



Watts Bulletin

The technical companion to the Watts Pocket Handbook, keeping its readership abreast of industry news, every month.

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New inquiry into construction deaths

James Purnell, Secretary of State at the Department for Work and Pensions, announced in December that he has commissioned an inquiry into the underlying causes of fatalities in the construction industry.

Every week four people die at work in Great Britain. An unacceptable number of these fatalities occur in the construction industry, one of the most dangerous employment sectors, with more than 2,800 people fatally injured at work in England and Wales in the past 25 years.

"No one can find it acceptable that this number of people have died directly as a cause of their work and we are not making sufficient progress on preventing this total of human misery," said the Secretary of State, who added that he has set up the inquiry, "to see what more can be done to reduce this terrible toll".

Figures released in June last year for the previous 12 months revealed a slight decrease in deaths in the construction sector from 79 in 2006/07, to 72 in 2007/08. However, this is not considered a great enough reduction to demonstrate any real improvement.

Commenting on the figures in June 2008, Judith Hackitt, the Health and Safety Executive (HSE) Chair, said the high levels of fatalities in the construction sector continued to be of particular concern.

In response the new inquiry will be undertaken in three phases:

- a comprehensive review of existing work to consolidate the understanding of fatal injuries in the construction industry, with specific reference to vulnerability;
- a deeper analysis of the underlying causes, including factors outside the health and safety system; and
- reporting to ministers and the HSE Board.

Rita Donaghy has been appointed independent Chair to the inquiry, assisted by independent academic peer reviewers with detailed knowledge of the industry. The inquiry will report to ministers next year. Rita Donaghy was Chair of ACAS between 2000 and 2007, and has held a number of other public appointments. These include membership of the Committee on Standards in Public Life, the Low Pay Commission and the TUC General Council from 1987 to 2000. She was also President of the TUC between 1999 and 2000.

For more information go to www.dwp.gov.uk or www.hse.gov.uk



Editorial

Welcome to the first issue of Watts Bulletin in 2009. The latest commercial property forecast from the RICS offers no relief from the bad news that we have become accustomed to during the past few months, predicting up to 50% falls in capital values by 2011. On a more hopeful note, we report on a new inquiry set up by the Department for Work and Pensions that aims to analyse and ultimately to help reduce the appalling numbers of fatalities that we are still seeing in the construction industry. The inquiry will report to ministers next year.

Also in this issue, we consider the impact of the announcement last autumn that the Government has dropped the long-awaited heritage legislation from its agenda for 2009. This month sees the introduction of EPCs in Scotland, Northern Ireland and Eire, but on page three we ask, are commercial owners and occupiers up to speed on the new requirements? Finally, on page four we report on a new consultation on zero carbon homes.

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Experts needed – can you help?

Are you a member of a professional body, and do you have an interest in planning? If you are a member of RICS, RTPI, PEBA, RIBA, ICE, IHT, IRRV or the Landscape Institute, the RICS would like to hear from you.

The RICS is helping appoint specialists to advise the Planning Inspectorate and is looking for expert advisers with a specialism in one of these areas:

- development economics (including valuation);
- minerals;
- waste; or
- renewable energy.

A new service is being set up and managed by RICS Dispute Resolution Services on behalf of the Planning Inspectorate, which is responsible for deciding whether development plans produced by local authorities meet all the relevant criteria. Each plan must be assessed as a whole, rather than simply examining aspects which have provoked objections. As a result of the heavy demands this process places on staff, the Inspectorate is keen to access expert professional advice from outside the organisation.

The new service will provide the Planning Inspectorate with names of experts who will support planning inspectors on major casework and local development plan work in England and Wales. Further work is anticipated for expert advisers in relation to the examination of the schedules of charges for Community Infrastructure Levy.

For further information and details of how to apply, contact RICS Dispute Resolution Services at rsahal@rics.org

Legislation delay puts heritage at risk

Historic buildings in England and Wales are being put at risk as a result of the decision to cut the Heritage Protection Bill from the 2009 parliamentary programme, claim heritage groups and MPs.

The Heritage Protection Bill – which has taken more than a decade to conceive, draft and fine-tune – was dropped unceremoniously by the Government last autumn and is not expected to make a re-appearance during the next parliamentary session. The Bill was axed in order to make way for legislation aimed at tackling the credit crunch – a decision described by English Heritage as, “disappointing but understandable”. However, as reported in Building Design in December, there are now fears that the legislation, “could now take years to be realised, if at all”.

Key reforms to have been brought into force by the new legislation include:

- creation of Heritage Partnership Agreements;
- creation of a single register of historic assets;
- introduction of interim protection for buildings being considered for listing; and
- making Historic Environment Records statutory.

