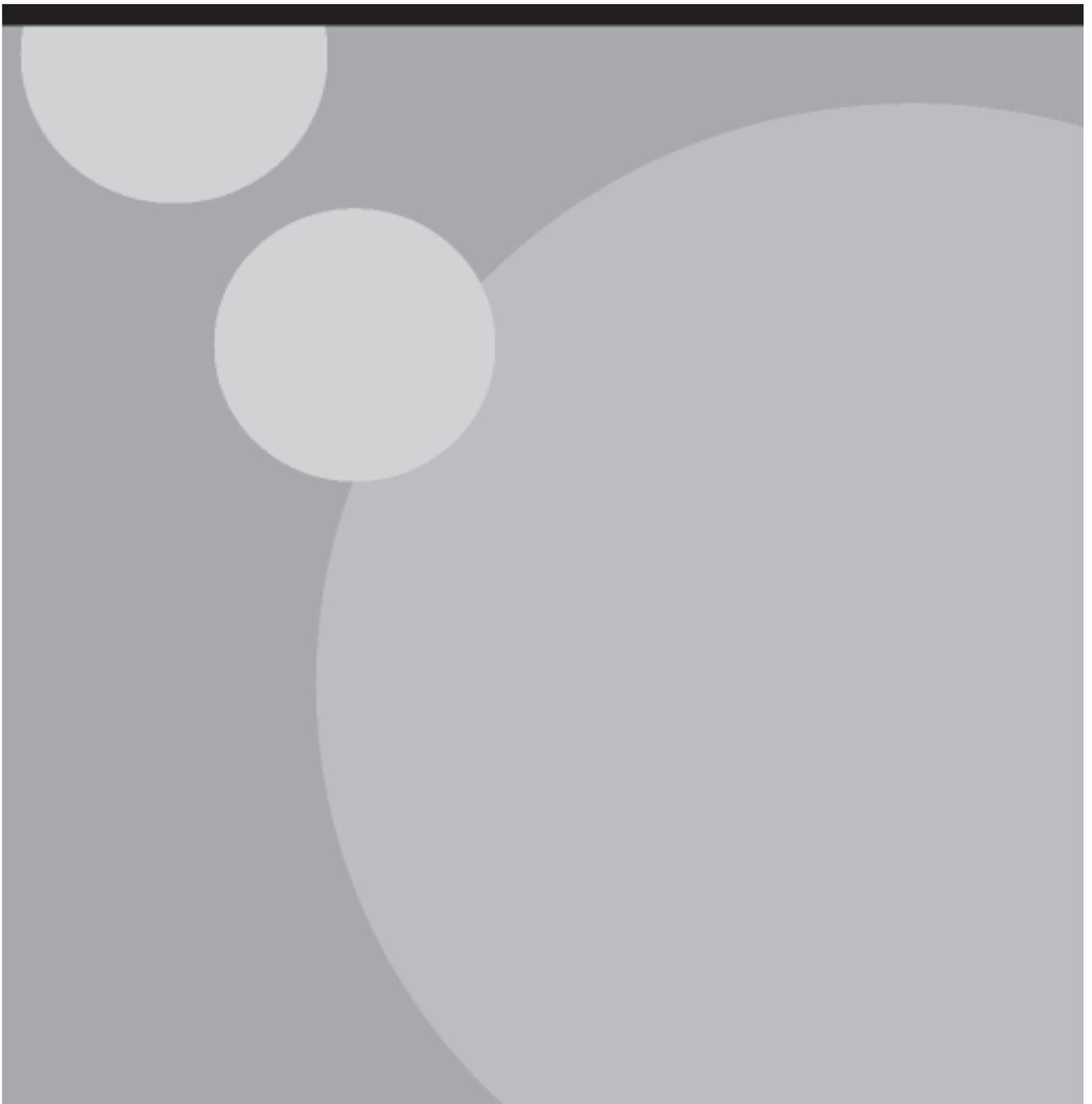




Rationalisation of Parts K, M and N of the Building Regulations in England:

Consultation stage impact assessment





Rationalisation of Parts K, M and N of the Building Regulations in England

Consultation stage impact assessment

January 2012
Department for Communities and Local Government

© Crown copyright, 2012

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: psi@nationalarchives.gsi.gov.uk.

