

Building Regulations (Amendment) Bill: Committee Stage Consultation

Comments by

Northern Ireland Environment Link

16 April 2008

Northern Ireland Environment Link is the networking and forum body for non-statutory organisations concerned with the environment of Northern Ireland. Its 50 Full Members represent over 90,000 individuals, 255 subsidiary groups, have an annual turnover of £44 million and manage over 230,000 acres of land. Members are involved in environmental issues of all types and at all levels from the local community to the global environment.

These comments are agreed by Members, but some members may be providing independent comments as well. If you would like to discuss these comments we would be delighted to do so.

Prof Sue Christie, Director
Northern Ireland Environment Link
89 Loopland Drive
Belfast, BT6 9DW
P: 028 9045 5770

E: Sue@nienvironmentlink.org

W: www.nienvironmentlink.org

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Introduction

Northern Ireland Environment Link (NIEL) welcomes the progression of the Building Regulations (Amendment) Bill to the formal Committee Stage. We welcome the efforts of the Finance and Personnel Committee to involve wider stakeholders in their consideration of the Bill.

Enhanced Building Regulations will play a vital part in reducing Northern Ireland's carbon footprint and in ensuring wider environmental, social and economic sustainability for Northern Ireland. In considering potential amendments to the Building Regulations (NI) Order 1979 it is important to recognise that the Regulations' role in 'furthering the conservation of fuel and energy' will only become more significant.

A policy framework to address and mitigate climate change is now beginning to develop in Northern Ireland. The Assembly's support for the UK Climate Change Bill is welcome but a Northern Ireland Climate Bill should act as the driving force towards becoming a low carbon society. Building regulations should ensure the built environment can deliver and adapt to the future through the provision of low, and eventually zero, carbon buildings.

It is estimated that 81% of energy consumed in Northern Ireland, excluding transport, is used for space heating and hot water in buildings and in commercial and industrial uses. Oil is by far the most utilised fuel for heat generation in Northern Ireland, with CHP and small scale renewable heat technologies providing a tiny contribution to the total fuel mix. Therefore, the encouragement of renewable heat sources, such as geothermal or biomass, and development of CHP as a significant source of energy for either business or domestic use, should be an important element of the Building Regulations.

Our demand for electricity is growing: DETI estimates that, on average over the last 15 years, electricity consumption has increased by 1.8% per annum. The NISDS includes a target to (from 2007) "reduce consumption of electricity by 1% annually until 2012." By reducing demand for energy we also make achieving the renewable energy target easier as developers faced with the 'Merton Rule' will testify: developers having to embed a percentage of on-site generation as a condition of planning permission found that it was in their interests to reduce the overall energy demand of the project as they did not have to install as much capacity. There is still a great deal to do in NI with regard to energy efficiency. Recent improvements to Part F of the Building Regulations are welcome but must now be improved further.

Northern Ireland currently generates only 4% of its **electricity** from renewable sources. Of Northern Ireland's **energy** usage (for electricity, **heat** and **transport**), indigenous renewables account for less than 1% of the total. The rest of our energy comes from fossil fuels, highlighting the massive challenges we face in achieving the targets noted above.

Large scale renewable projects and microgeneration should both be utilised. The development of microgeneration capacity and local energy networks (for heat and electricity) has many benefits over the traditional electricity grid. Large scale plants waste much of the energy in their fuel source by not utilising 'waste' heat and through the electricity lost in transmission and distribution systems. Decentralised systems can be much more efficient, especially when there are local markets for heat and electricity. Smaller generating units with more diverse fuel supplies could improve Northern Ireland's energy security and provide a vital income for a number of people. Peter Robinson's decision not to pursue mandatory microgeneration limits the development of renewable technologies and perhaps energy efficiency in Northern Ireland, therefore, should be reversed.

A recent report from the Renewables Advisory Board (RAB), which advises the UK Government on renewable energy issues, provided the first in depth analysis of the role of onsite energy generation in the delivery of the Government's policy of ensuring that all new homes are zero carbon from 2016 (a measure that NI should also adopt). Amongst its conclusions is that the policy could drive a market for onsite renewables worth £2.3 billion a year from 2016; this is a significant market for Northern Ireland companies ([RAB Report](#)). However, the report also warns that the capacity of the microgeneration industry must be developed now and that it will require support to drive innovation and competitiveness.

