

Building Regulations and Refurbishment

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**Friends of
the Earth
Scotland**

Energy use in buildings is responsible for around 40% of all UK greenhouse gas emissions. Commercial buildings alone account for about one-sixth of the UK's carbon emissions and this proportion is growing. In Scotland, 17% of the housing stock is classed as having poor energy efficiency and as many as 700,000 people live in fuel poverty. At present Building Regulations only apply to new buildings and therefore fail to tackle these problems to any great extent. Friends of the Earth Scotland and the Association for the Conservation of Energy believe that building standards must cover existing buildings in some meaningful way. In the domestic sector, this would aid the Scottish Executive to achieve its target of eradicating fuel poverty in Scotland within fifteen years and improve the quality of the housing stock. For the commercial sector, this could mean increased profitability and competitiveness.

Current regulations

Current Building Regulations do set minimum energy efficiency standards:

Part J – Regulation 22 - Conservation of fuel and power
22.(1) In a building to which this regulation applies, reasonable provision shall be made for the conservation of fuel and power.

In April 2002 changes to the Building Regulations were introduced that will improve the energy efficiency of new houses by up to 25 - 30%. These changes will result in all new buildings being very energy efficient. Unfortunately, Regulation 22, and the new changes to it, do not apply to existing buildings in any way.

The current regulations state that:
“in relation to the extension, alteration or change of use of a building any reference to the building shall be construed as a reference only to so much of the building as is comprised in the extension or is subject to alteration or change of use as the case may be.”

This is the only reference to existing buildings and translates in layman terms as meaning that were an extension is built, only that extension must comply with the regulations not the rest of the building.

The fact that extensions, alterations and refurbishments must comply with the regulations is to be welcomed but this provision should go much further.

What needs to be done?

Existing buildings should be made to comply with Building Regulations in some meaningful way.

While it may be unduly onerous to require all existing buildings to comply with the regulations, it should be possible to implement regulations which require that, where extensions and alterations are being carried out, buildings be made to comply to some degree.

If work is being done, especially extensions, which would increase the environmental impact of a building, then the overall environmental impact of that building should be considered in the public interest.

A minimal approach would be to require that any extension or refurbishment work does not increase the overall energy use of the whole building. What would be more effective would be to require that when a building is refurbished or extended the entire building meet the most current Building Regulations.

How can this be achieved?

The Buildings (Scotland) Bill is soon to complete its parliamentary passage and will introduce powers which would allow Scottish Ministers to make Building Regulations apply to existing buildings. They could do so for the purpose of furthering the conservation of fuel and power and, therefore, have the ability to enact the above proposals. This should be done without delay.

Building (Scotland) Bill
Part 3 - Compliance and enforcement

22 Building regulations compliance

(1) This section applies where the Scottish Ministers consider that, for any of the purposes of -

(a) securing the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings

(b) furthering the conservation of fuel and power, and

(c) furthering the achievement of sustainable development, buildings of any description to which building regulations apply ought to comply with a provision of the regulations.

(2) Where this section applies, the Scottish Ministers may direct all local authorities, particular local authorities or local authorities of a particular description to secure that such buildings comply with that provision of the regulations