This document/publication is also available on our website at www.communities.gov.uk

Any enquiries regarding this document/publication should be sent to us at:

Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

January 2012

ISBN: 978-1-4098- 3255- 3

Title: Rationalisation of Parts K, M and N of the Building Regulations in England IA No: DCLG 0078 Lead department or agency: Department for Communities and Local Government Other departments or agencies:	Impact Assessment (IA)			
	Date: 22/11/2011			
	Stage: Consultation			
	Source of intervention: Domestic			
	Type of measure: Secondary legislation			
Contact for enquiries: Brian Martin				
Summary: Intervention and Options				RPC: GREEN

Cost of Preferred (or more likely) Option				
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, One-Out?	Measure qualifies as
£76.73m	£76.73m	£-8.41m	Yes	OUT

What is the problem under consideration? Why is government intervention necessary?
 Building Regulations set out baseline guidance in order to ensure health, safety, welfare, access and conservation of fuel and power where building work takes place. In the case of Part K (Protection from falling, collision and impact 1998), Part M (Access to and use of buildings 2004) and Part N (Glazing safety 1998) the staggered nature of previous updates to technical guidance has created duplication and overlap which generate unnecessary cost to industry.
 As Approved Documents are considered Statutory Guidance, only government can take the necessary steps to resolve these issues through their amendment.

What are the policy objectives and the intended effects?
 The overall aim of this project is to reduce cost and complexity for industry and make it easier to comply with Part K (Protection from falling collision and impact), Part M (Access to and use of buildings) and Part N (Glazing) of the Building Regulations by the consolidation of overlapping and duplicated guidance into one Approved Document. The guidance in the current Approved Documents N and K along with some overlapping guidance that currently resides in Approved Document M, will be incorporated into a consolidated version of Part K. Technical changes will be kept to the minimum and be limited to those necessary to resolve conflicts within the existing guidance and will not increase cost to industry.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)
 We have considered two options - do nothing (leaving existing guidance as it stands) and a broader consolidation exercise (reducing the amount of guidance through simplification and improving clarity of remaining guidance without making changes to actual regulatory provisions).
 Our preferred option is to undertake the broader consolidation exercise which will significantly reduce the amount of guidance needed to achieve the desired standards where building work takes place. This would be broadly supported by industry as it will simplify compliance; will deliver administrative savings by reducing confusion, negotiation and dispute within the Building Control application process; and will deliver easier and more appropriate compliance by removing conflicting and overlapping guidance.

Will the policy be reviewed? It will be reviewed. If applicable, set review date: 12/2016						
Does implementation go beyond minimum EU requirements?			Yes			
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.		Micro Yes	< 20 Yes	Small Yes	Medium Yes	Large Yes
What is the CO2 equivalent change in greenhouse gas emissions? (Million tonnes CO2 equivalent)			Traded: Nil		Non-traded: Nil	

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister: _____ *Andrew Stunell* Date: 25 November 2011

Summary: Analysis & Evidence

Policy Option 1

Description: Consolidate and simplify guidance

FULL ECONOMIC ASSESSMENT

Price Base Year 2011	PV Base Year 2013	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: £59.94m	High: £134.92m	Best Estimate: £76.73m

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate	£3.14m	£0	£3.14m

Description and scale of key monetised costs by 'main affected groups'

Cost of familiarisation by Building Control Bodies and Industry with revised layout of guidance.
 Cost of replacing and updating documentation to Industry groups.
 Costs are for building control (£0.12m), architects and designers (£1.2m), surveyors (£0.78m) and others (£1.04m).

Other key non-monetised costs by 'main affected groups'

None.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	£7.33m	£63.08m
High	Optional	£16.04m	£138.06m
Best Estimate		£9.28m	£79.87m

Description and scale of key monetised benefits by 'main affected groups'

Reduced time required to read, understand and apply revised guidance.
 Reduced time in communication between building control bodies and applicants.
 Reduced incidence of dispute as to which provisions are relevant to specific elements of building work.

