

MEMBERS ONLY

BUILDING STANDARDS ADVISORY COMMITTEE

MINUTES OF THE 117TH MEETING HELD IN VICTORIA QUAY, EDINBURGH ON TUESDAY 9 MARCH 2004

Present

Members

Officials

[REDACTED] (Chairman)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dr P Cornish
Mr J Carter
Mr I Herd
Mrs F MacKenzie
Dr P Stollard
Mr C Hird
Mr G Matthews
Mr A Murchison (Secretariat)
Mr G Peart
Mr S Scott
Dr L Sheridan
Mrs H Brown (Secretariat)

Observers

Mr P Everall
Mr N Taylor
Mr B McKenzie

ODPM – Building Regulations Division
Building Standards Division – N. Ireland
SE - HM Fire Service Inspectorate

1. Introductory Remarks and Apologies for Absence

1.1 The **Chairman** welcomed members to the 117th meeting, extending a particular welcome to observers **Norman Taylor** and **Brian McKenzie** who were attending their first BSAC meeting.

1.2 Apologies for absence had been received from BSAC members: [REDACTED] and [REDACTED]; and from Executive official **Lorimer Mackenzie**.

1.3 The **Chairman** informed members that he had received a letter from [REDACTED], who regretfully had tendered her resignation as a member of the Committee for health reasons.

1.4 **Paper BSAC 1 (2004) Requirements for sprinklers in new buildings** had been issued to members prior to the meeting and would be discussed at Agenda Item 4.2.

1.5 Although [REDACTED] was absent due to illness, the **Chairman** wished to record his congratulations to him as he had been awarded the OBE. On behalf of the Department and the Committee, **Dr Cornish**, in turn, congratulated [REDACTED] on his recent award of the CBE.

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1.6 The **Chairman** commented on the recent issue of the BSAC Annual Report, which he felt reflected very well on the Committee. He also informed members that he had been recently involved in Disability Discrimination Act (DDA) seminars and he commended a DDA workshop to be held on 15 April at the Centre for the Built Environment.

2. MINUTES OF MEETING OF 25 JUNE 2003

2.1 The minutes were accepted as a true and accurate record.

3. MATTERS ARISING

3.1 Item 10.1 Ministers have now agreed to [REDACTED] appointment as Chair of the Committee and a press release would be issued shortly announcing the appointment.

Action: The Department

4. BUILDING (SCOTLAND) ACT 2003

4.1 Scottish Building Standards Agency (SBSA)

4.1.1 Ministers have now agreed to the establishment of the SBSA which, owing to the current policy on re-location of public sector jobs, must re-locate outside Edinburgh. Recommendations on location have been made to Ministers and a decision was awaited. The delay in the announcement of the location had, in turn, delayed the Agency recruitment process, including the Chief Executive position. As a result, **Dr Cornish**, who had been due to retire at the end of March, would stay with the Department until 30 June. It was expected that the Chief Executive would take post thereafter.

4.2 Consultation on Building Regulations and Guidance Documents

4.2.1 **Mr Herd** informed members that there had been approximately 100 responses to the consultation exercise carried out between July and October last year, the vast majority of which had been supportive of the guidance documents structure. The main criticism related to the level transposition of standards; a summary of the responses had been sent to BSAC members. Most of the comments have been taken on board and changes made to the guidance documents which were, subject to legal clearance, about to be sent to the EC (as required by the Technical Standards and Regulations Directive). The draft regulations would be subject to a European 3-month standstill period, and it was hoped thereafter to publish the documents (Domestic and Non-Domestic Technical Handbooks) at the end of September.

4.2.2 **Mr Herd** could not yet confirm the likely costs associated with the published documents but did state that the combined price of both Domestic and Non-Domestic Technical Handbooks would be less than the current price of £85 for the Technical Standards. There would be hard copy and CDROM versions; they would be published on the SBSA website; and work was ongoing in relation to an interactive version.

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Discussion Paper BSAC 1 (2004) *Requirements for sprinklers in new buildings*

4.2.3 **Dr Stollard** introduced **Paper BSAC 1 (2004)** and informed members that the Deputy Minister for Communities had requested, in the light of the recent BRE research report on sprinklers, that BSAC should consider what action should be taken in respect of new buildings. The Paper comprised the Executive Summary of the BRE report; a copy of the 2002 report of the BSAC (Fire) Sub-committee; and an update report on the current position of the introduction of domestic sprinklers in Wales. BSAC members were specifically asked to consider whether it would be appropriate to include a Regulation (draft Regulation 2.15*) of the form proposed in paragraph 7 of Paper BSAC 1 (2004) within the next set of Building Regulations. The Committee was also asked to consider requesting the BSAC (Fire) Sub-committee to consider the technical guidance that would be required to support such a regulation. The Minister would require advice on both technical issues and issues of principle. The following represented a summary of the main discussion points/issues:-

*** (detail in Annex to minutes)**

Members' comments and concerns

- In the normal course of amending technical regulations, we would not normally consult until after the introduction of the new system in May 2005 – if we did not introduce regulations now – it would be spring 2007 before a first amendment could be introduced.
- Although new regulations now would not have a significant effect in the short term – they would undoubtedly impact in the longer term. Waiting until 2007 might lead to criticism of BSAC for not taking action.
- We need to be sure there was adequate consultation, so that we could not be legally challenged over our proposals.
- Current regulatory developments represented a level transposition of standards – what were the merits of making technical changes relating to sprinklers as opposed to other (and no less important) areas? - e.g. disabled access, energy efficiency, sustainability and climate change.
- The sprinkler issue was recognised as a very sensitive subject and it seemed unacceptable to delay work that had been “on the table” for 2 years with a significant amount of correspondence and investigation already undertaken. Timescales could be set quickly and technical issues could be addressed by the BSAC Fire Sub-committee.
- The basis of the Paper presented to BSAC was the ODPM research – which was a significant and robust piece of research.
- Regardless of merits of change – the timescales for the introduction of new regulations were difficult. BSAC needed to consider carefully their response to the various issues. The 2002 BSAC Paper on residential sprinklers had generated a lot of

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discussion and the issues were complex. Other areas of legislation were technically deficient, possibly as a result of being rushed through.

- Concern was expressed about definition of “sheltered dwellings”

4.2.4 Other, general issues raised during the course of the discussion related to: the need for further cost benefit analysis following on from the BRE report; the problem of existing buildings; queries on statistical data; the question of trade-off (i.e. if sprinklers introduced – would there be fewer fire doors?); technical issues relating to high-rise buildings; the impact of the Michael Matheson Bill on the Building (Scotland) Act 2003.

4.2.5 It was agreed that the Minister should be advised as follows:

- BSAC views were varied and the members considered that there should be a balanced approach (N.B. – be aware of legal challenge and lobbying from disabled and other groups)
- The BSAC (Fire) Sub-committee should develop proposals.
- Regulation 2.15 could be consulted on in parallel with European notification and officials should begin this process – regulations could be in force in spring 2005 – otherwise 2007.

Action: The Department

4.2.6 A meeting of the BSAC (Fire) Sub-committee would be arranged as a matter of urgency and an invitation to participate in the meeting was extended to all BSAC members. At the very least, members would be kept up to speed with developments through exchanges of papers.

Action: The Department

Certification Schemes

4.2.7 **Dr Sheridan** provided members with an update on progress with the development of certification schemes. Guidance to date had been developed in conjunction with industry sectors such as SELECT (electrical), SNIPEF (plumbing) and IStructE (engineering). It was agreed that draft certification guidance would be circulated to members. To date, approximately 40 organisations had expressed an interest in certification.

Action: The Department

4.2.8 [REDACTED] stressed the need for an engineering scheme and, with the shift in certification of electrical installation, waited with interest to see how the scheme would impact on local authorities. With liability now attached to certification, awareness training would be required. **Dr Sheridan** confirmed that training roadshows would be organised.

4.3 Consultation on Procedure and Fees Regulations

4.3.1 Having intended to issue the consultation on Procedure and Fees Regulations in February, **Mr Carter** informed members that the Department was to re-schedule the deadlines, mainly as a result of extended discussion with Departmental solicitors. The Department was having to produce more complicated guidance which, at present, comprised a 60-page handbook supporting the new Act and Procedure Regulations, some of which had been dependant on comments received through the Building Standards Forum Procedures

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Working Group. Fees regulations would be pursued separately. A fees structure had been drafted with considerable help from the Scottish Association of Building Standards Managers (SABSM). The future timetable was dependant upon agreement with Executive solicitors.

4.3.2 In response to a question from [REDACTED] as to whether procedure guidance would be more prescriptive, **Mr Carter** informed members that the guidance would be more detailed and, hopefully, more helpful.

5. BSAC RESEARCH REPORT

5.1 **Dr Talbot** reported on 2 Research Sub-committee meetings held on 15/10/03 and 8/3/04. The main agenda items had been an update on the new Agency, recruitment, consultation documents, progress with the research programme and a strategic research review. The Committee had also been noting the work of the Sustainable Buildings Task Group.

5.2 **Dr Talbot** commended the way in which the Executive had been commissioning/procuring research, with a move away from a rigidly structured programme involving a small number of projects to shorter, more focussed pieces of work. He also commended the move towards cross-policy development within the Executive. The next meeting of the Research Sub-committee on 27 May at Victoria Quay would include presentations from individuals leading on complementary Executive policy areas. An invitation to attend the meeting was extended to all BSAC members. As **Dr Talbot** anticipated that the October meeting might be his last as Chair, he intended, with the Department, to develop a summary of work done against strategic objectives and recommendations for the successor Committee.

5.3 **Mrs MacKenzie** thanked the contribution of the BSAC Sub Group in taking forward work to deliver web enabled Technical Guidance Documents, and drew attention to the PC PRO December edition, Office 2003 special. Progress had been made by the development of the 2003 Microsoft suite and work on the development of defined terms and syntax was ongoing. Edinburgh University and National Building Specification were working with the Executive and a forum for sharing information with Government colleagues had been set up.

6. THE ROSE PARK NURSING HOME FIRE

6.1 **Dr Stollard** set out the current position in relation to the Rosepark Home fire. Responsibility for directing the investigation lay with the Area Procurator Fiscal who would be required to establish whether there might be grounds for criminal proceedings in relation to the fire. The Lord Advocate was responsible for determining whether a Fatal Accident Inquiry should be held into the circumstances of the deaths.

6.2 Liaison was ongoing between the Executive, ODPM and BRE. BRE would be re-creating the fire and would be offering the results to any enquiry. The Home had been built to standards in 1981 Regulations and Ministers have been assured in respect of current standards.

6.3 **Mr Everall** intimated that ODPM Ministers were also trying to separate the sprinkler issues from the Rosepark fire and he informed members that the Regulatory Reform Order to be introduced later this year would replace the Fire Precautions (Workplace) Regulations and

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would provide more powers in relation to existing buildings. The Community Fire Safety programme also had a significant part to play. **Dr Stollard** informed members that the Regulatory Reform Order did not apply in Scotland but the Fire Services Bill to be introduced in the Scottish Parliament at the end of June 2004 would set the regime here for existing buildings.

6.4 Information was not available on how many other Rosepark type buildings (i.e. of age and type) there were, but it was stressed that management regimes were more of a key issue than building type. **Mr Coke** informed members that there were 2000 care homes of different designs in Scotland and there would be a full inspection programme in the coming months.

7. ODPM REPORT

7.1 **Mr Everall** reported on the following ODPM issues:

- Building Divisional re-organisation (the outcome of which was a move to the Sustainable Communities Group)
- The establishment of a broadband/E-Government group within the Division
- Building Division appearance before the ODPM Select Committee
- Involvement of the Division with a Private Member's Bill – the Sustainable and Secure Buildings Bill
- Increasing concern over the performance of building control bodies (Mr Everall intimated that ODPM would like to work closely with the Executive on performance indicators)

7.2 **Mr Everall** reported on several current European issues, as follows:

- Amendment of the CPD - including proposals to make CE Marking compulsory
- ODPM were in the process of arranging CPD workshops for the 10 new Member states
- CE Marking for masonry products
- Dangerous (Regulated) Substances

(Post-meeting note – if members would like a copy of the detailed ODPM European report, please request from Secretariat)

8. ANY OTHER BUSINESS

8.1 **Freedom of Information**: **Dr Cornish** provided members with an update on the Freedom of Information (Scotland) Act which would come into force in January 2005. The Act would give the public a general right of access (with some exemptions) to information held by Scottish public authorities, including BSAC and the Scottish Building Standards Agency (SBSA). To comply with the Act, it would be necessary to establish 'Publication Schemes' – both for BSAC and the SBSA – which would commit the bodies in question to regularly publishing certain classes of information.

8.2 For the **SBSA Publication Scheme**, it had still to be decided what should be included although possibilities included the Framework Document, Corporate Plans, consultation papers, research reports. Similarly, it had not been decided what should be included in the

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BSAC Publication Scheme but the Executive would consider and prepare a draft plan for member comment prior to the next BSAC meeting. The draft **BSAC Publication Scheme** would be required to be submitted to the Scottish Information Commissioner by August 2004, to be brought into force by November 2004.

Action : The Department

8.3 Consideration would need to be given to confidentiality markings.

8.4 There being no other business, the **Chairman** took the opportunity, in his last meeting as Chair of the Committee, of commending the efforts of both Committee members and officials during the course of his appointment.

9. DATE OF NEXT MEETING

9.1 The next meeting would be held on **Tuesday 22 June 2004**.

Scottish Executive
Building Standards Division
Victoria Quay
EDINBURGH

ANNEX

2.15 Sprinklers

Every *building* must be designed and *constructed* in such a way that in the event of an outbreak of fire within the building, the spread of fire and smoke is inhibited by the operation of an automatic life safety fire suppression system.

This standard does not apply to buildings other than:

a: enclosed shopping centres with malls

b: residential care buildings, other than hospitals,

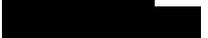
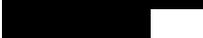
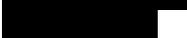
c: *dwellings* with a floor at a height in excess of xxm* above the ground level

d: sheltered dwellings.

*yet to be determined

BUILDING STANDARDS ADVISORY COMMITTEE

MINUTES OF THE 118TH MEETING HELD IN VICTORIA QUAY, EDINBURGH ON TUESDAY 22 JUNE 2004

Present	Members	Officials
	 (Chairman)	Dr P Cornish
		Mr J Carter
		Mr I Herd
		Mrs F MacKenzie
		Mr L Mackenzie
		Dr P Stollard
		Mr A Murchison (Secretariat)
		Mr S Scott
		Dr L Sheridan
		Mrs H Brown (Secretariat)

Observers

Mr P Everall	ODPM – Buildings Division
Mr N Taylor	Building Standards Division – N. Ireland

1. INTRODUCTORY REMARKS AND APOLOGIES FOR ABSENCE

1.1 The **Chairman** welcomed members to the 118th meeting of the Committee and welcomed a new member of the Scottish Building Standards Agency, **Mr Alec Millar**, to his first meeting.

1.2 Apologies for absence had been received from BSAC members: **Marjorie Appleton** and ; and Fire Service Inspectorate observer, **Brian McKenzie**.

1.3  had tendered his resignation from the Committee.

1.4 A paper entitled *BSAC Freedom of Information Publication Scheme* had been distributed to members and would be discussed at agenda item 7. An information paper *BSAC 2 (2004)* about the Disability Discrimination Act was tabled at the meeting and would be discussed at item 9 on the agenda.

1.5 Prior to the commencement of Committee business, the **Chairman** wished to record the Committee's thanks to the previous Chairman,  and wished him well in his retirement. The **Chairman** also wished to record the Committee's appreciation of the contribution made over the past 7 years by **Phil Cornish**, for whom today would be his last meeting before retirement.

2. MINUTES OF MEETING ON 9 MARCH 2004

2.1 The minutes were accepted as a true and accurate record.

3. MATTERS ARISING

3.1 There were no matters arising.

4. BUILDING (SCOTLAND) ACT 2003

4.1 Scottish Building Standards Agency (SBSA)

4.1.1 It was reported that Ministers had now agreed the framework document for the SBSA. The Chief Executive's post had been advertised with a closing date of 25 June. **Paul Stollard** would become the interim Chief Executive from 1 July. The location of the Agency had been confirmed as Livingston; accommodation options were presently being considered; and the target date for moving from Victoria Quay was November. The recruitment of additional staff had commenced.

4.2 Consultation on Building Regulations and Guidance Documents

4.2.1 The new draft Regulations and Guidance Documents had now been notified to the European Commission. There was a requirement for a 3-month standstill period before these could be introduced and this period would end on 9 August. The Statutory Instrument would be laid after this date and the target publication date was 18 October. The documents would be published in hard copy and would be accompanied by a user-friendly CD that would comprise many document links (e.g. BRE documents). The SBSA artwork/logo had been agreed and finalised and the website became active on 21 June. (www.sbsa.gov.uk)

4.2.2 The question of easier access to BSI documents was raised but it was clear that, as BSI needed to charge, subscription remained the only option for the time being. ODPM did make representation to BSI on the issue of access to standards. The Agency was currently looking at the wider issues and had met BSI last November and HMSO representatives in February. The focus was currently on accessing BRE publications free of charge as the position was easier to establish. The outcome of talks with Scottish Executive solicitors and ODPM would seem to indicate that, while copyright of BRE documents published post-privatisation of the BRE was held by them, the Scottish Executive had publishing rights. The move to guidance-based documents on the web would support publishing cited references also on the web. Work with BRE and ODPM was ongoing in this sensitive area.

4.3 Consultation on Procedure and Fees Regulations

4.3.1 The consultation on the Building (Procedure) (Scotland) Regulations 2004 had been issued on 27 April 2004 and the consultation would end on 26 July. There had been very few responses to date.

4.3.2 The Building (Fees) (Scotland) Regulations 2004 had also been issued with the same consultation timescale. The Agency would publish a Procedural Handbook and it was hoped to include the handbook on the same CD as the technical documents. The Scottish Association of Building Standards Managers (SABSM) had requested a detailed discussion of the proposals with officials.

4.3.3 Statutory Instruments would be laid late August/early September and it was hoped to publish by the last week in October. It was recognised that there were local authority

concerns over procedures and fees, which were the key elements of the new system, and officials had indicated to Ministers that authorities would need six months prior to the system coming into force within which to ensure familiarity with the new regulations and guidance.

4.3.4 In response to concern expressed about 2 systems running in parallel – it was confirmed that there would be a specific cut-off, with a deadline set within the SI.

4.3.5 It was reported that the BSAC Sub-committee on Certification had met to review the proposals for procedures to approve certification scheme providers and certification schemes. An application had already been received from SELECT; an application from SNIPEF was expected; and it was hoped to receive a joint application from IStructE and ICE.

5. BSAC FIRE SUB-COMMITTEE REPORT

5.1 At the meeting of the BSAC Fire Sub-committee on 19 March 2004, the Sub-committee accepted that research on residential sprinklers had overtaken the usual process of consideration of technical change, so much so that a policy decision had already been taken on the principle of requiring residential sprinklers. The Sub-committee, however, endorsed the decision and reached broad agreement on the way forward, particularly in relation to the detailed issues of definition and technical specification necessary to support the proposed new requirements.

5.2 Members were informed that the reasons for the speed with which the issue had to be dealt were related to the need to notify the draft regulations to Europe. The consultation had covered 4 categories of building: shopping centres; residential care homes (as defined under the Regulation of Care (Scotland) Act); sheltered housing complexes; and high rise buildings.

6. BSAC RESEARCH SUB-COMMITTEE REPORT

6.1 Members were provided with a summary of business from the BSAC Research Sub-committee meeting of 27 May 2004, which included a discussion on web-based standards and an E-Governance workshop jointly organised by Glasgow Caledonian University and the Executive. The meeting had been short as other divisions within the Executive with a cross-policy interest had agreed to provide presentations on existing synergies. The latter had been very useful and instructive and demonstrated the benefits of ‘joined-up’ thinking between policy departments (Building Standards, Planning, Building Procurement and Architectural Policy). Members were also updated on the new policy drivers for the research programme including the Egan report; Skills for Sustainable Communities; the Private Members Bill on Sustainable and Secure Buildings; and the Sustainable Buildings Task Force report.

6.2 Members were also informed of progress on delivery of web-based technical handbooks. Work was progressing through a research contract with NBS and close contact was being maintained with colleagues in Planning and ODPM. A funding bid had been made to the Executive’s Modernising Government Unit, the outcome of which would not be known until after the summer recess. In relation to progress towards developing an interrogative system, members were informed that the Department, whilst maintaining a watching brief on an object-based system, was not at that stage. There was a need to first develop an XML version of the regulations.

6.3 The **Chairman** considered that the issues raised in relation to integration between different policy departments also raised issues over the different areas of legislation between Government departments. In response, members were informed that ODPM worked very closely with the Department of Work and Pensions and the Scottish Executive on DDA issues; the Executive had a large number of internal committees covering issues such as water quality and contamination of buildings. While it was difficult to consolidate all legislation pertaining to buildings, officials were working to have closer joined-up thinking as interrelated policies developed.

7. BSAC PUBLICATION SCHEME

7.1 A paper, *BSAC Freedom of Information Publication Scheme*, had been sent to members for information. Under the Freedom of Information (Scotland) Act 2002, all Scottish public authorities, including BSAC, were required to produce a publication scheme setting out which classes of information they intended to publish on a regular basis. The Department had produced a draft publication scheme for BSAC and the Committee was asked whether it was broadly content with what had been proposed.

7.2 There was some discussion over the future minuting format, which was likely to focus on subject areas, and approval of minutes might be more formalised in future.

8. ODPM REPORT

8.1 The ODPM report covered the following issues and regulatory changes:-

- Part A and Part C to be published week commencing 28 June, to come into force 1 December 2004
- Introduction of post-completion testing unnecessary if robust standard details used
- electrical wiring introduced to regulations from 1 January 2005
- announcement due on number of organisations to run self-certification schemes
- consultation on Parts F and L imminent
- other reviews planned on fire safety requirements; Part M on lifetime homes; and consideration of whether water conservation should be brought into building regulations

8.2 Good progress was also reported with the Sustainable Buildings Bill, which was about to have its second reading in the House of Lords. ODPM was cautiously optimistic about Royal Assent and it was hoped that the Bill would become law before the end of the year. It was stressed, however, that it would take time to develop practical regulations.

8.3 The Scottish Executive and Scottish Building Standards Agency (SBSA) would be kept fully informed of developments relating to the report of the Sustainable Buildings Task Force, to which a Government response was currently being prepared (by ODPM, DEFRA and DTI).

9. DISABILITY DISCRIMINATION ACT

9.1 Prior to the meeting, the **Chairman** had raised a question about the interaction of the DDA post-October of 2004 and the new regulations. He had asked if there had been an

amendment to the DDA Regulations to accommodate the new Building Regulations and the associated guidance and, if not, when would such an amendment be made.

9.2 ***BSAC Briefing Note 2 (2004)*** had been prepared in response and set out the current position with the DDA and building regulations.

10. ANY OTHER BUSINESS

10.1 **Falling Masonry**:- The Construction Industry Council (CIC) Working Party on Falling Masonry have been developing proposals for a modular training course in maintenance of the building envelope, aimed at operatives and people in small companies, and have been considering the City of Edinburgh's proposal for a scheme to survey all properties in the city.

10.2 The Department had asked solicitors for guidance on responsibility for implementation of the Occupier's Liability Act, which imposed a requirement for building owners to maintain their properties. The issue of Best Value guidance on maintenance of local authority buildings was also being pursued with the Best value Team and the Audit Commission.

10.3 The Standing Committee on Structural Safety was seeking funding for a pilot project to develop a Confidential Reporting Scheme on Structural Safety. Building Standards had offered some support from its research budget, but the project had been delayed due to the cutting of the ODPM research budget.

10.4 It was considered that there was sufficient provision within the Building (Scotland) Act 2003 to deal with the issues. Reference was also made to an Association of British Insurers (ABI) report on climate change and related climate change research which it was hoped would be enough to get the insurance industry both interested and 'on board'.

10.5 **BSAC Reconstitution**:- The Department had asked all members (presently appointed to 31 December 2004) whether or not they would be willing to be re-appointed at the end of their term. Of the current membership of 10 (excluding the Chair), 3 members had declined to be considered for re-appointment and 7 members had agreed to be considered. Ministers had now confirmed that the 7 members who wished to continue would be re-appointed for a further period (to be notified to members in due course). Remaining vacancies would be advertised and be part of a general consultation. Members were informed that Ministers very much appreciated the efforts and commitment that they made.

10.6 **Tenement (Scotland) Bill**:- The Bill had not yet finished the detailed stages and the implications for building standards were not high. An update would be sought from the policy area responsible for the Bill.

10.7 **Maryhill Incident**:- In relation to whether there were any issues for BSAC and building regulations, members were informed that all matters were presently the responsibility of the Health and Safety Executive.

10.8 Members also felt that some discussion of the following issues would be useful:

- Review of Liquor Licensing Law

- Fire Service Bill
- Transitional issues relating to key elements of building standards system changes
- SBSA intentions on promotion of changes

10.9 The Fire Service Bill was very close to being introduced with Parliamentary sessions scheduled throughout autumn. The BSAC Fire Sub-committee would need to scrutinise the Bill very closely and determine how it would impact on building regulations.

10.10 On transitional issues, the SBSA was presently developing a strategy which would be discussed with the Scottish Association of Building Standards Managers (SABSM). A public launch of the Agency, to which BSAC members would be invited, was planned for October/November. The launch would almost certainly be in Livingston, at a location still to be decided, and the arrangements would be dependent on Ministerial diaries.

10.11 [REDACTED] informed members of the imminent introduction of the Council of Mortgage Lenders (CML) requirement that a home warranty cover note would be required before any funds would be released in respect of new properties. This initiative had been introduced in England and Wales some time ago and [REDACTED] felt that the recognition of the Scottish legal aspects had not been understood by the CML. [REDACTED] confirmed that a meeting had taken place at Scottish Homes which had involved the CML, the Law Society, the Scottish Association of Building Standards Managers (SABSM) and the Scottish Executive. CML had agreed that they should include the statutory requirement that a certificate of completion was mandatory before occupation could occur. All builders missives would require alteration to reflect this change.

10.12 [REDACTED] informed members that she had undertaken an options study for a construction centre for Scotland and stressed the importance of links with the SBSA.

Date of Next Meeting

10.13 The next meeting would be held on **Tuesday 23 November 2004**, location to be confirmed nearer the time.

Scottish Building Standards Agency
August 2004

BUILDING STANDARDS ADVISORY COMMITTEE

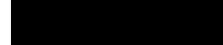
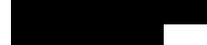
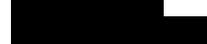
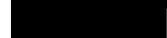
MINUTES OF THE 119TH MEETING HELD IN VICTORIA QUAY, EDINBURGH ON TUESDAY 23 NOVEMBER 2004

Present

Members

Officials

 (Chairman)

Dr P Stollard
Mr I Herd
Mrs F MacKenzie
Mr H Adie
Mrs J Boyle
Mr J MacGregor
Mr A Murchison (Secretariat)
Mr M Rae
Mr A Rodden
Dr L Sheridan
Mrs M White

Observers

Mr P Everall
Mr S McCrystal
Mr Brian McKenzie

ODPM – Buildings Division
Building Standards Division – N. Ireland
HM Fire Service Inspectorate

1. INTRODUCTORY REMARKS AND APOLOGIES FOR ABSENCE

1.1 The Chairman welcomed members to the 119th meeting of the Committee. He welcomed new staff who had joined the Scottish Building Standards Agency (SBSA) since the last Committee meeting: **Hugh Adie, Joanne Boyle, John MacGregor, Mark Rae, Alan Rodden** and **Moreen White**; and welcomed to his first meeting, as an observer, **Seamus McCrystal** from Northern Ireland, Building Standards Division.

1.2 Apologies for absence had been received from BSAC members: , ,  and .

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12.1 This was the last meeting that [REDACTED] and [REDACTED] would be attending as BSAC members. The **Chairman** thanked them both, as well as absent member [REDACTED], for their efforts and contribution to the work of the Committee and its sub-groups over the past few years. The **Chairman** also similarly thanked **Paul Everall**, who was attending his last BSAC meeting as an ODPM observer prior to retiring.

13. DATES OF MEETINGS FOR 2005

13.1 The following dates were proposed for meetings in 2005: **Wednesday 20 April;** **Wednesday 17 August;** and **Wednesday 7 December.**

13.2 It was proposed that there should be an informal induction meeting for new members in Livingston, to which other BSAC members would be welcome, possibly in January/February next year.

13.3 It was also agreed that there should be a residential 'Away Day' on 17 August 2005, but only subject to the event having a specific focus. A suggested agenda for the 'Away Day' would be proposed at the BSAC April meeting.

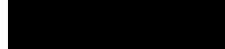
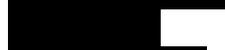
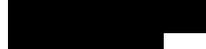
BUILDING STANDARDS ADVISORY COMMITTEE

MINUTES OF THE 119TH MEETING HELD IN VICTORIA QUAY, EDINBURGH ON TUESDAY 23 NOVEMBER 2004

Present

Members

Officials

 (Chairman)	Dr P Stollard
	Mr I Herd
	Mrs F MacKenzie
	Mr H Adie
	Mrs J Boyle
	Mr J MacGregor
	Mr A Murchison (Secretariat)
	Mr M Rae
	Mr A Rodden
	Dr L Sheridan
	Mrs M White

Observers

Mr P Everall	ODPM – Buildings Division
Mr S McCrystal	Building Standards Division – N. Ireland
Mr Brian McKenzie	HM Fire Service Inspectorate

1. INTRODUCTORY REMARKS AND APOLOGIES FOR ABSENCE

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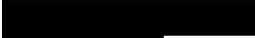
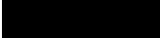
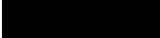
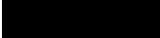
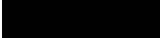
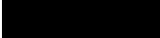
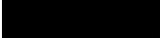
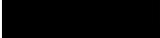
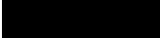
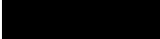
13.1 The following dates were proposed for meetings in 2005: **Wednesday 20 April; Wednesday 17 August; and Wednesday 7 December.**

13.2 It was proposed that there should be an informal induction meeting for new members in Livingston, to which other BSAC members would be welcome, possibly in January/February next year.

13.3 It was also agreed that there should be a residential 'Away Day' on 17 August 2005, but only subject to the event having a specific focus. A suggested agenda for the 'Away Day' would be proposed at the BSAC April meeting.

BUILDING STANDARDS ADVISORY COMMITTEE

MINUTES OF THE 121st MEETING HELD IN RUSACKS HOTEL, ST ANDREWS ON TUESDAY 16 AUGUST 2005

Present	Members	Officials
	 (Chairperson)	Dr P Stollard
		Mr J Carter
		Mr G Peart
		Mr I Herd
		Mr C Hird
		Dr L Sheridan
		Mr M Rae
		Mr A Rodden
		Mr A Murchison (Secretariat)
		Mrs M Williamson (Secretariat)

1. INTRODUCTORY REMARKS AND APOLOGIES FOR ABSENCE

1.1 The Chairperson welcomed members to the 121st meeting of the Committee. He particularly welcomed  – Head of Corporate Resources, Scottish Consumer Council - to her first meeting.

1.2 Apologies for absence had been received from BSAC members: .

2. MINUTES OF MEETING ON 20 APRIL 2005

2.1 The minutes were accepted as a true and accurate record.

3. MATTERS ARISING

3.1 There were no matters arising.

4. UPDATE ON NEW SYSTEM

4.1 The Local Authority BSAC members were asked if they felt there had been an increase in the number of applications for warrants. The general consensus was that there had been a dramatic increase in warrant applications in April and a compensatory decrease in May.

4.2 Various Directions under the Building (Scotland) Act 2003 had been issued to local authorities as verifiers. All had been issued to take effect from 1 May 2005. The Direction on structural design not certified by Approved Certifiers was the most significant and the initial Direction (effective up to 31 July) had been modified and re-

issued to run to 31 October when it would cease to have effect. It was too early to assess the impact of the new system but it was anticipated that more complex issues would develop. To date, no one had yet sought the views of Scottish Ministers on the new regulations.

4.3 The certification process was presently the most challenging issue for the SBSA. Two scheme providers had been appointed (SER Ltd and SELECT) and the Agency was on the point of appointing the National Inspection Council for Electrical Installation Contracting (NICEIC) as a scheme provider. NICEIC would operate on a similar basis as SELECT. Progress on appointment of Approved Certifiers was good – current figures were close to target. [REDACTED] (recently retired building standards manager from Scottish Borders Council) had been appointed as Chairman of the SER Ltd Appeals Committee.

4.4 SER Ltd was presently discussing the production of a guidance note on staged warrants. The SBSA would ensure that developments were communicated to local authorities.

Action: SBSA

4.5 The Agency was committed to supporting all local authorities who were presently preparing for the audit process through the development of a “balanced scorecard”.

4.6 With the expansion of exempt work under the new system – concern was expressed over the amount of work involved for local authorities in advising on whether or not building work was exempt. The issue of demolition guidance was also raised (i.e. - anomalies within Forms re dates). The SBSA would consider how to deal with both issues, including the production of further guidance.

