

DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT

Communities and Local Government Circular 06/2009
Department for Communities and Local Government
Eland House, Bressenden Place, London SW1E 5DU

18 June 2009

THE BUILDING ACT 1984

THE BUILDING REGULATIONS AND THE BUILDING (APPROVED INSPECTORS ETC) REGULATIONS 2000

- **Building Regulations 2000, Schedule 1, Part L**
- **Approved Documents L1A, L1B, L2A, L2B**
- **Multi-foil insulation**

On 5 June 2008 the Department published a consultation document on proposed new editions of the Approved Documents L, which contain practical guidance on compliance with the energy efficiency requirements of the Building Regulations in common building situations.

The proposed changes to the 2006 Approved Documents L took account of:

- i) a number of legislative amendments which had come into effect as a result of amendments made to the Building Regulations 2000 and the Building (Approved Inspectors) Regulations 2000;
- ii) the judgement in the High Court on the references in the Approved Documents L to BR 443 “Conventions for U-value calculations” as a document which describes ways of establishing thermal performance of building elements, and in particular the guidance contained in paragraph 3.10.2 of BR 443 in relation to multi-foil insulation;
- iii) a number of errors in the 2006 Approved Documents, and
- iv) stylistic changes to the format of Approved Documents to make them easier to read and to use.

In parallel with the consultation the proposals were notified to the European Commission under the Technical Standards Directive (98/34EC).

The consultation period closed on 9 September 2008. A summary of the responses received has been published on the CLG website. A separate report on the technical aspects of the responses by Professor Philip Eames of Loughborough University is also available on the CLG website.

In the Department’s view none of the consultation responses contained any new evidence that would cause the Department to change its previous position on the measurement of the thermal performance of multi-foil insulation. The Department therefore declares that it has reverted to the position previously promulgated in 2006 i.e. that where there is a reference in the Approved Documents L to paragraph 3.10.2 of BR 443 that reference is applicable.

The Department considers that it has now fully followed the notification procedures of the Technical Standards Directive, and therefore it has met the conditions laid down in the High Court judgment of 2 November 2007. Communities and Local Government Circular 07/2007 and all previous advice on multi-foil are hereby withdrawn. The Department’s position on the assessment of multi-foil insulation in relation to meeting the energy efficiency requirements of the Building Regulations is re-stated in Annex A.

With the publication of a new consultation document relating to proposed revisions to the energy efficiency requirements in 2010 the Department has decided not to re-publish the 2006 Approved Documents as was previously intended. Instead it will shortly publish an addendum/corrigendum of the changes of the four Approved Documents.

The format of the Approved Documents consulted on in 2008 is being taken forward in the draft Approved Documents that are to form part of the proposals to revise the energy efficiency requirements in 2010.

ENQUIRIES

All enquiries on matters addressed by this Circular should be addressed to:

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Annex A

MULTI-FOIL THERMAL INSULATION PRODUCTS

1. Multi-foil insulation products consist of several layers of foil separated by other materials, which inhibit heat loss by both providing a non-conductive barrier and by incorporating elements which reflect heat back towards its source. As you may be aware, there is a scientific dispute over the appropriate test method for measuring the thermal performance of multi-foil insulation products. Some multi-foil insulation manufacturers consider that the most appropriate method is comparative ('in situ') testing.
2. The Department maintains its previous view, based both on international scientific opinion and on new and previous scientific advice commissioned and published by it, that, currently, the only appropriate methods for measuring the thermal performance of materials and products are the "hot-box" test, which is a British Standard test based on Standardised European Norms, or tests that have been agreed at a European level, such as those which form part of an agreed ETA for a product or products. Consequently, at present, only results from hot-box or approved ETA tests carry a statutory presumption that they are correct. Therefore the references in the four Approved Documents L to measuring U-values using the methods and calculations set out in BR 443 (2006) 'Conventions for U-value calculations' apply.
3. The Department accepts that the scientific dispute over test methods for measuring the thermal performance of multi-foil insulation is likely to take some time to be resolved. However, as has always been the case, manufacturers of multi-foil insulation products can seek to persuade BCBs and Approved Inspectors that they should accept claims for their products' performance based on comparative ('in situ') testing, and BCBs and Approved Inspectors are free to make their own judgements about compliance with the regulations based on their assessment of these claims.

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