

WEST DUNBARTONSHIRE COUNCIL**Report by the Executive Director of Infrastructure and Regeneration****Planning Committee: 28 October 2015**

Subject: Consultation on changes to national building standards**1. Purpose**

- 1.1** To advise the Committee of the publication of a consultation on changes to national building standards to introduce in-building physical infrastructure for high speed electronic communications networks and to agree the Council's response.

2. Recommendations

- 2.1** It is recommended that Appendix 1 be submitted to the Scottish Government as the Council's response to this consultation.

3. Background

- 3.1** The Scottish Government are carrying out a consultation on the provision of in-building physical infrastructure for high speed electronic communications networks. This is essentially to allow easier installation of broadband communication cabling into new buildings and those buildings subject to major refurbishment, if and when the occupier chooses to do so. If adopted, it will amend the current building standards system by introducing a new mandatory building standard along with associated technical guidance clauses.

4. Main Issues

- 4.1** The European Directive 2014/61/EU establishes minimum requirements that must be implemented to reduce the cost of deploying high-speed electronic communications networks. Specifically, in relation to this consultation, Article 8 of the Directive requires Member States to ensure that "*all newly constructed buildings ... for which applications for building permits [Building Warrants in Scotland] have been submitted after 31 December 2016 are equipped with high-speed-ready in-building physical infrastructure ...*"
- 4.2** If implemented the proposal will introduce a new mandatory building standard and associated Technical Handbook guidance clauses, requiring all new buildings to be provided with infrastructure that will allow the easy installation of broadband cabling either at the time of construction or some time in the future. Additionally, where an existing building is undergoing a major renovation, suitable in-building infrastructure will also require to be provided during the renovation.

This will generally mean that for single occupancy buildings a short length of ductwork through the external wall with access and termination points being provided. For multi-occupancy buildings, including flats, ducts will extend to each area of different occupation. These ducts can then be utilised at a later stage by a broadband provider for their cable installation.

- 4.3** Buildings have significant implications for sustainable development and our communities. Through the appropriate application of minimum building standards, set by the building regulations, the design and construction of the built environment can benefit all owners, users and people in and around our buildings. The availability of high speed broadband has economic and social benefits, underpinning virtually all sectors of a modern and innovative economy. The proposals seek to contribute to these benefits and the suggested responses to the consultation questions within Appendix 1 are supportive of the proposals.
- 4.4** Developers in providing new buildings and major refurbishment of both domestic and non-domestic premises will incur some additional costs as part of future projects in order to meet the requirements of the proposed change to the building standards. These will be minimal in terms of the overall project costs and are offset by the economic and sustainable benefits that the new requirements will bring. Details within the consultation documents estimate that the costs will be around £139 per new build flat to install necessary ductwork and for single houses, it is estimated that the additional cost would be around £68.

5. People Implications

- 5.1** If the proposals contained within the consultation are implemented, internal training will require to be provided to appropriate officers on the proposed changes.

6. Financial Implications

- 6.1** There are no financial implications for the Council in responding to the consultation.

7. Risk Analysis

- 7.1** Not applicable.

8. Equalities Impact Assessment (EIA)

- 8.1** An EIA is not required.

9. Consultation

- 9.1** Not applicable.

10. Strategic Assessment

10.1 The proposed changes support the Council's strategic priorities.

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Date: 13 October 2015

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Appendices: 1. Proposed Consultation Response

Background Papers: 1. Scottish Government Consultation Document –
Building Standards Review 2015: in-building
physical infrastructure for high speed electronic
communications networks Available at
<http://www.gov.scot/Publications/2015/09/5318>

Wards affected: All wards

APPENDIX 1 - Proposed Consultation Response

Question 1:

When a new mandatory standard is drafted, consideration has to be given with regard to which section it sits within in Schedule 5 to Regulation 9 of the Building (Scotland) Regulations 2004. During development of the policy of infrastructure for high-speed communication networks (broadband), the following have been suggested:

- that a new section is created exclusively for this standard; or
- it is located within section 3: Environment; or
- it is located within section 4: Safety.

It is thought that a new section exclusively for this standard could be considered to be disproportionate to the bearing the standard will have on buildings. Section 3: Environment is the location of several standards that relate building services and associated ducts and could be a contender for inclusion of such a standard. However, as explained in 4.0.1 of the Technical Handbooks when Section 4: Safety is 'unpacked' so it covers the accessibility of buildings, already covering standard 4.7 – "Aids to Communication", current thinking is that this new standard should be located here.

Do you agree that Section 4 should contain the new standard on "In-building physical infrastructure for high-speed electronic communications networks"?

YES ☒ NO ☐

COMMENTS

In particular if your answer is 'No' please state your preferred choice and give supporting reasons for your choice?

Agree with text above that a new section created to incorporate solely the proposed standard would be disproportionate to its bearing. Location within Section 4 appears a reasonable alternate choice.

Question 2:

The mandatory standard, as proposed, is written in a functional way in line with the rest of the standards in Schedule 5. However, as it is important to accurately transpose Article 8 of the Directive into Scottish secondary legislation, so as far as practical, the standard adopts the wording used in the Directive.

From the wording, do you think that building warrant applicants or their agents will understand what is being required of them?