Action: SBSA

5. WATER CONSERVATION - Paper BSAC 3 (2005)

5.1 Mr Herd introduced Paper BSAC 3a (2005) which explained the background to the Ministerial Partnership Agreement that committed the SBSA to encourage awareness of the benefits of greywater schemes in new developments. Previously circulated Papers BSAC 3b & 3c (2005) comprised proposed text for domestic and non-domestic buildings. Because of the health and hygiene issues surrounding the re-use of greywater in buildings, the SBSA had limited the guidance on greywater installations to non-domestic buildings only where there was a robust maintenance contract in operation. The Agency had drafted guidance on rainwater harvesting for domestic and non-domestic buildings. The proposals were regarded as a very small measure but which had to be implemented quickly because of the Partnership Agreement. It was not intended to publicly consult although the views of the Committee were sought on the proposals.

5.2 Concern was expressed over the reference to “...*large ratio*” (of roof area to volume of water used). The Agency would consider removing this reference in the draft guidance as it did not want to give such exact numerical guidance.

Action: SBSA

5.3 The Committee was in favour of the approach suggested in the circulated Papers.

6. LOW LEVEL LETTER BOXES – Paper BSAC 4 (2005)

6.1 Mr Herd introduced Paper BSAC 4 (2005) which set out the background to concerns expressed by the Communication Workers Union (CWU) about the large number of postal workers with back injuries caused by delivering mail to low level letterboxes whilst carrying a heavy mail bag. The Agency was also aware of Ministerial interest in this issue.

6.2 There was some discussion about available evidence and research at the end of which Committee members agreed with Option (4) from the circulated paper – i.e. to include a sentence in the ‘yellow pages’ of the Technical Handbooks (including reference to BS EN 13724) alerting designers to the high incidence of back injuries and suggesting letter box heights should be considered.

Action: SBSA

7. TALL BUILDINGS – BSAC Information Paper 1 (2005)

7.1 Dr Stollard provided members with the background to the recent issue of a request to local authorities to notify the SBSA if building warrant applications were received in relation to developments with any storey at a height of more than 60 metres (Section 2 (Fire) only dealt with buildings up to 60 metres). A situation presently existed whereby a staged warrant application for a building in excess of this height was in its early stages, and was being dealt with under the Building (Scotland) Act 1959. As the Technical Standards for compliance with the Building Standards (Scotland) Regulations 1990 were also not intended to deal with buildings of a height in excess of 60 metres, the Agency considered that it could call on powers within Section 6A of the 1959 Act to require additional requirements to be imposed. The Committee agreed that it was reasonable for the SBSA to impose additional requirements, although the Agency stressed that, by doing so, no criticism of the Local Authority concerned was intended.

7.2 In the circumstances whereby the Agency might consider imposing additional requirements, it would also be necessary to consult BSAC members. It was the intention that this would be done by correspondence with members. The Committee considered that this would also be a reasonable approach for the SBSA to take. [REDACTED] expressed specific interest in being so consulted.

8. BSAC WORKING GROUP REPORTS

8.1 **Structure:-** [REDACTED] introduced Paper BSAC 5 (2005), which summarised the progress being made by the BSAC Working Party for the review of standards and guidance on structures and the Small Buildings Guide (SBG).

8.2 Although it was the Agency’s intention to publicly consult on the proposals in February 2006, [REDACTED] requested that consideration be given to limited,

informal consultation, involving users of the SBG, prior to the full public consultation. The Agency agreed to consider a limited pre-consultation.

8.3 It was agreed that a separate paper would need to be produced for a future BSAC meeting in relation to play structures (such as tree houses) and in order to properly scope the extent of that issue.

8.4 **Energy:-** [REDACTED] introduced Paper BSAC 6 (2005) which comprised a progress report from the BSAC Working Party for the review of standards and guidance on Energy & Environment.

8.5 The Simplified Building Energy Model (SBEM) referred to at 1.2 in BSAC 6 (2005) was EPBD compliant.

8.6 The Standard referring to the methodologies would be expressed in terms of minimum carbon dioxide emission targets (1.3 of BSAC 6 (2005)); this was considered to be the most transparent method of relating Government objectives.

8.7 Clarification was provided to the effect that the “tough” long-stop U-values would be more akin to the current elemental method, e.g. - 0.30 for walls and 0.25 for roofs.

8.8 Members were informed that, in Scotland, the air-tightness testing industry was not yet at a mainstream level. In an attempt to allow testing procedures to develop at a rate that was acceptable to industry, there would be recommendations given in the guidance which would advocate that testing should be carried out only when higher than routine air-tightness levels were declared at the building warrant application stage.

8.9 The BRE research papers referred to in BSAC 6 (2005) could be made available to any Committee member.

8.10 Issues remained to be discussed relating to existing buildings.

8.11 **Safety:-** [REDACTED] introduced Paper BSAC 7 (2005) which provided a progress report from the Working Party for the review of standards and guidance on Access & Safety. The Working Party had still to meet on 30 August but would take on board any comments on draft proposals from the main BSAC meeting. Main issues to be discussed at the next Working Party meeting would be domestic and non-domestic access.

8.12 [REDACTED] queried whether variable temperature of water from combi boilers would be an issue under proposals. The Agency would clarify this issue.

Action: SBSA

(Post-meeting Note:- A meeting with both the Society of British Gas Industries and the Thermostatic Mixer Valve Association on the 8 August determined that the industry had no significant concern over the use of thermostatic valves with hot water systems supplied by modern combination boilers. Some concern has been expressed over operation with older, non-modulating boilers, which might affect

existing properties and this has been qualified within the draft guidance of clause 4.9.5).

8.13 The research compiled for the ODPM could be checked with regard to the issues of thermostatic controls used with combination boilers.

Action: SBSA

8.14 A Regulatory Impact Assessment (RIA) would need to be developed as the proposals were a combination of guidance and requirement.

(Post-meeting Note:- An interim RIA has been completed and issued with the consultation package).

8.15 The size of TMVs was queried, particularly in relation to small bathrooms. Mr herd reassured Committee members that the valves were not very large (approximately 160 x 145mm x 57 mm deep) and that they could easily be accommodated under a bath.

8.16 The Committee agreed that the Working Party should continue with its work on access issues.

9. ANY OTHER BUSINESS

12.1 Dr Stollard updated BSAC on progress with the Fire (Scotland) Act 2005. Draft fire safety regulations would be issued for consultation on 22 August for a 3 month consultation period.

12.2 The Agency has worked with the Executive's Fire and Civil Contingencies Division on draft guidance for different building types, with particular attention having been given to care homes. In advance of the public consultation on the draft care homes guide, the Agency would undertake a private consultation at the end of September. BSAC members endorsed this strategy and stressed the need for any guidance to align directly with the building standards guidance. It was felt more important to ensure commonality with the building standards in Scotland than to seek uniformity with England & Wales fire guidance.

12.3 BSAC would be invited to comment on the draft care homes guide.

10. DATE OF NEXT MEETING

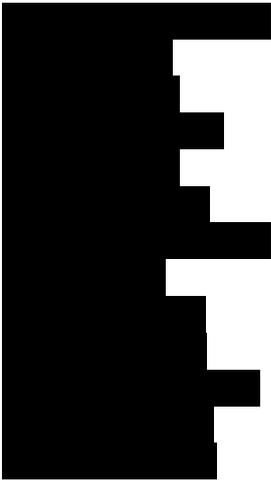
10.1 The next meeting would take place at the SBSA offices in Denholm House, Livingston on 7 December 2005

Scottish Building Standards Agency
Denholm House
Almondvale Business Park
LIVINGSTON

September 2005

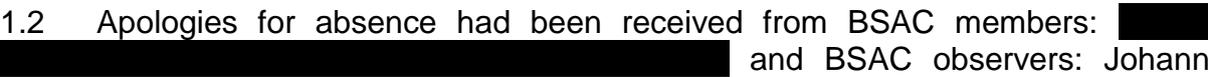
BUILDING STANDARDS ADVISORY COMMITTEE (BSAC)

MINUTES OF THE 122nd MEETING HELD AT THE SCOTTISH BUILDING STANDARDS AGENCY (SBSA), LIVINGSTON ON WEDNESDAY 7 DECEMBER 2005

Present	Members	Officials
	 (Chairperson)	Dr P Stollard Mr J Carter Mr J Astwood Mr J Bell Mrs J Boyle Mr C Hird Mr J McGonigal Mrs A McKay Mr S Scott Dr L Sheridan Ms L Stewart Mr S Streets Mr A Murchison (Secretariat) Mrs M Williamson (Secretariat)
	Observers	
	Ms A Hemming Mr S McCrystal	Building Regulations Division - ODPM Building Standards Division – N. Ireland

1. INTRODUCTORY REMARKS AND APOLOGIES FOR ABSENCE

1.1 The Chairperson welcomed members to the 122nd meeting of the Committee. He particularly welcomed new SBSA staff who have joined the Agency since the last BSAC meeting: Jonathan Astwood; Jeff Bell; Audrey McKay and Linda Stewart.

1.2 Apologies for absence had been received from BSAC members:  and BSAC observers: Johann MacDougall and Brian McKenzie.

2. MINUTES OF MEETING ON 20 APRIL 2005

2.1 The minutes were accepted as a true and accurate record.

3. MATTERS ARISING

3.1 **Item 4.4:** SER Ltd had now issued Technical Bulletin No 1 covering contractor designed details, which included a section on staged warrants. This allowed a Certificate of Design to be issued where contractor designed details were not available. These were identified on the certificate and the certifier subsequently notified the verifier when the design had been carried out

3.2 There was a still significant verifier concern over the lack of procedural guidance on structural certification procedures, which appeared to be increasingly complicated, and the SBSA was urged to ensure that clear, direct advice on certification procedures was issued as a matter of priority. Reference was also made to the concerns expressed by the Scottish Association of Building Standards Managers (SABSM) at the Building Standards Forum, particularly in relation to the need for more information at the design stage. Verifiers had difficulty in approving design where there were deferred areas of design and information might not be available until work had been carried out.

3.3 The Agency confirmed that recent dialogue with SER covered such issues and a formal SER response had just been received; that information would form part of the Agency's response to the issues raised by SABSM and it was expected that a detailed reply would be issued shortly.

3.4 **Item 4.6:** Instructions had now been sent by the Agency to Scottish Executive solicitors to amend the Forms Regulations. It was hoped that an amending SSI would come into force on 1 May 2006. In relation to further explanation/clarification of exempt work, it was the Agency's intention to improve the information for applicants.

3.5 **Item 5.2:** The paragraph which had caused concern at the previous meeting (ref. – "...*large ratio*" (of roof area to volume of water used)), had been removed and other amendments have been made.

3.6 **Item 8.12:** (temperature of combi boilers) This would be covered under a main agenda item.

3.7 **Item 8.13:** (thermostatic controls) This would also be covered under the main agenda

3.8 **Item 12.2:** Part 3 of the Fire (Scotland) Act 2005 would come into force October/November 2006. The Scottish Executive would be issuing guidance on sector specific buildings (Non Domestic) in order to support the fire safety regulations imposed by the Act. The first of these guidance documents, on residential care homes, had recently been published for consultation. The Agency would arrange for BSAC members to receive copies of the consultation.

Action: SBSA

3.9 The Chair intimated to members that a collective BSAC response would be appropriate and he agreed to take comments from members and respond on behalf of the Committee. Individual members could also respond from their own area of interest.

Action: BSAC

3.10 On a general point about web access to BSAC minutes, the Agency would consider the protocols for placing agreed minutes, subject to the sensitivity of certain items, on the Agency's website.

4. ISSUES WITH THE NEW SYSTEM

4.1 The main issue of concern to the Agency related to the large number of building warrant applications being submitted with calculations rather than certificates. The Agency was in constant dialogue with SER on this and other related issues.

4.2 The Agency was continuing to provide support and guidance on the new system through educational events and seminars and was presently working through certification applications. The first application for a view had also been received.

4.3 In response to a query as to whether conditional warrants could be issued because of the 'log jam' within local authorities, the Agency confirmed that warrants or staged warrants only could be issued. The priority was to get the certification schemes working properly. It was further stressed that, in relation to the acceptance of design certificates, the new system was no different to the previous system. The staged warrant process should be used as appropriate. If there was a problem in relation to structural design in relation to smaller projects, then the Agency would consider the issues further.

4.4 Other verifier issues identified to the Committee were:

- substantial increase in submission of calculations (which significantly affects timescales);
- although level transposition technically, the impact on industry of substantial procedural changes;
- increase in exempt classes;
- challenges to IT systems;
- dual system difficulties (1959 and 2003 Acts);
- aspects of system still developing;
- quality issues within service delivery;
- 'balanced scorecard' issues

4.5 In response to a query on the status of the Agency giving views/advice, the Agency confirmed that there were standard lines on common issues but the SBSA would not give project specific advice. Formal advice would be provided through the views system.

4.6 In relation to an article within the latest RICS magazine which was critical of the new system and made a number of erroneous statements, the Agency had formally responded in writing.

4.7 Concluding the discussion on the new system, the Agency acknowledged that problems existed which remained to be resolved; and the verifier commitment to making the system (indeed both systems) work was appreciated. Verifiers deserved both congratulations and support in dealing with what was massive legislative change and, despite the problems, there was a relative degree of acceptance.

5. BSAC MEMBERSHIP

5.1 The Committee was informed of the resignation of one of its members, Charles McFadyen, who now worked for the SBSA.

6. BSAC WORKING GROUP REPORTS

Structure

6.1 There have been four Structures Working Party meetings with the fourth held on 25 November 2005. The main subjects considered by the Working Party were :

- a. Instability arising from landslip and subsidence
- b. Instability of Adjacent buildings
- c. Small Buildings Guide update
- d. Disproportionate Collapse update
- e. Structural Eurocodes and Construction Products Directive
- f. Design Standards referenced in 1.1.1. Structure
- g. Update references
- h. Definition of a storey height regarding roof spaces and basements

6.2 To date, proposals have been developed in accordance with the format of the Technical Handbooks as follows :

a. Section 1

Standard 1.1

Landslip and subsidence and instability of adjacent buildings have been dealt with by revising Standard 1.1 to the following wording:

“Every *building* must be designed and *constructed* in such a way that the loadings that are liable to act on it, **taking into account the nature of the ground** will not lead to:

- (a) the collapse of the whole or part of the *building*; or
- (b) deformations which would make the *building* unfit for its intended use, unsafe, or cause damage to other parts of the *building* or to fittings or to installed equipment.
- (c) **impairment of the stability of any part of another *building*”**

The guidance to Standard 1.1 has been expanded to cover these issues including providing references to bodies such the British Geological Survey and the Coal Authority for information on underground cavities, mine workings and other geotechnical information.

Note: the wording “stability of another building” is in line with England & Wales and Northern Ireland and while normally this would be the adjacent

building this covered the situation where other than the adjacent building(s) may be affected

Standard 1.2

Standard 1.2 was revised under the Building (Scotland) Regulations 2004 so that disproportionate collapse was applicable to all buildings

The guidance to Standard 1.2 has been expanded to cover all buildings in line with Structural Eurocode BS EN 1991-1-7 General Actions – Accidental Actions. A risk classification table has been developed covering all buildings which have been placed into four classes (1, 2A, 2B and 3) depending on the building use, number of storeys and in some cases their floor areas. Depending on the risk level, additional measures were recommended for the buildings to achieve the appropriate level of robustness as follows:

1. Class 1 : e.g. houses not exceeding 4 storeys – no additional measures necessary
2. Class 2A : e.g. Assembly buildings , shops up to 3 storeys – provide horizontal ties
3. Class 2B : e.g. 4- 15 storey hotels , flats , offices etc –provide horizontal and vertical ties
4. Class 3 : e.g. storage buildings and factories containing hazardous materials or processes – systematic risk assessment and design on critical situations

b. The Small Buildings Guide

This document has been revised and updated as Structural Guidance for Small Buildings (SGSB) to be incorporated as annexes to Section 1 to be more accessible than the present Small Buildings Guide with the key changes as follows:

1. Emphasising the limitations in using the SGSB
2. Providing recommendations when to obtain specialist advice
3. Adding guidance on masonry clad timber frame walls,
4. Using stainless steel wall ties
5. General updating in accordance with and referencing current British Standards.
6. Diagrams redrawn to standard format
7. Improved navigation

Research has been carried out to develop timber frame wall tables for the new guidance on timber frame walls and to update the timber span tables

An interim consultation has been carried out with two architects, two building standards officers, a structural engineer and a timber frame manufacturer with the main responses being to generally welcome the document, to further improve the navigation and to provide a timber frame wall worked example. This consultation has been invaluable in obtaining general

feedback on the draft document and identifying and dealing with issues which were likely to be raised during the formal consultation and enabling the document to be more user- friendly. The main comments were:

- a. The updated document was generally welcomed
- b. Further improve the navigation within the document
- c. Provide a worked example on timber frame walls
- d. Several technical items

The interim consultation responses and the fourth meeting output would be considered and incorporated where appropriate into the SGSB and the final document would be reviewed by the working party on 13 January 2006 prior to issue for formal consultation in spring 2006.

6.3 Design Standards

The design standards referenced in 1.1.1 of section 1 – structure of the Technical Handbooks and elsewhere in Section 1 and the SGSB have been updated to current British Standards and European Standards as appropriate.

6.4 Definition of a storey height regarding roof spaces and basements

The definition of storey with regard to a roof space where the external wall includes a part of a roof at a pitch of at least 70° is critical to determining the number of storeys in both the present and future guidance on disproportionate collapse will be updated in the 2006 revisions to the Technical Handbooks as follows:

“In calculating the number of *storeys* for the purpose of determining if a *building* has 5 or more *storeys*, no account shall be taken of any *storey* within a *roof space* where the slope of the roof does not exceed 70 degrees to the horizontal.”

6.5 Conclusion

The subjects which were identified to be addressed by the Structures Working Party have been considered in detail and have resulted in the following recommendations:

- a. Revised Standard 1.1 to emphasise the requirement to take into account the nature of the ground and a new requirement to avoid impairing the stability of other buildings
- b. Updated guidance to Standard 1.1
- c. Updated guidance to Standard 1.2 to cover disproportionate collapse for all buildings in line with the Standard
- d. Structural Guidance for Small Buildings as an update to the Small Buildings Guide to be incorporated as annexes to Section 1 of the Domestic Technical Handbook.

6.6 The work of the Working Party was now largely complete. The Committee endorsed the work of the Sub-group and agreed that the proposals would form part of the spring 2006 consultation package.

Energy

6.7 The 4 main objectives of the Energy & Environment Working Party were reiterated; these were:

(1) Set out to achieve energy standards that, although minimum, “they would go the extra mile” to deliver savings in CO₂ emissions.

(2) Focus would be on energy use within buildings, although sustainability issues could be fed in as work progressed.

(3) Try to make one robust change to deliver energy efficiency levels that would last for (say) five years, rather than ones that would need adjusted every 2-3 years.

(4) To build on the work of the last Part J (6th Amendment) working party, e.g. improve the standards for conservatories and maintain the improved wall U-value differential with the rest of the UK.

6.8 Over the last few months, the work of the Group had been supported by some useful research contracts. *“LZCT in building regs”*, *“Critique of proposed energy standards for E & W”* and *“Trickle ventilation of buildings”*

6.9 There had been agreement to bring the following into the standards:

- Carbon Dioxide emissions standard for new buildings (Section 6)
- Energy efficient lighting for dwellings (Section 6)
- Guidance on airtightness testing of buildings (Section 6)
- Basic metering requirements (Section 6)
- Inspection of air-con and fixing energy performance certificates (both necessary for EPBD implementation) (Section 6)
- Storage of biomass fuel (Section 3)
- Facilities for drying washing (Section 3)
- Improved heating guidance (Section 3)
- Additional ventilation guidance (to complement energy efficiency improvements to conservatories and where improved levels of airtightness may be an issue for buildings (Section 3)

6.10 At the last Working Group meeting, agreement had been given to:

- Toughen up on domestic CO₂ compliance target
- Provision of incentive to developers to encourage take-up of building integrated low and zero carbon energy generating technologies

6.11 Additional ventilation guidance had been presented (to complement energy efficiency improvements to conservatories and where improved levels of airtightness may be an issue for buildings). The Working Group had received useful feedback on drafts of guidance and functional standards.

6.12 The next meeting would assess the Regulatory Impact Assessment; review the Non-domestic energy guidance in the light of the finalised SBEM methodology; and review the facilities for drying washing guidance, biomass storage guidance and metering guidance.

Safety

6.13 The fourth meeting of the Safety Working Party had been held on 25 October 2005. Two more meetings were planned, with the next on 16 December to review draft guidance on domestic access.

Hot Water Safety

6.14 The scalding consultation had been completed and 35 formal responses had been received to date. These and other responses were being collated and a report would be prepared and issued within the next 10 days. The only significant issue raised in consultation was that the proposed temperature of 43° C was too low for comfort in dwellings and a meeting with stakeholders identified a figure of 48 °C as more appropriate, if suitably qualified. The implications of this change were being assessed.

6.15 The Intention was to submit final proposals for Ministerial approval before Christmas.

Non-domestic guidance for access and use

6.16 A first draft of non-domestic guidance had been discussed at the October meeting, based upon agreement of broad targets in June. This would both address issues of good practice and reinforce the idea of access and use for all over 'add-ons' to assist people with a disability. The Working Group was broadly on programme with fine detail of proposals. The intent and scope have been established and development of guidance remained on programme.

6.17 Two issues in particular had been highlighted by the Working Group: to provide more clarity in guidance on sanitary accommodation and consider the most appropriate method of addressing visual amenity issues within the building standards framework. These and the remainder of the second draft were being revised for a meeting in early 2006.

Domestic guidance for access and use

6.18 A previous meeting on this topic had assessed the application of lifetime homes standards within the building standards framework and subsequently agreed a level of application that might be possible. At the last Working Party meeting in August, the group requested that the aim of the domestic review be restated in the context of discussions to date to ensure that proposals remained true to the intent; and that this remained achievable. This was still considered to be the case.

6.19 The Working Group proposed:

- New dwellings should meet the needs of occupants and visitors for access to and use of facilities and be of a form that will better permit adaptations to suit the changing needs of occupants over the years;

- This provided a move from a visitability standard to an occupancy standard, with dwellings that would be more inclusive and, through this, also contribute to the overall agenda for sustainability.

6.20 A first draft of the proposed guidance had been issued and would be discussed in detail at the next Working Party meeting on the 16 of December. The Working Party was content with the manner in which the discussions were proceeding.

6.21 On the issue of hot water safety, a small UK summit meeting had been held in London, early in November, between building standards officials, accident prevention organisations and manufacturers. This had been principally to discuss the issue of a higher safe water temperature in dwellings, to address concerns raised during consultation. Resulting comment would be factored into revised guidance.

6.22 On the subject of Lifetime Homes, it was asked if it was intended to return to a set of space standards and revisit Parker Morris. The Agency confirmed this was not presently the intent.

7. GUIDANCE DOCUMENT ON CONSERVATORIES – PAPER *BSAC 8 (2005)*

7.1 The Agency introduced Paper ***BSAC 8 (2005)***, a draft document which used existing guidance as an alternative source of help, in relation to simpler conservatories, for both applicants and verifiers. The draft guidance reflected current industry standards; the text and diagrams had not yet been finalised; and comments were invited from BSAC members.

7.2 Although the Agency stressed that the brief for producing the guidance document had been not to exceed current requirements, Committee members raised a series of both questions and concerns relating to presentational and technical aspects of the document. Although it had been hoped that the guidance could be issued in May 2005, the Agency accepted that the issues raised needed to be fully addressed and issue of the guidance would, therefore, take longer as necessary. It had been intended that there would be a limited consultation over the next 2 months (to include the Scottish Association of Building Standards Managers) and it was also agreed that a meeting should be convened to discuss the issues raised.

7.3 Members should let Steven Streets know if they wish to be involved in such a meeting.

Action: SBSA/BSAC

8. RESEARCH UPDATE

8.1 The Agency reported on 3 new work areas, as follows:

- A workshop on Noise had been convened for 8 December to hear industry views, as a means to identifying the specific agenda for a working party to review the Noise standards.

- BRE had been contracted to undertake research on 'Recovery of Demolition Materials' – this was a feasibility study to look at the possibility of introducing a requirement within Regulation 10 related to the recovery of demolition materials for

recycling or re-use. SABSM were identifying volunteer authorities to participate in this project.

- A research tender had just been issued on 'Stone Masonry: Guidance on Design & Construction' – this would lead to development of on-line guidance on the design and construction of stone masonry for both new build and existing buildings.

8.2 All ongoing research programmes were listed under the documents tab on the website: www.sbsa.gov.uk/current_standards/Research.htm

9. SUSTAINABILITY

9.1 On sustainability, the Agency was working to embed sustainability within the review of the standards. It was also preparing a Scottish Executive report (*Sustainable Development – Policy into Practice: New Buildings*) to describe work in hand by the Agency and other parts of the Executive to further the sustainable development of new buildings, both domestic and non-domestic. It would serve as a policy information package for all Scottish Executive Departments involved in sustainable development and for external queries, and would supplement the 'Buildings' section of the forthcoming Scottish sustainable development strategy.

The report would:

- identify existing and proposed building standards related to the sustainable development of new buildings (SBSA);
- report progress on sustainability topics that were being examined by the other core agencies and divisions responsible for regulatory standards and guidance, or conditions of public funding (Planning, Communities Scotland, and Construction Procurement);
- report strategies on sustainability topics that were the responsibility of other divisions (Waste, Water, Air Climate and Engineering, Energy Policy); and
- compare current and ongoing strategies with the Code for Sustainable Building, scheduled for introduction in England at the end of April 2006.

9.2 Publication would coincide with the scheduled consultation on proposed changes to the Scottish Building Standards Technical Handbooks, in spring 2006. The Agency stressed that what was being produced was not new and was pulling together everything that had already been done as well as what the Executive was thinking about doing.

9.3 A Committee member pointed out that the conservatory document referred to hardwood which conflicted with DEFRA / CPET (Central Point for Expertise on Timber) guidance and asked whether the review of standards had taken into account the sourcing of legal and sustainable timber. It was explained that the building regulations could not specify the selection of materials and that Article 6 of the Construction Products Directive 89/106/EEC required that Member States may not impede the free movement, placing on the market or use of products which satisfied the Directive. Annex 1 to the Directive set out the 'essential requirements' which construction products must satisfy, which did not include sustainability issues. The importance of the need for ongoing dialogue with CPET on the legalities relating to sourcing of legal and sustainable timber was, however, highlighted.

10. ENERGY PERFORMANCE OF BUILDINGS DIRECTIVE (EPBD)

10.1 The Directive was due to be implemented on 4 January 2006 but the Agency confirmed that it intended to align with UK implementation and take advantage of the 3-year derogation period. The Circular on the SBSA website would be updated shortly to reflect the most up-to-date position in Scotland.

10.2 The Housing Act had now been passed and energy certificates for marketed properties would most likely be part of the single survey. The SBSA had agreed to pool resources with N. Ireland to draft energy advice. The SBSA and N. Ireland were working together to deliver, where possible, a common approach to meeting the requirements of the Directive.

11. TALL BUILDINGS – PAPER BSAC 9 (2005)

11.1 Members were asked to comment on the recommendations within Paper BSAC 9 (2005) on Tall Buildings, which discussed the key fire safety issues in relation to tall buildings at a height of more than 60m above the ground. The issues had arisen as a result of a warrant application made under the 1959 Act; and the prescriptive guidance being, therefore, considered inadequate. (NB – it should also be noted that the guidance under the new system had also not been written for such buildings). Some BSAC members had already provided comments but it was considered that the recommendations needed to be strengthened; and the Committee as a whole should try to achieve a consensus. The recommendations detailed in the Paper were:

- (recommendation in para. 31) Any fire engineering design of tall buildings should consider incorporating at least two stairs and a life safety fire suppression system designed in accordance with BS EN 12845; and
- (recommendation in para. 32) Research should be continued to address the knowledge gaps identified in paragraph 10 of the Paper

11.2 Members were concerned about having to agree a consensus in making recommendations in relation to a complex subject area, within which there were so many knowledge gaps; and considered that Ministers would have to take decisions taking due cognisance of such knowledge gaps. The difficulty which the Agency faced, however, was that if a further warrant amendment application was made, then Ministers would have to be given specific guidance, albeit that technical caveats would be identified.

11.3 It was appreciated that, because of the nature of the Technical Standards under the Regulations made pursuant to the 1959 Act, Ministers would need to make a specific direction. The Committee, therefore, concluded that:

- The recommendation in paragraph 31 should be made as a **necessary but not sufficient** recommendation; and
- That the Committee would also want the recommendation in paragraph 32 to be taken into account in any direction from Ministers.

12. CERTIFICATION

12.1 NICEIC had now been appointed as scheme provider for the Certification of Construction (Electrical Installations to BS 7671) and, together with SELECT, have set up SECREG, a review group representing the scheme providers to ensure harmonisation in relation to electrical certification procedures.

12.2 A further 6 certification applications had been received; and a further 3 potential applications were being discussed. All were at different stages.

12.3 The directions on non-certified structural design and electrical installations lapsed on 31 October and the Agency had issued guidance on structural design not certified by approved certifiers. The electrical matrices on work requiring a building warrant were being finalised and the guidance on electrical installations not certified by approved certifiers would be referred back to SABSM by the end of the current week. SER had now issued "SER Technical Bulletin No 1" on contractor designed details.

12.4 Audit of SER had been completed and the report had been placed on the Agency's website. The audit process had been successful for both SER and the Agency and was the first of the annual audits of certification scheme providers.

13. VERIFIER AUDIT

13.1 Information in the form of a Balanced Scorecard had now been received from the majority of verifiers. The SBSA would provide feedback to Building Standards Managers by the end of December. Preparation was underway for trial audits in Northern Ireland after which the proposed audit process would be evaluated. The final audit timetable was awaited from SABSM.

13.2 The development of the 'Balanced Scorecard' was a collaborative process with SABSM and local authorities, who had agreed the five perspectives to be audited on; these were: Internal Business, Continuous Improvement, Public Interest, Private Customer and Finance. It would be largely a 'process' audit which would look at local situations such as resourcing. Two full-day seminars had been carried out at which the rudiments of the audit process had been discussed

13.3 Members were informed that the Agency would carry out eight audits each year over the next four years. The Agency confirmed that reports on the audit of verifiers against 'Balanced Scorecards' would be public documents and accessible on the Agency's website.

14. SBSA STAFF STRUCTURE

14.1 The up to date SBSA staff structure and contact information had been circulated prior to the meeting. 30 staff were currently in place (against a Corporate Plan target of 32 at this point).

15. N. IRELAND & ODPM REPORTS

N. Ireland

15.1 The second stage consultation on proposals for a new Act had been completed; the most significant amendments included a move from deemed to satisfy provisions to guidance. New powers would also be created in relation to sustainable development and dangerous buildings and strategies were presently being developed for implementation of the new legislation. It was intended to make the new Act at the end of 2006/beginning 2007 to come into force end 2008/beginning 2009.

15.2 N. Ireland were also currently considering the effect on building control of a review of public administration within which Ministers were proposing a reduction in the number of councils from 26 to 7, – to come into effect in 2009.

15.3 Consideration of technical changes included: In October an amendment to Fire Safety came into operation (including accessible heights, compartment volumes, simultaneous/phased evacuation, and giving visible recognition to European Fire Test methods). Amendments were being developed to technical parts on: Access to and use of buildings; Combustion appliances; Conservation of fuel & power; and Site preparation & resistance to moisture. Work was also about to start on an amendment to Structure.

15.4 N. Ireland would also be taking advantage of derogation in relation to EPBD and were considering the need to consult on certification of housing.

ODPM

15.5 The consultation on changes to Approved Document B had now closed.

15.6 Work was ongoing on disproportionate collapse and the structural implications of modern methods of construction.

15.7 On EPBD, fuel & power amendments were due in April; ODPM were ahead of other Member States and would be taking advantage of the 3-year derogation; domestic certificates would be produced through the Home Information Pack; SAP software was ready; learning and support packages were being developed for fuel and power seminars; and it was hoped to produce guidance on fuel & power on a similar basis to the Agency's draft conservatory guidance.

15.8 Work was also ongoing on sustainability of existing buildings and a joint working group comprising representation from ODPM, DEFRA, Treasury and the Cabinet Office would report to Ministers in January 2006.

15.9 It was intended to develop an E-Planning portal with building control.

15.10 A consultation on the introduction of a Code for Sustainable Homes had just been published. Details could be found on the ODPM website (www.odpm.gov.uk) and BSAC members were encouraged to familiarise themselves with the

consultation. Members were also advised to contact the Secretariat if they required hard copies.

15.11 Other ongoing ODPM issues, either under debate or consideration, were: affordability; regulation of water conservation; more user-friendly system of building regulations.

16. ANY OTHER BUSINESS

16.1 There was no other business.

17. DATES OF MEETINGS - 2006

17.1 Members were asked to note the 2006 meeting dates:

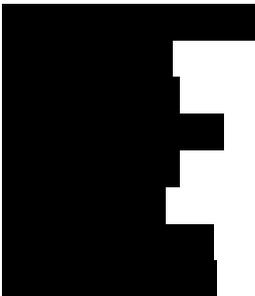
- Wednesday 5 April
- Wednesday 30 August
- Wednesday 6 December

Scottish Building Standards Agency
Denholm House
Almondvale Business Park
LIVINGSTON

January 2006

BUILDING STANDARDS ADVISORY COMMITTEE (BSAC)

MINUTES OF THE 123rd MEETING HELD AT THE SCOTTISH BUILDING STANDARDS AGENCY (SBSA), LIVINGSTON ON WEDNESDAY 5 APRIL 2006

Present	Members	Officials
	 (Chairperson)	Dr P Stollard Mr J Astwood Ms J Boyle Mr J McGonigal Mr G Peart Mr M Rae Dr L Sheridan Mr S Streets Mr A Murchison (Secretariat) Mrs M Williamson (Secretariat) Ms A-M Hughes

Observers

Ms A Hemming
Mr S McCrystal

Building Regulations Division - ODPM
Building Standards Division – N. Ireland

1. INTRODUCTORY REMARKS AND APOLOGIES FOR ABSENCE

1.1 The Chairperson welcomed members, observers and officials to the 123rd meeting of the Committee. He particularly welcomed Anne-Marie Hughes from the SBSA Procedural team to her first BSAC meeting.