Other key non-monetised benefits by 'main affected groups'

Improved confidence in use of guidance.
 Reduced cost in formal enforcement, disruption and abortive building work.
 Reduced burden on government in maintaining guidance.

Key assumptions/sensitivities/risks

Discount rate (%) 3.5%

This Impact Assessment assumes that the re-drafted Approved Documents (ADs) supporting Part K and Part M will not introduce any new technical requirements. Revisions to guidance should safeguard against any undesirable or negative outcomes particularly in terms of access and use of buildings for older and disabled people. Consolidating guidance should avoid increasing regulatory requirements where resolving duplication.

BUSINESS ASSESSMENT (Option 2)

Direct impact on business (Equivalent Annual) £m: (2011 prices)			In scope of OIOO?	Measure qualifies as
Costs: £0.36m	Benefits: £9.28m	Net: £8.91m	Yes	OUT

Evidence Base (for summary sheets)

Problem under Consideration

Background on the Building Regulations

The Building Regulations control certain building work - principally to protect the health, safety and welfare of people in or around buildings.

Part K (Protection from falling, collision and impact) primarily deals with the design of staircases, handrails, guarding to areas where falls are possible, projecting surfaces such as windows and collision risks from doors. HSE estimates that slips, trips and falls in the workplace cost society £800m per year and result in 40 fatalities, in the home there are in excess of 600 fatalities per year at an estimated cost of £1.2bn. Part K sets out reasonable and cost effective measures to limit the likelihood of this type of injury where building work is undertaken. The Approved Document (AD), which provides guidance supporting Part K of the Regulations was last updated in 1998.

Part M (Access to and use of buildings) primarily deals with ensuring that the built environment is accessible to a broad range of users including disabled people in both employment and in accessing services. Approved Document M sets out reasonable provision for access in most common circumstances and establishes a baseline of cost effective measures. The Approved Document includes guidance on the design of staircases, handrails, guarding, manifestation of glazing (markings to prevent people walking into glass panels) and collision risks from doors which overlap with guidance in Part K and Part N.

Part N (Glazing) deals primarily with safe bracing of glazing in critical locations, manifestation of glazing to prevent collision, safe cleaning of windows in commercial buildings, prevention of falling from windows and glazed openings. Much of Part N guidance is duplicated within Part K or M, though with different limits in terms of its application and slightly different guidance. Guidance in Part M is given precedence over Part N where duplication occurs and as a result much of the guidance in Part N has become redundant.

The regulations themselves are expressed in “functional” terms and do not dictate how the desired level of performance *must* be achieved. However, for the benefit of both industry and building control bodies, advice on how the requirements of the Building Regulations *may* be met are contained in guidance approved by the Secretary of State. This covers some of the more common building situations, but there may well be alternative ways of achieving compliance with the provisions. However, if followed, the guidance may be relied upon in any proceedings as tending to indicate compliance with the Building Regulations.

The Problem

Measures introduced in to AD M (Access and use of buildings) in 2004 created a degree of duplication with certain provisions in AD K (Protection from falling collision and impact) and AD N (Glazing) on the basis that both documents would be updated within a short timeframe to resolve overlap (provisionally in 2006). This has not occurred. Whilst it might be expected that industry would have adapted to the contradictions between the various different parts of guidance, discussions with designers, Building Control Bodies and contractors support the view that problems persist and that Industry continues to incur unnecessary cost as a result the overlap and duplication in guidance.

The time elapsed since the last revision of Parts K and N also means that the small number of Standards referenced within the two documents have largely been superseded both by the issue of new standards and the adoption of these new standards in practice by industry. However, the continued reference to outdated standards creates wasteful confusion and dispute within industry.

These costs arise for a number of reasons;

- Designers and specifiers spend unnecessary time deciding on which part of the regulations should apply in each specific circumstance
- Designers and specifiers spend unnecessary time negotiating with Building Control Bodies as to which standards should be adopted
- Disputes arise in a small number of cases where Building Control Bodies disagree with applicant's interpretation of which guidance should be followed
- References to out of date testing standards (e.g. for impact resistance of glass) create unnecessary uncertainty where industry has already adopted more recent standards
- The need to cross reference between different guidance documents dealing with the same aspects of building work.