However, despite the abandonment of the draft Bill, a new draft Planning Policy Statement (PPS) on the historic environment is expected to be released during the next few months. The Department for Culture Media and Sport promises on its website that, “this will be published in draft for consultation before the Easter recess”, and declares itself to be, “committed to producing a clear and up-to-date PPS that brings together the various heritage protection regimes and underlines their essential place in the planning context”.

According to the British Council for Archaeology, around 98% of the historic environment is protected

via planning. “By improving the way in which heritage is handled by the planning process, we can streamline development while improving protection and increasing public involvement in and benefit from the work of the heritage sector”, it says.

Allen Gilham, Watts historic environment specialist, also welcomes the prospect of a new PPS, “providing that the last 60 years of practical, accumulated wisdom in protecting and regenerating our Heritage is embodied in the document”. However, he warns that not only the planning system but also adequate and properly funded national and local authority conservation services are key to the success of heritage reform.

“Anecdotal evidence points to local authorities reducing numbers of conservation officers in the economic downturn when in fact if we are to truly protect and regenerate our historic assets, every authority must have access to an effectively resourced Historic Environment Record and adequate and appropriate well trained conservation staff...even if a decent new PPS is produced and is confirmed by Spring 2010, without adequate conservation staff and regeneration funding in place to administer and make work the current system with the new PPS, I foresee serious problems for English and Welsh heritage.”

For more information contact Allen Gilham, heritage protection specialist at Watts' London office on +44 (0)20 7280 8000, or go to: www.culture.gov.uk

Capital values to fall hard and fast, says RICS

The RICS predicted in December, that commercial property values will suffer more in the current downturn than in past recessions.

“At least 50%” of the value of commercial property is expected to be lost in the next two years, according to the RICS’ most recent commercial property forecast, published at the end of 2008. Oliver Gilmartin, RICS senior economist, was reported in December saying, “we are only halfway through the price correction in the commercial property market, with values set to fall throughout 2009 and 2010”. In contrast however, transaction rates are expected to increase as prices fall and sellers are forced to accept lower bids. This is bad news for property vendors but is likely to be cautiously welcomed by the agency sector which has seen little activity in recent months.

The RICS forecast predicts capital values will decline by at least 16% during 2009 followed by a further drop of

10% in 2010. It is anticipated that the office sector will be the worst hit, suffering falls in value of around 60%. The retail market is also expected to fall by 15-20% by 2011. The RICS is predicting a fall in average rents of 10% this year, with the office sector hardest hit. Office rents are expected to decline by 16% in 2009, by 11% in 2010 and by 6% in 2011.

For more information go to www.rics.org



Think 9999 for fire safety

The design and management of fire safety in buildings is essential to saving lives in the event of a fire. BSI British Standards have published a new fire safety standard, BS 9999, that provides recommendations and guidance on the design, management and use of buildings to achieve an acceptable level of fire safety for building users.

The standard promotes a more flexible approach to fire safety design through use of structured risk-based design where designers can take account of varying human factors. The guidance on means of escape for disabled people (in respect of both design and management) is greatly expanded within BS 9999 from that in the existing DD 9999, to reflect the requirements of the Disability Discrimination Act and the principles of inclusive design.

BS 9999 covers four main areas:

- fire safety management;
- means of escape;
- structural protection of escape facilities and structural stability in the event of a fire; and
- provision of access and fire-fighting facilities.

The new standard will supersede DD 9999, and the entire BS 5588 series (with the exception of BS 5588-1) on 6 April 2009. It will be applied in the design of new buildings, and to alterations, extensions and changes to the use of an existing building, with the exception of individual homes,

and with limited applicability in the case of certain specialist buildings. The standard provides guidance on fire safety throughout the entire lifecycle of the building, including guidance for designers to ensure that the overall building design enhances the management of fire safety.

David Smith, Chairman of the British Standards Institution (BSI) committee that drafted BS 9999, believes the new standard is a major step forward in fire safety provision. "This single consolidated and consistent document... will be of great value to all involved in the design, construction and management of buildings, including architects and engineers, fire safety managers, building managers and those who approve buildings, such as the fire and rescue service, health and safety inspectors and specifiers," he says.

BS 9999 Code of practice for fire safety in the design, management and use of buildings, is now available from www.bsigroup.com

Clients in UK regions face EPCs backlog

Energy Performance of Buildings Regulations came into force for commercial buildings in Scotland, Northern Ireland and Eire on 4 January 2009. Clients must be able to provide Energy Performance Certificates (EPCs) to potential buyers and tenants with immediate effect or face penalties.

However, according to Watts' energy specialist Mark Rabbett, there is little evidence to show that there has been a rush to commission EPCs for commercial property in any of the regions in advance of the January deadline. This may be partly due to inactivity in the market, driven by the economic downturn. However, there has also been considerable confusion over accreditation schemes and delays in establishing a workable system that may now backfire on commercial property owners and occupiers.