1.2 Apologies for absence had been received from BSAC members: 
; and observers Brian McKenzie and Johann MacDougall from the Scottish Executive's Fire & Civil Contingencies Division.

2. MINUTES OF MEETING ON 7 DECEMBER 2005

2.1 Item 9.3: An addition to the minute at 9.3 was requested to reflect the importance of the need for ongoing dialogue with CPET on the legalities relating to sourcing of legal and sustainable timber.

2.2 With the addition above, the minutes were accepted as a true and accurate record.

3. MATTERS ARISING

3.1 Items 3.8 & 3.9 (Residential Care Home Guidance) - would be covered under Agenda Item 5.

3.2 **Item 3.10** (BSAC minutes) – In future, minutes would, subject to being accepted by the Committee as a true and accurate record, be placed on the SBSA website. The Agency would inform members as necessary of areas of policy sensitivity which may preclude the precise detail being posted on the web.

3.3 **Item 7.3** (Guidance document on conservatories) – would be covered under Agenda Item 9.

4. TALL BUILDINGS

4.1 Members were reminded of a discussion at the previous BSAC meeting on fire safety issues in relation to tall buildings at a height of more than 60m above the ground. The Agency, through research, had addressed many of the knowledge gaps identified in the report delivered to the last meeting. The Agency had also been made aware of further developments proposed for buildings greater than 60m and was in discussion with the relevant local authority and fire engineers. A meeting had been held with the relevant parties to the proposed development of the 120 storey building at which the concerns of the Agency had been made clear. A Direction may not be required as the developer was taking comments on board.

4.2 Current SBSA work on ‘tall buildings’, (which focussed solely on safety issues) might lead to the production of a supplement to the Technical Handbooks.

5. FIRE SAFETY IN RESIDENTIAL CARE PREMISES

5.1 Members were provided with an update on current Scottish Executive policy, as follows:

- Part 3 of the Fire (Scotland) Act 2005 was to be enacted in October 2006.
- Both SBSA and BSAC (in its response to the recent consultation) had intimated that there should be harmonisation between the fire legislation and building regulations.
- The Executive’s Fire and Civil Contingencies Division (FCCD) had received 120 responses to the consultation and the working group was presently analysing responses. The majority of responses were similar to the views of SBSA and BSAC.
- FCCD was working to a deadline of publishing the residential care guide by the end of July 2006.
- There would be limited consultation on future draft guides – SBSA had intimated that BSAC should be involved.
- Drafting would start, possibly in May, on a guide to premises providing sleeping accommodation.

6. 2006 UPDATE OF TECHNICAL HANDBOOKS

6.1 Minor amendments, details of which had been made available on 1 February 2006, would come into force on 1 May 2006. The Agency was issuing replacement pages and a CD Rom free of charge. The only substantive change related to new

guidance intended to prevent scalding from hot water (Standard 4.9 – Danger from Heat).

7. 2007 REVISIONS – CURRENT CONSULTATION

7.1 Proposed amendments had been made public on 1 March 2006 on:

- Section 1: Structure, including an updated and expanded edition of the Small Buildings Guide
- Section 4: Safety and Section 3: Environment
- Section 6: Energy and Section 3: Environment

7.2 The consultation period would end on 26 May following which BSAC working groups would review the responses. The Agency expressed its appreciation for member participation in the working groups.

8. NOISE STANDARDS – Paper BSAC 2 (2006)

8.1 Paper **BSAC 2 (2006)** had been circulated to inform members that the Agency intended to initiate a review of noise standards. This would be subject to Ministerial approval; would probably commence in September 2006; and research briefs, including research by SABSM, had started. Robust Standard Details (RSD), which was reported by ODPM as very successful, would also need to be considered.

8.2 Local authorities reported a lot of noise complaints and it was interesting that testing resulted in evidence that minimum standards were met and exceeded. The problems, therefore, appeared to relate more to workmanship and a lack of contractor knowledge.

8.3 The proposed working group details would be further discussed at the next BSAC meeting.

9. EC DIRECTIVE ON THE ENERGY PERFORMANCE OF BUILDINGS

9.1 Scotland was now compliant with Articles 3, 4, 5 & 6 and had notified the EC accordingly. The EC had also been notified that it was intended to seek derogation on Articles 8 & 9. The Agency was due to consult on Articles 7, 8 & 9 within the next month and would include a timetable for implementation of energy performance certificates. It was intended to align the implementation with the introduction of the single survey.

Domestic and Non-domestic Buildings ¹	Introduction date
post construction	May 2007
at sale	Early 2008 ²
at rental	January 2009
Notes:	
1 For existing non-domestic buildings over 1000m ² in floor area and that are public buildings, the additional proposal is that these should commence as soon as the Simplified Building Energy Model (SBEM) tool with the inference engine is finalised (expected end of 2006), with no enforcement until January 2009.	
2 Timing dependent on introduction of single survey.	

9.2 SERT was not yet ready and needed more work. There would be further consultation when it was fully developed. Work was progressing well on Article 8 (Boiler advice) and a leaflet had been developed which could be issued with warrant applications. Discussions were continuing with the Heating and Ventilating Contractors Association (HVCA) on protocols attached to Article 9 (Inspection of Air-Conditioning Systems).

9.3 It was accepted that local authorities needed guidance on their statutory and discretionary responsibilities and the Agency confirmed that, following the formal consultation, full details on Directive implementation would be placed on the SBSA website.

9.4 Consideration had been given to a register of energy performance certificates and the following 3 options would be presented in the forthcoming consultation:

- no register;
- using the building standards register; and
- use of a register by a non-public organisation

In relation to the enforcement of, and basis for, the building standards register the Agency confirmed that the register was not a requirement of the Directive and there would be a cost benefit option on the register within the consultation.

9.5 The Agency confirmed that SERT was not intended to be used by domestic householders; they would submit a detailed questionnaire.

9.6 Alignment of the output of SERT with the output of rdSAP was integral to the SERT research contract.

9.7 The Agency was aware of other Executive policies such as the Scottish Housing Quality Standard and the proposed Single Survey. The intention was to align EPBD certification issues where possible.

9.8 The Agency had intended that Section 6 of the Building (Scotland) Act 2003 (Building standards assessments) would be used when the single survey had been voluntary. There was, therefore, now a need to look again at the intention of Section 6 but the SBSA needed to wait until the single survey was operational before doing so.

10. GUIDANCE DOCUMENT ON CONSERVATORIES – Paper BSAC 1 (2006)

10.1 The Guidance Document on Conservatories had been revised as a result of the limited consultation with a small group of BSAC members, and the technical and procedural comments which came out of that consultation.

10.2 Further technical comments were offered on the draft document and the Agency undertook to give further consideration to issues relating to strip foundations; soil vent pipes; and expansion of the worked examples to other/different geographical areas. The Agency also agreed to clarify the use of the document and to have further, limited discussion with SABSMS on the final draft.

Action: SBSA

10.3 It was also agreed that future guidance documents of a similar status would benefit from the advice of a quickly-convened ad-hoc working party, as this approach had proved successful with the conservatories document. In this respect, members were asked to consider other subjects for similar guidance documents.

10.4 The document would not come back for further BSAC consideration. If members had further technical issues, then they should refer them directly to Steven Streets.

11. UPDATE ON CERTIFICATION SCHEMES

11.1 2 Certification Schemes had been approved: Certification of Design (Building Structures) with SER Ltd as scheme provider; and Certification of Construction (Electrical Installations to BS 7671) – with SELECT and the NICEIC Group Ltd as scheme providers.

11.2 Concerns over SER's Technical Bulletin No 1 had been discussed with SER and the scheme now appeared to be settling down. SER was presently revising their scheme guide to be supplemented by two guidance notes and Technical Bulletin Nos. 1 & 2. Bulletin No. 2 would cover the level of structural checking and should allow more designs to be checked by sole practitioners in future.

11.3 SELECT had been successfully audited in February, the report of which was on the SBSA website. SECREG, established by SELECT and NICEIC, had had a very useful meeting at which discussion had been held on scheme changes, including qualifications. SELECT was also considering revision of its scheme guide.

11.4 Guidance on electrical work not requiring a warrant had been published jointly with SABSM and was now more robust following discussions with SABSM and SECREG and could be found on the SBSA website.

11.5 As part of the discussions in 11.4 a need for further information on BS 7671 (electrical installations) had been identified. SECREG had agreed to provide awareness training to Building Standards Managers and Surveyors

11.6 There were other scheme applications in progress, but they were not at the stage where they could be submitted to the certification panel.

11.7 The Agency stressed the importance of reporting issues direct to scheme providers in the first instance.

11.8 A possible problem was reported in relation to the use of certificate numbers in the certification register on the SBSA website. The Agency confirmed the number was not required to check the certificate status and that only the approved body and approved certifier details were checked on the register.

12. UPDATE ON VERIFIER AUDIT

12.1 The Agency had reviewed all balance scorecards received in December and feedback had been given to all 32 verifiers.

12.2 In conjunction with SABSM, the Agency had developed an audit process paper which would be placed on the web.

12.3 The Agency had undertaken 2 trial audits in Northern Ireland in January (1 city local authority and 1 rural local authority). As a result of the trial audits, the audit process paper had been re-assessed and finalised in conjunction with SABSM.

12.4 Final balanced scorecards were due at the end of March (25 out of 32 received at present). They would also be placed on the website in due course.

12.6 An audit timetable had been developed, with SABSM, through to 2010. The first audit would take place with Stirling Council on 10 and 11 May 2006.

12.7 Local authorities had set their own targets within the agreed 5 perspectives and would update their balanced scorecards each year, as appropriate.

13. RESEARCH UPDATE

13.1 The Agency reported on ongoing research work which could be accessed on the Agency's website at http://www.sbsa.gov.uk/current_standards/Research.htm.

13.2 Consideration was presently being given to the new research programme. It was intended that there would be substantial programmes in support of the proposed reviews of noise and fire as well as work on the use of the building standards register and finger trapping.

13.3 The research budget (which was separate from the SBSA funding allocation) for 2006/07 should be £145,000.

13.4 The research project on formatting the Technical Handbooks using a system based on extensible markup language (XML) formatting had resulted in the development of a prototype which was considered to be user-friendly and practicable. It would not be feasible to develop an interactive design tool (which had been the subject of previous discussion at BSAC) given that the standards were performance-based, but the XML system would provide a platform that might be developed in other ways.

13.5 The Agency was maintaining a watching brief on the bid to develop an electronic 'planning portal' and any potential opportunities for building standards. The Agency would also observe developments in the ODPM planning portal.

13.6 A workshop had been held in December to gain industry views regarding the noise standards. Research was underway to explore local authorities' approaches to sound testing. A report was being prepared, supported by information gathered at the workshop, in support of the proposed review of noise standards.

13.7 It was also suggested that a workshop should be held for technical directors within Scottish building firms concerning issues of sound insulation. This was very much relevant to building release and such a workshop would hopefully lead to 'buy in' by construction firms. The problems of noise testing were too problematic after the event. The Agency would consider the feasibility of developing a workshop.

14. SUSTAINABILITY

14.1 The Agency informed members that the report – *Sustainable Development Policy into Practice: New Buildings* – which described progress in work by Scottish Executive Agencies and Divisions to further the sustainable development of new buildings, had been published on the SBSA website. Copies were available for members.

14.2 Ministers had agreed that the report would be supplemented by a user friendly document to encourage people altering, extending or converting their homes to consider wider sustainability issues. This could go beyond what was currently required under the building standards and outline to householders other simple steps they could take to improve the sustainability of their existing property. It was envisaged that this would be written for a non-technical audience, be approximately 8 pages in length, and be illustrated with relevant examples. It would be suitable for local authorities to supply alongside advice on making applications for building warrants and it was the intention to publish this document by the end of the summer.

15. N. IRELAND & ODPM REPORTS

N.Ireland

15.1 The report from the N. Ireland Building Regulations Unit covered the following policy issues: the present review of primary legislation and proposals for a new Act; amendments to building regulations (including conservation of fuel & power, combustion appliances, fuel storage systems, access to and use of buildings, structure, ventilation, fire safety, solid waste in buildings)

ODPM

15.2 The report from ODPM Building Regulations Division provided updates on the following policy issues: Part L & associated E-learning; the Code for Sustainable Homes (applicable to England only); water conservation consultation (with DEFRA); sustainability of existing buildings; EPBD; and changes to Fire regulations.

16. ANY OTHER BUSINESS

16.1 Members were asked to consider the frequency of 'Away Day' BSAC meetings and it was suggested that meetings should be held on this basis every 4th or 5th meeting. The Chairperson felt that the need for the residential meeting depended on the subject matter, but considered the meetings to be invaluable in terms of networking and policy development.

16.2 The next Away Day would be in spring 2007.

17. DATE OF NEXT MEETING

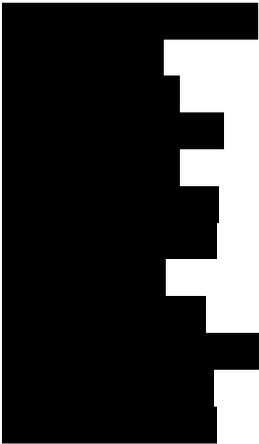
17.1 Wednesday 30 August 2006.

Scottish Building Standards Agency
Denholm House
Almondvale Business Park
LIVINGSTON

April 2006

BUILDING STANDARDS ADVISORY COMMITTEE (BSAC)

MINUTES OF THE 124th MEETING HELD AT THE SCOTTISH BUILDING STANDARDS AGENCY (SBSA), LIVINGSTON ON WEDNESDAY 30 AUGUST 2006

Present	Members	Officials
	 (Chairperson)	Mr J Carter Mr W Dodds Mr J Astwood Mr I Herd Mr C Hird Mr J McGonigal Mr G Peart Mr M Rae Mr S Scott Dr L Sheridan Ms L Stewart Mr S Streets Mr A Murchison, Secretariat Mrs M Williamson, Secretariat
	Observers	
	Mr B McKenzie Mr B White	HM Fire Service Inspectorate Building Standards Division – N. Ireland

1. INTRODUCTORY REMARKS AND APOLOGIES FOR ABSENCE

1.1 The Chair welcomed members, observers and officials to the 124th meeting of the Committee. Before commencing the formal Committee business, he took the opportunity of expressing condolences, on behalf of the Committee, to the family and colleagues of Anne Hemming, Head of Building Regulations at the Department for Communities and Local Government (DCLG). Anne had been tragically killed whilst on a recent cycling holiday in Scotland. The Chair also offered to contribute to the book of condolence on behalf of BSAC.

1.2 Members were informed of the resignation of , whose business commitments now prevented him from participating in BSAC; and , who was now on secondment to HM Fire Inspectorate. The Chair welcomed **Bill White**, the observer from N. Ireland; and **Bill Dodds**, recently-appointed SBSA Assistant Chief Executive.

1.3 Apologies for absence had been received from BSAC Members  and ; from **Paul Stollard** and **Seamus McCrystal** (N.Ireland), who were attending the funeral of Anne Hemming; and Johann MacDougall from the Executive's Fire & Civil Contingencies Division.

1.4 In the absence of an observer from DCLG, a Buildings Division update paper was tabled for members' information.

2. MINUTES OF MEETING ON 5 APRIL 2006

2.1 The minutes were accepted as a true and accurate record.

3. MATTERS ARISING

3.1 **Item 10.2** (Guidance document on conservatories) – the Agency had undertaken to give further consideration to the following issues: strip foundations (guidance now expanded); soil vent pipes (the exclusion had been removed); and there were now 4 different geographical examples. Further clarification had also been provided on the use of the document.

3.2 **Item 4.1** (Tall Buildings) – Information was currently being collated by the SBSA with assistance from other countries through the Inter-jurisdictional Regulatory Collaborative Committee (IRCC). This research was ongoing and a progress report would be provided at the next IRCC meeting in the autumn.

3.3 A progress report was provided on the Direction issued under Section 6A of the Building (Scotland) Act 1959, as amended (referred to in previous minutes). To date, no applications to amend the warrant had been referred to Scottish Ministers.

3.4 **Item 11.5** (need for further information on BS 7671; and SECRaG awareness training) – SBSA and SABSMS had issued revised guidance for verifiers (where an approved certifier was not used) in March and SELECT and NICEIC had since offered training to verifiers.

4. CONSULTATION RESPONSES

Section 1: Structure - Paper BSAC 3 (2006)

4.1 Colin Hird introduced **BSAC 3 (2006)** which summarised the consultation responses on section 1: Structure. Members were informed that the Agency had adopted a different approach with the consultation exercise in that a letter had been sent to all interested parties directing them to the online consultation documents. Although there had been some requests for hard copies, this approach had been generally successful. Prior to the full consultation, there had been an interim consultation with a limited number of key stakeholders.

4.2 The most contentious issue, because of its complexity, related to the introduction of timber frame guidance within the Small Buildings Guide. Options were still being considered and would be discussed at the Working Group meeting on 8 September, although it was likely that the tables would be simplified and reduced.

Section 4: Safety, incorporating section 3: Environment (facilities in dwellings and sanitary facilities) – Paper BSAC 4 (2006)

4.3 Steven Scott introduced **BSAC 4 (2006)** which provided a brief summary of the above consultation. The Agency had been disappointed in the limited number of responses from designers but responses in general had been supportive.

Housebuilders had queried the accessibility proposals and had concerns about the effect on affordable housing; the effect on smaller homes; and the costs of development. The most contentious issue related to the viability of providing improved access between storeys. The Working Group would meet on 6 September to discuss the key issues that have arisen as a result of the consultation.

Section 6: Energy, incorporating section 3: Environment (heating, ventilation and condensation) – Paper BSAC 5 (2006)

4.4 Gavin Peart introduced BSAC 5 (2006) on the above consultation. The Paper comprised a brief summary of the consultation responses and highlighted the recurring concern, arising from the consultation, over the complexity of the calculation procedures arising from the use of a methodology and the SBEM and SAP tools/software. An elemental approach had been retained in relation to extensions and new dwellings; and the most controversial proposal related to the greater design flexibility if a micro renewable approach was being adopted. Respondee also wanted to see a tightening up of airtightness provision.

EPBD - Consultation on Articles 7, 8 & 9 of the EU Directive

4.5 Gavin Peart informed members that responses to the consultation, which closed on 11 August, were at an early stage of analysis. A Working Group had not been set up for this consultation but the Agency was happy to provide BSAC members with a detailed analysis once completed. It was intended, however, to establish focus groups from various sectors (e.g. social landlords) to consider the draft guidance that would result from the consultation analysis.

Action: SBSA

4.6 It was also agreed that there would be close liaison with SABSM on the consultation outcomes.

Action: SBSA

4.7 The main issue of concern to members related to the adequacy of lead-in times and costs, principally in relation to problems with software development. It was suggested that a deadline should be set (e.g. 1 November) for software to be available and operational. An analysis of the consultation responses was required before determining how best to proceed. Liaison was also ongoing with BRE. The joint SBSA/SABSM Building Standards Register Working Party was aware of the issues, particularly the cost and time elements.

4.8 BSAC members were advised that energy performance certification would be introduced for new buildings in May 2007 to coincide with the revised energy standards. The timetable would have to be flexible with regard to sale of buildings, as it was imperative that alignment was achieved with the introduction of the Single Survey, which was being handled by other Scottish Executive colleagues. The current Single Survey implementation date was early 2008.

5. SBSA CORPORATE PLAN

5.1 Members were informed that the SBSA Corporate Plan for 2006-2009 had been approved by the Deputy Minister for Communities and comprised 10 updated targets. It was intended to publish an updated Procedural Handbook to coincide with technical revisions planned for May 2007. Work on Building Standards Assessments would be deferred until the impact of the 'Single Survey' had been fully evaluated.

5.2 The Scottish Parliamentary elections due to be held in May 2007, however, could lead to a change in current priorities.

6. PROPOSED CHANGES TO STANDARDS AND GUIDANCE

Sections 0, 3 & 4 – Papers BSAC 6 (2006); BSAC 6a (2006);and BSAC 6b (2006)

6.1 Ian Herd introduced BSAC 6 (2006) and Steven Streets introduced BSAC 6a and BSAC 6b. BSAC 6 (2006) highlighted the following possible issues for review:

Land contamination; Drainage (surface water); Flooding; Recycling of solid waste storage; Home composting; Security; Daylighting; Ventilation; Water conservation measures; Combustion appliance installations; Micro-renewables; Durability; Design for disassembly; and Demolition.

6.2 Papers 6a and 6b went into more detail on the key issues relating to Durability/Design Life and Disassembly/Demolition respectively. Members offered initial observations and comments, principally relating to the issues of recycling of solid waste storage; the need for a 'joined up' approach to landfill and water supply issues; the problems of developing regulations on durability; the potential conflict between the waste management recommendations and the need for disassembly; and the extent to which landfill could be avoided through demolition regulations.

6.3 The Committee agreed with the proposal to establish a Working Group, which would consider all of these issues in more detail. Members were asked to intimate their interest in participating in the Working Group, which [REDACTED] indicated he would be willing to chair.

Section 2 – Paper BSAC 7 (2006)

6.4 Jim McGonigal introduced BSAC 7 (2006) which explained the issues and proposals for taking forward a major review of section 2: Fire. In particular, the Agency emphasised the need to give more recognition to sustainable issues which are embedded in the standards and guidance.

6.5 The 'Inclusive Design' references within the Paper were commended and it was felt that there was a significant opportunity for building regulations to lead the way on such issues. Whether it was appropriate for the proposed BSAC Working Group to deal with issues relating to sprinklers in schools, however, as opposed to within the wider Scottish Executive, was questioned. However, these, and other, issues would be examined in more detail by the BSAC Working Group, the establishment of which was agreed by the Committee.

6.6 Members were asked to intimate their interest in participating in the Working Group, which [REDACTED] agreed to chair.

Section 5 – Paper BSAC 8 (2006)

6.7 Linda Stewart introduced BSAC 8 (2008), which outlined the priorities, issues and process involved in the first major review of noise standards in almost 20 years.

6.8 The general member discussion raised issues such as: whether the Working Group scope could include; improving guidance and the minimum performance criteria, considering extending the current standards to include lift noise, insulation of services, reverberation in common areas and insulation of bathroom walls. Robust Details Ltd (RDL) offered a scheme as an alternative to mandatory testing in England and Wales. The Agency and RDL were due to hold a discussion on whether it would be appropriate to operate a similar scheme in Scotland. If RDL did choose to develop their scheme, this would be under the Certifier of Design/Construction status. Members were again asked to intimate their interest in participating in the Working Group, which Mr Toshner had indicated he would be willing to chair.

6.9 Members were also asked to consider whether they would be willing to contribute to the discussion on general legislative requirements within section 0; and/or suggest other areas for review.

6.10 In relation to all Working Groups, once the issues for review had been agreed, the SBSA would carry out any necessary further research to underpin new guidance leading to the publishing of new standards and guidance to come into force in May 2009.

7. UPDATE ON CERTIFICATION SCHEMES

Existing Schemes

7.1 **Certification of design (building structures)** - In July 2006, SER Ltd (Structural Engineers Registration Ltd) issued –

- a new scheme guide; and
- SER Technical Bulletin Number 2 – Guidelines for checking the structural design of buildings. Based on risk RC1 low, RC2 medium or RC3 high. This extended the building type and occupancy where no independent check was necessary - i.e. the certifier was both the designer and checker. This applied to RC1 low risk and included houses and alterations and extensions to houses.
- SER would be audited by SBSA in November 2006

7.2 **Certification of construction (electrical installations to BS 7671)**

SELECT/NICEIC -

- Next SECRReG meeting 31 October
- SELECT still considering revising their scheme guide
- NICEIC audit arranged for 11/12 September

Live Applications

7.3 No applications have been put to the certification panel.

a) Applications for schemes under Section 7(2) of the Building (Scotland) Act 2003

Potential New Schemes: **8**

Potential New Scheme Providers: **7**

Design Schemes: **4**

Construction Schemes: **4**

b) Application for Direct Appointment under Section 7(1) of the Building (Scotland) Act 2003

Approved certifier of design: **1**

Approved certifier of construction: **1**

c) Potential Applications - 3

Meeting with Robust Details arranged for 31 August.

7.4 Current Issues

- Issues regarding overlaps of different schemes
- Developing policy on allowing different trades to carry out work that was not their primary role - e.g. electrical work with other primary function
- Ensuring scheme membership was open to “non-member” individuals and firms who meet the membership criteria
- Issues surrounding multi-plot sites were causing confusion - i.e. multiple dwellings on single building warrant.

7.5 Other Work

- Fees paper issued with effect from 1 May 2006, charges for certification, views and relaxations – available on SBSA website.
- Certification Handbook was being updated and 7(1) and 7(2) were being combined.
- Certification application forms were being reviewed and guidance for applicants was being produced.
- Improvements to the Certification Register have been implemented to allow alternative co-ordinators details to be shown. Also, the website had clarification that the certificate number was needed for audit purposes and not for validation of the certificate. The certification register validity process did not check the certificate number; however, the number should be entered to facilitate auditing.

- Guidance was being considered to cover certification-related procedural matters to assist certifiers, approved bodies and verifiers.

7.6 In relation to the processes for discussing operational issues with certifiers, the Agency stressed the importance of being made aware of issues with schemes.

8. UPDATE ON VERIFIER AUDIT

8.1 Since the BSAC meeting in April, the Agency had undertaken 3 verifier audits: Stirling Council in May; North Lanarkshire Council in June; and Perth & Kinross Council in August. Reports on the first 2 visits were on the SBSA website. The next verifier audit would be week commencing 4 September. The audit team comprises a senior member of the SBSA Corporate Team; a senior member of the SBSA Technical Team; and an independent auditor.

8.2 The Agency was on schedule to meet the Corporate Plan target of auditing 8 verifiers in 2006/07 and intended to produce an annual report on its findings after the first 8 audits. Consideration would be given to holding a workshop with SABSM to review the audit processes generally.

9. UPDATE ON FIRE (SCOTLAND) ACT 2005

9.1 Mr McKenzie acknowledged the considerable input from the SBSA to the creation of the fire safety guidance documents and he provided an update on HM Fire Inspectorate/Fire and Civil Contingencies Division developments, as follows:

- New fire safety regime would come into force on 1 October 2006, at the same time as England and Wales.
- Existing legislation mostly repealed and revoked.
- New regime would comprise Part 3 of the Fire (Scotland) Act 2005 and the Fire Safety (Scotland) Regulations 2006.
- Wider scope than at present, both in respect of premises covered and extent of fire safety measures.
- Fire and rescue authority would be the principal enforcer.
- One consequence of change was the fire certificates no longer in force; the regime would be based on self compliance with dutyholders required to carry out fire safety risk assessment, carry out fire safety measures and keep assessment under review.
- Fire safety regime applied only to life safety.
- Domestic premises were outwith the scope (but HMOs which required a licence were caught) although one aspect in terms of maintenance applied to the common parts of domestic premises.
- Publicity campaign was ongoing to raise awareness, through local national and trade press, radio and billboards.

- Guidance for dutyholders - 162,000 copies of guidance book had been sent to organisations in Scotland and would also be available online and from Blackwells Bookshop.
- 10 sector specific guides were proposed. Update was provided on categories and progress.
- Strategic and interpretative guidance was proposed for enforcing authorities.
- Dedicated website at www.infoscotland.com/firelaw for access to information, guides, legislation and news sign-up facility

9.2 Members raised concerns about the inter-relationship between the Fire (Scotland) Act 2005 and other legislation, in particular licensing. The Committee were informed that requirements imposed under the Fire (Scotland) Act 2005 would take precedence over any such legislation (section 71 of the Fire (Scotland) Act 2005 refers).

10. RESEARCH UPDATE

10.1 To date, the Agency had committed 75% of its budget of £145,000; and it was expected to be fully committed in the near future.

Research relevant to the current proposals for 2007

10.2 Two studies have been completed that have been used to inform the review of consultation responses including development of regulatory impact assessments.

- An evaluation of the impact of proposed changes to standards to facilitate the use of dwellings on a range of private sector dwelling types, which mostly confirmed the earlier draft regulatory impact assessment.
- A Consultation with Small Businesses and Micro-Businesses on the impact of proposed changes to Section 6 Energy.

10.3 Work was ongoing to produce *Guidance on Stone Masonry* which was due to be published in the New Year, to compensate for the withdrawal of BS 5390. The SBSA intended to refer to the forthcoming report in the 2007 Technical Handbooks, with a link to a holding page on the website.

Implementation of EPBD

10.4 **Energy** - 20 properties have been assessed using Reduced Data SAP 2005. Those results were being compared with results provided by the Scottish Energy Rating Tool. The Agency was awaiting a compilation of a summary of the work to date from the SERT contractor (University of Strathclyde). Further development of SERT would be undertaken as a new contract, but the Agency had some reservations about the use of questionnaires to compile information about existing homes.

Preparation for proposed work areas

10.5 Agenda item 6 looked at proposed work areas. There were a number of research projects underway or about to start to support these, as follows:

10.6 **Fire** - Work had started on a cost-benefit analysis of automatic fire detection and suppression systems in new school buildings. This was part of the sustainability strategy – introducing requirements for asset protection, not life safety.

10.7 The Forestry Commission was to fund fire testing of timber cladding details with a view to producing Robust Details for timber cladding on small masonry and timber frame buildings, the project to be managed by SBSA. An SBSA workshop on 7 September with industry representatives would help to finalise the brief.

10.8 A comparison of BS 7974 and the International Fire Engineering Guidelines had been completed.

10.9 **Noise** – The Agency, in discussion with SABSM, had completed a survey of sound performance testing regimes in Scottish local authorities. A review was about to start of the sound insulation performance of the specified constructions based on tests requested by Edinburgh and South Ayrshire. Following that review, the Agency would decide whether it needed to commission the design of specified constructions that achieved higher levels of sound performance.

10.10 **Sections 0, 3, 4** – The Agency had almost completed a report on the Recovery of Demolition Materials which would inform the review of Regulation 10. A case study, by 3D Architects, of Design for Disassembly issues for a school building had also been completed, which would help the Agency to look at measures to make renovation and disassembly easier.

10.11 BRE was completing a feasibility report on a means to set requirements for the Design Life of Building Elements.

Research on other issues

10.12 The draft report of the SCOTCROSS project would be discussed in mid September. Twenty of the thirty two local authorities in Scotland had so far provided 551 reports on materials falling from buildings or at risk of falling. It was proposed to provide this information to local authority Chief Executives as it involved work by Building Standards Departments on dangerous and defective building notices.

10.13 The Agency had used Thirdwave Consultants to help compile *Sustainability at Home – a guide to improvements*, which was aimed primarily at home owners, giving advice on making homes more sustainable. It was intended that this advice would be online, supported by leaflets and it was further intended that local authorities would make this available to people inquiring about undertaking work to their homes. The possibility of the distribution of the leaflets through DIY stores would be investigated and this would coincide with a TV campaign on sustainability by the Executive's Sustainable Development Division.

10.14 There would be a workshop on thermal imaging in October to inform verifiers, house-builders, architects and SBSA officials on what thermal imaging can achieve and to better understand the interpretation of infrared images.

10.15 The Agency was compiling a brief to look at the impact on buildings of building integrated micro renewables and other forms of low and zero carbon technologies and to identify any need for guidance on such technologies, across the standards.

10.16 A contract would be let to BRE on finger trapping by doors in retail, educational and domestic buildings.

10.17 The Agency has been in discussion with the local authorities as to how it might assist them in developing the Building Standards Registers; a draft questionnaire and brief for a software tool has been compiled.

10.18 The Agency was also contributing to two other projects:

- A UK-wide project on detailing of flood resilient constructions, which has been extended to 2007 to cover experimental work.
- A Planning project on the Review of General Permitted Development Order, due in December.

11. N. IRELAND REPORT

11.1 The new amendment to the primary legislation, Building Regulations Order (1979), had been delayed by a shortage of staff in the Office of the Legislative Council. The draft would eventually be issued for public consultation although the exact time frame was still uncertain due to workload and the political situation. When the revised Order was finally approved there would be a period during which all of the supporting documents would be revised to reflect the “guidance” approach in place of the current “deemed to satisfy”.

11.2 The second amendment to the Building Regulations (NI) 2000 would be made on 31 August, coming into operation on 30 November 2006. This amendment would be to the following Parts:-

- Part F – Conservation of fuel and power
- Part L – Combustion appliances and fuel storage systems; and
- Part R – Access to and use of buildings; which has consequential amendments to:-
- Part H – Stairs, ramps, guarding and protection from impact; and
- Part V - Glazing

11.3 Part F had been replaced. New regulations to raise energy performance standards had been introduced and compliance would be measured against an overall carbon dioxide emission target. This was in line with the last amendment to the England & Wales Part L and is the Northern Ireland Building regulations

response to both the Government White paper and the European Directive on the Energy performance of Buildings.

