



Notification Number: 2012/551/UK

New and amended standards and guidance which is considered to be De Facto technical regulations under the Building (Scotland) Regulations 2004 (as amended).

Date received : 26/09/2012

End of Standstill : 27/12/2012

Issue of comments by : Commission

Message

Message 001

Communication from the Commission - SG(2012) D/52505

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2012/0551/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késéket - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201202505.EN)

1. Structured Information Line

MSG 001 IND 2012 0551 UK EN 26-09-2012 UK NOTIF

2. Member State

UK

3. Department Responsible

Department for Business, Innovation and Skills
Knowledge & Innovation Group
1 Victoria Street, London, SW1H 0ET.

Email: 9834@bis.gsi.gov.uk.

3. Originating Department



Scottish Government - Building Standards Division

4. Notification Number

2012/0551/UK - B00

5. Title

New and amended standards and guidance which is considered to be De Facto technical regulations under the Building (Scotland) Regulations 2004 (as amended).

6. Products Concerned

Construction Products.

7. Notification Under Another Act

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8. Main Content

Draft amended regulation and supporting guidance text in the Domestic and Non-domestic Technical Handbooks (October 2011 edition) on the following subjects:

- extending sustainability labelling to cover new schools;
- providing carbon monoxide detectors where combustion appliances are installed;
- providing water efficient taps and WCs;
- limiting 'climb-ability' of protective barriers where children are likely to be present;
- citing better guidance documents for construction of external walls exposed to wind-driven rain;
- creating a specification for 'changing places toilets';
- deregulating the refuse storage provision for houses;
- simplifying procedures for the automatic fire suppression systems (sprinklers) provision for property protection in certain school buildings, where the cost is disproportionate;
- providing fire safety information for non-domestic buildings; and
- updating guidance to reflect the transition from EU Construction Products Directive to the EU Construction Products Regulations.

9. Brief Statement of Grounds

Sustainability Labelling – This was introduced to the Scottish Building Standards system in May 2011. Applicable to all new buildings, the labelling system rewards the achievement of meeting the 2010 standards with a Bronze level label. Further optional upper levels are defined by Silver, Gold and Platinum labels. These address topics including energy and carbon emissions, as well as broader issues such as occupant wellbeing, water efficiency and flexibility in design. Sustainability labelling has been fully developed for domestic buildings. The system was only partially developed for non-domestic buildings due to their more varied and complex form.

The Scottish Government has an 8 year programme to deliver a minimum of 55 schools. BSD have worked with an industry working group and the Scottish Futures Trust to further develop sustainability labelling for non-domestic buildings using school buildings as a 'pathfinder'.

Although the label is mandatory, the level achieved is voluntary, thereby not imposing any additional cost to industry unless those procuring buildings opt for higher than 'Bronze'. The domestic labelling system has largely



been welcomed across industry for its concise and practical approach.

The use of sustainability labelling for schools through the building standards system will lead to savings in verification costs when compared to other sustainability assessment systems.

Carbon Monoxide (CO) Detection – CO is a colourless, odourless, and tasteless gas that is highly toxic. The gas can be produced by fuel burning appliances that may be defective, lack proper maintenance or have inadequate air to burn properly. The proposed building standards amendment seeks to establish a minimum of one CO detector per new fixed combustion appliance. It will apply only to buildings where there is a 'sleeping risk', for example, dwellings.

A Carbon monoxide detector as a minimum can be powered by a battery that operates for the working life of the detector. With a sealed battery unit there should be no maintenance costs. Not all buildings that have a 'sleeping risk' will have a combustion fuelled appliance.

Over the last 10 years in Scotland there have been 11 fatal CO incidents. Additionally, the number of CO casualties attending hospital is on the increase as symptoms become better recognised, through education of health professionals and the general public.

Water Efficient Fittings – Saving water saves energy because power is used to process water to drinking quality standard and even more power to move it to where it's needed and then to remove and treat as wastewater.

Scottish Water indicate that the current average domestic customer use of potable water is around 150 litres per person per day. This per capita consumption is based on modern use of water in the home through the use of 'normal' non water efficient, fittings and appliances. The proposed building standards amendment would introduce water conservation measures into dwellings through the use of water efficient tap fittings for wash hand basins and water efficient flush volumes for WCs. Use of these fittings will allow for daily savings of around 20 litres per person. Water use is already addressed in English building regulations and as a result, the water fittings industry is already producing efficient fittings. Efficient fittings are readily available at low cost.

Scottish Water, in their Carbon Footprint Report for 2010 – 2011 provide CO₂ factors for their processes. Using these factors a new 4 person house could improve CO₂ emissions by around 16 kgs/year. On the basis of 15,000 new homes constructed in Scotland, this could mean CO₂ reductions in the region of 240 tonnes Carbon Dioxide per year.