In the worst case scenario dispute may arise as to the necessary level of provisions in building work which may already have been partially or fully completed. In such cases the cost of retro-fit or replacement can be significant, and additional costs arising from informal and formal enforcement action also need to be considered.

Given that the three parts of guidance under consideration relate to common if not prevalent features of building work at all scales of development – from provisions for safety glazing in window repairs to accessible door widths and minimum staircase dimensions to ensure their safe use – we have accepted the initial findings of research undertaken by EC Harris and PRP Architects that resolving existing duplication creates cost in relation to a large proportion of building control applications, numbering approximately 300,000 per year. Assumptions underpinning the generation of these costs will be tested further during the consultation process.

Rationale for Intervention

The Hampton Review principles set out key characteristics of good regulation including the need to ensure that all regulations should be so written that they are easily understood, easily implemented, and easily enforced and all interested parties should be consulted when they are being drafted.

The existing overlap and duplication between Parts K, M and N of the Building Regulations means that specific aspects of existing regulation are demonstrably poorly aligned with this principle. We therefore propose to revise existing guidance in order to minimise cost to Industry whilst maintaining critical aspects of supporting guidance which deliver a safe and accessible built environment. As Approved Documents are Statutory Guidance, only government can take the necessary steps to resolve these issues through their amendment.

The responses received during full public consultation will be used to test the assumptions underpinning the preferred option, its costs, and the benefits it will deliver if adopted.

Policy objective

The overall aim of this project is to reduce cost and complexity for industry and promote easier compliance for Part K (Protection from falling collision and impact), Part M (Access to and use of buildings) and Part N (Glazing) of the Building Regulations by the consolidation of overlapping and duplicated guidance into one Approved Document.

The guidance in the current Approved Documents N and K along with some overlapping guidance that currently resides in Approved Document M, will be incorporated into one new consolidated Approved Document K. Technical changes will be kept to the minimum and be limited to those necessary to resolve conflicts with the existing guidance or with current

construction practice. These changes will be made in October 2012 coming into force in April 2013.

Description of options considered (including do nothing)

There are two options under consideration;

- i) Option 1 - Do nothing.
- ii) Option 2 – simplify and consolidate guidance to remove duplication and overlap.

The “do nothing” option is not preferred because it will not address clearly defined problems within the existing guidance. As a result, industry will continue to incur unnecessary cost arising from difficulties in applying the guidance in a significant proportion of building projects where Building Regulations apply. In addition, doing nothing sustains risks of non-compliance in measures considered essential to ensure safe access to and use of buildings.

Option 2 is therefore preferred as it has the potential to offset the risks identified in the do nothing case. This option involves a process of review to combine guidance in existing Part K (Protection from falling collision and impact) and Part N (Glazing safety) into a single revised Part K Approved Document. At the same time, specific areas of guidance within Part M (Access to and use of buildings) such as glazing manifestation (making glazing in certain locations more visible to prevent people walking into them) will also be incorporated into the revised Part K where duplication or overlap has been identified.

Overall this will result in the repeal of a separate Part N document (so reducing the number of statutory documents supporting the Building Regulations); ensure that guidance is consistent and easier to apply; reduce the need to cross reference between different guidance documents and make decision making easier and more predictable for both applicants and Building Control Bodies. The benefits to Industry include reduced administrative cost; reduced risk and cost in meeting regulatory requirements and more effective compliance in ensuring a safe and accessible built environment.

Costs and benefits

Costs - Option 1 ‘Do nothing’ approach.

Total costs: Nil - Doing nothing will not incur any additional costs.

Total benefits: Nil - Doing nothing will not deliver any additional benefits.

Option 2 – Consolidation and simplification

Costs

Parts K, M and N have wide relevance to architects, designers, surveyors and Building Control Officers, as well as some industry operatives and manufacturers (particularly manufacturers of staircases, guarding, balustrades, doors windows and glazing products). Because the technical content of the guidance will not change, there is no need for industry practice to change beyond familiarisation, and this is represented as a one off transitional cost (there are no annual costs to business).