11.4 Part L had been revised to bring the NI regulations up to date with the current best practice in relation to the installation and operation of combustion appliances. The title had been changed to match that of Part J in England & Wales and new regulations had been introduced for the provision of information about flues, hearths and chimneys, the protection of liquid fuel storage tanks from a fire in an adjacent building and the protection against pollution caused by oil spillages.

11.5 Part R had been amended in relation to buildings other than dwellings only to bring NI into line with Part M in England & Wales. New regulations had been introduced for access to extensions and sanitary accommodation in extensions. The consequential amendments to Parts H and V were in relation to stairs and ramps and the marking of glazed screens and doors.

12. ANY OTHER BUSINESS

12.1 Members were informed that the Deputy Minister for Communities had re-appointed [REDACTED] as Chairperson for a further 3 years, effective from 1 January 2007.

13. DATE OF NEXT MEETING

13.1 The next meeting would be on 6 December 2006.

Scottish Building Standards Agency
Denholm House
Almondvale Business Park
LIVINGSTON

September 2006

BUILDING STANDARDS ADVISORY COMMITTEE (BSAC)

MINUTES OF THE 125th MEETING HELD AT THE SCOTTISH BUILDING STANDARDS AGENCY (SBSA), LIVINGSTON ON WEDNESDAY 6 DECEMBER 2006

Present	Members	Officials
	 (Chairperson)	Dr P Stollard Mr W Dodds Mr J Astwood Dr L Sheridan Ms J Boyle Ms L Stewart Mr A Murchsion, secretariat Mrs M Williamson, secretariat
	Observer	
	Mr B White	Building Standards Division – N. Ireland

1. INTRODUCTORY REMARKS AND APOLOGIES FOR ABSENCE

1.1 The Chairperson welcomed members, observers and officials to the 125th meeting of the Committee.

1.2 Apologies for absence had been received from BSAC members: ; and observer Brian McKenzie from HM Fire Inspectorate.

1.3 In the absence of an observer from DCLG, a Buildings Division update paper was tabled for members' information.

2. MINUTES OF MEETING ON 30 AUGUST 2006

2.1 The minutes were accepted as a true and accurate record.

3. MATTERS ARISING

3.1 Item 4.5 and 4.6 (Consultation on Articles 7, 8 & 9 of the EU Directive) – would be covered under agenda item 6.

4. UPDATE ON NEW REGULATIONS

4.1 The Building (Scotland) Amendment Regulations 2006 were laid on 3 November and would come into force on 1 May 2007. In considering the Scottish Statutory Instrument (SSI) the Scottish Parliament's Communities Committee heard

evidence on the Regulations from the SBSA, SABSM, Scottish Building, Energy Action Scotland and the Disability Rights Commission. The Communities Committee was content with the changes introduced by the Regulations and agreed that it had no recommendation to make in relation to the instrument. The Agency had, however, discovered an important omission from the SSI subsequent to the Parliamentary process and a further amendment correcting this would be required.

4.2 Dr Stollard commended the amount of work undertaken by SBSA and BSAC colleagues.

4.3 The amended Technical Handbooks were due to be sent for printing on 8 December and it was intended that they would be published on the SBSA website early in January 2007. TSO would publish the hard copies in February 2007. BSAC members would receive a free copy and each local authority would receive 2 copies.

4.4 There will also be minor changes to the procedure forms and fee regulations with effect from May 2007 plus a second edition of the Procedural Handbook.

4.5 Subsequent to the publication of the Technical Handbooks, a full dissemination programme would be undertaken by the SBSA. It was intended to hold one-day seminars at the SBSA offices every Wednesday beginning in March through to April and at a number of locations to be agreed with local authorities. The Agency would also consider requests for seminars from professional and/or trade associations within the construction industry, although not from commercial organisations. There would be no fee for the seminars and full details about the arrangements would be made known in January.

4.6 Four guidance leaflets had been approved both for web publication and distribution to local authorities early in 2007, covering: Alterations to existing WCs, bathrooms and shower rooms; Alterations to existing kitchens; Minor building work; and Replacement windows and two on Certification covering Electrical installation and Structural design.

5. PROPOSED WORK AREAS

5.1 Sections 0/3/4:- Work was progressing on the establishment and membership of the working party.

5.2 Section 2:- The first working party meeting had been arranged for 31 January; membership would consist of 12 members including a fire safety representative from The Fire and Rescue Services (Scotland) and further fire engineering expertise provided by a co-opted expert. Hugh Adie would also be on the Working Group and would provide necessary inter-action with Fire Safety Regulations. The main focus of the review will concentrate on escape from buildings in the case of fire. Consideration will be given to improving the guidance on early warning of fire; lighting to assist escape; the number and distribution of fire exits; lower cost sprinklers in dwellings; facilities and communication to assist people with disabilities in the event of fire; and assistance to the fire and rescue services. The review will also consider the extension of standards to cover asset protection, using sprinkler systems, with regard to community buildings, particularly schools.

5.3 Section 5:– The first meeting had been arranged for 24 January and 12 members have been identified. Several discussions on topics to be covered include; specified construction, performance criteria, testing criteria for airborne sound, historic buildings, performance testing regimes, laminate flooring, environmental noise and extending the standards beyond their current remit.

5.4 Several other issues were raised by members for future consideration. These included the need for different levels of standards within domestic premises, bearing in mind the need to take into consideration care in the community issues/ independent living scenarios as well as laminate flooring issues.

6. EPBD

6.1 Joanne Boyle introduced BSAC 9 (2006) which provided an update on the consultation report on implementation of Articles 7, 8 and 9 on the EU Directive on the Energy Performance of Buildings. The report had received Ministerial approval to be published on the SBSA website and could be accessed from 11 December. Subsequent to the consultation, specific proposals had still to be developed for Ministers, including guidance on ways to produce energy performance certificates.

6.2 A new Regulation 17 had been introduced in order to implement the terms of Article 9 of the EPBD regarding the inspection of air-conditioning systems and a new building standard 6.9 on energy performance certificates.

6.3 The Agency was presently working on setting up protocols with a number of professional organisations in relation to the training of members who would be able to produce energy performance certificates. Likely impact on workloads had still to be quantified.

6.4 Funding and resources issues for local authorities were raised as there were severe budget restrictions within authorities as well as issues with other workloads. Ring fencing was suggested for any work undertaken on energy performance certification.

6.5 The Agency stressed that the document only summarised responses to the consultation – recommendations to Ministers on costs have still to be developed (e.g. may have implications on Fees Regulations).

6.6 The Agency was alerted to the pressures on LA time in relation to the introduction of the Building Standards Register software systems. Jonathan Astwood at this point gave some detail about the changes in forms and procedure regulations relating to energy performance certificates and implications for the building standards register.

6.7 Joanne Boyle was asked for clarification of the different calculation tools. She explained that SAP was specific to dwellings and was not detailed enough to extend to many types of non-domestic buildings particularly with regard to information on heating and lighting systems. Hence SBEM was the appropriate tool for non – domestic buildings. RDSAP (reduced data) had been developed specifically for existing dwellings where detailed information on the construction build-up /U-values

is not usually available. SERT is similar but simpler again and was originally conceived as being simple enough that a householder would be able to gather the information required themselves to put into the calculation tool.

6.8 SERT research had just been completed. It was agreed that consistency was required between the Scottish and English calculation tools.

7. CERTIFICATION SCHEMES UPDATE

7.1 Jonathan Astwood introduced BSAC Information Paper 1 (2006) and informed members that SABSM/SER/SBSA would be meeting in January to discuss strategic issues (post meeting note – meeting would take place on 11 January at Denholm House).

7.2 A meeting would also be held with SELECT and NICEIC to discuss issues raised on electrical work not covered by schemes (post meeting note – issue to be raised at the SECRReG meeting on 16 January consisting of SELECT and NICEIC with SBSA attending as an observer.)

8. VERIFIER AUDIT UPDATE

8.1 Bill Dodds introduced BSAC Information Paper 2 (2006) and informed members that the Agency was currently reviewing the audit process and a meeting had been arranged with SABSM on 18 December. The audit timetable was also being reviewed and a letter informing local authority Chief Executives of the change to the audit procedures was about to be sent.

8.2 There was discussion around further workshops/information exchanges/networking events. These would be planned to ensure that local authorities could still benefit from an interchange of ideas. SABSM's website could also be a useful future source for such information. **Action: SBSA**

9. RESEARCH UPDATE

9.1 Linda Sheridan introduced BSAC Information Paper 3 and updated members on progress of item 1, in which the tender had been awarded to BRE. Item 8 had received only 1 tender and a new project to study the impact on Scottish construction of any further limitation of CO₂ emissions from new buildings would go to tender the week beginning 11 December 2006.

10. FIRE (SCOTLAND) ACT 2005 UPDATE

10.1 Paul Stollard introduced BSAC Information Paper 4. Further guidance referred to in the update paper would be circulated to members and it was noted that the guidance was web-based only. **Action: SBSA**

10.2 An issue was raised regarding the Act and houses in multiple occupation licensing. If conditions are attached to the HMO license, they may be overridden by provisions under the Fire (Scotland) Act. Paul responded that this was an issue

which the SBSA were aware of and would be seeking to cover when working on the development of guidance in support of the Fire (Scotland) Act 2005.

10.3 The SBSA had agreed to arrange and facilitate a meeting which would involve SBSA; FCCD; LAs; & CFOA in order to clarify roles and responsibilities, particularly as to how the new Act would affect local authority building standards. **Action: SBSA**

11. N. IRELAND AND DCLG REPORTS

11.1 Bill White (N. Ireland) introduced BSAC Information Paper 5 and Information Paper 6 (DCLG) was circulated to members.

12. BSAC APPOINTMENTS

12.1 Members were informed that, at 1 January 2007, the Committee would comprise 12 members (the Regulations allow for a range of between 12 and 18 members). The Agency had commenced an appointments exercise recently with a view to completing a new appointments round by the end of March, and before the period of purdah commenced prior to the Scottish Parliamentary elections in May 2007. However, it was subsequently assessed that Ministerial sign-off would not be achievable before the end of March and it had been decided to re-start the appointments process after the May elections. The aim now, therefore, would be for new appointments to take effect on 1 January 2008.

13. SCOTTISH PARLIAMENT PUBLIC PETITION PE979

13.1 Paul Stollard provided the background to Public Petition PE 979, which called on the Scottish Executive to review the Building (Procedure) (Scotland) Regulations 2004 and the Local Government (Scotland) Act 1973 in order to permit competition between neighbouring local authorities in relation to the provision of building warrants. Subsequent to an evidence session heard by the Parliament's Public Petitions Committee, the Committee had sought views on the petition from the SBSA, SABS, COSLA, the RIAS and the Minister for Finance and Public Sector Reform.

13.2 The Committee was informed that the Agency had responded to the Public Petitions Committee, as requested, and had not supported the petition. Copies of the Agency's response were available to members.

13.3 On the question of 'turnaround' time – members considered that more interaction was required between designers and verifiers and more guidance documents such as were being produced by the Agency would help best practice in the longer term. Additionally, the Agency, with SABS, was actively looking at developing a customer focus in relation to the delivery of the building standards service.

14. ANY OTHER BUSINESS

14.1 Concern was expressed over resource implications where building standards officials were dealing with the new licensing scheme – Colin Hird was still trying to facilitate meetings between SABSM and Scottish Executive.

14.2 In view of the previous discussion regarding BSAC membership, members agreed to the proposal to co-opt, from 1 January 2007 and for the period up to the conclusion of a formal appointments exercise, a fire engineer, a building standards officer, a housebuilder and a fire officer.

14.3 An issue relating to a problem with a major housebuilder moving people in to new homes where no completion certificate had been accepted, as well as making alterations from approved plans, was considered to be a civil matter and not within the jurisdiction of BSAC.

14.4 As this was [REDACTED] last meeting as a BSAC member, a formal presentation was made to thank Ian for his exceptional contribution to BSAC over the last ten years. In [REDACTED] absence, members were also made aware of his significant contribution to Fire standards and Paul expressed his thanks to him also.

15. DATES FOR 2007 MEETINGS

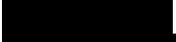
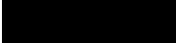
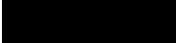
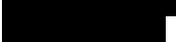
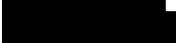
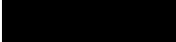
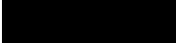
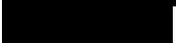
- 25 April (formally 18th April)
- 22 August
- 12 December

Scottish Building Standards Agency
Denholm House
Almondvale Business Park
LIVINGSTON

January 2007

BUILDING STANDARDS ADVISORY COMMITTEE (BSAC)

MINUTES OF THE 126th MEETING HELD AT THE SCOTTISH BUILDING STANDARDS AGENCY (SBSA), LIVINGSTON ON WEDNESDAY 25 APRIL 2007

Present	Members	Officials
	 (Chairperson)	Dr P Stollard
		Mr J Carter
		Mr B Dodds
		Mr G Peart
		Mr H Adie
		Mr I Herd
		Dr L Sheridan
		Mr C Ashby
		Ms A-M Hughes
	Co-opted Members	Mr A Murchison - Secretariat
		Mrs M Williamson - Secretariat
		
		
		
	Observers	
	Ms S Dunn	Sustainable Buildings Division – CLG
		Association of Building Engineers
	Mr B White	Building Standards – N. Ireland

1. INTRODUCTORY REMARKS AND APOLOGIES FOR ABSENCE

1.1 The Chairperson welcomed members, observers and officials to the 126th meeting of the Committee. He extended a particular welcome to ,  who have been co-opted to the Committee until the end of 2007. The Chair also welcomed Shona Dunn, Deputy Director of Sustainable Buildings at Communities and Local Government to her first meeting; , Chief Executive of The Association of Building Engineers as an observer; and Clyde Ashby from the Agency's Procedural Team who was also attending his first BSAC meeting.

1.2 Apologies for absence had been received from BSAC members: ; ; and observer Brian McKenzie from HM Fire Inspectorate.

2. MINUTES OF MEETING ON 6 DECEMBER 2006

2.1 The minutes were accepted as a true and accurate record.

3. MATTERS ARISING

3.1 Matters arising would be dealt with under main agenda items.

4. UPDATE ON NEW REGULATIONS

4.1 Dr Stollard informed members that new Technical Handbooks were now available and the new Regulations would be in force on 1 May 2007, thus meeting Agency targets and fulfilling Partnership Agreements. Minor changes had been made to Fees and Forms Regulations. Also now available was Historic Scotland's Guide for Practitioners – *Conversion of Traditional Buildings: Application of the Scottish Building Standards* which had been jointly produced with the Agency. The Guide (which referred to 2006 guidance) would aid verifiers as well as practitioners and had the same status as the Technical Handbooks.

4.2 A series of dissemination events on the changes to standards and guidance had been arranged to take place at the SBSA offices from 7 March through to the end of May, with wash-up events planned for June. The Agency would then review the training position.

4.3 A revised Procedural Handbook had also been produced and which contained information on energy performance certificates. Members were advised that work was still ongoing on SBEM, (the non-domestic calculation tool), but outstanding issues should be resolved by 1 May.

5. WORKING GROUPS

5.1 **Environment/Safety:-** [REDACTED] provided feedback on the work to date of the BSAC Working Group on Environment and Safety. The Working Party comprised 12 members, 3 of whom were BSAC members (one being the convener) and 3 independent members (house builder, NHBC and architect). CLG and NI were also represented. The SBSA had a larger than normal presence due to the spread of responsibilities.

5.2 The first meeting had been held on 28 February and 3 other meetings had been organised for the coming year. From November 2007 onwards, the standard procedures of consultation, review, evaluation and publication would be the same for all 3 Working Parties.

5.3 There were 9, rather diverse, subjects (presented to BSAC at a previous meeting) for review by the Working Party. They included: land contamination, solid waste storage and recycling, security, micro-renewables, water conservation, ventilation, disassembly and demolition, flooding and combustion appliances. The issue of VOCs (volatile organic compounds) had been raised by one member of the Working Party as an issue that might be relevant for consideration. The SBSA would check out existing legislation on the subject and report back at the next meeting.

5.4 The first 4 subjects on the above list had been discussed at the first meeting and members had provided very helpful and useful comments to allow the Agency to

develop guidance for the next meeting. At the meeting the Working Party had agreed the following:

- Land contamination:- improved guidance should be drafted that related more to the risks relevant to the building itself to better address the intent of the standard. Existing guidance was more relevant to the site.
- Solid waste storage and recycling:- the standard should be expanded to cover recycling of domestic waste and that appropriate guidance should be drafted that took account of initiatives that were already taking place in several local authorities to encourage recycling.
- Security:- the committee did not reach full agreement on the way forward and SBSA, having listened to the discussion and comments made, decided to draft a new standard and associated guidance.
- Micro-renewables:- because micro-renewable technologies covered several standards, it had been agreed that a separate guidance document would be more appropriate rather than incorporating the various standards into the Technical Handbooks. BRE was in the process of researching how these technologies interacted with the building and whether they should be included in schedule 3 (work not requiring a warrant).

5.5 Papers were presently being prepared on the remaining 5 issues for discussion at the second meeting on 15 May. BRE was in the process of producing a report on the impact micro-renewables could have on a building and this should be completed shortly. Discussions during the Working Party meeting on the 'Security' paper had raised some issues and indicated that some further studies would be helpful to the review. This was now underway.

5.6 Subsequent member discussion revolved around exemption for micro-renewables; and Planning sustainability standards and possible conflict with building standards. The Agency was very conscious of the need to maintain a national building standards system although it was recognised that 'site specific' issues remained. However, it was felt that members should be aware of SPP6 (Renewable Energy) and it was proposed that a paper would be presented to the next BSAC meeting on the various planning initiatives on sustainability. **Action: SBSA**

5.7 **Fire:-** [REDACTED] provided feedback on the work undertaken to date by the BSAC Working Group on Fire. Two meetings had now been held and the following main issues discussed:

5.8 The introduction of a performance based chapter within the Handbooks:- a draft chapter had been circulated for discussion and the main points discussed had included:-

- Should a performance based chapter be developed?
- What were the advantages/disadvantages of such a chapter?
- Would it improve consistency throughout Scotland?

5.9 The number of escape stairs in domestic buildings:- the main points which had been discussed included:-

- The limitations of a single stair
- Interaction with the Fire and Rescue Service
- Smoke movement in buildings
- What should be the trigger heights be for different standards?
- Should there be a minimum of 2 stairs in high rise domestic buildings?

5.10 Communication – Domestic:- to address perceived limitation in current guidance in the coverage of smoke detection. The main points discussed included:-

- Limitation of current coverage of smoke detection
- Ageing population
- Guidance could align with either Northern Ireland or England and Wales
- Guidance can be more inclusive

5.11 Inclusive design:- The Working Group had started to examine the issue of egress for occupants with disabilities (including impaired mobility) and whether the guidance needed to be improved. The main points discussed included:-

- The use of lifts
- Horizontal evacuation
- Way finding measures
- Improved communication

5.12 Domestic buildings – Internal arrangements:- The Working Group looked at the current guidance on protecting occupants during a fire within dwellings. The main issue considered was whether alternative fire safety measures (e.g. automatic suppression and fire detection and alarm systems) could be cited in the guidance instead of, or as an alternative to, internal protected enclosures?

5.13 School buildings:- The Working Group had considered the issue of whether there was a need to provide automatic fire suppression systems in schools for asset protection (not life safety). The main points which had been discussed were: –

- What were the risks to schools?
- Was the system solely for property protection?
- Would it require a new functional standard?

5.14 ██████████ informed members that 16 out of the 32 local authorities had responded to the cost benefit analysis project to support the introduction of a Standard to require automatic fire suppression systems and integrated automatic detection systems in new school buildings. Members were informed that the results of this research were supported by the BRE research commissioned by CLG in England & Wales which had also considered the cost benefits of fire suppression systems in schools.

5.15 Three further meetings of the Working Group had been scheduled.

5.16 ██████████ also suggested that consideration be given to inviting Professor ██████████, of Edinburgh University's Centre for Fire Safety Engineering, to a future

Working Group meeting. ([REDACTED] fire-fighting system (Firegrid) had featured in a BBC Horizon programme on 24 April).

5.17 **Noise:-** [REDACTED] provided feedback on the meetings held to date by the BSAC Working Party on Noise. Two working party meetings had been held covering a number of issues and agreement reached that the scope of the review should include:

- specified constructions (including looking into hard floor coverings);
- setting performance and testing criteria;
- random testing regimes; and
- extending the standards.

5.18 The standards to be extended would include:–

For domestic:

- insulating walls and floors surrounding rooms containing a WC;
- walls and ceilings enclosing lifts and refuse chutes;
- limit reverberation in common areas; and
- the control of noise and vibration from services installed adjacent to a dwelling.

For non-domestic:

- Walls and floors separating sleeping accommodation in long stay residential buildings such as student halls of residence, care/old people's homes, large HMOs and key worker accommodation.

5.19 The outcome of research was awaited prior to setting performance levels and the level of testing for new build, and conversions including historic buildings.

5.20 Two research contracts had been commissioned with SABSM (Scottish Association of Building Standards Managers):

- 'Noise: Performance testing regimes in Scottish Local Authorities'. This was complete. The findings were that there was a great deal of inconsistency with regard to the testing regimes carried out by local authorities in Scotland.
- 'Survey of separating constructions that are resistant to the transmission of noise'. This was research to find out the most popular types of specified construction used in Scottish dwellings for separating walls and floors. The research was still to be concluded but an early indication was that there were not as many sound tests being carried out by local authorities as had originally been estimated.

5.21 Two other research contracts had been awarded to Napier University, to begin in April for a period of 12 weeks and be completed by August 2007.

- 'To design separating constructions that are resistant to the transmission of noise' was aiming for a 5dB improvement on the current performance levels. Interim report was due for mid May

- ‘To undertake a study of means to limit noise transmission to dwellings from service installations’ would consider water and heat pumps, fitted plant, ponds, micro-renewables, CHP, drainage stacks, extract fan ducts and wind turbines. The first steering group meeting was due at end of April.

5.22 ██████████ commended and thanked the Working Group members for their constructive approach and full participation in the subject areas.

5.23 In relation to the three Working Groups, Dr Stollard reminded the Committee that all were working towards 2009 amendments, for which consultation would take place early in 2008. The December BSAC meeting, therefore, would need to clear draft documents prior to consultation.

6. EPBD – PAPER BSAC 1 (2007)

6.1 Ms Hughes introduced Paper BSAC 1 (2007) which provided members with details of the current position in relation to EPBD implementation and covered the following key issues:-

- Article 7: Energy Performance Certificates – New Buildings
- Article 7: Energy Performance Certificates – Existing Buildings
- Article 7: Energy Performance Certificates – Retention of Data
- Article 8: Boilers
- Article 9: Air Conditioning Systems
- Article 10: Requirement for Experts and Inspectors

6.2 Ministerial approval had been given both to the EPC format and to the Register to be held by verifiers. In relation to requirements for experts and inspectors, protocol arrangements had been agreed with CIBSE to enable them to accredit their members to issue EPCs for existing buildings. Discussions with other professional bodies were ongoing and the Agency was keen to talk to any interested organisation.

6.3 Clarification was provided on the present SAP software situation. Two packages had been approved by BRE – Reginald James Architect and Survey Design Associates - a link to which would be sent to members. **Action: SBSA**

6.4 The Agency confirmed that, from 1 May 2007, replacement boilers should be SEDBUK rated A or B and an assessment procedure (a points-based system) could be accessed on the SBSA website. This assessment procedure would be used only when it was unfeasible to install a condensing boiler. Transitional provisions would also be in place for contracts signed before 1 May.

6.5 It was explained that the assessment procedure ([Assessment Procedure](#)) was different to the EPBD boiler advice leaflet ([Boiler advice](#)). Confirmation was also given that the assessment procedure was for when building owners elected to install a new boiler; and that the boiler advice leaflet was to try to persuade owners to install a new boiler.

7. REGULATION 17 RELAXATION – PAPER BSAC 2 (2007)

7.1 Ms Hughes asked members to comment on proposals in Paper BSAC 2 (2007) to relax Regulation 17. The relaxation, which was needed to manage the implementation of Article 9 of the EPBD, would be revoked once a suitable number of professional bodies were in place to undertake inspection.

7.2 The Committee agreed with the proposals to relax Regulation 17 and an update on progress would be given at the next BSAC meeting.

8. CERTIFICATION SCHEMES UPDATE – BSAC INFORMATION PAPER 1 (2007)

8.1 Mr Dodds introduced BSAC Information Paper 1 (2007) which provided members with an update on approved certification schemes and other certification matters.

8.2 Referring to the SER/SABSM/SBSA liaison meeting on 11 January, some of the issues raised at that meeting had been included in the second edition of the Procedural Handbook, published at the end of March.

8.3 Audit of SER and SELECT had been successful and only minor issues needed to be addressed.

8.4 Consideration would be given as to whether the outcomes from the joint meetings described could be disseminated through the SBSA website. This would need to be discussed with the different parties involved. Consideration would also be given as to whether a split between NICEIC and SELECT certification scheme recruitment could be provided.

9. VERIFIER AUDIT UPDATE – BSAC INFORMATION PAPER 2 (2007)

9.1 Mr Dodds introduced BSAC Information Paper 2 (2007) which provided an update on verifier audit. Particular thanks were given to [REDACTED] for organising and contributing to the private customer perspective seminar.

10. RESEARCH UPDATE – BSAC INFORMATION PAPER 3 (2007)

10.1 Dr Sheridan introduced BSAC Information Paper 3 (2007) which provided an update on research activity.

10.2 The Agency's research budget was now fully committed for 2007-08 (Noise-related research was proving to be expensive) and the Agency was looking at ways of accessing additional funding.

10.3 A new research project, *Energy Standards in Scotland and Scandinavia*, was underway. The aim of the project was to develop an understanding of the differences in energy standards and the formulation of energy standards in Scotland and Scandinavian countries, as part of an investigation of potential measures to further reduce carbon dioxide emissions from new buildings in Scotland.

10.4 The briefing paper based on the BRE/proKlima study tour could be circulated to members. It was likely, however, that research on Passivhaus would be reviewed as current activity was mainly scoping in nature. **Action: SBSA**

10.5 The outcome of the joint SBSA/SELECT project to provide information for the review of Schedule 3 and Technical Handbooks should be reported to the next BSAC meeting.

11. SABS/M/CFOA LIAISON MEETING – BSAC INFORMATION PAPER 4 (2007)

11.1 Mr Adie introduced BSAC Information Paper 4 (2007) which set out the background to the joint meeting between the Scottish Association of Building Standards Managers (SABS/M) and the Chief Fire Officers Association (CFOA) which had been facilitated by the Agency.

11.2 As, under the new Fire legislation, local authority building standards departments would be involved in advising licensing boards, Scottish Executive officials responsible for licensing policy legislation would be providing an update on the new licensing Act, and the role of building standards, to the SABS/M AGM. A further outcome of the joint meeting was an agreement in principle to hold a training workshop later in the year.

12. FIRE (SCOTLAND) ACT 2005 UPDATE – BSAC INFORMATION PAPER 5 (2007)

12.1 Mr Adie introduced BSAC Information Paper 5 (2007) which had been produced by Brian McKenzie of HM Fire Service Inspectorate. It was stressed that the Act was still relatively new and the Fire Service were still getting to grips with the legislation. Indeed, ██████████ informed members that it could take up to 2 years to identify how fire authorities were dealing with the new procedures.

12.2 Consultation on guides for premises providing sleeping accommodation had been completed, results have only started to be analysed and development of other guides was progressing reasonably well. Development of a guide on health care buildings might pose some difficulty and the Agency had been advising that cognisance must be taken of Firecode, the existing health care premises guidance which is currently in use. The Agency had committed substantial resources to the necessary liaison on fire guidance work and setting realistic and achievable benchmarks for existing buildings, many of which had not been covered by fire legislation previously.

12.3 Mr Adie confirmed that the Executive's draft guidance document *The Evacuation of Disabled Persons from Buildings* conformed to BS 5588 part 8 with regard to the use of lifts for evacuation purposes.

13. N. IRELAND & CLG REPORTS

13.1 Mr White introduced BSAC Information Paper 6 (2007) which provided an update on building regulations developments in N. Ireland, including amendments to

Part D (Structure); Part J (Recycling of solid waste in buildings); and Part F (Conservation of fuel and power). It was the intention of Building Standards in N.Ireland to move towards guidance-based regulations. Mr White also informed members that the new NI Assembly was due to start on 8 May.

13.2 Ms Dunn highlighted the main issues from the detailed update paper provided by Sustainable Buildings Division, CLG (BSAC Information Paper 7 (2007)), which were: the Review of Building Control; the Code for Sustainable Homes (responses to which were presently being analysed); and the Sustainability of New Non-Domestic Buildings. A further consultation on the Code for Sustainable Homes was planned for late summer which would include proposals on mandatory ratings. Work on the Sustainability of New Non-Domestic Buildings would be ongoing until the end of this year. Ms Dunn also confirmed that the draft Planning Policy Statement (PPS) on climate change had raised the issue of setting different standards through different local authority initiatives and that this, therefore, was a major issue in England & Wales. CLG were taking the same view as Scotland in that it was critical that national standards applied.

14. SCOTTISH PARLIAMENT PUBLIC PETITION PE979

14.1 Dr Stollard informed members that Public Petition PE979 had been rejected by the Scottish Parliament's Public Petitions Committee.

14.2 Under this item, the issue was also raised of self-verification by local authorities of their own work. Members were informed that Ministers had decided that the 3-year Direction (Verifiers' Interest in Buildings Direction), whereby verifiers could verify their own work, would not be extended beyond 30 April 2008 and that the Agency had written to local authority Chief Executives accordingly. It was agreed to copy the letter to all members and to further discuss the issues raised at the next BSAC meeting. **Action: SBSA**

14.3 In relation to a previous discussion (BSAC meeting of 6 December 2006) on 'turnaround time', the Agency stressed that it was keen to see local authority Customer Charters being developed. Customer Charters should be able to be viewed on local authority websites.

15. MEMBERSHIP UPDATE

15.1 Members were informed that a full public appointments exercise to appoint new members (from 1 January 2008) would be commenced as soon as possible after the new administration was in place following the Parliamentary elections and once Ministerial approval had been secured.

15.2 Extensions to their periods of appointment of 4 members, who were due to finish at the end of 2007, had been approved by the Office of the Commissioner for Public Appointments (OCPAS). The members in question ([REDACTED]) would now continue until 31 December 2008 and the Agency expressed its appreciation for their continued commitment to the work of the Committee and its Working Groups.

16. ANY OTHER BUSINESS

16.1 Having scrutinised all election manifestos, Dr Stollard informed members that it was clear that the Agency would be charged with extra new duties, in particular zero carbon/micro-renewables issues and enforcement. In order to fully consider the future issues for the Agency and BSAC, it was agreed that an additional day should be attached to the next meeting in August.

16.2 Dr Stollard informed members of recent restructuring within the Agency. Jeff Carter (Assistant Chief Executive) would retire in August; Gavin Peart would replace him as Assistant Chief Executive and Head of Strategy; and Alec Millar would become Head of Energy.

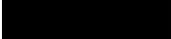
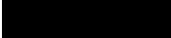
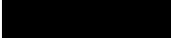
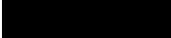
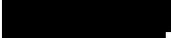
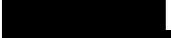
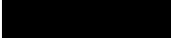
17. DATE OF NEXT MEETING

17.1 The next BSAC meeting would be held over 2 days and the previously agreed date of 22 August may have to be reviewed.

Scottish Building Standards Agency
Denholm House
Almondvale Business Park
LIVINGSTON

BUILDING STANDARDS ADVISORY COMMITTEE (BSAC)

MINUTES OF THE 127th MEETING HELD AT THE SCOTTISH BUILDING STANDARDS AGENCY (SBSA), LIVINGSTON ON WEDNESDAY 22 AUGUST 2007

Present	Members	Officials
	 (Chairperson)	Dr P Stollard
		Mr B Dodds
		Mr G Peart
		Mr H Adie
		Mrs J Haston
		Mr C McFadyen
		Mr J McGonigal
		Dr L Sheridan
		Ms L Stewart
		Mr A Murchison – Secretary
	Co-opted members	
		
	Observers	
	Mr A Burd	Sustainable Buildings Division – CLG
	Mr S McCrystal	Building Standards – N. Ireland

1. INTRODUCTORY REMARKS AND APOLOGIES FOR ABSENCE

1.1 The Chairperson welcomed members, observers and officials to the 127th meeting of the Committee. He extended a particular welcome to Anthony Burd, Principal Fire Safety Professional of Sustainable Buildings from Communities and Local Government and Janet Haston from the Procedural Team of the Agency who was attending her first BSAC meeting.

1.2 Apologies for absence had been received from: BSAC Members ; BSAC Co-opted Members ; Observers Brian McKenzie from HM Fire Inspectorate and Shona Dunn from Communities and Local Government; and Michelle Williamson from the secretariat.

2. MINUTES OF MEETING ON 25 APRIL 2007

2.1 The minutes were accepted as a true and accurate record, other than item 14.2 which referred to “*It was agreed to copy the letter to all members and to further discuss the issues raised at the next BSAC meeting*”. The minutes should have reflected the agreement to have an allocated agenda item covering the Verifiers Interest in Buildings Direction.

3. MATTERS ARISING

3.1 Agenda item 5.3: The Volatile Organic Compounds (VOC) issue had been raised at the first Environment working party meeting, the outcome of which was not to take any further through the working party.