The RAB report also states that the average cost of meeting zero carbon standards from on site renewables is expected to be £6,000 per dwelling. This price can be passed on to the customer without significantly affecting the final house price as the buyer will benefit from stamp duty relief. The occupant will also benefit from the annual fuel bill savings (this is particularly relevant as over 300,000 people in Northern Ireland are in fuel poverty due to increasing fuel costs and poor housing quality) and from rates relief. Microgeneration would also be made more attractive if generous feed-in-tariffs for energy sold to the grid were introduced in Northern Ireland.

Between 8,000 and 10,000 new houses are built every year in Northern Ireland. These houses will now be built to sub-optimal standards and will be heated and powered by ever more expensive fuels. The rest of the UK and the Republic of Ireland are intent on improving their building standards and we should not lag further and further behind. We hope the Minister reconsiders his decision regarding mandatory microgeneration. This is the time to raise housing standards, reduce fuel costs in the new build sector and encourage the next wave of successful Northern Ireland companies.

Specific Comments

Amendment Number 1: Building Regulations

The energy sources to be listed in Article 2, paragraph (5) of the principal require further consideration and description - perhaps in guidance notes. A clear definition of biomass should be included to ensure that only sustainable forms of biomass are considered. The impact of biomass production must be considered and acceptable levels of social and environmental performance in the production of bioenergy among supply chain actors, from growers to end users, should all be factored in. Specifically, creating a demand for imported biofuels that may not have been produced sustainably could have significant, long term detrimental consequences for people and nature throughout the world. NIEL believes that energy recovery from biodegradable MSW should only be considered as an appropriate waste management option after all the materials that have the potential to be reused and recycled, and non-combustible and harmful materials, have been removed from the waste stream and that the energy recovered from the process should only be considered a low or zero carbon system if a high thermal efficiency is achieved. We are concerned that there is no distinction made between other forms of thermal treatment and incineration/combustion. While all should be fully regulated, we believe that failure to distinguish between these technologies could limit the adoption of Advanced Conversion Technology (gasification, pyrolysis or anaerobic digestion), which we believe to be a more sustainable option than mass burning technologies.

Including "(j) other sources of energy and technologies for the generation of electricity or the production of heat, the use of which would, in the opinion of the Department, cut emissions of carbon dioxide and other greenhouse gases" alongside genuinely renewable sources should be carefully considered. The Building Regulations should clearly differentiate between renewable and non-renewable technologies. While lower carbon

technologies, such as the replacement of oil heating systems with gas systems, are welcome initial steps, the Regulations should facilitate moves towards 'zero carbon' buildings; while natural gas emits a third of the carbon dioxide compared to coal it is still a finite, greenhouse gas emitting fuel.

Amendment 1 (2) (a) should be supported by further guidance to explain the how the 'life cycle of materials and components' will be considered, with particular reference given to the assessment of life cycle carbon emissions and how low carbon products should be favoured.

Amendment 1 (2) (c), point 17A should read "Standards of **natural** and artificial lighting...etc."

Amendment Number 2

"Historic buildings" should replace the term "protected buildings" in the title and in paragraph 3A - (1). Paragraph 3A (2) should read:

(2) In this Article "historic buildings" means—

- (a) listed buildings within the meaning of the Planning (Northern Ireland) Order 1991; and
- (b) buildings situated in conservation areas within the meaning of that Order.
- (c) buildings situated in areas of townscape or village character.
- (d) buildings of a vernacular or traditional character."

Amendment Number 4

Amendment 4 (c) should insert paragraph (5) (c) as "reduce the demand for, and further the conservation of, fuel and power."

Amendment Number 5: *Guidance documents*

Paragraph 5A (2) (a) should read "shall conduct a full consultation, including: placing notice of the consultation on the Central Consultation Register and Department website and sending a copy of the draft to such persons as it thinks are representative of those having an interest in building regulations."

Paragraph 5A (3) should read "(3) After the Department has proceeded under paragraph (2) it shall publish the guidance on the Department website and further appropriate locations and provide training for district councils and other stakeholders."

Amendment Number 5: *Type approval*

To amendment 6 (1) (d) add to paragraph (4) "(d) the energy performance of the building"

Amendment Number 8: *Contravention notices*

In order to support the reduction in the period when contravention notices can be issued further funding should be allocated to enforcement teams.