Industry will incur these transitional costs through the need to update documentation and in training and dissemination to familiarise themselves with the structure of revised guidance. Approved Documents are freely available to download from the internet and given that we do not anticipate making changes to technical requirements which would result in changes in industry practice we believe these costs will be minimal and quickly outweighed by the benefits. We propose to publish a draft revised Approved Document at consultation stage in order to check for any unintended impact or costs to industry and consultation stage costs will be reviewed in the light of responses.

Cost of purchasing new documents is estimated as £1 (as documentation is available free to view and download or one copy will be shared among professionals within businesses in hard copy form) and the cost of familiarisation per person should be in the region of £25-£37 (30 minutes at £50 per hour for engineers, £60 per hour for Surveyors and Construction Consultants and £73 per hour for architects) for approximately 101,000 Building Control Officers, architects, surveyors and other construction industry professionals for whom these revisions will have greatest relevance, as well as 40,000 individuals in the manufacturing industry. As the technical guidance remains the same, we estimate that 30 minutes is a fair representation of the time professionals will spend familiarising themselves with where guidance is now stated. The charge-out rates used to calculate transitional costs come from a range of sources including advice from our independent contractors, EC Harris. These figures are used as a proportionate approach to calculating these costs to business. The total estimated cost will be a one off transitional cost of £3.14m (Table 1).

We will seek feedback on whether these costs are reasonable during the full public consultation period.

Table 1 – *Transitional Costs*

Affected Party	Number	Cost per person	Total
Building Control	4,000	£31	£0.12m
Architects / Designers	32,000	£37.5	£1.2m
Surveyors	25,000	£31	£ 0.78m
Others	40,000	£26	£1.04m
Total	101,000	-	-
		Total	£3.14m

Benefits have been based on research commissioned by DCLG and undertaken by construction cost consultants EC Harris in combination with PRP architects. This research established the number of projects in England subject where Building Regulations application is required, stratified by the cost of the building work (based on data from the Office of National Statistics) and indicating the number of projects fitting into each price band (Table 2). The majority of building projects have a value of less than £25k and because these represent smaller scale and simpler types of construction, it is estimated that only 20% of such project would incur cost resulting from the complexity of existing guidance. This increases as projects become larger and more complex to 100% for all projects of £2m or above.

PRP Architects reviewed completed projects across a variety of scales and interviewed a range of designers to capture their experience of using relevant aspects of guidance in Approved Documents K, M and N of the Building Regulations. As a result, the typical cost of resolving these difficulties has been estimated at 1 hour expended on works below £25,000 where Parts K, M and N applied, and 3 hours expended on works above that value. These costs arise primarily in resolving conflict, duplication and in confirming which particular standards need to be applied. These are purely extra over costs arising as a result of the over complex nature of existing guidance. Based on an average designer / architect cost of £73 per hour, taken from EC Harris's fee database, this gave a best case central estimate of £9.28m per year.

Table 2 – Administrative cost of duplication and overlap, annual CENTRAL VALUE

	Residential	Mixed	Total	% app	Time input	Cost	Total
Less than £25,000	201,018	50,255	251,273	20%	1	73	£3,668,586
25,000-500,000	5,834	32,929	38,763	50%	3	73	£4,244,549
500,000-2m	3,332	4,125	7,457	50%	3	73	£816,542
2-10m	452	1,594	2,046	100%	3	73	£448,074
10m-20m	45	215	260	100%	3	73	£56,940
20m+	20	181	201	100%	3	73	£44,019
							£9.28m

EC Harris undertook sensitivity testing to evaluate how costs might fluctuate where the frequency of difficulties in applying Parts K, M and N might occur. DCLG analysts have reviewed and amended the results of this research and Table 3 and 4 set out High and low ranges assuming a greater or lower number of projects incurring cost because of duplication suggest an overall range of £7.3-16.0m.