3.2 Agenda Item 5.6: The previous meeting had proposed that a paper be presented to this BSAC meeting on the various planning initiatives on sustainability, with particular reference to the introduction of SPP6 which sanctioned local authorities to ask for Low and Zero Carbon Technologies (LZCT) on developments which were over 500m². SPP6 also asked that a 15% reduction in CO₂ emissions was provided which was over and above the energy standards compliance target. Members were informed that when SPP6 had been introduced, there had been no methodology for doing the calculation of the extra reduction. The Agency had been speaking to Planning colleagues and had suggested that they obtained research on how the calculation should be done. BRE had been commissioned and the Agency had seen an early draft of the methodology within the last two weeks. It had been hoped to have had something finalised at this stage to form the basis of a paper for BSAC, but this had not been possible. However, as LZCT would be on the table for the Expert Panel meeting in September, it would be prudent, therefore, to wait until after that meeting before producing a paper that covered all the issues.

3.3 Agenda Item 6.3: A link to SAP software packages had been sent to members.

3.4 Agenda Item 14.2: The Verifiers Interest in Buildings Direction would be dealt with as a main agenda item. The Agency's letter of 28 March 2007 to LA Chief Executives was tabled for members' information.

4. 2007 AMENDMENTS

4.1 A series of training and dissemination events on the changes to standards and guidance had taken place at the SBSA offices from March through to the end of May, and a final wash-up seminar had taken place in July at Dunblane. The changes represented the first set of major technical changes since 2002 and the seminars had comprised four one-hour presentations on Structure; Safety; the Energy Performance of Buildings Directive (EPBD); and Energy. Approximately 20 other events had been held throughout Scotland with good industry take-up and the Agency had been impressed with the organisation of local authority group events, as instanced by the Ayrshire and Clydebank seminars. Seminars had also been held with professional bodies such as RIAS, RICS and CIAT.

4.2 Although the issue of how to cover the detailed practical application of the changes was raised, the Agency stressed that they were not an educational provider. It was, however, hoped that the events would highlight the major changes to the new Technical Handbooks and provide delegates with a useful insight into the intention of the new guidance.

4.3 In relation to Section 6 Energy changes, Mr Peart informed members that confusion had arisen regarding the status of sunrooms attached to existing buildings,

with some press coverage along the lines that the Agency had banned sunrooms. This was incorrect and sunrooms could be constructed either as extensions to dwellings or standalone buildings attached to dwellings. In the first instance, there was no thermal separation and need for shut down control of heating; but glazing was restricted to the equivalence of 25% of extension floor area + any existing openings covered by extension. This also meant that a compensatory approach was used to get around 2/3 of the floor area translated into external glazing, with significant improvements to U-values of elements.

4.4 In the second instance, sunrooms could also be stand-alone buildings which were attached to and accessed from dwellings, and have unrestricted glazing but they needed to be thermally separated from the dwelling (i.e. have an external construction and door, have met the U-values, and have isolation of heating systems).

4.5 The Agency now needed to better explain the situation to the industry and was considering issuing letters to building standards managers, with a copy on the SBSA website flagged up on the home page. It was interesting that this was the first time that there had been publicly-expressed objections to energy standards and the SBSA was aware that the increasing energy standards could now be construed as impinging on people's choices for their own home. It was still too early for local authority building standards comments on the changes principally due to the need for staff training on the new standards as well as the large number of applications made before 1 May, which were only now being assessed.

Action: SBSA

4.6 The Agency advised members that the change to the guidance had improved the correlation between recently constructed dwellings and extensions in respect of glazing. However, it was aware that the correlation had diminished between extensions and alterations and this would be addressed at the next revisions.

4.7 The issue of trading-off energy efficiency measures in extensions against improvements to the existing building was also raised. The Agency considered that, in general, the opportunity to upgrade the existing building should not be traded away against new building work.

4.8 Members were asked to give further feedback on all changes at the next meeting. The Agency also needed to give consideration to easing the change process for local authorities because of the application 'bulge' at the transition stage, possibly through incentives regarding the duration of a warrant.

5. PRESENTATION ON THE DRAFT CORPORATE PLAN FOR THE AGENCY

5.1 Dr Stollard provided members with a PowerPoint presentation on the Agency's draft Corporate Plan. The Corporate Plan set ten strategic objectives (including a further review of section 6 Energy) for 2007-10 although the deliberations and recommendations of the Expert Panel might lead to a change in direction. The Committee suggested that the Agency consider inserting references to health and safety and to affordable housing. It had also been made clear from election

manifestos that politicians increasingly had to respond to constituents on compliance issues, which was why increased compliance was detailed as a strategic objective.

5.2 The text of the presentation would be attached as an appendix to the minutes of the meeting.

6. WORKING GROUP FEEDBACK

6.1 **Fire:-** [REDACTED] informed members that two working party meetings had been held to date and, due to the proposal to delay the introduction of the next major revision of the handbooks, it had been decided to postpone the third working party, use the summer months to take stock, and re-focus the review of Standard 2.9 from first principles. Members of the working party would be sent a revised programme with proposed dates for future meetings as soon as this next stage of work had been completed.

Action: SBSA

6.2 **Noise:-** [REDACTED] informed members that there have been four working party meetings which have covered a number of issues, as follows:-

- draft guidance to standard 5.1 – with additional guidance on performance testing regimes
- specified construction – changes to example constructions
- setting performance criteria (DnT,w or / and Ctr)
- setting performance level – maximum impact of 56db for floors and minimum airborne of 56db for walls with ongoing discussion on increasing this to 58db
- hard floor coverings
- historic buildings

6.3 In respect of the latter, the working party would consider the *Guide for Practitioners No. 6, Conversion of Traditional Buildings, Application of the Building Standards* at its next meeting.

6.4 Research relative to Noise:- (1) *Constructions used in separating walls and separating floors: new dwellings* had been finalised and agreed by SABSM; (2) *To design separating constructions that are resistant to the transmission of noise* was in draft final report stage and had been issued to the working party for comment; and (3) the working party had also received for comment the draft final report of the research project *To undertake a study of means to limit noise transmission to dwellings from service installations*.

6.5 The next working party meeting would be held on 13 September.

6.6 **Sections 0/3/4:-** [REDACTED] provided members with an update from the second working party meeting. The working party had considered the following issues:-

- Land contamination
- Solid waste storage
- Security

- Water conservation
- Ventilation
- Flooding

6.7 In line with other reviews, the completion of this review would be moved from 2009 to 2010* (*see 6.8). Micro-renewables would be the subject of a separate working party. Mr Burd informed the Committee that there was a clear cross-over between fire and security issues and there would need to be close liaison between the respective Working Parties.

6.8 *Although the change of date for introduction of next amendments had not been formally announced, the Committee was told of the reason for the change. It had been assessed that it would not be achievable to introduce section 6 amendments by 2009; and it had been decided, therefore, to avoid the introduction of amendments in both 2009 and 2010. The reasons would be set out in the Corporate Plan and the Agency would try to achieve a longer lead-in time for introduction of changes as well as phasing the consultation process.

7. Potential New Working Groups

7.1 It was proposed to establish new BSAC working groups to review micro-renewables, energy and compliance. Members were not being asked to 'sign up' to the proposed working groups as it was premature to do so, but views were welcomed.

7.2 Members agreed that it would be wise to have separate groups for micro-renewables and energy, but stressed the need for liaison and correlation between the two groups.

7.3 Potentially, there could be a significant number of issues that could be addressed by the compliance working party (e.g. noise, sound, airtightness testing, thermography) including liability/PI issues and post-completion testing.

8. EPBD – BSAC Information Paper 8 (2007)

8.1 Mr Peart introduced BSAC Information Paper 8 (2007) which provided members with details of the current position in relation to the implementation of the EPBD in Scotland. The paper provided an update on the following:-

- Article 7: Energy Performance Certificates Social Landlords: Research – Conversion of Existing Data
- Article 7: Energy Performance Certificates – Marketed Properties
- Article 7: Energy Performance Certificates – Retention of Data
- Article 7: Energy Performance Certificates – Guidance Leaflets
- Article 8: Boilers
- Article 9 – Air Conditioning Systems
- Article 10 – Requirement for Experts and Inspectors

8.2 In response to a query from the Chair, members were informed that, to the Agency's knowledge, the Single Survey would still be going ahead. However, the ongoing situation was being monitored by the Agency.

8.3 The Agency advised members that local authority housing and registered social landlords would be required to provide Energy Performance Certificates (EPCs). The recent research had shown that it would not be possible to provide a conversion tool for existing data, but flagged up a list of information that landlords would need to obtain in order to produce EPCs.

9. Certification Schemes Update – BSAC Information Paper 9 (2007)

9.1 Mr Dodds introduced BSAC Information Paper 9 (2007) which provided members with an update on the current position in relation to approved certification schemes and other certification matters. The paper covered the following issues:-

- Approved Schemes: Certification of Design (Section 6 – Energy) in Non-Domestic Buildings; Certification of Design (Building Structures); and Certification of Construction (Electrical Installations to BS 7671) SELECT/NICEIC.

9.2 Members were also informed that the Minister for Transport, Infrastructure and Climate Change, Stewart Stevenson, had approved the scheme for Certification of Design for Section 6 (Energy) for Domestic Buildings proposed by RIAS and BRE Scotland Ltd and had formally launched the scheme at the SBSA offices on 21 August. The Agency would contact BSAC members and local authorities shortly with the necessary details.

Action: SBSA

9.3 The annual audit at NICEIC would take place on 16 and 17 October 2007. It had been agreed that the scheduled annual audit at SER in November would be unnecessary following their excellent audit report last year. The next audit of the structures scheme would take place in November 2008. In response to a query from the Chair, members were informed that the SBSA was now satisfied with the SER audit process.

9.4 Other than the Section 6 (Energy) schemes, the SBSA had continued discussions with a number of potential applicants for certification schemes under section 7(2) of the Building (Scotland) Act 2003. Statistics, as at 31 January 2007, on recruitment to the approved schemes and use of certification services were also provided. The previous RIAS application has been put on hold while work was progressed on the Energy scheme.

9.5 There had been good feedback from SABSM on the use of electrical scheme certification.

9.6 The number of certificates issued respectively by SELECT/NICEIC was raised – the issue had been discussed at a SABSM/SECREG liaison meeting on 21 August with both parties. Also raised was the issue of variation in approach across Scotland where there was no certificate of construction. It was suggested that 'reasonable

enquiry' guidance should be explored further. The SBSA was providing additional guidance and clarification and backing this up through the audit process.

10. Verifier Audit Update – BSAC Information Paper 10 (2007)

10.1 Mr Dodds introduced BSAC Information Paper 10 (2007). From the ten audits undertaken to date, seven had been passed as satisfactory and three had presented cause for concern. Reports could be found on the SBSA website. The target for this year was to undertake eight audits and two had been completed to date (South Lanarkshire and Western Isles). The audit template was being recognised as being an exemplar.

11. Research Update – BSAC Information Paper 11 (2007)

11.1 Dr Sheridan introduced BSAC Information Paper 11 (2007) which comprised a full update on the Agency's research programme as well as details of stakeholder meetings run by the research team. Two of the reports, *CO₂ emissions beyond 2007* and *Energy standards in Scotland and Scandinavia*, would be discussed in more detail during the afternoon meeting that was to follow the BSAC meeting.

12. Fire (Scotland) Act 2005 Update – BSAC Information Paper 12 (2007)

12.1 Mr Adie introduced BSAC Information Paper 12 (2007) which had been prepared by HM Fire Service Inspectorate.

12.2 Members were informed that the consultation on the draft guide on Transport Premises had been completed and responses were being analysed and actioned. The consultation on the draft guide on Places of Entertainment and Assembly had been extended to 16th September following stakeholder representation. The Healthcare Premises guide was also currently being drafted and would take full cognisance of SHTM 85 which was being revised to ensure it was fit for purpose. The aim was for all guides to be completed by the end of the year. The web-based nature of the guides would hopefully facilitate the making of future changes easier if and when required. SABSM and CFOA were considering a range of training issues in relation to the guides

12.3 [REDACTED] enquired as to the status of sheltered housing in relation to the guides and the Fire (Scotland) Act. Mr Adie stated that sheltered housing would fall under the Act if it was registered under the Regulation of Care Scotland Act or if its layout and nature of use was such that it would bring it within the scope of an HMO.

12.4 A draft 5th edition of *Safety at Sports Grounds* (the 'Green Guide') had been issued for consultation by the Football Licensing Authority.

13. N. Ireland and CLG Reports – BSAC Information Papers 13 & 14 (2007)

13.1 **N.Ireland:-** Mr McCrystal introduced BSAC Information Paper 13 which provided members with an update on N. Ireland issues. It was intended to introduce and take forward an amendment to the building regulations primary legislation in the Assembly during the autumn session, have royal assent by March 2008, with the

legislation coming into force in 2010. The amendment would expand the principles of the regulations to include sustainability, protection and enhancement of the environment; would permit the making of regulations for low and zero carbon systems/micro-generation, and publication of guidance in support of regulations.

13.2 Also being considered was the introduction of a Type Approval scheme, authority for Building Control to issue dangerous building notices and a review of contravention timescales and crown immunity. The public appointments process (with reference to NIBRAC) was also being changed in line with Commissioner for Public Appointments protocols.

13.3 **CLG:-** A comprehensive update paper had been provided by the CLG Sustainable Buildings Division (SBD) and was introduced by Mr Burd, who particularly highlighted their latest workstreams as a result of the Housing Green Paper package. The Part L 'Forward Look' document referred to in the paper would also be made available to BSAC members.

Action: SBSA

13.4 SBD was also looking at how well the current regulations were being received by the construction industry.

13.5 Liaison should also be maintained between SBD and the Agency on compliance issues.

14. MEMBERSHIP UPDATE

14.1 The Minister for Transport, Infrastructure and Climate Change had approved the commencement of an appointments round for BSAC. Application packs had been produced, been cleared by the BSAC Chair, OCPAS and the Minister and it was anticipated that an advert would appear on the Scottish Executive website on 3 September. It was hoped to recruit between 6 to 8 new members whose appointment would take effect on 1 January 2008. A letter to all key industry stakeholders would also be sent out shortly, asking for the appointments round to be drawn to the attention of individuals within their organisations who might be interested in a place on the Committee. If members knew of anyone who might be interested in applying, then they should bring the application exercise to their attention.

15. THE VERIFIERS INTEREST IN BUILDINGS DIRECTION

15.1 As minuted at 3.4, the Agency's letter of 28 March 2007 to LA Chief Executives had been tabled for members' information.

15.2 Concern was expressed by local authority Committee members over the intention of the SBSA not to extend the Verifiers' Interest in Buildings Direction. Concerns principally revolved around cost issues associated with cross-boundary travel (including pre-warrant discussion); confusion over compliance issues; and problems related to geographical remoteness.

15.3 The Agency would be happy to pass BSAC views on the issues discussed to the Minister for Transport, Infrastructure and Climate Change, but the Committee in

the first instance would require further detailed information from authorities in order to develop a Committee view.

15.4 It was agreed that local authority members should take the lead in developing a written submission to the Committee Chair, in the first instance. This could then be copied to all members and the Committee could then meet separately to discuss further, if considered necessary. The secretariat could facilitate the copying and distribution of papers.

Action: BSAC members

16. ANY OTHER BUSINESS

16.1 The BSAC Chair and Members expressed their regards and appreciation to Jeff Carter, SBSA Assistant Chief Executive, for his contribution to the work of the Committee over many years. Mr Carter was due to retire on 31 August.

16.2 Mr Dodds confirmed that progress was being made in relation to Crown verification, with the Agency holding discussions with Crown bodies and legal advisers. There had, however, been less work done on building standards assessments principally due to work on EPBD and the single survey .

17. DATE OF NEXT MEETING

17.1 The next meeting would be on **12 December 2007**.

Scottish Building Standards Agency
Denholm House
Almondvale Business Park
LIVINGSTON

BUILDING STANDARDS ADVISORY COMMITTEE - WEDNESDAY 22 AUGUST 2007

ACTION LOG

Agenda Item 4.5 - The Agency now needed better explain the situation to the industry and was considering issuing letters to building standards managers, with a copy on the SBSA website flagged up on the home page. **SBSA**

Agenda Item 6.1 - Members of the Fire working party would be sent a revised programme with proposed dates for future meetings as soon as this next stage of work had been completed. **SBSA**

Agenda Item 9.2 - The Agency would contact BSAC members and local authorities shortly with the necessary details of the scheme for Certification of Design for Section 6 (Energy) for Domestic Buildings proposed by RIAS and BRE Scotland Ltd which had been formally launched on 21 August. **SBSA**

Agenda Item 13.3 - The Part L 'Forward Look' document referred to in the CLG paper could also be made available to BSAC members. **SBSA**

Agenda Item 15.4 - Local authority members should take the lead in developing a written submission to the Committee Chair on the issue of the verifiers' interest in buildings Direction. The secretariat could facilitate the copying and distribution of papers. **BSAC members**

Appendix - Presentation on the Draft Corporate Plan for 2007 - 2010

Why only Draft Plan?

- Comprehensive Spending Review
- Expert Panel
- Need to keep objectives and targets linked to resources

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Vision

Strategic Objectives

Resources & Improvement Strategy

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- A – targets from 2006/2008 corporate plan
- B – Deliverables and Achievements of the SBSA
- C – Building Standards Advisory Committee
- D – SBSA organisational chart

Vision

- A construction industry which consistently produces buildings accessible to everyone, durable, sustainable, and which result in as few carbon emissions over their lifecycle as possible.
- To achieve this vision, architectural creativity and technical innovation must be encouraged and not restricted.
- Opportunities to improve existing buildings must be found, while treating them with full respect.
- Where mandatory standards must be set, they should be as simple as possible and based on sound thinking and clear evidence.
- The skills of professionals and craftsmen need to be recognised and respected when considering the acceptability for designs.

Strategic Objectives

1. Develop and promote a strategy for achieving zero carbon buildings
2. Complete the next stage in that strategy by a significant cut in expected carbon emissions from buildings
3. Further the use of low and zero carbon technologies, including micro generation
4. Complete implementation of the Energy Performance of Buildings Directive
5. Review existing standards to reduce noise nuisance and improve means of escape from fire
6. Increase compliance with building standards
7. Improve verification of building standards
8. Improve the dissemination of information and service to stakeholders

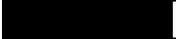
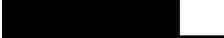
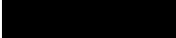
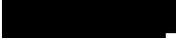
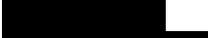
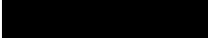
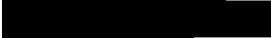
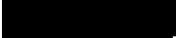
9. Develop and maintain international links to ensure best value and shared knowledge
10. Improve the effectiveness and efficiency of the SBSA

Improving Agency

- Learning and Development
- Efficiency targets and Process improvement
- Environmental policy
- Equality Duties
- Freedom of Information and Open Government
- Liaison with the voluntary sector
- Improving regulation and better enforcement initiatives

BUILDING STANDARDS ADVISORY COMMITTEE (BSAC)

MINUTES OF THE 128th MEETING HELD AT THE SCOTTISH BUILDING STANDARDS AGENCY (SBSA), LIVINGSTON ON WEDNESDAY 12 DECEMBER 2007

Present	Members	Officials
	 (Chairperson)	Dr P Stollard
		Mr B Dodds
		Mr G Peart
		Mr H Adie
		Mr J Astwood
		Mrs C Dewar
		Mr A Millar
		Mr C McFadyen
		Mr J McGonigal
	Co-opted members	Dr L Sheridan
		Ms L Stewart
		Mr A Murchison - Secretariat
		Mrs M Williamson – Secretariat
	Observers	
	Mr A Burd	Sustainable Buildings Division – CLG
	Mr S McCrystal	Building Standards – N. Ireland
	Minister for Transport, Infrastructure & Climate Change – Stewart Stevenson MSP (part attendance)	

1. INTRODUCTORY REMARKS AND APOLOGIES FOR ABSENCE

1.1 The Chairperson welcomed members and observers to the 128th meeting, extending a particular welcome to Cheryl Dewar from the Agency's Structural Team who was attending her first meeting.

1.2 Apologies for absence have been received from BSAC Members: 
 - and Observer Brian McKenzie from HM Fire Inspectorate.

1.3 The Minister for Transport, Infrastructure and Climate Change, Stewart Stevenson, would be joining the meeting later.

2. MINUTES OF MEETING ON 22 AUGUST 2007

2.1 The minutes were accepted as a true and accurate record.

3. MATTERS ARISING

3.1 Agenda Item 3.2: Although the April BSAC meeting had proposed that a paper be presented to the August meeting on the various planning initiatives on sustainability, with particular reference to SPP6, the Agency needed to take stock following the issue of the Sullivan Report (see item 5 of these minutes); an update would, therefore, be provided at the next BSAC meeting. **Action: SBSA**

3.2 Agenda Item 4.5: A letter to building standards managers – *Building (Scotland) Act 2003 – Guidance on Sunrooms* – had been issued on 6 September and could be found on the SBSA website.

3.3 Agenda Item 4.8: Members had provided feedback on changes to regulations either directly to the Agency or through comments to current working parties. Any further comments should be made directly to the Agency.

3.4 Agenda Item 6.1: A revised programme had been sent to members of the BSAC Fire Working Group.

3.5 Agenda Item 9.2: Details of the scheme for Certification of Design for Section 6 (Energy) for Domestic Buildings to be operated by the RIAS and BRE Scotland Ltd had been sent to BSAC members and local authorities.

3.6 Agenda Item 9.6: Certification of Design/Construction issues would be covered under Agenda Item 9.

3.7 Agenda Item 13.3: The CLG Part L 'Forward Look' document had been sent to BSAC members.

3.8 Agenda Item 15.4: There would be discussion of the self-verification by local authorities issue under Agenda Item 8.

3.9 Agenda Item 16.2: Progress on Crown verification would be covered under Agenda Item 10.

4. WORKING GROUP FEEDBACK

Section 2 - Fire

4.1 There have been five Fire Working Party meetings to date with a 6th proposed for February 2008. The following main issues were discussed at the meeting on 5 December

4.2 The introduction of a performance based document within the Handbooks:-

This would be less prescriptive than the guidance but not full blown fire engineering. A draft document had been circulated for discussion which included:-

- Should the document be part of the Handbook or only available online?
- Should the document include examples?

- What were the advantages/disadvantages of such a chapter?

4.3 Means of escape from first principles: which included discussion on:-

- The number of principles for domestic and non domestic might lead to an increase in the number of standards
- Should the principles become Functional Standards?
- Open plan layouts/ design flexibility
- The guidance should provide options of both active and passive protection
- Better guidance to assist egress for those with disabilities, e.g. Communication ease of egress

4.4 The Working Group had also divorced means of escape from Fire and Rescue.

4.5 Communication:- Following the changes to fire legislation, there was a need to consider the implications for existing guidance within the Technical Handbooks.

The main issues discussed included:-

- Identifying differences in sector specific guides and the Technical Handbooks
- Identifying buildings with greatest risk
- Minimum standard required in such building types
- Additional guidance to improve consistency of approach.

4.6 Escape Lighting:- The guidance to standard 2.11 had been updated. The main points discussed included:-

- Reasons for the update; which was to reflect changes to BS 5266
- Further information provided on methods of complying

4.7 School buildings:- Following research, the working party agreed that due to the uniqueness of schools and the particular problems they faced with regard to fire, they should be protected with automatic fire suppression systems to protect community assets.

Section 5 – Noise

4.8 Since the last BSAC meeting, there had been two working party meetings which had covered a number of issues, as follows:-

- measurement for low frequency sound (Ctr) in separating floors and walls was now included in the design of the 'example construction' and any innovative or new design would need to be designed with this included.
- performance level now agreed
 - new build max 56dB floors impact and min 56dB for airborne for separating floors and walls
 - conversions max 58dB floors and min 53dB for airborne for separating floors and walls

- converted historic buildings - the '*Guide for Practitioners No.6, Conversion of Traditional Buildings, Application of the Building Standards*' explained that pre- or post-1919 was defined within this guide for buildings converted regardless of historic interest, but did give special consideration to buildings with historic interest. This had been followed through into section 5 Guidance by using the same dates to deal with conversions.
- hard floor coverings - i.e. laminate – designed in to 'example constructions' in concrete floors only, as there was not a generic construction for timber, but a non-generic solution might be available
- draft standards & guidance – principles & objectives met
- amended standard 5.1 and new standard 5.2
- draft standards & guidance – domestic buildings discussed
- non-domestic guidance written – still to be discussed at the two further working parties arranged for 30 Jan and 20 Feb 2008.

4.9 The SBSA had contracted SABSM to undertake research to assess which separating wall and separating floor constructions were currently being used and what level of testing was carried out. The findings of the research showed the amount of testing varied between local authorities. Earlier research had identified that workmanship could affect the performance of such walls and floors. Although testing was currently covered in guidance, a level of 1 in 20 would be introduced in the new guidance, as suggested by the working party. Where testing was carried out, the cost would be borne by the developer.

4.10 The current standards recommended that a sound test result meet an individual value and/or a mean value. In the new guidance, there would be a change from using individual and mean to a single value for one test. This would increase the standards of construction as all separating wall and separating floor designs should be capable of meeting the single value. With the mean, a minimum of four tests were required and it was possible for one of the tests failing to meet the level and still pass a sound test. By using a single value, the wall and floor designs should meet the level on the first sound test, and one way to ensure this was to design to a higher level, thereby increasing the standards.

4.11 Sound testing through separating walls used the test criteria DnT,w which tested for low, mid and high range frequencies. Many of the noise complaints within new dwellings in Scotland tended to arise from mid to high frequencies such as speech or television; whereas low frequency noise was measured in England and Wales using the testing criteria DnT,W+Ctr. The proposals in the new guidance were to design all separating walls and floors using DnT,w and DnT,w+Ctr, but not to test where the newly developed 'example constructions' were used.

Sections 0, 3 & 4 – Environment/Safety

4.10 Feedback was provided on the 3rd and 4th Working Party meetings, which covered the following issues:-

4.11 Combustion Appliances – Biomass: The performance of high efficiency woody biomass and the excessive cost of their installation when compared to a typical Band A condensing gas boiler were discussed. SBSA was to undertake further investigation into smaller flues, fire danger, smoke detection, pollution, whole life issues and appliance misuse. The Agency would also update and improve existing solid fuel guidance to take account of woody biomass appliance installations and their specific technical details such as flue arrangements.

4.12 Flueless Appliances: The main issues of condensation, safety and products of combustion in room spaces were discussed. SBSA would undertake research for identifying ventilation/condensation requirements and comparisons to HSE findings, and, subject to research findings, would improve ventilation and combustion guidance.

4.13 Durability: A subject paper on Durability would be referred to BSAC for further consideration in due course.

4.14 Design for Disassembly: Issues and research findings were outlined by the Agency and methods of recycling, identification of materials for recycling, current developers practice, SEDA guide, market forces and other legislation were discussed. The SBSA would produce guidance that set out best working practice.

4.15 Demolition: The SBSA was to re-draft regulation 10 to include a requirement for an audit of materials and a plan for the re-cycling, re-use or down-cycling the products of demolition, with the intention of diverting from landfill.

4.16 Use of Recyclate: European legislation (CPD may be viewed as a barrier), local authority directions, planning legislation, BBAs, PI issues, material failures (re-used PVA slag etc) wood waste, manufacturers recycling schemes (British Gypsum etc), difficulty of control and client risk – were all discussed. The Agency would prepare guidance recommending best working practice on the re-use of materials and components in buildings.

4.17 Security: The SBSA would consider advice on wiring for security lighting and alarms; and consider comments on window locks from the BSAC Fire Working Party. The SBSA would also advise the Working Party on amendments to proposals following further discussion with key stakeholders, including the police.

4.18 Finger trapping: The Agency would prepare further guidance to section 4.8.

4.19 Solid Waste Storage: The Working Party considered the improved guidance on the location and minimum storage dimensions of the dedicated internal space and agreed that the Agency would prepare a paper for consultation.

4.20 Land Contamination: The Working Party was content with the improved guidance and agreed that the Agency would prepare a paper for consultation.

4.21 Surface Water and Flooding: The Working Party discussed the issues and options outlined in the Flood Mitigation Discussion Paper and agreed that the issues raised were adequately covered by the mandatory standard 3.3; although the SBSA would look at the wording of the standard to ensure it was appropriate. The guidance to the standard should be updated, improved and separated out into sections for groundwater and another for flooding. This would afford the opportunity to raise awareness of and highlight the different causes of flooding.

4.22 Mandatory standard 3.6 - Surface Water Drainage, was considered adequate although the guidance should be re-drafted with a theme to run through the redrafting of the guidance to the effect that, when constructed, the buildings surface water drainage should mimic the natural drainage on site; i.e. that the affect should be neutral or no worse than before; and a surface water discharge assessment should be undertaken by an appropriately qualified person; e.g. a drainage engineer.

4.23 Exempted Works in Schedule 1: The Working Party unanimously agreed that the exempted area of 200m² in Schedule 1 was too generous and that the SBSA should review this with a view to reducing the exempted area to reflect the size of a standard dwelling house driveway and access path.

4.24 Water Conservation: The Working Party concluded that a new mandatory standard for water conservation was required, and initially supported with guidance for water efficient fittings. The introduction of a whole building performance and any calculation methodology may follow. It was also agreed that the guidance should address potable water only, and not the wider conservation of rainwater or greywater. Recognition was given to the work being done in England and Wales particularly on the research/development of a water efficiency calculation methodology for whole house performance.

4.25 BSAC Discussion Paper 4 (2007) on Durability/Design Life was tabled, the purpose of which was to discuss the key issues in relation to the provision of a design life statement as part of the warrant process, for use with Regulation 8 and to provide recommendations to be discussed within the SBSA. As members had had little time to consider the paper, they were invited to feed comments back to the Agency subsequent to the meeting. **Action: BSAC members**

4.26 The Agency would, subsequently, disseminate the outcome by email to members, following the February Environment/Safety Working Group meeting. **Action: SBSA**

4.27 Other issues discussed related to current Working Group consideration of: finger trapping; and recycling of domestic waste and internal storage.

4.28 Consultation timescales were the same for all Working Groups – i.e. full public consultation, with regulatory impact assessments, in April 2008 leading to introduction of new regulations in 2010.

5. LOW CARBON BUILDING STANDARDS STRATEGY

5.1 The Expert Panel's Report on a Low Carbon Building Standards Strategy for Scotland (now referred to as the Sullivan Report) had been completed and would be formally launched by the Minister for Transport, Infrastructure & Climate Change today. The Panel was formed to take forward an SNP manifesto commitment. It consisted of members from Austria, Denmark and Norway in addition to representatives from Homes for Scotland; the Scottish Building Federation; the National House Building Council (Scotland); the Scottish Property Federation; Architecture and Design Scotland; the Energy Saving Trust; the Energy Systems Research Unit, University of Strathclyde; and the Carbon Trust. BSAC members were also represented on the Panel.

5.2 The Report, which would set the SBSA agenda for the next 5 years, comprised 56 recommendations, most of which would be taken forward by the Agency. It was the Ministerial view that the Report represented the way forward although it was also recognised that there were considerable implications for energy standards and a lot more work was required, particularly in respect of where the programme of work needed to be balanced by costing issues. Dr Stollard informed members that he would be willing to have one-to-one meetings with any organisation that wished to discuss the Report in more detail.

5.3 Individual meetings were also offered to BSAC members to discuss any specific issues or concerns they might have on matters such as the practicalities of timescales proposed; training implications for the construction industry; and the effects on building standards procedures.

6. NEW WORKING PARTIES

6.1 At the previous (August) BSAC meeting, it had been proposed to set up three new BSAC working groups on:- Energy; Micro-renewables; and Compliance. In view of the Sullivan Report, it was now proposed to establish two BSAC working groups:- on Energy, with Alec Millar as the lead SBSA official; and Compliance, with Charlie McFadyen as the lead SBSA official. The Committee agreed with the latest proposal and the Agency would work towards setting up the working groups immediately after the New Year.

7. EPBD – BSAC INFORMATION PAPER 15 (2007)

7.1 Mr Millar presented BSAC Information Paper 15 (2007) which covered:- progress with protocol arrangements; EPC software issues; the Single Survey; Article 8 – report to the EU on boiler advice; Article 9 – air conditioning systems; and guidance leaflet on public buildings.

(Note: the leaflet on public buildings had not been attached to the information paper. The SBSA would send it out to members.) **Action: SBSA**

8. SELF-VERIFICATION BY LOCAL AUTHORITIES – BSAC INFORMATION PAPER 16 (2007)

8.1 **Mr Toshner** introduced BSAC Information Paper 16 (2007) which set out an alternative mechanism that could provide Scottish Ministers with assurance of transparency and third party checking to enable Ministers to extend the permission for self-verification. The paper followed several meetings between the SBSA and SABSMS, in addition to a meeting held between SABSMS and the Minister for Transport, Infrastructure & Climate Change. The SBSA/SABSMS meetings that followed the Ministerial meeting had been an intense collaborative effort resulting in the model consortia agreement currently being developed. A special meeting of verifiers had also been held and the outcomes from that had also been positive. Appreciation was expressed to those BSAC members who had contributed since the previous BSAC meeting.

9. CERTIFICATION SCHEMES UPDATE – BSAC INFORMATION PAPER 17 (2007)

9.1 Mr Dodds introduced BSAC Information Paper 17 (2007) which provided members with an update on the current position relating to approved certification schemes and other certification matters.