Protective Barrier Safety – In 2011, following a Sheriff's findings after a fatal accident enquiry, the building standards guidance relating to permitted design gaps in protective barriers was reviewed. Part of this review involved public consultation. This included a question on whether technical guidance on 'climb-ability' of a protective barrier should be strengthened. Of the respondents 86% confirmed the desire for enhanced guidance on 'climb-ability' to improve the safety of children.

The majority of protective barriers in houses are not easily 'climb-able' the improvements would simply ensure a 'level playing-field for industry. This is a cost neutral exercise to strengthen existing technical requirements and guidance text.

Wind Driven Rain – The proposed building standards amendment strengthens guidance relating to the design of external walls. The main change proposed to guidance extends the methodologies used to assess the exposure categories of external walls exposed to wind driven rain. The new European Standards will be promoted. The proposed changes to building standards are considered cost neutral with no further requirements being introduced. The enhanced guidance gives greater options for those procuring new buildings. This should mean benefits to building design that can take account of climate change rainfall projections.



Changing Places (CP) Toilets – CP toilets are for use by people with profound and multiple disabilities. They are larger and have additional equipment, (such as a changing bench and hoist) beyond the ‘accessible’ facilities currently specified within the building standards guidance. To encourage consistent design approach and adoption of good practice it is proposed to consult on the introduction of a typical CP toilet specification into building standards guidance. This will not introduce additional costs or mandate CP installations but will provide a benchmark specification where such a toilet is being considered for a building. This proposal also aligns with the approach being taken by other administrations working towards the development of a UK network of CP toilets.

Solid Refuse Storage – All local authorities currently operate wheelie bin (and/or box) systems for domestic waste collection/recycling. This means that there is a wide range of, and several, containers, for different materials, within the curtilage of houses. Local authorities have the freedom to use their own means of waste collection across the country. This flexible approach to waste collection across authorities is at odds with the national building standards guidance. Compliance for an accessible waste storage hard standing generally takes the form of a slabbed or concreted area of limited dimensions, which is not enough to accommodate all the bins and boxes. The building standards amendment proposed would remove the current requirement for waste storage points and as a consequence removes any possible conflict. Building standards requirements would still apply to flats due to the greater associated risks to health.

Sprinklers – These were introduced in October 2010 for new work involving schools, to further the achievement of sustainable development, by providing enhanced property protection against fire. However, there are cases where the additional cost of installing a sprinkler system is clearly disproportionate to the overall building costs (e.g. additional accommodation to existing schools for example temporary buildings or smaller extensions). In these cases, the current mechanism is to apply to Scottish Ministers to dispense with the standard. It is proposed that bureaucracy is reduced by amending the standard and supporting guidance, to allow local authorities to determine most of these. There will be no additional cost burden for industry, indeed the amendment will save time in the process of obtaining building warrant.

Fire safety information for non-domestic buildings – From the Rosepark Care Home Fatal Accident Inquiry (FAI), the Sheriff Principal recommended that Scottish Ministers consider introducing a requirement to provide fire safety information after a building has been constructed. Currently, after construction, this information is not always easily accessible to building owners and users. It is proposed to introduce a regulation to provide a summary of the key fire safety information prior to the building being occupied. The regulation will apply to new non-domestic buildings only. This important fire safety information will also help inform any fire risk assessments required under the Fire (Scotland) Act 2003. A similar building regulation was introduced in England and Wales in 2007. There will be negligible cost to industry as designers and fire engineers are required to provide the information as part of building warrant process.

Transition to EU Construction Products Regulation – (CPR) 305/2011 will fully come into force in the UK on 1 July 2013. European legislation is reserved to Westminster and the Department of Communities and Local Government (DCLG) have led negotiations and are responsible for implementing the CPR in the UK. The aims of the CPR are to improve the internal market in goods and specifically to address some perceived problems with the 1989 Construction Products Directive (CPD) and the ways in which it has been implemented.

The intention of the CPR is to remove technical barriers to trade in the European Economic Area by introducing mandatory ‘CE’ Marking of construction products that are covered by Harmonised European Standards. A public consultation exercise and impact assessments have already been carried out by DCLG. The Department for Business Innovation and Skills (BIS) also provide a range of assistance to UK firms to help them overcome problems when trading in the EU or globally.

Whilst reserved to Westminster, the CPR will have an impact on building regulations in Scotland.



10. Reference Documents - Basic Texts

No Basic Text exists

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

Yes

16. TBT and SPS aspects

TBT aspect

No - The draft has no significant impact on international trade

SPS aspect

No - The draft is not a sanitary or phytosanitary measure

Catherine Day
General Secretary
European Commission

Contact point Directive 98/34
Fax: (32-2) 296 76 60
email: dir83-189-central@ec.europa.eu