YES ☒ NO ☐

COMMENTS

In particular if your answer is 'No' please give commentary on what would be useful to assist comprehension?

The proposed wording is readily understood and welcomed.

Question 3:

Article 8 of the Directive calls for multi-dwelling buildings, flats and maisonettes for example, to have access points. It is considered that the same arrangements would be useful for all buildings, particularly those designed for multi-occupation, offices let on a floor by floor basis, for example.

Although the Directive does not require all buildings and separate parts of buildings to have an access point, do you think that this would be useful?

YES ☒ NO ☐

COMMENTS

In particular if your answer is 'No' please give commentary on why access points should not be provided?

The usefulness of the proposed arrangements to introduce infra-structure into new and major refurbishments of dwellings is readily understood and welcomed. The extension of this into new and major refurbishments of non-domestic premises is a logical step forward and also welcomed.

However care requires to be taken with regard to the introduction of this into situations where a shell building and subsequent fit out are proposed (e.g. in speculative non-domestic buildings). This care is required in order to ensure that the introduction of appropriate infra-structure into such buildings, which is not subsequently required as a result of the eventual building sub-division/layout, is not wasteful of resources and thus not sustainable.

Question 4:

High-speed electronic communications networks can be of different forms. Although fibre within ducts is generally the preferred method of delivery, this may not be practical for all locations, such as remote areas, and satellite transmission arrangements may be the sensible choice. In such cases the main access point may be located at the roof level/space, with ducts/cable trays leading from there.

Do you think that the way the mandatory standard is currently drafted allows in-building physical infrastructure to include satellite transmission arrangements as an option, provided it can be justified in the particular case?

YES ☐ NO ☒

COMMENTS

In particular if your answer is 'No' please give commentary on what you think would be necessary to include satellite transmission arrangements as an option?

The mandatory standard should be adjusted to reflect what is inferred from the introduction to Q4 and wording of Q4; perhaps by inclusion of wording to allow satellite transmission arrangements as one of the exceptions for instances where this is appropriate.

Question 5:

Article 8 allows certain exemptions to occur. For building regulations this is done in two ways:

- in terms of whether or not a building warrant [building permit] is required; and
- in terms of certain building types.

It is welcomed that the Directive is drafted in such a way that it gives the opportunity to align implementation with the building standards system in Scotland.

(a) There are two schedules within the Building (Scotland) Regulations 2004, which allow buildings to be constructed without a building warrant [permit] and these are:

- Exempted buildings and services, fittings and equipment – Schedule 1 to Regulation 3; and
- Buildings, work, services, fittings and equipment not requiring a warrant – Schedule 3 to Regulation 5.

It is proposed that the case is made to the Commission that these are currently outwith the scope of the Directive as written, which is not seeking to change Member States' building standards systems.

(b) For all remaining building types, it is considered that the provision of ducts, cable trays, etc. in buildings, is not significantly onerous, particularly as extensions, conversions and alterations (generally), are exempt. So in light of this it is not proposed to provide additional 'classes of exemption' or 'Limitation' on the standard.

(c) However there are always cases, particularly existing buildings, where it is not possible or practical to install ductwork, the historic status of a building, for example. In these situations it is proposed to deal with them through the process of Ministerial Relaxations on a case by case basis, reporting them to the Commission as they occur. Also, when there is genuine uncertainty as to whether or not an alternative approach meets the functional standard, Ministers may be in a position to give a 'View'. As is the case at present Relaxations and Views will be published on the Building Standards area of the Scottish Government website.

Do you agree with what is proposed in (a), (b) and (c) above?

YES ☒ NO ☐

COMMENTS

If you do not agree with what is proposed in (a), (b) and (c) above, please identify which aspects need further attention and say why?

Question 6:

This question links to Question 2. Because of the Directive ‘copy-out’ approach to drafting the standard, it may be that you do not think that the wording provides absolute clarity. The standard is written in high-level functional terms and the Technical Handbooks guidance is drafted to give one way of meeting the standard.

With the assistance of the Technical Handbooks guidance, do you think that building warrant applicants or their agents will understand what is being asked of them?

YES ☒ NO ☐

COMMENTS

In particular if your answer is ‘No’ please give commentary on what would be useful to assist comprehension?

While answering Yes to this consultation question, it would be worth reiterating within the introduction to the guidance clauses for this standard that other ways of meeting the mandatory standard could exist (e.g. wireless communication from a central hub in a multi-occupied building that may negate the need for distribution ducting/cable trays to each floor/unit) and may be a suitable design solution. Should a designer wish to use an alternative, it is recommended that designers discuss these with the verifier prior to submission of the building warrant application.

Question 7:

The development of the standard and Technical Handbooks guidance to date has been done in conjunction with other building regulations technical counterparts in the 4 UK administrations.

There are differences between the various UK building standards systems and Scotland has specific needs, such for remote areas, however do you agree that where feasible, Scotland should align with the UK approach?

YES ☒ NO ☐

COMMENTS

In particular if your answer is ‘No’ please explain why?

It is felt that where feasible a joint UK approach to the issue will be of benefit to all involved in the design, construction and future installation of broadband systems; particularly for developers who have multiple cross border projects (e.g. national house builders).

Additional views or comments:–

The proposals are welcomed and this Council would encourage the introduction & implementation of them.