9.2 The use of schedule 1 on the SER certificates and the follow-up form Q was discussed and the Agency confirmed that discussions had continued at the third liaison meeting between SER, SABSMS and SBSA in November 2007. Concerns about a lack of consistency and understanding were expressed and the Agency explained that the issues should be addressed by both the recent guidance notes issued by SER and the proposed guidance that the liaison group expected to produce following the next liaison meeting in March 2008. Further details on the discussions were available in the liaison group minutes which were currently in draft form.

10. CURRENT PROCEDURAL CONSULTATIONS ON FEES AND CROWN VERIFICATION – BSAC INFORMATION PAPERS 18 & 19 (2007)

10.1 Mr Astwood introduced BSAC Information Papers 18 and 19 which set out the background to consultations on fees regulations and proposals for the removal of crown immunity from building regulations.

10.2 Clarification was provided on the 'lower rate' reference at para. 6 of Information paper 18 – i.e. the reference related to 2010 standards.

10.3 Enforcement against the Crown would work as enforcement currently does under the Building (Scotland) Act 2003.

10.4 Quite apart from the changes in the proposed changes to fees scales relative to energy efficiency, concern was expressed about energy standards compliance, the assertion being made that housebuilders were working to 10-year old standards. Dr Stollard emphasised the need for the Sullivan Report recommendations in

workstreams 6 (Process) and 7 (Compliance) to be given the most detailed consideration.

10.5 Concern was also expressed about loss of fees to verifiers, given the situation whereby there were recommendations on compliance against verifier ability to make reasonable enquiry, compounded by possible zero fees on 2010 standards. However, members were informed that all other fees would increase and fees regulations might have to undergo more regular change to ensure verifiers were not penalised.

10.6 Following the consultation process, draft proposals would be sent to BSAC members for comment. **Action: SBSA**

11. VERIFIER AUDIT UPDATE – BSAC INFORMATION PAPER 20 (2007)

11.1 The Agency had undertaken fourteen audits to date. Twelve of the reports could be found on the Agency website and a further two were still in draft.

11.2. Two further re-audits were due to be carried out early in the New Year.

11.3. The target for the next financial year was to undertake eight audits and any follow up audits that were required.

11.4 Representatives from SBSA recently met with the Scottish Government Public Service Reform and Strategy Division to discuss the implications of the previously published Crerar Review of Regulation, Audit and Inspection of Public Services in Scotland. The present system of self appraisal by local authority building standards services, using a balanced scorecard approach and audit by SBSA, was viewed as an excellent model and very much what the Public Service Reform and Strategy Division would expect to see adopted by other similar services.

12. RESEARCH UPDATE – BSAC INFORMATION PAPER 21 (2007)

12.1 Dr Sheridan introduced BSAC Information Paper 21 (2007) which detailed SBSA research work in progress; collaborative work with Communities Scotland; and preparation for future projects. It was envisaged that, as a consequence of the Sullivan Report recommendations, the Agency's research work would increase dramatically over the next 3 years.

13. FIRE (SCOTLAND) ACT 2005 UPDATE

13.1 Mr Adie informed the Committee that seven of the nine sector specific guides had now been published on the FCCD website (www.infoscotland.com/firelaw). The guides were: Residential Care Homes; Offices, Shops and Similar Premises; both the Large and Small Sleeping Premises; Educational and Day Care for Children Premises; Transport Premises; and Factory and Storage Premises. It was anticipated that the guides for Places of Assembly and Entertainment and Health Care Premises would be published in January 2008, which would then conclude the publication of all the sector specific guides.

13.2 It was proposed that the BSAC Agenda Item – Update on Fire (Scotland) Act 2005 - would now be removed as a standing BSAC agenda item, although regular liaison between the Agency and FCCD would be ongoing.

(The Minister for Transport, Infrastructure & Climate Change, Stewart Stevenson, joined the meeting at this point).

14. N. IRELAND AND CLG REPORTS – BSAC INFORMATION PAPERS 22 & 23 (2007)

14.1 Mr McCrystal introduced the N. Ireland update paper which covered:- progress on the amendment to the Northern Ireland Building Regulations primary legislation; the work to follow which would entail major re-drafting of subordinate legislation and supporting documentation; ongoing work on amendments to Part D (Structure), Part J (Solid waste in buildings – recycling of solid waste), and Part F (Conservation of fuel and power – microgeneration); the Ministerial decision not to amend the building regulations to make microgeneration mandatory in all new buildings; and EPBD progress.

14.2 Mr Burd introduced the CLG update paper which covered: the review of building control; Part L issues; EPBD (particularly EPC) progress; the Code for Sustainable Homes; draft initial findings on work looking at the sustainability of new non-domestic buildings; review of Part G; flood resilience; transposition of Directive on Mutual Recognition of Professional Qualifications (Architects); enabling electronic communication of building control documents consultation; registers of local authority building control information; competent person schemes; time limits of prosecution of breaches of the building regulations; and the Construction Products Directive.

15. MEMBERSHIP UPDATE

15.1 The Agency was about to conclude a full BSAC reconstitution exercise which commenced in June 2007. Prior to the start of the appointments exercise, the following members had received a one-year extension, to the end of 2008, which had been approved by OCPAS:- [REDACTED]

[REDACTED] The following members had been re-appointed by the Minister for a second term, from 1 January 2008:- [REDACTED]

15.2 New Ministerial appointments, from 1 January 2008, were:- [REDACTED]

[REDACTED]. A formal press release providing background on the new appointees would be issued early in January 2008.

15.3 The Chair informed members that the Committee still lacked a member with fire and rescue knowledge. Members agreed that it would be appropriate to co-opt the necessary expertise and the Chair should write to a senior fire and rescue officer accordingly.

Action: BSAC Chair

16. DATES OF MEETINGS IN 2008

16.1 Meetings in 2008 would be held on: 23 April; 27 August; and 10 December.

17. ANY OTHER BUSINESS

17.1 The Chair, on behalf of the Committee and the SBSA, thanked members [REDACTED], both of whom had intimated that they did not wish to be considered for reappointment, for their contributions to BSAC. He also thanked [REDACTED] their contributions as co-opted members.

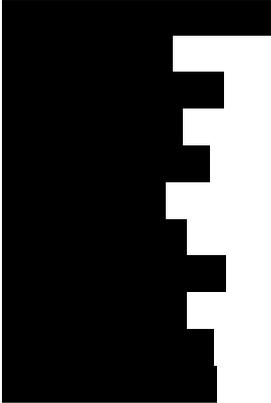
17.2 At the conclusion of Committee business, the Minister formally launched the report of the Expert Panel appointed by Scottish Ministers – *A Low Carbon Building Standards Strategy for Scotland*.

Scottish Building Standards Agency
Denholm House
Almondvale Business Park
LIVINGSTON

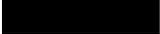
January 2008

BUILDING STANDARDS ADVISORY COMMITTEE (BSAC)

MINUTES OF THE 129th MEETING HELD AT THE SCOTTISH BUILDING STANDARDS OFFICES, LIVINGSTON ON TUESDAY 8 APRIL 2008

Present	Members	Officials
	 (Chairperson)	Dr P Stollard Mr A Murchison (Secretary)

In attendance

 - Strathclyde Fire & Rescue
(deputising for )

1. INTRODUCTORY REMARKS AND APOLOGIES FOR ABSENCE

1.1 The Chairperson welcomed members to what was, in effect, an EGM prior to a meeting with the Minister for Transport, Infrastructure and Climate Change on Wednesday 16 April.

1.2 Apologies for absence had been received from 

1.3 It was decided not to take the minutes of the previous BSAC meeting on 12 December 2007 as this would be more appropriately done at the meeting on 23 April.

2. DISCUSSION

2.1 Following a brief summary by Dr Stollard on the background to the decision to abolish the Building Standards Advisory Committee, members had a general discussion on future principles, working arrangements and linkages, continuing need and proposals to put to Ministers. The discussion is summarised as follows.

2.2 General

- Need for continuation of advice from the construction industry in setting standards and running the system
- Working Parties must continue if standards are to be practicable

- Need to have interaction between Working Parties to avoid contradictions
- Need to have input to the drafting of regulations and Handbooks
- Crucial, therefore, to have 'overarching' advisory group
- Diversity of perspectives and wide range of expertise a significant benefit from the current membership
- Opportunities for 'blue sky' thinking about future trends and issues
- Continuity and understanding of the system gained through time is of immense benefit (most members are on the Committee for six years)

3. Member recommendations

3.1 The general discussion on first principles then led to the following recommendations from members:

- A Working Party to be established/maintained for each area of change or revision
- Co-ordination of Working Parties
- Peer Review of the work of the Working Parties
- Continuation of an 'advisory body' from the construction industry (two-way process of giving advice, Minister-Industry)
- Continuation of CLG and NI input at both Working Party and co-ordination level
- Annual meeting (AGM? Awayday?) of all members of all Working Parties
- Need for co-ordinated approach with civil servants

4. Recommendations to put to Ministers

4.1 The following main recommendations should be proposed at the meeting with the Minister on 16 April.

- Minister should be informed about this meeting and member commitment
- Core co-ordinating body covering range of construction industry expertise to be chosen by Ministers (this could provide the chair and deputies for each Working Party)
- Chair and deputies of each Working Party then co-opt others, working with civil servants
- Regulations should not be reviewed without involvement of Working parties (cannot publish guidance which is subject to flaw)
- Core co-ordinating body to meet regularly (3/4 times a year)
- Minister to appoint 2/3 core members to each Working Party (chair and deputies)
- Working Party peer reviewed by core co-ordinating body
- Recommend additional Working Parties (e.g. need a WP on the interface between Planning and Building Standards)
- Larger forum to consider (annually?) all legislative changes and have link to Ministers

4.2 The following points should be particularly stressed to the Minister

- Value for money
- Commitment
- Works both ways (Ministerial – Industry conduit)
- Continuity
- Helps meet political objectives
- Ministers need industry advice to avoid pitfalls
- Advice given is from independent experts (as opposed to lobbyists with agendas)
- Stress Sullivan involvement

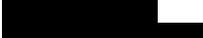
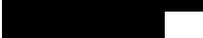
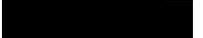
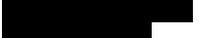
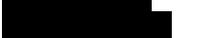
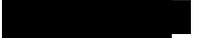
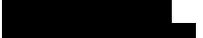
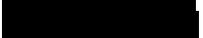
4.3 It was agreed that representation at the meeting with the Minister would be the BSAC Chairperson and the current Working Party conveners (Note – [REDACTED] not available), as follows:

[REDACTED] BSAC Chair (and deputy convener of Section 2 Working Party)
[REDACTED] Convener – Sections 0/3/4 Working Party
[REDACTED] Convener - Compliance Working Party
[REDACTED] Convener – Section 5 Working Party
[REDACTED] Convener – Section 6 Working Party

BSAC Secretariat
April 2008

BUILDING STANDARDS ADVISORY COMMITTEE (BSAC)

MINUTES OF THE 130th MEETING HELD AT THE SCOTTISH BUILDING STANDARDS OFFICES, DENHOLM HOUSE, LIVINGSTON ON WEDNESDAY 23 APRIL 2008

Present	Members	Officials
	 (Chairperson)	Dr P Stollard
		Mr B Dodds
		Mr G Peart
		Ms E Blaney
		Ms G McCallum
		Mr J McGonigal
		Mr A Murchison (Secretary)
		Mr M Rae
		Dr L Sheridan
		Ms L Stewart
	Co-opted Member	
	Mr N Turnbull (Strathclyde Fire & Rescue)	
	Observers	
	Mr A Burd	Sustainable Buildings Division – CLG
	Mr S McCrystal	Building Standards – N. Ireland

1. INTRODUCTORY REMARKS AND APOLOGIES FOR ABSENCE

1.1 The Chairperson welcomed members and observers to the 130th meeting. In particular he welcomed Neil Turnbull from Strathclyde Fire and Rescue who had accepted his invitation to become a co-opted member; and Scottish Building Standards officials Elaine Blaney and Gillian McCallum who were attending their first BSAC meeting as observers.

1.2 Apologies for absence have been received from BSAC Members: 

2. MINUTES OF MEETINGS OF 12 DECEMBER 2007 AND 8 APRIL 2008

2.1 The minutes of both meetings were accepted as a true and accurate record.

3. MATTERS ARISING

3.1 Agenda Item 3.1:- An update on planning initiatives would be provided under Agenda Item 14.

3.2 Agenda Item 4.25:- No comments had been received on the Durability/Design Life paper (BSAC Discussion Paper 4 (2007) tabled at the December 2007 meeting. It was agreed to re-circulate the paper to all members for information and, should any concerns or comments arise, then they would be dealt with by the Compliance Working Party.

Action: SBS Secretariat

3.3 Agenda Item 8:- Self-verification would be dealt with under Agenda Item 9.

3.4 Agenda Item 10.6:- Reduced warrant fees would be dealt with under Agenda Item 12.

3.5 Agenda Item 15.3:- The Chair had written to [REDACTED], Director of Community Safety with Strathclyde Fire and Rescue, who had agreed to join BSAC as a co-opted member.

4. BSAC TRANSITION

4.1 The Chair reiterated the background to the decision to abolish the Building Standards Advisory Committee, as a consequence of which the Committee meeting of 8 April had been held, principally to agree a strategy for the meeting with the Minister for Transport, Infrastructure and Climate Change, Stewart Stevenson, on 16 April. In addition to the BSAC Chairperson, the deputation comprised the convenors of the current BSAC working groups (apart from current Fire convenor who was on holiday) and it was reported that the meeting with the Minister was considered to be a success. The Minister had agreed that the working party processes should continue, supported by Scottish Building Standards officials; and that there should be interaction between the working parties organised by a co-ordinating group, again supported by officials. The Minister had also reacted favourably to the proposal to have an annual, over-arching meeting that would consider broader building standards issues; and which he would be happy to attend.

4.2 Dr Stollard had provided the official support for the Minister at the meeting and he confirmed that Mr Stevenson had been fully briefed on the BSAC meeting of 8 April. The Minister had intimated how appreciative he was of the time, energy and commitment of the Committee to the wide range of building standards issues and he recognised that it was impossible for officials to operate without the expert advice of the Committee members. The Minister had agreed that working parties would continue with the chairs and deputies invited by Ministers; and other co-optees then invited as appropriate. Dr Stollard re-affirmed that the Minister had agreed that a co-ordinating group, formed by the core members of the working groups, should undertake peer group review and have a co-ordinating role. Mr Stevenson was particularly taken with the idea of the group having a broader role that would involve, for example, marketing and education, perhaps through an annual event; and he would help in whatever way he could. In summary, once its statutory basis was removed, BSAC should then evolve into a three-tier system of:- working parties; co-ordinating group including working party chairs and deputies; then over-arching meeting of all working party members.

4.3 Members recognised how crucial it had been to have made the representations to the Minister, particularly in relation to the continuation of the current work.

5. BSAC WORKING GROUP FEEDBACK

Section 2 – Fire

5.1 In the Working Group Convener's absence, Mr McGonigal provided members with an update on the review of Section 2: Fire. From the 7 Working Party meetings the following main proposals had been agreed:

- Standard 2.9 had been amended and standards 2.17, 2.18, 2.19 and 2.20 had been introduced to improve the standards and guidance on escape from buildings in the case of fire. The intention was to provide clarity on the stages of escape and to reduce the number of fire related deaths and injuries caused by fire.

- The guidance for alternative approaches in the Technical Handbooks was limited and could only be fully understood by competent fire engineers. The prescriptive solutions contained in the Handbooks, therefore, continued to be used inflexibly and stifled innovation. The new guidance used a performance based approach to means of escape in case of fire.
- There would be greater recognition of the role of automatic fire suppression systems
- A new standard and guidance for sprinklers in schools would be introduced to honour the Scottish Government's objective of furthering the achievement of sustainable development.
- Guidance to standard 2.11 had been rewritten to better reflect the intent and allowed the supporting guidance to complement guidance issued by Scottish Ministers under Part 3 of the Fire (Scotland) Act 2005.
- Guidance had been updated to take account of research from the Building Disaster Assessment Group (BDAG), BS 9990 and to align with Approved Document B, England and Wales.

5.2 Mr Turnbull informed the Committee that the Chief Fire Officers Association (CFOA) welcomed the proposed changes, particularly in relation to the impact of sprinklers on carbon footprint reduction.

Section 5 – Noise

5.3 Since the last BSAC meeting, there had been 2 working party meetings (meetings 7 and 8) which had covered the final agreement on text for Domestic and Non-domestic buildings and considered the Intermediate Regulatory Impact Assessment. As with Fire, the consultation was scheduled for 6 May 2008 and a summary of the general changes was as follows:

- The existing standard 5.1 had been reworded and now covered separating walls and separating floors in residential buildings.
- A new standard 5.2 to reduce noise within buildings would be introduced.
- There would be a significant increase in the sound insulation performance of separating walls and separating floors.
- A robust post-completion testing regime would be introduced.
- New guidance on the effect workmanship had on the performance of separating floors or separating walls would be introduced.
- Improved guidance on carrying out work to existing buildings was proposed.
- There would be a new requirement to reduce sound passing between rooms intended for sleeping.

5.4 The Convener thanked the Working Party members and officials for their contributions over the course of 8 meetings.

5.5 On post-completion testing, it was confirmed that the 1-in-20 sample would be an independent choice made by the verifier, and carried out by house type. It would be up to the verifier to ensure reasonable enquiry and draw the developer's attention to identified problems. It was anticipated that the testing would be nothing other than robust and rigorous.

5.6 The question was raised on how Robust Details compared to the proposals in the guidance. It was explained that there were three options available; the use of Example Constructions, pre-tested constructions or alternative constructions. The Example Constructions had been developed from research utilising the work carried out by Robust Details Ltd, and should be available on the SBS website. The current section 5 was laid out with the standard and constructions given which would meet the guidance. The proposed section 5 would follow the same format and the only difference was that they were now web based and not in the Technical Handbook.

5.7 Members considered that the proposals would have a major impact on the construction industry and, as a consequence, officials should consider the training implications. Training and education would need to be very rigorous as the construction industry would want to get things right and ensure that proper measures were in place. It was also felt that higher design standards would be needed to ensure the success of post-completion testing.

Sections 0, 3 & 4, - Environment/Safety

5.8 A comprehensive report on the last Working Party meeting to have been held (on 6 December 2007) had been given at the BSAC meeting on the 12 December. There was nothing to add to that report, other than disappointment at the lack of feedback on the durability/design life paper, and the Working Party was not now due to meet again until later in the year and after the consultation.

Section 6 – Energy

5.9 The first Working Party meeting for the review of standards and guidance on Energy had been held on 28 February. A tight programme of work had been set as it was intended to signal the 2010 revisions to industry in autumn 2008; consult on proposals early 2009; publish proposals early in 2010; and implement the revisions on 1 May 2010.

5.10 The Sullivan Report had identified staged increases in energy standards for 2010 and 2013, working towards net zero carbon new buildings in 2030. For 2010, the Energy Working Party was considering 11 of these recommendations, including:

- Changing energy standards for domestic buildings to deliver CO₂ savings of 30% more than 2007 standards;
- Changing energy standards for non-domestic buildings to deliver CO₂ savings of 50% more than 2007 standards;
- signalling standards well in advance of the date that they would apply;
- Improving backstop levels of U-values and air permeability;
- Consideration of a requirement for consequential improvements; and
- Continuing to set the minimum standards that would apply when building owners elected to do work on existing domestic buildings.

5.11 In addition, the Working Party was also considering a number of issues not raised in the Sullivan Report, including, for domestic buildings:

- Work to existing buildings – extensions, conversions and alterations;
- Guidance on % of glazing recommended as a maximum for extensions; and
- Guidance on alterations to windows, doors and roofs in existing buildings.

5.12 Two research projects had been distributed and a further three had been commissioned to help assess the full cost impact of more demanding energy standards.

The Working Party would also take account of cross-cutting recommendations, including those recommendations raised at the Compliance Working Party.

5.13 Discussions were progressing satisfactorily and a further four meetings were scheduled, the next for Thursday 1 May.

5.14 It was reported that one working party member had observed that the Sullivan Report was inequitable with regard to recommended CO² emissions reductions for domestic and non-domestic buildings. For 2010 for example it advocated a 30% reduction for the former compared with 50% for the latter.

5.15 Mr. Peart confirmed that the Working Party would be deciding what the energy standards and guidance could be for consequential improvements, if research indicated that they should be introduced.

Compliance

5.16 The first Working Party meeting (essentially a scoping meeting) for the review of compliance with building standards in Scotland took place on 11 March. Members discussed and considered the five Sullivan Report 'Compliance' recommendations and the manifesto commitment^(*) to improve the compliance with building regulations.

**("The SNP will improve the enforcement of building regulations. We will give clear political direction to the Scottish Building Standards Agency to provide stronger leadership and consult on proposals to ensure that completion certificates comply with regulations by requiring sign-off of work by a professional with professional liability".)*

5.17 The working party concluded that:

- Whilst appreciating the intent behind the commitment to improve the enforcement of building regulations, the sign-off of work (confirming compliance with building regulation standards) by a single professional with professional liability is considered untenable.
- Responsibility for compliance with the building standards legislative requirements should remain as it is at present (i.e., with the owner, the 'relevant person'.

5.18 In relation to each of the following 5 Sullivan Report recommendations:

- *Consideration of the guidance to verifiers on what constitutes "reasonable inquiry".*
- *Consideration of the role and effectiveness of airtightness testing and the use of thermal imaging.*
- *Research to understand better why there is a gap between "as designed", "as built" and "as managed" energy performance.*
- *Consideration of the funding of verification work at the completion certificate stage.*
- *Encouragement of the development of more schemes for certifiers of construction.*

- the working party agreed the following action:-

5.19 Recommendation 1

- It was agreed that SBSA should present a detailed paper to the working party addressing the issues in relation to 'reasonable inquiry' for discussion by the working party at their next meeting on 8 May 2008.

5.20 Recommendation 2

Members discussed in detail the role and effectiveness of airtightness testing and thermal imaging in relation to checking for compliance with standards. They concluded that thermal imaging potentially yielded significant benefits but that it was currently not sufficiently developed to be adopted; however, it should continue to be considered. It was noted that there is a standard test for airtightness and it could be useful for removing unintended ventilation. Members agreed that the introduction of any testing procedure did create additional costs and consideration was required of the tolerances that could reasonably be achieved. If testing was to be made mandatory, there were potential savings if testing could be linked with noise and thermal failure.

- It was agreed that both issues should be discussed in more detail at future meetings.

5.21 Recommendation 3

Members were invited to consider the objective and extent of a research project on compliance with Scottish building standards. The objective of the proposed research project was to take forward the recommendation of the Sullivan Report for research to understand better why there was a gap between 'as designed', 'as built' and 'as managed' energy performance of constructed buildings in Scotland. The project would compare in-situ test results with the designed performance standards as identified in the building warrant design drawings and specification for timber frame dwellings and the following key aspects would be measured:

- Air tightness
- Continuity of insulation
- U-values of built elements
- The working party agreed that timber frame construction should be the basis of the proposed SBS research project, because it was the most prevalent construction method used in Scotland, and because the largest and most comprehensive completed UK study on airtightness was based on masonry construction (Stamford Brook). The members noted that completion of these research projects by late spring/early summer was important to help inform the process. The working party, while noting that the scope of the pilot study was intensive but not extensive, agreed that it should commence in the terms proposed.
- It was agreed that SBS should present research papers to the working party with a view to taking account of findings in proposals by the third working party meeting on 21 August 2008.

5.22 Recommendations 4 & 5

- It was agreed that SBS should present papers on the 4^h and 5th expert panel recommendations on funding, and the development of schemes for certifiers of

construction for discussion by the working party at future meetings. The paper on the development of schemes for certifiers of construction should address the issues of liability and insurance.

6. THE CONSULTATION PROCESS

6.1 The consultation process for Section 2 (Fire), Section 5 (Noise) and Sections 0, 3 & 4 (Environment/Safety) would start on 6 May for a period of 12 weeks. A letter would be issued to all organisations on the SBS consultation database directing them to the consultation documents which would be on the website. Review of responses would take place in autumn, with subsequent action on Fire, Noise & Environment/Safety held in abeyance pending completion of the further consultations on Energy and Compliance. In effect, there was an 18-month window between now and November 2009 when it was intended that all changes would be published. Amended legislation, which was likely to mean changes to procedural in addition to technical regulations, would come into force on 1 May 2010. It was hoped that BSAC would be involved in the education/awareness-raising processes.

6.2 It was hoped to put up a submission to Ministers in early summer on zero fees relative to energy standards. The submission would include the outcome of the 'costings' research, as recommended by Sullivan. If Ministers were content with proposals, then they would determine a timescale for introduction. The most likely date would be 1 November 2008.

6.3 Although it would not be possible to have revised Handbooks available before the scheduled publication date, the first half of 2009 could be given over to advance education on the impact of the changes. This would be particularly beneficial in respect of achieving "buy in" from the construction industry.

7. UPDATE ON WORKSTREAMS FROM THE SULLIVAN REPORT

7.1 Officials had now commenced work on all workstreams, with very few recommendations left untouched. An internal tracking tool had been set up to assist officials. Work had commenced with Scottish Government Housing and Regeneration and Historic Scotland colleagues on shared policy areas relative to existing buildings and the proposed Climate Change Bill. Historic Scotland was particularly interested in carbon assessments of non-domestic buildings.

7.2 Scottish Building Standards officials were working on a low carbon equipment guidance document which would focus heavily on the relationship between the provision of such equipment and the health, safety and welfare issues presented by building regulations. Steady progress was being made.

7.2 The consultation on energy standards would be in early 2009, coming into force in May 2010 as part of the total package of changes.

8. EPBD – BSAC INFORMATION PAPER 1 (2008)

8.1 Mr Peart introduced BSAC Information Paper 1 (2008) which provided members with details of the current position in relation to the implementation of the Energy Performance of Buildings Directive (EPBD) in Scotland.

8.2 Legislation in relation to enforcement, accessibility and obligations on building owners had been revisited in light of concerns raised from a number of sources. SG Solicitors considered that greater legal status should be given in relation to procedures that

emerged as a result of the findings of the 2006 consultation. For example, the procedures regarding EPCs for sale of buildings scheduled for demolition and the attributes of protocol organisations that Ministers need to consider prior to approval should be enshrined in legislation. Further options for enforcement should be given which should be self-financing. The EPBD SBS/ SABSMS Liaison Group was to be reconvened and Trading Standards officials were also being invited to participate.

8.3 There was some discussion on responsibility for EPBD enforcement and it was agreed that, although it was anticipated that this would fall to Local Authority Building Standards officials, there would also be a need for Trading Standards linkages.

8.4 Clarification was required on protocol arrangements; specifically on whether there would be monitoring of protocol organisations. SBS would report back on this issue.

(NB - Post-meeting note - SBS officials confirmed that it was their intention to hold regular meetings with protocol organisations to share good practice and discuss issues which arose. These would be convened following implementation.)

8.5 It was confirmed that building standards enforcement would relate to EPBD Articles 5, 6, 7 and 9. However, there was a need for further clarification in relation to enforcement situations where no building warrant was required and house sale situations subsequent to the introduction of the Single Survey. It was envisaged that local authorities would react to complaints about non-compliance. SBS would discuss these issues at the SBS/SABSMS liaison group.

8.6 Committee members also expressed concern over software issues whereby there were significant differences between the Scottish SAP and England & Wales SAP. Members were informed of the reasons why a different Scottish rdSAP was required, and that there was only one SAP calculation procedure. However, it was still felt that differing results was a big issue for the construction industry and there were problems with different answers emanating from different organisations, or perhaps the software. SBS should provide further clarification.

Action Point: SBS

9. SELF-VERIFICATION BY LOCAL AUTHORITIES – BSAC INFORMATION PAPER 2 (2008)

9.1 Dr Stollard introduced BSAC Information Paper 2 (2008) which provided an update for members on progress that had been made with the Scottish Association of Building Standards Managers (SABSMS) on the development of an alternative to the ending of self-verification; and the extension of the exception which had the effect of permitting local authorities to continue to verify work, in which they have an interest, to 30 April 2011.

9.2 Following several stages of consultation, both within SABSMS and also with SBSA officials, a 'Model Agreement' to establish consortia, along with 'Model Procedures for Peer Group Reviews', have now been developed by SABSMS. The Minister had agreed that the proposed framework for Consortia and Peer Group Reviews would meet the aim of introducing transparent, third party checking of verifiers' duties during the building warrant process, from the assessment of an application through to the acceptance/rejection of a completion certificate, for buildings where the Council, as verifier, had an interest.

9.3 The Minister had agreed that a direction should be issued to all local authorities extending the right to self-verify until 30 April 2011 and that a letter should be sent to local authority Chief Executives providing confirmation of the intention to extend the direction.

9.4 Although the Island Councils had already been treated as a special case, the three Authorities would also participate in consortium working and peer group review.

10. CERTIFICATION SCHEMES UPDATE – BSAC INFORMATION PAPER 3 (2008)

10.1 Mr Dodds introduced BSAC Information Paper 3 (2008) which provided members with an update on the current position relating to approved certification schemes and other certification matters.

10.2 Members were informed that, as far as future statistical reporting was concerned, information on Section 6 throughput, particularly on uptake where there might have been benefit from discount, could not be detailed as this was information held only by verifiers.

11. REMOVAL OF CROWN IMMUNITY FROM BUILDING REGULATIONS – BSAC INFORMATION PAPER 4 (2008)

11.1 Mr Dodds introduced BSAC Information Paper 4 (2008), which provided a progress update on the commencement of Section 53 of the Building (Scotland) Act 2003.

11.2 In relation to work exempt from building warrant (section 6 of Information Paper), compliance could be verified by the use of building standards professionals. Indeed, many Crown projects already used such professionals on their projects.

11.3 On consultation with the Fire Authority (section 8 of Information Paper), there would be separate inspection teams for Crown property.

12. REDUCED WARRANT FEES FOR BUILDING TO HIGHER ENERGY STANDARDS – BSAC INFORMATION PAPER 5 (2008)

12.1 Mr Dodds introduced BSAC Information Paper 5 (2008) which outlined the proposals to amend the Fees Regulations to:

- offer a zero building warrant fee for new buildings which met higher energy standards than those currently applicable, resulting in lower carbon dioxide emissions;
- amend the process, amount and qualification criteria for reimbursement of the building warrant fee when Certificates of Design or Construction were submitted to the verifier.

12.2 On the issue of discount of fees, it was queried whether a verifier could withhold a completion certificate where a certificate of construction was not forthcoming after a declaration had been made on the building warrant application form to do so. Such a situation was for the verifier to decide after making reasonable enquiry. Concerns were also raised in relation to discounts on submitted certificates of design and construction where a late completion certificate submission had been made. SBS officials were aware of these issues and were considering options for future procedural guidance.

13. VERIFIER AUDIT UPDATE – BSAC INFORMATION PAPER 6 (2008)

13.1 Mr Rae introduced BSAC Information Paper 6 (2008). In response to a question from the Chair on whether it was considered that the local authority consortium working could impact on the audit process, it was felt that the benefits of joint working could only be beneficial.

13.2 Clarification was sought on how the verification audit timetable had been developed. The (then) Agency had worked in partnership with all verifiers to develop a 4 year audit plan. However, due to a number of factors, including re-submission of balanced scorecards and issues raised about individual verifiers, it had become clear that the 4 year timetable was unsustainable and a more flexible approach had to be taken.

14. SUSTAINABILITY UPDATE – BSAC INFORMATION PAPER 7 (2008)

14.1 Dr Sheridan introduced BSAC Information Paper 7 (2008) which set out the common areas of sustainability interest with Planning colleagues, with particular reference to SPP6.

14.2 It was explained that Davis Langdon's modelling of scenarios to achieve reductions in CO² emissions would help to ascertain whether the SPP6 requirements would be superseded by any changes to the Energy standards.

14.3 It was also confirmed that if supplementary optional building standards were developed in support of the Scottish Sustainable Communities Initiative, the bronze level should correspond to the 2010 regulations, with silver and gold corresponding to the 2013 and 2016 regulations respectively. However, it was difficult to identify many non-energy sustainability standards that could be covered.

14.4 The question was raised as to whether Planning colleagues considered issues relative to durability and design life, including replacement periods, when referring to new technologies.

14.5 While Planning was based on guidance and policy, Building Standards were more clearly defined. It was felt that the key issue for both was consistency and Ministers should use building regulations to ensure that energy performance standards were met.

15. RESEARCH UPDATE – BSAC INFORMATION PAPER 8 (2008)

15.1 Dr Sheridan introduced BSAC Information Paper 8 (2008) which detailed work in progress across a wide range of research activity.

16. CLG REPORT – BSAC INFORMATION PAPER 9 (2008)

16.1 Mr Burd introduced BSAC Information Paper 9 (2008), which covered the following policy areas:- the current review of building control (consultation paper published on 18 March); Part L update; EPBD; the Code for Sustainable Homes; Sustainability of New Non-Domestic Buildings; the Review of Part G (Hot Water Safety and Water Efficiency); Flood Resilience; the Transposition of Directive on Mutual Recognition of Professional Qualifications (Architects); Enabling Electronic Communication of Building Control Documents consultation; Registers of Local Authority Building Control Information; Competent Persons Schemes; Time limits for prosecution of breaches of building regulations; and the Construction Products Directive.