Table 3 - Administrative cost of duplication and overlap, annual HIGH VALUE

	Residential	Mixed	Total	% app	Time input	Cost	Total
Less than £25,000	201,018	50,255	251,273	50%	1	73	£9,171,465
25,000-500,000	5,834	32,929	38,763	60%	3	73	£5,093,458
500,000-2m	3,332	4,125	7,457	75%	3	73	£1,224,812
2-10m	452	1,594	2,046	100%	3	73	£448,074
10m-20m	45	215	260	100%	3	73	£56,940
20m+	20	181	201	100%	3	73	£44,019
							£16.04m

Table 4 - Administrative cost of duplication and overlap, annual LOW VALUE

	Residential	Mixed	Total	% app	Time input	Cost	Total
Less than £25,000	201,018	50,255	251,273	20%	1	73	£3,668,586
25,000-500,000	5,834	32,929	38,763	30%	3	73	£2,546,729
500,000-2m	3,332	4,125	7,457	40%	3	73	£653,233
2-10m	452	1,594	2,046	80%	3	73	£358,459
10m-20m	45	215	260	100%	3	73	£56,940
20m+	20	181	201	100%	3	73	£44,019
							£7.33m

Discounted at 3.5% over 10 years, this translates to a present value benefit of £79.87m for the central case and between £63.08m and £138.06m for the low and high estimates.

These assumed values of benefit will be explored during full public consultation to narrow the likely range and refine best case central values.

We think that these savings fall in the scope of the Comprehensive Spending Review commitment to reduce the regulatory burden on homebuilders over the course of this parliament. These figures can therefore be further broken down to indicate values in relation to residential works. We have assumed that works of value below £25k are not related to home building, and that 30% of works in the range £25-500k are also unlikely to be related to home building. Remaining values are considered to be primarily associated with home building and give a benefit to home builders of £0.925m with a low to high range of £0.65m - £1.19m.

Estimated administrative savings include allowance for reductions in the cost of ‘informal enforcement’ which takes place between Building Control Bodies and applicants. This typically occurs at the stage that full plan applications are commented on by a Building Control Body and where non-compliance is identified in respect of one or more elements of the proposed design, and we estimate this occurs in about 33% of applications. At this points Building Control Bodies will write informing the applicant of their concerns and in the majority of cases this will be resolved prior to commencement of work on site by amending the design, or providing further information by correspondence. These savings are included in the administrative savings set out above.

However, where applicants fail to resolve these issues Building Control Bodies enter into further correspondence setting out their intention to enforce. This creates additional cost in approx 15% of cases creating further cost which could be reduced by improved clarity of guidance. We are undertaking work to establish the potential value of these savings and will explore industry views as part of the consultation process – these benefits are included as a non-monetised benefit at this stage.

Where issues are not resolved at the design stage, Industry also incurs costs from the need to rectify partially or fully completed building work where required to do so by Building Control Bodies (because either the building work is constructed in a non compliant manner, or because it has been designed in a non compliant manner). We estimate that 3% of building projects incur on site or post completion cost in relation to guidance covered by Parts K,M and N of the Building Regulations. Costs could range from relatively simple matters (adding markings to make a glass screen more visible) to very significant costs e.g. replacing a staircase which does not comply. We will undertake further work to establish what proportion of these costs could be addressed by clarifying guidance and will test our findings at consultation stage - these benefits are included as a non-monetised benefit at this stage.

Whilst savings on an individual basis are modest, the large number of potential transactions (set out as a proportion of the 300,000 projects subject to Building Control applications on an annual basis) mean that the cumulative savings are significant.

The responses to full public consultation will be used to test the assumptions underpinning the preferred option, its costs, and the benefits it will deliver if adopted.

Costs and benefits are summarised below:

Cost: One off Transitional Cost	£3.14m
Benefit: Present Value Benefit:	£79.87m (High: £138.06m, Low £63.08m)
Net Present Value: Net Benefit	£76.73m (High: £134.92m, Low £59.94m)

Rationale and IA Analysis (proportionality approach)

Building Regulations apply to “building work” (typically the erection or extension of a building) and seek to ensure buildings meet certain minimum health, safety, welfare and sustainability standards. Parts K, N and M seek to ensure that people are safe when moving in and about buildings and that suitable access is provided in most common types of building work.

