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: Richard Amos; Kevin Burnett; Steven Garvin; Bimal Kumar; Lori McElroy; Nick Montgomery; Len Murray; co-opted member Neil Turnbull; 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had now been replaced by version 9.82; however, energy performance certificates issued before 1 November with version 9.80 were still valid.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. (*Richard Amos, Sue Bush, Heather Cuckow and Gary Mees)

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](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 Mervyn Toshner 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.

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.


4.2.1 Brian Woodley 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.

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 Ian Paterson 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.

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**


7.1 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.


8.1 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.


9.1 Information Paper provided members with an update on the current position relating to the verifier audit programme.


10.1 Information Paper 32 provided members with an update on research work in progress, collaborative work and preparation for future projects.


11.1 The Sustainable Buildings Division, CLG, update paper was tabled for members’ information.


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