16.2 Mr Burd confirmed that it had proved difficult to make progress on the Appointed Person concept, which was why the ideas were being floated again through the building control consultation.

17. N. IRELAND REPORT – BSAC INFORMATION PAPER 10 (2008)

17.1 Mr McCrystal introduced BSAC Information Paper 10 (2008) which covered the following:- current situation in relation to building regulations primary legislation; technical

amendments to the building regulations; and an EPBD update, including a timetable for introduction of EPCs and inspection of air-conditioning systems.

17.2 An information dissemination exercise was underway to ensure that the requirements of the EPBD regulations were made know to all stakeholders. This exercise would continue throughout 2008 and would concentrate firstly on professional bodies.

17.3 Northern Ireland Ministers had agreed that the methods and procedures introduced for England and Wales to ensure the successful outworking of their regulations would be adopted for use in Northern Ireland. Accordingly, the E&W approved Accreditation Schemes and the Registers operated by Landmark Securities Systems would also operate for Northern Ireland.

17.4 Enforcement roles were also being presently discussed with District Councils.

12. ANY OTHER BUSINESS

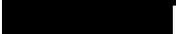
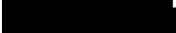
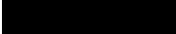
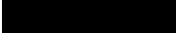
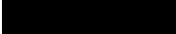
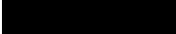
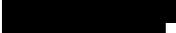
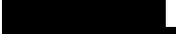
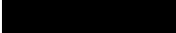
12.1 On behalf of the Committee, the Chair presented Dr Stollard with a gift as he was about to leave Scottish Building Standards to take up a post as Director of the Health and Safety Executive in Scotland.

Scottish Building Standards
Denholm House
Almondvale Business Park
LIVINGSTON

May 2008

BUILDING STANDARDS ADVISORY COMMITTEE (BSAC)

MINUTES OF THE 131st MEETING HELD AT THE SCOTTISH GOVERNMENT'S BUILDING STANDARDS DIVISION OFFICES, DENHOLM HOUSE, LIVINGSTON ON WEDNESDAY 27 AUGUST 2008

Present	Members	Officials
	 (Chairperson)	Mr B Dodds
		Mr J Astwood
		Mr G Peart
		Mr H Adie
		Mrs C Dewar
		Mr C McFadyen
		Mr S Scott
		Ms L Stewart
		Mr A Murchison, Secretariat
		Mr G Walker, Secretariat
	Co-opted Member	
	 (Strathclyde Fire & Rescue)	
	Observers	
	Mr A Burd	Sustainable Buildings Division – CLG
	Mr S McCrystal	Building Standards – N. Ireland

1. INTRODUCTORY REMARKS AND APOLOGIES FOR ABSENCE

1.1 The Chairperson welcomed members and observers to the 131st meeting. In particular he welcomed Graeme Walker from Building Standards Division's Corporate/Secretariat team who was attending his first BSAC meeting.

1.2 Apologies for absence had been received from BSAC Members: 
; and BSD officials Alec Millar and Linda Sheridan.

1.3 In addition to the papers already issued, 2 further papers were being tabled - Information Paper 13 (Energy Working Party) and Information Paper 14 (Compliance Working Party). Also being tabled were up to date organisation charts for the Building Standards Division and the Directorate for the Built Environment.

2. MINUTES OF MEETINGS OF 23 APRIL 2008

2.1 The minutes of the meeting were accepted as a true and accurate record.

3. MATTERS ARISING

3.1 Agenda Item 6.2 (zero fees): – would be dealt with under Agenda Item 8 (Sullivan update)

3.2 Agenda Item 7.2 (low carbon equipment guidance): – would also be dealt with under Agenda Item 8

3.3 Agenda Item 9.3 (self-verification by local authorities): – The Direction had been issued extending the right to self-verification (for buildings in which they have an interest) until 30 April 2011. The Local Authority verifier consortia groupings for peer group review could be accessed on the BSD website – link attached:-

http://www.sbsa.gov.uk/proced_legislation/bsa03_direction08.htm.

Mervyn Toshner informed the Committee that the Group 1 consortium intended to hold mock reviews in each Authority, and saw the opportunity, beyond solely peer group review, for wider benchmarking. It was, perhaps, too early however for cross-consortia working.

3.4 Agenda Item 12.1 (resignation of Paul Stollard): – Bill Dodds updated the Committee on Building Standards Division staffing matters. He was currently designated Acting Head of Building Standards and the post would soon be externally advertised. In turn, Jonathan Astwood was Acting Assistant Head of Building Standards (Practice) and Steven Scott had been promoted to principal architect. There had been other staff movement out of the Division, but authority had been given for additional recruitment, both administrative and technical (including 2 posts relating to Sullivan workstreams). It was agreed to provide members with a link to the Scottish Government Management Organisation chart:-

<http://www.scotland.gov.uk/Resource/Doc/1124/0064095.pdf>

3.5 Agenda item 8.6 (SAP software issues):- BSD would continue to consider the implications of the differing assumptions on accuracy arising from different SAP tools, particularly between Scotland and England; and would do so in conjunction with CLG who were due to consult on SBEM/SAP in 2009.

3.6 Agenda Item 12.2 (discounts for certificates of construction):- Some concern remained over the future possibility whereby a verifier might give a discount but no certificate of construction was subsequently submitted. BSD agreed that, in such circumstances, the discount should be repaid to the verifier and that relevant provisions should be included in the fees amendment.

Action: BSD

4. BSAC TRANSITION – COMMITTEE MEMBERSHIP ISSUES: BSAC INFORMATION PAPER 11 (2008)

4.1 In the lead up to the Committee being abolished as a statutory body, the paper set out Committee membership details, following an approach to the Office of

the Commissioner for Public Appointments (OCPAS). OCPAS had set out the limits of membership for individual members, thereby providing the authority to extend/re-appoint as necessary to ensure Committee effectiveness up to the point of abolition. The BSAC secretariat would write to members individually to ascertain whether or not they would be prepared to continue, as necessary.

Action: BSAC Secretariat

5. CONSULTATION FEEDBACK: BSAC INFORMATION PAPER 12 (2008)

5.1 Fire

5.1.1 Hugh Adie introduced the consultation feedback on Fire standards. The responses received (48 in total) were detailed and extensive and, therefore, very useful, and the majority of respondents were content with the consultation proposals. Many of the responses offered amendments to the consultation text which provided helpful clarity. Officials now had until the end of November to re-draft and re-present to the BSAC Fire Working Party.

5.2 Noise

5.2.1 Linda Stewart introduced the consultation feedback on proposed Noise standards. The 32 respondents were content with what was proposed; and there had been support for two methods of compliance, the Example Constructions and alternative constructions, but not for pre-tested constructions as it was felt that this would be confusing. Compliance through the use of Robust Details Ltd had also been suggested as a third method of compliance.

5.2.2 There was some discussion over the 1919 cut-off date applicable to conversions, principally over whether it was a good idea to have a date as a cut-off or whether the criteria would be more appropriately defined by the building construction. It was explained by officials that the date had been taken from Historic Scotland's publication 'Guide for Practitioners 6' and was utilised in the new guidance to allow a building constructed before 1919, where it was to be converted, to meet a less onerous level of sound insulation than that for new build. Officials would discuss with Historic Scotland and provide further clarification.

Action: BSD

5.2.3 There was also further discussion over whether BSD had considered pulling RDL into the regulations and, if there was such a consideration, would there need to be a further consultation. Officials responded to the effect that there were other means of introducing Robust Details other than by regulation. BSD operated a Certification Scheme which allowed a company to apply to become a Scheme Provider, Certifier of Design and/or Certifier of Construction,

5.2.4 A detailed analysis of the responses was underway and there would be further discussion at the next Working Party meeting in October.

5.3 Sections 0, 3 & 4

5.3.1 Charlie McFadyen introduced the General/Environment/Safety part of the Information Paper. There had been 32 responses to this consultation and the vast majority of respondents had been in favour of the proposals. In particular, builders had welcomed the proposals on solid waste storage. BSD were considering changes to Schedule 1 and 3 in respect of reducing paving areas.

5.3.2 Costs in the Regulatory Impact Assessment would need to be reviewed before the BSAC Working Party meeting in November, which would also receive a detailed analysis of the key issues from the consultation.

6. WORKING GROUP FEEDBACK

6.1 Energy: BSAC INFORMATION PAPER 13 (2008)

(Note: This Paper should have been marked 'In confidence')

6.1.1 Bryan Woodley introduced Information Paper 13 (2008), particularly highlighting the need for further research identified by the second Working Party meeting; and the consensus view of the third Working Party meeting to recommend the 30% reduction in CO₂ emission levels (identified by the Sullivan Report) for domestic buildings and a 40% reduction for non-domestic buildings. There was also a need for a co-ordinated approach to the appraisal of the diverse range of research on the subject of energy.

6.1.2 Members were informed that there was a lot of ongoing discussion between the different Scottish Government policy areas on renewables and BSD officials intended to speak to Planning colleagues about the future need for, and dependence on, low carbon equipment. These proposals were approaching the limits of what was cost effective for fabric insulation and airtightness and equipment efficiencies alone. There would therefore be greater reliance on low carbon equipment to meet targets, as the most cost-effective solution in most situations. In meeting CO₂ targets, it was important to maintain tough backstop values for fabric insulation and airtightness to limit energy use as well as reducing CO₂ emissions, to prevent inefficient use of this low carbon equipment

6.2 Compliance: BSAC INFORMATION PAPER 14 (2008)

(Note: This Paper should also have had an 'In Confidence' marking)

6.2.1 Gordon Souter introduced Information Paper 14 (2008) which summarised the deliberations of the second and third meetings of the Compliance Working Party. Feedback was also provided on the joint BSAC/Verifier workshop set up to establish information on the current practice in relation to verifier risk assessment inspection protocols. There had been lively discussion on building warrant duration, including the level of detail that had to be provided.

6.2.2 Members stressed the need for transitional guidance and expressed concern both about building warrant 'surge' and the continuation of building to lower/previous

standards. Officials expressed the view that the aim should be to have buildings constructed as soon as possible to new standards.

7. WORKING PARTY FOR THE REVIEW OF GUIDANCE ON STRUCTURE: BSAC INFORMATION PAPER 15 (2008)

7.1 Cheryl Dewar introduced Information Paper 15 (2008) which set out the background to proposed changes to the guidance in Section 1 Structure of the Technical Handbooks (no changes to standards were being proposed).

7.2 The Working Party would focus on 3 main areas:-

- Introduction of the Structural Eurocodes to guidance and removal of references to British Standards;
- Revision to guidance on Disproportionate Collapse following publication of the National Annex to Structural Eurocode BS EN 1991-1-7 Accidental Actions; and
- Revisions to the Small Buildings Structural Guidance (SBSG), including the clarification of the scope for timber frame extensions.

7.3 Two BSAC members had agreed to participate in the Working Party (██████████, ██████████, the former having agreed to be Convener). Additional/further member involvement was welcomed. The first Working Party meeting would be held in October and it was anticipated that there would be three meetings in total.

8. UPDATE ON WORKSTREAMS FROM SULLIVAN REPORT: BSAC INFORMATION PAPER 16 (2008)

8.1 Gavin Peart introduced Information Paper 16 (2008) which provided members with an update on recent progress in implementing the workstreams from the Sullivan report. All workstreams were now being progressed with steps being taken to advance almost all recommendations.

8.2 Ministerial approval had been granted for a consultation to be issued on proposals for improving the energy performance of existing non-domestic buildings. This consultation would cover approximately 99% of current building stock and took account of 6 Sullivan recommendations, namely:

- Consideration of developing practical performance standards for existing buildings (aligned with the energy performance certificates);
- The introduction of legislation to require all owners of non-domestic buildings to conduct a carbon and energy assessment and produce a programme for upgrading;
- The empowerment of local authorities, or similar public bodies, to check such assessments;
- The publication of guidance for different types of non-domestic buildings to assist in this process;
- Consideration of ways to encourage owners to implement recommendations arising from the carbon and energy assessment; and

- That primary legislation is sought to allow Scottish Ministers the opportunity to extend the provision and type of energy performance certificates.

8.3 The proposals had been drafted in collaboration with Historic Scotland to ensure that the overall principles were appropriate to historic and traditional buildings, which represented a significant part of the non-domestic buildings sector. An on-line consultation and partial regulatory assessment was scheduled to be issued on 3 September 2008 with a view to requesting provisions in the Scottish Climate Change Bill (due for introduction in late 2008). Any proposals arising from the consultation were intended to be taken forward at the second stage of the Bill. Because the proposals would not require amendments to the Building (Scotland) Act 2003, BSAC had not been required to scrutinise the draft, but BSD would provide members with a link to the consultation when it was launched.

Action: BSD

[Post-meeting note: The consultation had commenced on 2 September – link attached: <http://www.scotland.gov.uk/Publications/2008/08/15155233/0>]

8.4 Changes to the Fees Regulations which would offer a reduced or zero building warrant fee for new buildings as an incentive to meet improved energy standards had been deferred pending Ministerial approval of the Energy Working Party's proposed 2010 energy standards. The submission containing the Energy Working Party's proposals would highlight the need to reconsider the introduction of the reduced fees initiative in 2010 in view of the economic climate and downturn in the construction industry. Members would be informed of the Minister's decision on a date for implementation.

Action: BSD

8.5 BSD had been liaising with Planning officials to discuss the implications that proposed changes to the 2010 energy standards would have on SPP6, Renewable Energy, and PAN84, Reducing Carbon Emissions in New Development. Because SPP6 was based on the 2007 Technical Handbook, there was some concern that confusion could arise over the requirements when the next Technical Handbooks are issued. It was also noted that research into the impact of improved energy standards had found that low carbon equipment would normally be needed to meet the proposed 2010 standards. Consequently, the SPP6 requirement would no longer apply, although in certain buildings advanced levels of insulation together with mechanical ventilation heat recovery (MVHR) could be an alternative option.

8.6 The first part of an on-line guide '*Building integration of low carbon equipment, including micro-renewables*' was expected to be issued in October. These chapters would provide advice on safe and sustainable installation of ground, water and air source heat pumps as well as solar water heating. The guide would outline the main features of each technology and identify issues that would need to be considered in their design and installation for compliance with the building regulations. Further guidance on photovoltaics, biomass, communal CHP and wind turbines was intended to follow with scope for including fuel cells and micro-CHP once these technologies had become commercially developed. It was noted that the guidance included good practice to optimise the energy efficiency of installations but it did not

consider embodied energy which could be a factor given the life span of installations against the lifetime of buildings.

8.7 There was significant discussion about the proper use, maintenance, continuing compliance and subsequent upgrade of low carbon equipment, particularly as there would be an upsurge in installation of equipment between now and 2016. Although there was a duty to think to the future, human behaviour would be a major factor and it was crucial, therefore, that there was a realism in relation to baseline recommendations. Good technical guidance would be a fundamental requirement.

9. EPBD: BSAC INFORMATION PAPER 17 (2008)

9.1 Gavin Peart introduced BSAC Information Paper 17 (2008) which provided members with information about the current position in relation to the implementation of EPBD in Scotland.

9.2 The introduction of The Energy Performance of Buildings (Scotland) Regulations 2008 and The Building (Scotland) Amendment Regulations 2008 were being finalised by Scottish Government solicitors and were expected to be laid before Parliament shortly. Section 25 Directions to local authorities had also been drafted for issue to all local authorities together with guidance leaflets. Introducing this legislation and guidance concluded the transposition of EPBD and strengthened enforcement capability. BSAC members would be provided with a copy of the accompanying guidance to The Energy Performance of Buildings (Scotland) Regulations 2008 once the document had been finalised.

Action: BSD

9.3 Members noted that key aspects of the legislation were:

- The requirement to record Energy Performance (EPC) information on a register identified by Scottish Ministers;
- The introduction of 'Penalty Charge Notices' for use by enforcement authorities;
- The imposition of a duty on the building owner to make an EPC available to prospective buyers or tenants where the building was sold or rented.

9.4 Members noted that BSD would be holding a series of Introduction to Energy Performance Certificates seminars in Denholm House between September and November 2008. Seminars would be focused on each of the different categories which needed to adhere to the EPBD; public buildings, marketed properties, social sector, private landlords and non-domestic properties. There had been a good response to invitations to attend. BSD officials had produced a suite of information leaflets and would publish an on-line Frequently Asked Questions document to supplement the seminars.

Action: BSD

9.5 Members noted that draft guidance/inspection sheets based on document TM44 had been circulated to the industry for comments. There was some discussion

about whether there was a requirement to produce similar guidance for inspection of air conditioning systems in new domestic properties.

9.6 BSD would like to reconvene the SABSM/EPBD liaison group to which a Trading Standards official would be invited to provide a perspective from that area of responsibility.

Action: BSD

10. CERTIFICATION SCHEMES UPDATE: BSAC INFORMATION PAPER 18 (2008)

10.1 Jonathan Astwood introduced Information Paper 18 (2008) which provided members with an update on the current position on approved certification schemes and other certification matters.

10.2 Particular mention was made of the workshop event to be held on 1 September which would provide an opportunity for interested parties to examine the issues that might be affecting the development of additional certification of construction schemes. The workshop would fundamentally be a 'brainstorming' session which would be followed by a scoping study which, in turn, would be considered by the Compliance Working Party. The need for a building warrant for microrenewables was discussed. Schedule 3 allowed a lot of work to be done to 2 storey houses and non-residential buildings with no public access. However it was thought there may be a perceived gap in the system and a need to revisit schedule 3.

11. REMOVAL OF CROWN IMMUNITY: BSAC INFORMATION PAPER 19 (2008)

11.1 Jonathan Astwood introduced Information Paper 19 (2008) which provided members with an update on the current position relating to the commencement of Section 53 of the Building (Scotland) Act 2003 to remove Crown immunity.

11.2 Problems had been encountered on reserved matters, particularly relative to national security. As all Crown buildings in Scotland were covered by the proposals, including MoD buildings and buildings used for purposes of national security (for example the Security Service), Scottish Government solicitors (SGLD) had been working with the Office of the Solicitor to the Advocate General for Scotland on a 104 Order under the Scotland Act 1998 to cover these reserved matters. BSD officials had met representatives from MoD, the Security Service and the Department for Communities and Local Government (CLG) in Edinburgh on 5 June 2008 to discuss the proposals for the 104 Order. The discussion had covered special requirements for operational and non-operational buildings and had sought agreement on compliance with the technical and procedural requirements of the Scottish building standards system.

11.3 Further discussions had taken place following the meeting and policy lines had now been agreed with MoD and the Security Service. CLG were generally content with the policy principles and BSD were now seeking final agreement from the other security bodies such as MI6, GCHQ and the Cabinet Office.

11.4 It had been originally planned to remove Crown immunity on 1 May 2008. As it was not possible to proceed with the commencement of Section 53 of the Building (Scotland) Act 2003 without the Section 104 Order under the Scotland Act 1998, the implementation date had been deferred. Agreement on UK-wide reserved matters was now substantially in place and it was hoped that the commencement date would be 4 January 2009.

[**Post meeting note:** Following discussions with SGLD the proposed implementation date had now been put back until May 2009].

12. VERIFIER AUDIT UPDATE: BSAC INFORMATION PAPER 20 (2008)

12.1 Bill Dodds introduced Information Paper 20 (2008) which provided members with an update on BSD's verifier audit programme.

13. RESEARCH UPDATE: BSAC INFORMATION PAPER 21 (2008)

13.1 Gavin Peart introduced Information Paper 21, which summarised current research, collaborative work and preparation for future projects.

13.2 It was agreed to provide members with a link to the Communities Scotland project *Cost Impact Analysis for Low carbon and EcoHomes Standard Housing Using Lifecycle Costing Methodology*. (Link attached)

<http://www.scotland.gov.uk/Publications/2008/08/05135448/0>

13.3 Under *Preparation for Future Projects*, the objective of the CO₂ Tracking project should now read – *Review of energy standards in Scottish building regulations, comparison of CO₂ emissions for a benchmark house from 1982 to 2007*.

13.4 Invitations had been issued to an industry symposium on district heating to be held on 22 October. Members identified a number of problems with CHP systems (technical, contractual, taxation and tariff-related) and it was suggested that BSAC members should also be invited to the symposium.

Action: BSD

14. CLG REPORT: BSAC INFORMATION PAPER 22 (2008)

14.1 After updating members on recent CLG staffing changes, Anthony Burd introduced Information Paper 22, highlighting in particular issues relating to the consultation on the future of building control, which closed on 10 June. The overall reaction to the majority of the proposals had been positive and the intention was now to publish the implementation programme alongside the consultation summary in the autumn. Implementation would require further research on many of the details, and the first set of projects to be launched this summer would include: *Mapping Regulatory Regimes; Preparation for Periodic Review; Approved Document Review; Risk Assessment Decision – Making Tool for Building Control Bodies; Appeals and Determinations; and Limiting Building Notices*.

14.2 The Information Paper also covered: Part L update; EPBD developments; the Code for Sustainable Homes; New Non-Domestic Buildings; Review of Part G (Hot Water Safety and Water Efficiency); Flood Resilience; the Transposition of Directive on Mutual recognition of Professional Qualifications; Part M Working Group on Accessible Housing and Lifetime Homes; Enabling Electronic Communication of Building Control Documents Consultation; Registers of Local Authority Building Control Information; Competent Person Schemes; Time limits for prosecution of breaches of building regulations; Simplified arrangements for the production of CO₂ emission rate calculations; Approved Document P (Electrical installations in dwellings); and the Construction Products Directive.

14.3 [REDACTED] asked for an update on the position of e-building standards. Bill Dodds advised that the e-planning process would be rolled out shortly. Jim MacKinnon, the Chief Planner, had requested that a member of the project team offer to attend a SABSM meeting in the near future to provide an update of the current position in relation to building standards.

14.4 [REDACTED] extended a welcome to BSAC members to visit NHBC to view the organisation's electronic building control system.

14.5 CLG still had a lot of work to do in relation to the examination of the recommendations from *The Pitt Review: Lessons learned from the 2007 floods*, and agreed the importance of sharing such with BSD.

15. N. IRELAND REPORT: BSAC INFORMATION PAPER 23 (2008)

15.1 Seamus McCrystal introduced Information Paper 23 (2008).

15.2 The Building Regulations (Amendment) Bill 2008 would now move to the final Assembly stages in October 2008. In anticipation of acceptance of proposals to move from a deemed-to-satisfy to a guidance-based regulatory system, programming of the major redrafting of subordinate legislation and supporting documents was underway. This exercise would see the replacement of the existing Building Regulations (NI) 2000 and associated Technical Booklets. While a level transposition for the technical parts of the regulations (as occurred in Scotland) would have been preferable, it was likely that a technical uplift would be required to accommodate future European requirements in relation to conservation of fuel and power.

15.3 Public consultations had concluded on proposed amendments to Part D Structure and Part J Solid waste in buildings (Recycling of solid waste) and responses, within which there was a divergence of opinion, were presently being considered.

15.4 An update was also provided on EPBD developments. Following the introduction of EPCs for existing dwellings from 30 June, there was a steady flow of EPCs being registered on the NI Database with around 5000 domestic EPCs registered to date. An information dissemination exercise was ongoing to ensure that the requirements of the EPC regulations were made know to all stakeholders, including estate agents.

15.5 In relation to the earlier discussion on building warrant application 'surge' – EPCs for new build would contain a benchmark against the Building Regulations standards that existed at the time of preparation of the EPC. This would identify if the new build had been built to the current Building Regulations standards or to out of date standards.

16. ANY OTHER BUSINESS

16.1 The Scottish Ecological Design Association (SEDA) guide on Design and Detailing for Toxic Chemical Reduction in Buildings was identified as a document of which BSAC members needed to be aware, as it commented on building standards. Bill Dodds advised that this matter was currently being dealt with and an update on the status of the document would be given at the next BSAC meeting.

Action: BSD

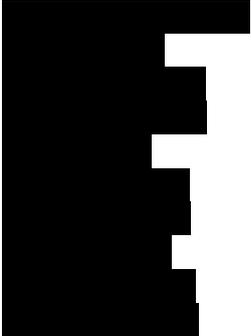
16.2 BSD would give consideration to providing information, via the website, on developments with Sullivan issues.

Action: BSD

Building Standards Division
September 2008

BUILDING STANDARDS ADVISORY COMMITTEE (BSAC)

MINUTES OF THE 132nd MEETING HELD AT THE SCOTTISH GOVERNMENT'S BUILDING STANDARDS DIVISION OFFICES, DENHOLM HOUSE, LIVINGSTON ON WEDNESDAY 10 DECEMBER 2008

Present	Members	Officials
	 (Chair)	Mr W Dodds Mr J Astwood Mr G Peart Mr A Millar Mr A Murchison Dr L Sheridan Ms L Stewart Mr G Walker
	Observers	
	Mr S McCrystal Mr R Flynn	Building Standards – N. Ireland Strathclyde Fire & Rescue Service

1. INTRODUCTORY REMARKS AND APOLOGIES FOR ABSENCE

1.1 The Chairperson welcomed members and observers to the 132nd meeting. In particular he welcomed Bob Flynn, who was deputising for co-opted member Neil Turnbull.

1.2 Apologies for absence had been received from BSAC Members: 

 and CLG observer Anthony Burd.

1.3 Papers issued for this meeting were as follows: BSAC Information Papers 24 (2008) to 34 (2008). The Compliance Working Party arranged for 4 December had been postponed, so there was no Information Paper 26. Information Paper 33 (CLG Update) was tabled.

1.4 BSD would shortly issue a package of legislative and related guidance documents to BSAC members (covering Energy and Fees Regulations) once copies of all Statutory Instruments were available.

Action: BSD

2. MINUTES OF MEETING OF 27 AUGUST 2008

2.1 The minutes of the meeting were accepted as a true and accurate record.

3. MATTERS ARISING

3.1 Agenda Item 3.5:- (Energy performance calculation software issues) – CLG had the lead on the methodologies/calculation tools and BSD officials were not aware of any progress on the issue previously raised – although there would be BSD attendance at a Part L Working Party on 15 December. It was confirmed that rdSAP software version 9.80

had now been replaced by version 9.82; however, energy performance certificates issued before 1 November with version 9.80 were still valid.

3.2 Agenda Item 3.6:- (discounts for certificates of construction) – the issue previously raised was now covered in the amended Fees Regulations which would come into force on 4 January 2009.

3.3 Agenda Item 4.1:- (BSAC membership issues) – subsequent to the membership update paper presented to the last BSAC meeting – the 4 members* who were due to terminate their period of appointment at 31 December 2008 had intimated that they would be willing to continue until the further extension agreed by OCPAS – i.e. until 30 June 2009.
(* [REDACTED])

3.4 Agenda Item 5.2.2:- (1919 cut-off date) – would be covered in Information Paper 24 (2008).

3.5 Agenda Item 8.3:- (non-domestic buildings consultation) – an analysis of consultation responses was about to start.

3.6 Agenda Item 8.4:- (zero fees) – Ministers wished to put any development on zero fees on hold for 12 to 18 months, particularly in view of the current economic downturn. It was still the intention, however, to signal energy standards changes to industry in advance.

3.7 Agenda Item 8.6:- (low carbon equipment) – some in-house editing of the proposed online guide '*Building integration of low carbon equipment, including micro-renewables*' was still required.

3.8 Agenda Item 9.2:- (EPBD) – updates on legislative developments would be covered in Information Paper 28 (2008).

3.9 Agenda Item 9.4:- (EPC seminars) – 10 EPC seminars had been held aimed at a range of organisations; feedback had been generally positive; and there was now an appropriate FAQ section on the BSD website.
http://www.sbsa.gov.uk/pdfs/EPC_FAQ2.pdf

3.10 Agenda Item 9.6:- (BSD/SABSM/EPBD liaison) – the liaison group had met on 6 November and Trading Standards officials had attended. A draft model on EPBD enforcement (non-prescriptive) had been agreed and SABSM and Trading Standards officials had discussed the intention to develop model forms for penalty notice enforcement. Mr Toshner reported that a lot of development work was being carried out on national procedures for local authorities and there appeared to be a tendency towards trading standards dealing with enforcement in relation to house sales.

3.11 Agenda Item 14.3:- (e-building standards) – it was reported that the e-planning presentation had been helpful in updating building standards managers. E-building standards was not part of the e-planning initiative and was not developing to the same extent. However, some local authorities were taking e-building standards forward themselves – albeit on a small scale – and BSD officials expected the issue to develop.

3.12 Agenda Item 16.1:- (SEDA guide on Design and Detailing for Toxic Chemical Reduction in Buildings) – the reference to SBSA within the document (sponsored by the Scottish Government's Architectural Policy unit) had been removed and BSD officials were attempting to make further necessary changes to the building standards references.

3.13 Agenda Item 16.2:- (Sullivan developments) – BSD confirmed that an update of the progress made would be published in due course.

4. WORKING GROUP FEEDBACK

4.1 Noise: BSAC Information Paper 24 (2008)

4.1.1 [REDACTED] introduced Information Paper 24 which summarised the ninth and final Working Party Meeting held on 5 November and covered the issues raised by the responses to the consultation. He particularly highlighted the concerns raised over the inconsistencies between design performance levels and post-construction testing. Mr Toshner indicated that most of the issues raised at the Working Party had now been resolved and thanked BSD officials for their work in taking matters forward.

4.1.2 Linda Stewart provided a brief update on developments following the meeting. A leaflet giving guidance on home improvements was being developed with other Scottish Government Departments. A meeting between BSD and Historic Scotland had taken place to discuss the 1919 cut-off date applied to conversions. After consideration, Historic Scotland was content that the date remained. Clarification was also provided on which internal walls would require sound insulation in response to a query as to whether the standards would be applicable to all internal partitions. It was explained that the intention was to protect occupants from noise when sleeping in apartments, such as bedrooms or living rooms, and noise from bathrooms or toilets, and that not every partition would need to be insulated, such as corridor walls.

4.1.3 Members were advised that the views of the Working Party would be reflected in the revised guidance which would be circulated to the Working Party for comment.

4.2 Energy: BSAC Information Paper 25 (2008)

4.2.1 [REDACTED] introduced Information Paper 25 which provided a summary of the issues discussed at the fourth Working Party meeting held on 30 October, and an update of work since that meeting. There was some discussion about the need to keep stakeholders informed of developments in relation to 2010 energy standards, particularly in view of the delays with Ministerial approval.

4.2.3 There was also some discussion about the problem of finding developments built to comply with the 2007 energy standards. Some members suggested that this would enable the cost baseline in the costings research to be compared with actual construction costs.

4.2.4 [REDACTED] suggested that simple statistical research on completions/approvals/trends could be undertaken in order to help develop a view on compliance with 2007 standards.

4.3 Compliance

4.3.1 Members were advised that the Compliance Working Party had been re-arranged for 26 January 2009.

4.4 Structure: BSAC Information Paper 27 (2008)

4.4.1 Alec Millar introduced Information Paper 26 which summarised the discussions and conclusions drawn from the first Working Party meeting held on 7 November. The Structure review would focus on:

- The introduction of Structural Eurocodes to guidance;
- Revision to guidance on Disproportionate Collapse following the publication of the National Annex to Structural Eurocodes BS EN 1991-1-7 Accidental Actions; and
- Clarification of the scope for extensions in the Small Buildings Structural Guidance.

4.4.2 Members were advised that the introduction of the Eurocodes in 2010 required revised guidance to be produced by BSD. This would make clear which British Standards were being replaced by the Eurocodes and those which did not conflict with the Eurocodes which would continue to be supported and maintained by the British Standards Institution.

4.4.3 ██████████ expressed his discomfort with the text at para. 2 of the Information Paper, ".....*provided they can satisfy the verifier that the design complies with Standards 1.1 and 1.2.* BSD confirmed that verifiers would not be able to query Certificates of Design issued by Approved Certifiers as at present.

4.4.4 Following the cancellation of the Working Party meeting scheduled for 16 December, members were informed that a new date had not yet been set but the next meeting was expected to take place in early 2009.

5. UPDATE ON WORKSTREAMS FROM SULLIVAN REPORT

5.1 Gavin Peart delivered a presentation which provided members with an update on the implementation of the Sullivan Report one year after its publication. Work was underway on all of the workstreams with progress being made on 44 of the 56 recommendations. Where BSD had total ownership of a recommendation, advancement was usually relatively straightforward.

5.2 Members were also advised of the work on the recommendations that needed to be taken forward in 2009, namely:

- That new public buildings should be built to future energy standards, rather than just the current standards;
- Consideration of the embodied energy within construction products in preparation for any possible change in the Construction Products Directive,
- That in the procurement of buildings by the Scottish Government, the rating on the EPC should be a significant factor;
- That the energy standards for buildings should only be set at national level under the building regulations;
- That a national electronic database was set up for collecting the information that underpins the EPC calculation for non-domestic buildings.

6. ENERGY PERFORMANCE OF BUILDINGS DIRECTIVE (EPBD): BSAC Information Paper 28

6.1 Alec Millar introduced Information Paper 28 which provided an update on the implementation of EPBD. Members were informed that The Energy Performance of Buildings (Scotland) Regulations 2008 and The Building (Scotland) Amendment Regulations 2008 had been laid in Parliament and would come into force on 4 January 2009. The Energy Performance of Buildings (Scotland) Amendment Regulations 2008 had been laid in Parliament to prevent a penalty charge notice being issued up to 31 March 2009 in the situation where an owner had been unable to obtain an Energy Performance Certificate (EPC).