As the legislative provision is “functional”, statutory guidance contained in the Approved Documents sets some of the ways, for the more common buildings, of ensuring basic minimum health, safety and welfare standards are achieved when constructing buildings. This provides certainty for building control bodies and industry alike as it sets out what is sufficient (whilst providing flexibility to provide alternative building approaches where beneficial). Importantly, it also ensures that a proper cost/benefit assessment and consultation with industry has been undertaken by Government to assess what reasonable minimum standards are appropriate (and avoids the risk of unnecessarily onerous and costly standards being imposed on industry).

DCLG undertook an exercise in the latter half of 2010 to determine what changes were necessary to the Building Regulations to ensure they remained fit-for-purpose, with a particular emphasis on identifying measures to reduce the cost of regulation to business and any other “must do” regulatory changes.

There were 248 responses from our external partners to this exercise. In addition, DCLG drew upon ideas and suggestions submitted to the Cabinet Office’s *Your Freedom* and DCLG’s own website. A summary and analysis of responses and details of the work being considered in advance of the consultation this proposal forms a part of is contained in *Future changes to the Building regulation – next steps*¹. As set out in this document:

“Few responses questioned the principle of regulations setting national standards that ensure buildings are built to baseline standards, although there was some comment that they were on firmest grounds in relation to health and safety [rather than wider sustainability objectives]. Many specifically recognised the positive role Building Regulations played and welcomed the fact that there was a nationally applied set of minimum requirements.”

The exercise undertaken last year demonstrated that the general approach to regulating through the Building Regulations (functional requirements supported by guidance as to how to comply) was supported by external partners. In relation to Parts K, M and N there was broad consensus as to the need to deliver better aligned and up to date guidance in relation to current technical standards. This Impact assessment further establishes the benefits of taking action in order to improve quality of outcomes and reduce cost to industry.

Risks and assumptions

Deciding to do nothing (Option 1) has low risk in terms of creating further negative impacts on industry. However, failing to address overlap, duplication and contradictions in existing guidance erodes confidence in regulation; undermines compliance and means that industry will continue to incur unnecessary cost. Given that the Regulations set out baseline standards for the health, safety and welfare there are also risks to building users where the appropriate levels of provision are not met as a result of lack of clarity within guidance.

Option 2 is considered to have low risks because we are not proposing fundamental or significant change to existing technical requirements but are simplifying and clarifying their application in use. Whilst there may be minor technical changes necessary to resolve duplication or overlap between existing regulatory provisions, these will be fully tested through public and bilateral consultation with relevant industry experts to ensure that they do not create unintentional costs.

¹ Future changes to the Building regulation – next steps. Published by DCLG in December 2010. Available at www.communities.gov.uk/publications/planningandbuilding/buildingregsnextsteps

The assumptions underpinning the benefits delivered by this policy are set out in the preceding paragraphs. Given that these proposals are specific in scope and limited in terms of the extent of change they will deliver, we have undertaken limited but robust evidence gathering through informal consultation with industry and by commissioning a small and specific piece of research by independent contractors.

In the first instance, the policy team responsible for this work have regular and informative contact with those in Industry most likely to be directly affected and proposals have been presented to the Building Regulations Advisory Committee (BRAC, a panel representing a broad range of construction industry expertise). Feedback from these informal sources suggests that the proposed changes will be well received and will deliver material benefits to Industry.

In order to take an independent view of the likely monetised value of the benefits of this process DCLG also appointed EC Harris (construction cost consultants) and PRP Architects to review proposed changes and assess how the existing guidance impacts on projects of various scales and complexity. This has resulted in baseline costs to industry of existing guidance which underpin proposed savings by resolving existing conflict between Parts K, M and N of the Building Regulations.

The results of this limited research will be fully tested at full public consultation stage. However, given that the problem is clearly defined (there is no or little disagreement in Industry that this needs to be addressed) we believe it would be disproportionate to expend extensive resources in further developing evidence prior to consultation.

