-compliant with Building Regulations at time of installation.

Plainly, the current risk based approach to secondary containment at domestic oil tank installations is not working.

References:

¹ Approved Document J Section 5.8d/e

² The Control of Pollution (Oil Storage) (England) Regulations 2001 Section 2

³ Survey of Single Skin Oil Tank Installations in Great Britain since 2002, Clarehill Plastics Limited, 2009

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

Yes, mandatory bunding at all new and replacement installations would provide for a Net Ten Year Benefit of £125.1m and an Average Annual Benefit of £12.5m.

It should be noted that the Cost / Benefit Analysis contained within the consultation document is incorrect. Specifically, it underestimates the proportion of domestic oil tank sales which Bunded Oil Tanks currently represent.

The analysis within the Consultation Document has been prepared on the basis that between 5% and 20% of domestic oil tanks sold in England and Wales are bunded. However, Bunded Oil Tanks represent c.70% of CPL's domestic oil tank sales and empirical evidence suggests that this is indicative of the market as a whole⁴.

In 2007, c.80,000 oil tanks were sold in Great Britain⁵.

Pro-rata, this equates to 72,492 domestic oil tanks sold during 2007 in England and Wales, applying the same rationale used in the Consultation Document.

Of these, in the 'real world' c. 70% or 50,744 will have been Bunded, with the remaining 21,748 being Single Skin Oil Tanks. At an average cost differential of £544 per tank (as per the Consultation) the incremental

annual cost of a move to compulsory bunding at domestic installations would have been £11.8m⁶ in 2007 and not the £38.7m stated in the Consultation.

Noting that the oil tank market is contracting by c.10% per annum, the total incremental cost of compulsory bunding at 2009 current prices for the next ten years will be £88.2m⁷ – massively less than the £322.1m cost estimated in the Consultation Document.

The Consultation Document (p150) estimates that mandatory bunding would provide a gross benefit of £213.8m over 10 years. When the incremental cost of compulsory bunding is deducted (i.e. £213.8m - £88.2m) bunding at all domestic oil storage installations will provide for a net benefit of £125.6m over the next decade, or c.£12.5m per annum.

References:

⁴ Oil Tank Sales in England and Wales, Clarehill Plastics Limited, November 2009

⁵ OFTEC Oil Tank Sales Data, 2007

⁶ £11.8m equates to 21,748 Single Skin Tanks sold in England and Wales and replaced with Bunded Tanks at an average incremental unit cost of £544.

⁷ Appendix 1 – Estimated Gross Cost of Compulsory Bunding in England and Wales at Domestic Oil Heating Installations 2010 – 2019

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

In England, all new and replacement domestic oil tank installations could be brought within the scope of an amended version of The Control of Pollution (Oil Storage) (England) Regulations 2001. However, no comparable Regulations yet exist in Wales and it would therefore be necessary to retain domestic oil tanks within ADJ in Wales. In the absence of UK wide Regulations for domestic oil tank installations, our preference is for Regulations which cover England and Wales, noting that installations undertaken in Wales, may be completed by technicians resident in England and vice versa.

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

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