

Environmental initiatives gather momentum

On 12 September 2005, the Government published four interim 'approved documents' which comprise the Government's proposed revisions to Part L of the Building Regulations 2000. The 'revisions' which will give effect to some of the provisions of the European Union Energy Performance Directive, will have a major impact on the cost, design and construction of new buildings and the alteration and refurbishment of existing buildings (commercial and residential).

The Directive promotes the improvement of the energy performance of buildings. The goal: a dramatic reduction in carbon emissions now widely perceived to be a primary cause of climate change. As reported in our July issue of Update, buildings are responsible for around 50% of carbon emissions in the UK, hence property will be a primary target for achieving emissions reductions.

Although the Directive must be brought into UK law by 4 January 2006 the revisions will not in fact be implemented until 6 April 2006. After that date there will be a base requirement for measures to be taken when constructing new buildings and carrying out work to existing buildings (including extensions, material alterations and the provision or extension of controlled services or fittings). The requirements are:

- to conserve fuel and power
- to provide energy efficient building services

- to provide a 'building log book'.
The log book must contain sufficient information to enable the building to be occupied and maintained so no more fuel and power is used than is reasonable.

The 'approved documents' set out performance criteria by which it can be judged that the new standards have been met. How this is achieved in the design and construction of the building or the building work will be left to the ingenuity of the property industry.

One of the most important changes introduced by the Revisions is new Regulation 17(D), which will affect buildings with a 'useful' floor area over 1,000m². This will require that work to a building (involving amongst other things, an extension or initial provision of fixed building services), must not only comply with the new standards but a 'consequential improvement' to the energy efficiency of the building must also be carried out where such works are 'technically, functionally and economically feasible'. A 'consequential improvement' will be economically feasible where the value of the improvement is not more than 10% of the value of the principal works.

It had originally been expected that the provisions of this Regulation would be applied to residential property so forcing home owners to improve energy efficiency when altering their homes. This will not however be the case and Regulation 17(D) will apply only to commercial property. Many environmentalists see this as a major missed opportunity in

the fight to reduce carbon emissions in the UK.

But rest assure it is not an opportunity that has been totally lost. An ongoing review by the Government (with consultation beginning in Spring 2006) will determine how the concept of 'consequential improvements' can be applied to residential property. Furthermore the 'approved documents' are not final documents and that same review could still result in changes being made in the 'revisions' before they come into force on 6 April 2006.

The next few months will be important to the property industry, particularly since 6 April 2006 is also the date by which more of the provisions of the Directive are to be brought into force and by which yet another Government initiative on the environment is planned to take effect - the Code for Sustainable Buildings.

The Code will be a voluntary initiative designed to be the national standard for sustainable building. The initiative, however, will go beyond that of the 'revisions' covering not only energy efficiency but also flood resilience, water consumption, greenhouse gas emissions and waste production.

But be aware! Having said it is voluntary the Government has made it clear that the provisions will apply on a mandatory basis to residential development, to which Government funding is given, and to the development of and work to land and buildings sold by the Government to the private sector.

susan.lewis@speechlys.com