Direct costs and benefits to business calculations (following OIOO methodology)

Option 1 – Do Nothing.

Nil: Doing nothing will not generate any costs or deliver any benefits.

Option 2 – Consolidate and simplify.

A proportion of cost will fall on Building Control Bodies (primarily Local Authority Building control Bodies). The one off transitional cost to business is £3.14m (annual equivalent **£0.36m**).

The proposed benefits devolve to business in reducing time and uncertainty in adopting the appropriate standards. The annual equivalent saving is **£9.28m**.

This translates to an annual equivalent net benefit to business of to **£8.91m** (or **£8.40m** converted to 2009 prices using the GDP deflator) for one in one out purposes.

The total impact on home building sector has been estimated as an annual equivalent net benefit of **£0.74m** (at 2009 prices).

Wider Impacts

Guidance in Parts K, M and N of the Building Regulations is relevant to general building industry practice in most forms of development, as well as ensuring that completed building work is safe and accessible to a broad range of users. Impacts are primarily economic and social – we have not identified any primary environmental impacts.

Economic / Financial - Only those technical changes necessary to resolve overlap, duplication or contradictory guidance are proposed as part of this work, and it is not intended that changes will materially affect cost to industry, or create advantages or disadvantages for any particular sector. There will be no impact on labour markets or consumers and both competition and innovation should be unaffected. The benefits of this simplification process should be distributed evenly across public and private sector business.

Social Impacts - Simplifying and clarifying guidance in Parts K, M and N should deliver benefits in making compliance with baseline requirements to protect health, safety and access to buildings easier and less costly.

Competition Assessment

The proposed policy updates the standards that buildings should generally be constructed to. As such it does not make any significant change to how the UK market will operate. An initial assessment indicates, therefore, that the policy proposal will not directly or indirectly limit the number or range of suppliers, limit the ability of suppliers to compete or reduce suppliers' incentives to compete vigorously.

Small Firms Impact Test

Generally, there are likely to be costs to most small and medium enterprises resulting from changes to the structure and format of existing guidance. These are likely to be similar in cost to larger firms, and at £26 per employee, one off transitional costs will be quickly outweighed by benefits to small and medium business in easier application of the existing technical standards. Given that a large proportion of building work – particularly those aspects covered by Part K (such as staircase manufacture and installation) and Part N (glazing, window replacement and manufacture) - are undertaken by small and medium business's, simplification is likely to be of proportionately greater benefit to this sector.

Environmental Impact Tests

It has been determined that this policy will not result in additional greenhouse gasses being emitted and have no impact on the wider environment.

Geographical Impact

There is unlikely to be any differential impact between rural and urban areas or on a regional basis, and these proposals will not affect levels of skills or education.

Equality Impact Assessment

Some aspects of the proposed simplification have direct relevance to particular equality groups identified within the Equalities Act, specifically disability, age and pregnancy / maternity. However, as the existing measures intended to meet the needs of these groups will be retained within simplified guidance our Equality Screening Assessment suggests that there will be no change in outcomes for these groups overall, and that a full equality impact assessment is not required.

Summary and preferred option with description of implementation plan

Duplication in guidance between Part K (Protection from falling, collision and impact), Part M (Access to and use of buildings) and Part N (Glazing) of the Building regulations continue to create unnecessary cost to Industry. Despite existing guidance being widely recognised industry has not been able to fully resolve these difficulties given the retention of these duplications in statutory guidance. Government should therefore act to revise and consolidate guidance to drive efficiency in complying with essential Health, Safety and Welfare requirements within the Building Regulations.

Our preferred option is **option 2** - to undertake the consolidation and simplification process where guidance is duplicated or overlapping as this will minimise cost to industry and simplify compliance with Building Regulations which ensure minimum standards of health and safety in building in use.

Implementation Plan

We are preparing a revised draft Approved Document K (Protection from falling, collision and impact) encapsulating these changes with the intention of consulting in early 2012. Subject to consultation response, it is proposed that the revised guidance would be made in October 2012 coming in to force in April 2013.