Penalties will be levied against companies or organisations that are found not to be complying with the regulations. However, as the highest penalty has only been set at £1,000, this may not be enough to enforce the directive in the short-term. Longer term, both the requirement to produce certificates when buildings change hands or are let, as well as the necessity for

companies to prove their environmental credibility, are expected to create considerable pent-up demand for certification in the regions. There is also a requirement for public buildings to display energy performance certificates, which includes schools, universities, hospitals, leisure facilities and libraries.

All commercial buildings except those that are exempt require an EPC when they are sold or let, which then remains in force for ten years. Exemptions include temporary buildings with a planned use of two years or less, stand-alone non-residential buildings of less than 50m², workshops, and non-residential agricultural buildings.

Contact Mark Rabbett, Energy Assessor on +44 (0)20 7280 8000 to discuss your EPC/DEC requirements, or visit www.watts-international.com for your local office details.

2009 Handbook now available

Watts has launched the 25th edition of its Pocket Handbook – The Watts Pocket Handbook 2009. This year the book has been printed for the first time on sustainable Forestry Stewardship Council (FSC) paper, produced from renewable sources.

Each year, Watts' team of internal contributors and external specialists provide information and guidance on a wide range of subjects dealing with property and construction issues from REITS to Radon. Existing sections are reviewed and updated on an annual basis to ensure it remains topical, accurate and relevant. This year's edition also contains seven new sections, these include:

- Affordable housing schemes;
- Letters of intent;
- Payments for planning permissions;
- Practical completion;
- Recovery of service charges for major works;
- Surveyors and sustainability; and
- Uniform Business Rates.

The Handbook occupies a unique position in the property market, written by practicing experts for professionals and students, it is filled to the brim with technical and legal guidance on all aspects of property and construction.

Similarly the inaugural edition of the Watts European Handbook, published in January, was produced with the same principle in mind. Together this pair of Handbooks are an invaluable guide to property and construction in the UK, Ireland and continental Europe.

The Handbook is published on behalf of the Watts Group by RICS Books and is available to purchase from its website, priced at £24.95.

For more information go to www.ricsbooks.com



Carbon zero consultation launched

Housing Minister Margaret Beckett launched a consultation in December on proposals to bring all new homes in line with the Government's zero carbon target from 2016.

More than 25% of UK carbon emissions are produced by housing, and with the Government committed to reducing carbon emissions by 80% by 2050, both existing and new homes must become more carbon efficient. The Government has set out plans to make all new homes zero carbon by 2016. Now a new consultation aims to determine the detailed requirements of the proposals.

The system set out in the consultation aims to meet the Government's green objectives while still recognising the difficult economic conditions facing the housing industry. Proposals include:

- requiring a greatly increased level of energy efficiency in the fabric of new homes;
- setting a minimum level of carbon reduction that developers must achieve on the site of the housing development, such as through improved insulation, or providing on-site renewable energy;
- requiring developers to tackle the remaining carbon emissions of the new homes, by choosing measures from a list of 'allowable solutions', such as providing energy efficient appliances with the home or exporting low and zero carbon heat and cooling to surrounding developments;
- setting a limit on the amount expected to be spent on these allowable solutions, to provide the house-building industry certainty over maximum costs of the policy; and
- reviewing the list of allowable solutions in 2012 to ensure they will be sufficiently available within the cost limit that has been set and to check whether the proposed list of allowable solutions needs to be updated.

Speaking at the launch of the consultation paper in December, Margaret Beckett, Housing Minister said:

"Climate change is one of the biggest challenges facing the world, and introducing zero carbon homes is an important part of our plans to tackle this, as well as further action to tackle emissions from the existing housing stock. I am absolutely committed to our 2016 target, and this demanding goal is already spurring action here and abroad.

"With the consultation process we are launching today, we are confident we will be able to achieve our ambitions while giving the industry flexibility for how they get there."

The consultation was welcomed by Paul King, UK Green Building Council (UK-GBC) Chief Executive, who said:

"UK-GBC has some strong views about what should and shouldn't be allowed to contribute to the definition of a zero carbon home. But as our task group report showed earlier in the year, these are very complex issues and there will be a lively debate over the coming months. The important thing is that, by the end of the process, we have an approach which is clear, provides certainty to all parties and retains the original environmental ambition underpinning it."

The consultation runs until 18 March 2009 and is available at www.communities.gov.uk



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The Watts Bulletin is the technical companion to the Watts Pocket Handbook, the essential guide to property and construction, as used by professionals since 1983.

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Comments, criticisms and contributions are always welcome.

The Handbook is available to purchase from www.ricsbooks.com priced £22.95.

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