6.2 Members were informed that the Scottish Government had entered into protocol arrangements with 10 organisations who were approved to prepare EPCs. The 10 EPC awareness seminars held by BSD had been well received. It was noted that the Energy Saving Trust had reported that 1800 EPCs had been lodged on the Homes Energy Efficiency Database (HEED) since 1 December.

6.3 There was some discussion on the interaction between Home Report and EPC legislation, principally in terms of when it would be appropriate to refresh the EPC. The EPC had a 10 year life whereas the life of the Home Report could be 6 months max. after which it would require to be refreshed. However, there should be no need to produce a new EPC for the refreshed Home Report unless the house was sold on again (whereby there would be a new Home Report and, therefore, a new Energy Report).

6.4 It was also agreed that the most appropriate time for EPC submission in relation to new construction work would be at the completion stage.

6.5 An Air-Conditioning Inspection Relaxation No 2 had been drafted and the revised Relaxation was distributed to Committee members for comment. Comments were requested by 17 December.

Action: BSAC Members

7. CERTIFICATION SCHEMES UPDATE – Information Paper 29 (2008)

7.1 Jonathan Astwood introduced Information Paper 29 (2008) which provided members with an update on the current position relating to approved certification schemes and other certification matters.

7.2 With regard to the 2009 fees regulations amendments, Mr Toshner suggested that consideration be given to formal notification to the local authority in the situation whereby, after having confirmed that an approved certifier of construction would be used, such certification was not subsequently used.

8. CROWN VERIFICATION – Information Paper 30 (2008)

8.1 Information Paper 30 (2008) provided members with an update on the current position on the commencement of Section 53 of the Building (Scotland) Act 2003 to remove Crown immunity.

9. VERIFIER AUDIT UPDATE – Information Paper 31 (2008)

9.1 Information Paper provided members with an update on the current position relating to the verifier audit programme.

10. RESEARCH UPDATE – Information Paper 32 (2008)

10.1 Information Paper 32 provided members with an update on research work in progress, collaborative work and preparation for future projects.

11. CLG REPORT – Information Paper 33 (2008)

11.1 The Sustainable Buildings Division, CLG, update paper was tabled for members' information.

12. N. IRELAND REPORT – Information Paper 34 (2008)

12.1 Seamus McCrystal introduced Information Paper 34 (2008) which provided members with an update on N. Ireland developments relating to; building regulations primary legislation; technical amendments to building regulations; and EPBD. Mr McCrystal also reported that there had been a number of discussions with the Law Society as a result of which conveyancing authorities were clear on EPC requirements. Estate agents were also conversant with, and keen to promote, EPCs. There was a sufficient number of assessors.

13. ANY OTHER BUSINESS

13.1 There was no other business.

14. DATES OF 2009 MEETINGS

14.1 Main Committee meetings in 2009 would be: **22 April; 26 August; and 9 December.**

Building Standards Division
January 2009

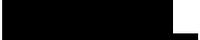
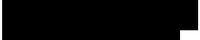
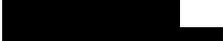
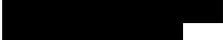
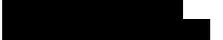
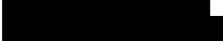
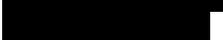
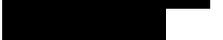
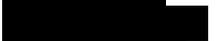
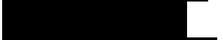
BUILDING STANDARDS ADVISORY COMMITTEE (BSAC)

MINUTES OF THE 133rd MEETING HELD AT THE SCOTTISH GOVERNMENT'S BUILDING STANDARDS DIVISION OFFICES, DENHOLM HOUSE, LIVINGSTON ON WEDNESDAY 22 APRIL 2009

Present

Members

Officials

 (Chair)












**Mr W Dodds
Mr J Astwood
Mr G Peart
Mr C Hird
Ms E Maravelaki
Mr A Murchison
Dr L Sheridan
Mr F Walsh
Mrs M Williamson**

Observers

**Mr K Flanagan
Mr S McCrystal**

**CLG
Building Standards – N. Ireland**

1. INTRODUCTORY REMARKS AND APOLOGIES FOR ABSENCE

1.1 The Chairperson welcomed members and observers to the 133rd meeting. In particular, he welcomed Kevin Flanagan from Communities and Local Government who was attending his first BSAC meeting. Mr Dodds also introduced 2 new members of staff to the Building Standards Division, Eleftheria Maravelaki and Fraser Walsh, both architects working in the Energy Team (Non-Domestic).

1.2 Apologies for absence had been received from BSAC Members: 


1.3 On behalf of both the Committee and BSD officials, the Chairperson thanked  for their contribution to BSAC over the last 7 to 10 years, as this was their final meeting.

1.4 Papers issued for this meeting were as follows:-

- BSAC Information Papers 1 (2009) to 12 (2009)

2. MINUTES OF MEETING OF 10 DECEMBER 2008

2.1 The minutes of the meeting were accepted as a true and accurate record.

3. MATTERS ARISING

3.1 Agenda Item 1.4:- Copies of Statutory Instruments had been issued.

3.2 Agenda Item 3.12:- (SEDA Guide on Design and Detailing for Toxic Chemical Reduction in Buildings) - Linda Sheridan was attempting to arrange a meeting, which would include BSAC representation, with the Guide authors.

3.3 Agenda Item 3.13:- Production of a Sullivan progress update remained outstanding.

3.4 Agenda Item 4.1.3:- (Noise Working Party) – revised guidance would be sent to the Working Party for comments by mid May.

3.5 Agenda Item 4.2.4:- (Statistical research on completions/approvals/trends) – a number of issues had been identified and were being considered by the Compliance Working Party.

3.6 Agenda Item 4.4.4:- (Structure Working Party) – the next meeting would take place on 19 May 2009. Colin Hird was now the lead official on Structure and, with a key member of the Structure team on maternity leave, was currently looking for experienced cover on a consultancy basis.

3.7 Agenda Item 6.5:- (EPBD – Air-Conditioning Inspection Relaxation No 2) - following legal advice, it had been decided that it would have been inappropriate to issue the Relaxation. However, the issue had been resolved as the Relaxation contents had been transposed into guidance.

4. SECRETARIAT REPORT – BSAC INFORMATION PAPER 1 (2009)

4.1 Alan Murchison introduced the Secretariat Report, which covered progress with the Public Services Reform Bill; transition; and Building Standards Division staffing issues.

4.2 It was intended that the First Minister would sign off the Bill and accompanying documents this week, so that they could be sent to the Presiding Officer no later than 28 April, following which the Bill could be introduced on 28 May. Commencement (and, therefore, abolition of BSAC) was scheduled for June 2010.

4.3 On transitional arrangements, Bill Dodds proposed that, in addition to the normal business agenda, the August BSAC meeting should also consider future arrangements for BSD/industry stakeholder engagement. During the

subsequent discussion, member views varied on both the relevance of such a meeting given the agreed way ahead already recorded in BSAC minutes of 23 April 2008 and which had followed a meeting between BSAC members and the Minister for Transport, Infrastructure and Climate Change. BSD officials, however, considered that it was necessary to engage with industry stakeholders in the widest sense as there was a need to ensure that processes (including consultation) were appropriate, forward-thinking and fit for purpose. Officials accepted that there were significant changes ahead for the construction industry and would not lose sight of the need for education and proper communication.

4.4 In order to resolve the dichotomy of views prior to the August meeting, it was proposed that Working Group conveners arrange a meeting (BSD could facilitate) to produce a discussion paper for BSD consideration. Such a meeting would also be open to all BSAC members.

Action : BSAC Members

5. WORKING GROUP FEEDBACK

5.1 Compliance:- BSAC Information Paper 2 (2009)

5.1.1 Working Group Convener, [REDACTED], introduced the Information Paper which covered the fourth and fifth meetings held on 26 January and 8 April respectively. It was agreed at the January meeting that BSD would prepare a list of potential questions for inclusion in the proposed consultation on compliance. The April meeting discussed in detail and agreed the text of the consultation questions.

5.1.2 The Convener thanked all Working Group participants and particularly thanked BSD officials for their support.

5.2 Fire:- BSAC Information Paper 3 (2009)

5.2.1 Working Group Convener, [REDACTED], also thanked BSD officials for their support to the Group. Introducing the Information Paper, lead official, Colin Hird, particularly highlighted the recommended actions on: the reduction of the number of standards on escape; sprinklers in schools and the alignment of guidance on automatic fire detection and fire warning systems with the sector specific guidance issued under the Fire (Scotland) Act 2005.

5.2.2 It was the intention to hold at least one further Working Group meeting to review proposals prior to submission to Ministers for final approval.

5.3 Environment/Safety:- BSAC Information Paper 4 (2009)

5.3.1 Working Group Convener, [REDACTED], introduced Information Paper 4 (2009) which covered the fifth and final meeting of the Working Group. The main focus of the meeting had been the consideration of the consultation responses and the draft consultation report. Although this had

been the final Working Group meeting, BSD would advise all Working Group members of the final proposals which would be submitted for Ministerial approval.

5.3.2 In response to a question on the re-appraisal of flood risk areas (specifically on whether regulation would be through Planning or Building Standards), Mr Dodds stressed that the new synergy created by the Directorate for the Built Environment should ensure a co-operative approach by Planning and Building Standards Divisions to flood risk.

5.4 Other Working Group Updates

5.4.1 The next BSAC Energy Working Group meeting would be held on 27 May and would be the last meeting before the public consultation.

5.4.2 Gavin Peart confirmed that, although SBEM and SAP were to be amended, the Section 6 consultation would be on the existing versions. However, adjustments would be made for substantive changes that were made to these calculation tools.

5.4.3 BSD officials were also alive to the issue of planning policy guidance on renewables (i.e. was it necessary to have in Planning and Building Standards) and relevant discussion was taking place within the Directorate for the Built Environment. Although Sullivan had recommended that, for 2013, low carbon equipment should be introduced solely through building standards, members were reminded that this was aspirational. With the political dimension to the issue of renewables, it was inappropriate for PAN84/SPP6 to feature in the forthcoming consultation.

6. MINISTERIAL MEETING – TIMING OF NEW REGULATIONS & CONSULTATIONS

6.1 Bill Dodds updated members on a recent meeting (11 February) with the Minister responsible for building standards, Stewart Stevenson. An extract from the note of the meeting would be appended as an annex to the minutes.

Action: Secretariat

6.2 BSD officials were starting to look at production of the 2010 Technical Handbooks, the intention being to publish six months before introduction of revised standards. A full education programme (as per 2007) would be put in place and it was the intention to offer meetings with industry stakeholders after the consultation. It was also the intention that there would be a wider role for BSAC Working Group members whereby they could be directly involved in the education/dissemination events.

7. RADON - BSAC INFORMATION PAPER 5 (2009)

7.1 Bill Dodds introduced Information Paper 5 (2009) which provided the background to current Health Protection Agency (HPA) and Committee on

Medical Aspects of Radiation in the Environment (COMARE) recommendations that radon protective measures be considered for all new buildings. BSD officials were presently liaising with CLG officials on these issues and considering the implications of basic radon protection for all new buildings in Scotland.

7.2 Stephen Garvin referred to data anomalies in the report submitted to the HPA and also to the cost implications for all new dwellings (estimated to be between £100 - £500). HSE had powers on non-domestic buildings and there were a number of reports due to come forward on post-construction testing.

8. SCOTTISH CLIMATE CHANGE BILL

8.1 Gavin Peart gave an update on progress of the Bill and in particular the measures that related to existing non-domestic buildings. The Bill had been introduced to Parliament in December 2008, with Section 50 marker provisions based on the non-domestic buildings public consultation. Topics covered in the consultation which have informed the Bill provisions included:

- Extending the scope of energy performance certificates into Assessment of Carbon and Energy Performance (ACEP) This includes varying the lifespan of such assessments/certificates;
- Requiring owners or their delegated persons to obtain ACEPs (even though they are not selling or renting out their buildings);
- Requiring owners of non-domestic buildings to formulate action plans for building work arising from the advice on their ACEPs and encouraging them to implement their action plans;
- Developing appropriate standards for such building work e.g. energy efficient lighting, roof space insulation or sub-metering;
- Empowering local authorities, or similar public bodies, to check ACEPs

8.2 Full analysis of the consultation results had been carried out in January 2009 and published in February. The Scottish Government response had been published in March 2009. In the early part of this year, the Bill had been progressing through the Stage 1 Committees (mainly the EET and TICC). Evidence had been taken from the Minister, officials, stakeholders and lobby groups. Stage 1 would culminate with a Parliamentary debate in early May. The Scottish Government response to the public consultation indicated a Stage 2 amendment to allow the possibility of cost-effective improvements being mandated at a future date through any secondary legislation.

9. EPBD - BSAC INFORMATION PAPER 6 (2009)

9.1 Jonathan Astwood introduced Information Paper 6 (2009) which provided members with details of the current position in relation to the implementation of the EPBD in Scotland. The Paper covered recent legislative developments; Approved Organisations; an update on EPC issues

(dwellings and non-dwellings) and EPBD (recast) - (web link attached).
http://www.ipex.eu/ipex/cms/home/Documents/doc_COM20080780FIN;jsessionid=A18921C431018A06D6885A860F6528E0

9.2 In relation to those organisations approved to provide EPCs for existing buildings, Stephen Garvin had a number of concerns where, although there were areas of good practice, there were also areas of bad practice requiring further discussion. The quality of existing protocols needed to be addressed, especially standards of training and levels of competence. Dr Garvin also had issues with multiple scheme membership and concerns over motives, operation and, therefore, quality.

9.3 In relation to implementation of EPBD legislation – members were informed that 3 Member States had not yet fully implemented.

9.4 In relation to the recast of EPBD, with transposition into Member States' legislation planned for by the end of 2010, one of the revisions was the introduction of independent control systems for EPCs including random sampling.

[**Post meeting note:** further details on the draft recast of EPBD are available at – <http://www.europarl.europa.eu/oeil/file.jsp?id=5716032>]

10. CERTIFICATION SCHEMES -BSAC INFORMATION PAPER 7 (2009)

10.1 Jonathan Astwood introduced Information Paper 7 (2009) which provided members with an update on the current position on approved certification schemes and other certification matters.

10.2 The paper referred to Section 51 of the Building (Scotland) Act 2003 on public liability being examined in detail to assess the effect on Approved Certifiers. Malcolm Macleod expressed concern over Section 51 and considered the provision to be quite severe and limitless.

10.3 In response to a query on whether there could be scope for local authorities in consortia to certify work within their area, BSD officials would consider. However Jonathan Astwood advised that the Building (Scotland) Act 2003 contained provisions covering possible conflicts of interest between approved certifiers and verifiers.

Action: BSD

10.4 As BSD was continuing to work with the Scottish Cross-Industry Working party to investigate the role of certification in respect of low and zero carbon technologies, ██████████ found the synergy with the other (UK) schemes to be somewhat confusing. Jonathan Astwood informed members that what was being considered was not an alternative to the Microgeneration Certification Scheme (MCS) sponsored by the Department of Energy and Climate Change, although industry had intimated that MCS was not popular in Scotland.

11. CROWN VERIFICATION - BSAC INFORMATION PAPER 8 (2009)

11.1 Jonathan Astwood introduced Information Paper 8 (2008) which provided members with an update on the current position on the commencement of Section 53 of the Building (Scotland) Act 2003 to improve Crown immunity. Section 53 would be commenced on 1 May 2009 following protracted discussions over the policy for reserved matters affecting MOD and the Security Service.

12. VERIFIER AUDIT - BSAC INFORMATION PAPER 9 (2009)

12.1 Bill Dodds introduced Information Paper 9 (2009) which covered the verifier audit position to date; 2008/09 revised Balanced Scorecard review; research; and an update on the Verifiers Interest in Buildings Direction 2008.

12.2 ██████████ expressed concern about the research project which was aimed at informing the verifier appointment process in 2011, as he considered that the scope was too limited and did not take account of verification practices elsewhere in the UK. Bill Dodds reassured members that officials would give full consideration to other UK verification models, including NHBC.

13. RESEARCH - BSAC INFORMATION PAPER 10 (2009)

13.1 Linda Sheridan introduced BSAC Information Paper 10 on Research. An update on the 2009/10 research programme was also tabled at the meeting.

14. CLG REPORT - BSAC INFORMATION PAPER 11 (2009)

14.1 Kevin Flanagan introduced BSAC Information Paper 11 (2009), which covered: the Review of Building Control; Proposed changes to the Local Authority Building Control Charging Regime; Registers of Local Authority Building Control Information; Competent Persons Schemes; Gas Safe Register and Combustion Appliances; Approved Document P (Electrical installations in dwellings); Devolution of the Building Regulations to Wales; progress on the Technical Reviews of the Building Regulations; Sustainability; the Code for Sustainable Homes; EPBD; and EU Construction Products Regulation.

15. N. IRELAND REPORT - BSAC INFORMATION PAPER 12 (2009)

15.1 Seamus McCrystal introduced BSAC Information Paper 12 (2009), which provided updates on: Building regulations primary legislation; amendments to building regulations (including Plans of no effect; replacement combustion appliances; Building Notices; and guidance based building regulations); and EPBD

16. ANY OTHER BUSINESS

16.1 With the Inter-Jurisdictional Regulatory Collaborative Committee (IRCC) and Consortium of European Building Control (CEBC) meetings to be hosted by Scottish Government in early May at the Barceló Edinburgh Carlton Hotel, invitations to the Conferences, as well as to the Bavarian Energy Exhibition at the Waverleygate building in Edinburgh, would be sent to BSAC members shortly.

Building Standards Division
April 2009

ANNEX

Note of meeting between Stewart Stevenson, Minister for Transport, Infrastructure and Climate Change; Bill Dodds, Acting Head of Building Standards and Neil Trotter, SG Communications Manager.

Energy Standards

1. The Minister confirmed that high level reductions of CO₂ emissions should be achieved for new buildings and that a 30% emissions reduction (over and above current energy standards) would be introduced for both new dwellings and non-domestic buildings.

2. The Minister noted that Building Standards Division (BSD) officials would shortly provide a submission on a recent benchmarking study that suggests the current Scottish Building Regulations on energy should reduce carbon dioxide emissions from new buildings by around 60%, relative to the baseline used in the Climate Change Bill. The proposed 30% carbon reduction improvement will result in a contribution of around 73% for domestic and 70% for non-domestic buildings.

3. Options for stakeholder engagement and timing of the introduction of new standards were discussed. The Minister indicated that he would like to make an announcement shortly on the high level reductions with a view to a formal public consultation taking place in the summer of 2009. Introduction of new energy standards would then be programmed for October 2010. It was recognised in the Sullivan report that information on the future energy standards should be given to industry as soon as possible, to enable them to prepare for changes. The proposed announcement of high level reductions in the near future with a public consultation in the summer meets this Sullivan aspiration.

Noise Standards

4. The Minister was advised that it has been nearly 20 years since the last significant review of noise standards. Over this period of time lifestyles have changed dramatically. BSD and local authorities have received many complaints particularly regarding hard floor finishes in flatted properties and also the introduction of new high tech television and sound systems.

5. England and Wales introduced new noise standards in 2003 and have found that compliance with building regulations has improved substantially with fewer noise complaints being received. Part of the approach south of the border is the requirement to conduct post construction performance testing.

6. The Minister agreed that BSD officials should consider this approach to performance testing and examine ways in which a system could be introduced into Scotland in a phased way to allow industry time to develop.

7. The Minister confirmed that new noise standards and guidance would be introduced in October 2010 along with the energy standards. It was recognised that industry and local government welcomed the introduction of new regulations concurrently and preferably with an adequate period of time between major revisions. When new standards are introduced in 2010 it will be well over three years since the last revision in May 2007 with the next major revisions proposed for 2013.

Fire Standards

8. As with noise, a public consultation was held last year on new standards and guidance on means of escape from fire. Again the consultation responses received were positive.

9. The Minister was informed that there had been a rise of 62% in fatalities due to fire in Scotland last year. As a result of this Mr Ewing has established a short life working group chaired by Chief Fire Officer Brian Sweeney to look at ways to reduce this figure. BSD officials are represented on this group and there is the possibility that the proposed new fire standards and guidance will go some way in addressing potential issues raised with newly constructed buildings.

10. The Minister confirmed that new fire regulations and guidance would be introduced in October 2010.

Sustainability Issues

11. Last year a public consultation was held on a range of minor changes to certain sustainability standards. These included new guidance on flooding, land contamination, surface water, ventilation, security and solid waste recycling and storage. The consultation responses were again positive.

12. The Minister was informed that, at a recent Buildings Standards Advisory Committee working party meeting convened to discuss the consultation responses, the proposal to introduce a segregated waste storage space in houses was reconsidered. He heard that in Northern Ireland a recent public consultation had found that there was no support for this initiative. It was felt there that the waste collection and recycling policy is still in development and there was not a consistent approach taken to waste collection across local authority areas. They therefore did not wish to burden householders with potentially unnecessary expense.

13. The Minister considered this issue and decided to postpone the introduction of a provision for houses to have solid waste and recycling of domestic waste at this time. He confirmed that all other sustainability standards and guidance should proceed for introduction in October 2010.

Radon

14. It is anticipated that there will soon be an announcement on the publication of new Radon maps for Scotland. The maps will show that there is a significant increase in the number of local authority areas affected by Radon gas. The Minister was informed that on publication of the new information BSD officials will prepare a letter for issue to local authorities alerting them to this new information. At the earliest opportunity technical guidance will be amended to reference the updated information.

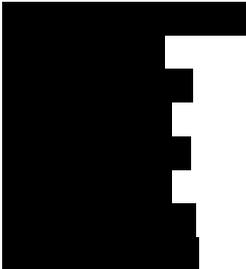
15. BSD officials are also working with colleagues in England and Wales on the practicality and cost implications for providing Radon protection to all new buildings.

Climate Change Bill

16. BSD officials will shortly organise a further meeting with the Minister to consider the implications of the consultation responses on the energy efficiency of existing non-domestic buildings.

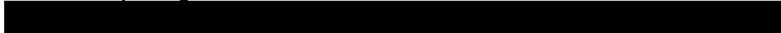
BUILDING STANDARDS ADVISORY COMMITTEE (BSAC)

MINUTES OF THE 134th MEETING HELD AT THE SCOTTISH GOVERNMENT'S BUILDING STANDARDS DIVISION OFFICES, DENHOLM HOUSE, LIVINGSTON ON WEDNESDAY 26 AUGUST 2009

Present	Members	Officials
	 – Chair	Mr B Dodds Mr J Astwood Mr G Peart Mr A Millar Mr A Murchison Mr G Walker Mrs M Williamson Mr C Donnelly Mr S Watson
	Observers	
	Mr S McCrystal	Building Standards – N. Ireland

1. INTRODUCTORY REMARKS AND APOLOGIES FOR ABSENCE

1.1 The Chairperson welcomed members and observers to the 134th meeting. Bill Dodds also introduced 2 new members of staff to the Building Standards Division; Craig Donnelly (Environment/Safety Team) and Stuart Watson (Research Team).

1.2 Apologies for absence had been received from BSAC members: 
: and from CLG Observer Kevin Flanagan and BSD official – Linda Sheridan. Bill Dodds also informed the Committee that BSD was about to lose Head of Research, Linda Sheridan, to the Scottish Government's Housing and Regeneration Fuel Poverty Team.

1.3 Papers issued for this meeting were as follows:-

- BSAC Information Papers 13 (2009) to 18 (2009)

2. MINUTES OF MEETING OF 22 APRIL 2009

2.1 The minutes of the meeting were accepted as a true and accurate record.

3. MATTERS ARISING

3.1 Agenda Item 3.2 (SEDA Design Guide): This issue was still unresolved although it was hoped to make contact in the near future and progress with SEDA.

3.2 Agenda Item 3.3 (Sullivan): A Sullivan progress report was scheduled for the end of 2009.

3.3 Agenda Items 4.3 and 4.4 (BSAC Transition): There would be an opportunity under Agenda Item 11 for members to give views on transitional issues. Although it had been intended to have discussion on future arrangements in addition to the

business agenda, such a forum was now more likely to be held later in the year. This could include recently retired members of the Committee.

3.4 Agenda Item 16.1: Bill Dodds informed members that the week in May which had comprised the Inter-Jurisdictional Regulatory Collaborative Committee (IRCC) and the Consortium of European Building Control (CEBC) meetings were considered to be a great success, principally in terms of networking, best practice sharing on compliance issues, with both organisations expressing their gratitude for the arrangements. Such a success was also credited to the Scottish Association of Building Standards Managers (SABSM) which played a key role.

4. CONSULTATION UPDATE

4.1 Gavin Peart provided the Committee with an update on the current consultations being conducted by BSD, as below:

- Consultation on improving Compliance with building regulations
- Proposed Amendment to the Building (Scotland) Regulations 2004 – A review of standards and guidance in the Technical Handbooks on Section 6: Energy (incorporating minor changes to Section 3: Environment; Ventilation Guidance)
- Proposed amendments to the Building (Scotland) Regulations 2004 – A Review of Guidance in the Technical Handbooks on Section 1: Structure

4.2 The consultations were approaching the final third of the consultation period running from 30 June to 2 October. While the number of responses received to date had been relatively low, it was thought that those stakeholders attending the Consultation Information Seminars being delivered by BSD at Denholm House might delay responding until after the events.

4.3 At the time of the meeting, the first of the three seminars had been undertaken and had been attended by a good cross-section of over 40 delegates from the construction industry. It was considered that the event had been very successful with feedback sheets indicating that over 90% of delegates found the event had achieved its purpose. With the total number of delegates attending the three seminars expected to be around 125, it was hoped that the remaining events would be similarly successful and this would be reflected, not only in the response rates, but also in the substance of the responses. Gavin Peart expressed the gratitude of BSD for the input to the seminars of BSAC members [REDACTED]

4.4 Gavin Peart indicated that the slides used at the seminars would be made available on the Scottish Government website to provide access to a wider audience.

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4.5 He also confirmed that, whilst BSD would analyse the issues raised both in the Consultation Information Seminars and the consultation exercises, the reports of these would be kept separate. The consolidated seminar feedback would be attached to the BSAC minutes.

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5. THE CLIMATE CHANGE (SCOTLAND) ACT 2009

5.1 Alec Millar provided a PowerPoint presentation to members on the Climate Change (Scotland) Act 2009, from a building standards perspective.

5.2 In response to subsequent queries, it was confirmed that it would be the responsibility of BSD (under Section 63) to develop regulations on existing non-domestic buildings and the responsibility of SG Housing colleagues (under Section 64) to develop regulations for existing domestic buildings. It was also the case that there were provisions with the Climate Change Act which would allow further developments on the assessment of carbon and energy performance (ACEP) front.

5.3 [REDACTED] also informed members that there were imminent (CoSLA) issues on the energy efficiency grant front, which would be administered through the council tax system. This referred to Section 65 of the Act which required that local authorities establish a discount scheme for energy efficiency measures installed in council tax payers' homes and preliminary discussion had suggested that LA Building Standards offices could be called upon to verify where such measures required a building warrant.

6. EPBD - BSAC Information Paper 13 (2009)

6.1 Jonathan Astwood introduced Information Paper 13 (2009) which provided members with details of the current position in relation to the implementation of the Energy Performance of Buildings Directive in Scotland, and on proposals in relation to the recast of the Directive. On EPBD recast, England and Wales had already consulted and it was expected that Scotland would consult at the beginning of 2010.

6.2 Referring to the "...*The number of EPCs created and registered for existing dwellings now totalling 150,000*", Scott Restrict urged caution on the interpretation of statistics emerging from the HEED database. He acknowledged that, eventually, a full picture would develop, but, in the meantime, the EPC activity across the different tenures would present a distorted image if the figures were scaled-up to a national level. Scott Restrict also asked whether BSD was aware of the Energy using Products (EuP) Directive, as there might be implications relative to the re-branding of boilers. This was an issue of which SG Energy colleagues were aware.

6.3 There was some discussion over regulation/control of members of Approved Organisations who issue EPCs for existing buildings. Approved Organisations have entered into protocols with the Scottish Government and whilst there were no audit processes required (protocol organisations had their own processes) they might have to consider the way they operate under EPBD 2.

6.4 [REDACTED] recommended the issue of further guidance for protocol organisations as he considered there was scope for wide interpretation of what constituted good practice. With the introduction of ACEPs and their connectivity to EPCs, Dr Garvin also urged the development of an appropriate code of practice

6.5 [REDACTED] also referred to an opportunity being missed in relation to a non-domestic database for registering EPCs. It was confirmed that BSD were currently considering the merits of such a database for non-domestic buildings.

7. CERTIFICATION SCHEMES - BSAC Information Paper 14 (2009)

7.1 Jonathan Astwood introduced Information Paper 14 (2009) which provided members with an update on the current position relating to certification schemes and certification matters in general.

7.2 ██████████ expressed concern that some architects were not aware of the certificate scheme of design for section 6 – energy. Jonathan Astwood explained that RIAS had advised their members both before and after the scheme had been approved. Awareness of certification had been discussed at recent scheme provider meetings comprising scheme providers from all certification schemes and the role architects could play had been identified. Bill Dodds made the point that there would be opportunity within the dissemination events for the 2010 changes to promote ACD to architects – although stressed that certification was still a matter of choice.

7.3 ██████████ made the point that the Scottish Government should require the use of Approved Certifiers of Design or Construction when they constructed new buildings. Jonathan Astwood confirmed that BSD would contact colleagues in the Scottish Government Procurement Directorate.

Action: BSD

7.4 ██████████ also queried the proposal to extend the Certification of Construction (Electrical Installations to BS 7671) scheme provided by SELECT to cover microrenewables installations and was advised that the proposal had been put forward from industry and there had not been any detailed discussions with BSD so far.

8. CROWN VERIFICATION UPDATE

8.1 Jonathan Astwood provided members with an update on Removal of Crown Immunity from Buildings and confirmed that Section 53 of the Building (Scotland) Act 2003 had come into force on 1 May 2009. Commencement had been delayed due to reserved matters, specifically legal issues concerning MoD buildings and other buildings used for national security purposes. It was generally felt that the introduction had been very successful. This was thought to be in part due to the later implementation allowing the industry time to understand the implications of the changes.

9. VERIFIER AUDIT - BSAC Information Paper 15 (2009)

9.1 Bill Dodds introduced Information Paper 15 (2009) which provided members with the verifier audit position to date. As BSD entered the final year of auditing, Mr Dodds expressed disappointment in recent audit outcomes, particularly in view of the stage reached (i.e. year 4). The audit process, however, was considered to be very successful. Whilst it was recognised that resourcing was an issue for local authorities, it was considered that there was still a lot of work to be done to raise the bar for all verifiers.

9.2 The research project to which the Information Paper referred would involve all stakeholders.

10. RESEARCH - BSAC Information Paper 16 (2009)

10.1 There were no questions on the Research Information Paper.

11. CLG REPORT - BSAC Information Paper 17 (2009)

11.1 The CLG Report was tabled on the day. No issues were raised.

12. N. IRELAND REPORT - BSAC Information Paper 18 (2009)

12.1 Seamus McCrystal introduced Information Paper 18 (2009) which covered the following Northern Ireland issues:

- Building Regulations Primary Legislation
- Amendments to the Building Regulations
- EPBD update

11. DIRECTORATE FOR THE BUILT ENVIRONMENT

11.1 The Chairperson invited Mr Jim Mackinnon, Chief Planner and Head of the Directorate for the Built Environment to address the Committee. Mr Mackinnon expressed his thanks to members for the invitation and for the valuable work that had been undertaken over the years.

11.2 Mr Mackinnon highlighted BSAC's longevity as one indication of the significant contribution it had made to the construction industry in Scotland but went on to explain the background to the current Administration's policy of public service reform to stream-line decision making and reduction of public bodies in order to deliver better services. Whilst the value and effectiveness of BSAC and the Scottish Building Standards Agency was widely recognised, with the delivery of the Sullivan Report being highlighted as a prime example, Scottish Ministers were intent on developing a clearer, simpler and more effective public sector to help Government achieve its overarching purpose and strategic objectives. The bringing together of Planning, Architecture and Place with Building Standards as the Directorate for the Built Environment was a good example of the Scottish Government developing these synergies more effectively.

11.3 There was some discussion about the success of current joint-working initiatives. Members acknowledged the development of Sullivan Report recommendations as a good example of collaboration between Building Standards and Planning. The Scottish Sustainable Communities Initiative (SSCI), which was launched in June 2008, was also highlighted as an exciting development being taken forward across the Directorate and elsewhere and was of high interest to Ministers. Members also discussed recent developments in E-Planning. Mr Mackinnon advised members that Building Standards was the next priority for e-enablement and Mr Astwood was working with E-Planning colleagues to develop proposals for a Building Standards model which built on expertise already available. Mr Mackinnon also confirmed that Building Standards would be a more effective mechanism for achieving sustainability targets for building work than Planning.

11.4 Members discussed how the industry might support Building Standards after the abolition of BSAC. Mr Mackinnon stressed that Ministers valued the expertise of members and recognised that BSD would still need to engage with the industry but they (Ministers) did not consider it necessary to have a statutory committee providing a technical input to proposals for regulations as this could be achieved by other, non-statutory means. It was felt that future engagement could be more effectively and flexibly delivered by working groups led by officials as opposed to a statutory body.

14. ANY OTHER BUSINESS

14.1 It was agreed that BSD officials would coordinate arrangements for a forum for current and recently retired BSAC members, to be convened early November, with the purpose of giving members the opportunity to express views on continued engagement after the dissolution of BSAC.

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Building Standards Division
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