

Two heads are better than one?

Construction industry awaiting news on the Conservative/Lib Dem Spending Review

In this edition

- Advice on the Consumer Code for Home Builders
- Why you need to comply with Part G
- What's new with SAP 2009



We needed a warranty provider who we could trust to understand the technical demands of our developments.

That's why I use Premier Guarantee.



Guy Butler

Projects Director
Grosvenor

At Premier Guarantee, excellence in technical expertise is a central part of how we do business. Whether you're building using Modern Methods of Construction or planning a complex mixed-use development, we'll work with you to make sure your needs are met. Not only that, but our comprehensive range of services means that everything from Building Control to Home Information Packs can be tailored to the needs of you and your development.

For more information on how Premier Guarantee can help you on your next development, contact us on **08444 120 888** or visit www.premierguarantee.co.uk.

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What we can do for you

- Structural Warranty
- Air Pressure Testing
- Code for Sustainable Homes
- Building Control
- Acoustic Testing
- EPCs
- SBEM
- SAP Assessments
- Ecology Reports
- Renewable Energy Reports
- Daylight Factor Calculations
- Noise & Vibration Reports

HCA Approved ISO 9001:2008
 Approved Inspectors CML Approved
 Warranty Link Rule Code Assessor
 OFT Consumer Code FSA Regulated



Gary Devaney
Group Chairman and
Managing Director

No one could ever say the house building sector stands still.

With a change of Government and, as a result housing and planning policies, tied in with austerity measures that may either push us back into a double dip recession or alternatively allow us to look forward to

a brighter future as a country, depending on which economist you read last, it is still an uncertain world.

However the signs are that we are coming out of the recession and the industry is edging towards better days.

Here at Premier Guarantee our aim remains the same; to provide a first class service to all our customers. We believe that developers have a right to expect high levels of service delivered by professionals – and the good news is that more and more developers agree and are making us their new home warranty provider of choice.

This edition sees a new look – more like a magazine than a newsletter. In this format we can provide even more articles on both technical issues and others that are of interest to housebuilders.

We hope you enjoy this edition and if you have any queries email me at gary@premierguarantee.co.uk

Get in touch...

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MD Insurance Services Limited is the Scheme Administrator for the Premier Guarantee range of structural warranties.

MD Insurance Services Limited is authorised and regulated by the Financial Services Authority.

Two heads are better than one?

As the construction industry awaits news on the Conservative/Liberal Democrats Spending Review, Colin Campbell looks at the impact of the expected changes.



After one of the most eventful general elections in the past 100 years, things are becoming a little more clear for us all. Despite not winning the overall majority, The Conservative party were able to come to an agreement with the Liberal Democrats, thus leading the UK with the first coalition government since March 1977.

Certain key figures feel a coalition creates a great deal of uncertainty and delays in decision making, however the new PM, David Cameron believes that this collaboration can 'provide that strong and stable Government that our country needs based on those values, rebuilding family, rebuilding community, above all rebuilding responsibility in our country.'

From what we have already seen, both parties have made agreements in what they feel should be tackled first. Front of the line is their intention to reduce the UK deficit through a series of spending cuts and tax increases. The Emergency Budget, which will set out in detail the newly formed Government's financial plans, will be released by George Osborne, the new Chancellor, on the 22nd June 2010.

As an immediate measure, plans should have now been announced for cost cuttings within Construction quangos including Partnerships for Schools and the Homes and communities Agency. This comes from advice from the Treasury and the Bank of England to maximise savings but minimise damage to an already frail UK economy.

A statement by the coalition said: "Where projects are good value for money and consistent with the government's priorities, they will go ahead. Where they are not, it would be irresponsible to waste money on them. There is no point in continuing pilot schemes where they are too costly to implement."

What happens now?

There is still an element of uncertainty surrounding the current leadership. The new government intends to set a mandate to run for five years, which would fix the next election date for May 2015. A stable government is needed to bring certainty in future planning for projects and investment and this would be welcome news for the construction industry.

However, there are concerns as to the compatibility between the Conservatives and the Liberal Democrats. There are already clear differences of opinion in key areas of development (e.g. nuclear power). Both parties seem happy to respect each others points of view during the 'honeymoon' period, but for how long will this last? If the coalition was to break down, this would force another UK election which could bring more uncertainty to the industry.

So will two heads be better than one? Only time will tell.

Features of agreement

Tax Measures

- Labour's proposed plans for a 1% NI increase have now been scrapped by the incoming administration.
- Conservatives also plan to decrease corporation tax to 20p which will benefit SMEs.
- Good news for business owners and consumers alike - the income tax threshold will be increased by £1,000 in April 2011, with a view to ultimately raising it to £10,000.
- However, this may be funded by cutting benefits for smaller businesses, such as the £50,000 investment allowance scheme.
- Some leading financial figures believe VAT will almost certainly go up at some point, most likely to 20%.
- The rate of Capital Gains Tax (CGT) will increase for individuals. This increase could have a dramatic impact on anyone who pays themselves through dividends. Although details of the new tax rules are yet to be ironed out, speculation is that investors will be taxed more heavily when disposing of properties.

Finance

- Encouraging banks to lend more money is crucial market for businesses to thrive. The Conservative proposal for a loan guarantee scheme and the Lib Dems' idea of lending targets for nationalised banks will both be considered in the short term to boost the current market.

Housing

- Both parties prefer a localised approach so national housing targets are set to be scrapped. Lib Dems' have also pledged to impose VAT on new homes in order to reduce the rate for repairs.
- Home Information Packs are also set to be scrapped (see our article on the Future of HIPs for more information). This may cause delays in sellers putting their houses on the market until legislation is finalised.

Education

- We are also due to see some conflict in this area, with the Lib Dems opposed to the Conservatives plans to cut money from the school building programme and redirection of funds from building projects to finance the creation of free schools. This may lead to some lengthy discussions and further holds in construction of schools.
- However, a number of school contracts currently going through the procurement process will be granted financial close by the Conservatives (subject to a small delay in the ratification process)

Health

- Spending increases are likely in the health sector but the emphasis is likely to be on frontline health services rather than new buildings.

Greening existing housing

- Both parties have identified greening existing stock as a priority including rolling out smart meters to UK homes, the introduction of a smart grid and feed in tariff systems in electricity. As this doesn't involve approving large chunks of capital expenditure, these actions are due to be implemented swiftly.

Renewable energy

- Both parties have made it clear that they want to shake up the planning system. The Independent Planning Commission, which approves large wind farms, could be dissolved under new Government policies.
- However, according to the official coalition agreement, both parties would 'seek to increase the target for energy from renewable sources, subject to the advice of the Climate Change Committee'.

Key appointments in the new coalition Government

Mark Prisk - Construction Minister
Chris Huhne - Energy and Climate Change Secretary
Eric Pickles - Communities and Local Government Secretary

Grant Shapps - Housing Minister
Hugh Robertson - Sports and Olympics Minister

RIP HIPs: The end of the Home Information Pack

It has now been announced that HIPs have been suspended and are on the way to being formally scrapped. Chris Reynolds outlines what the impact this announcement will have on the housing industry.



Many house builders will see this as a boost to the industry

When we first set about producing this edition of Premier Guarantee news, we included an article on the future of Home Information Packs. As far as we could see, the new Coalition Government, although determined to scrap HIPs, would choose to 'wind down' the scheme over a number of months, allowing the house builders to adjust to the impact the withdrawal would have on the industry.

What a difference a day makes.

On the 20th May we woke up to news stories of the suspension of Home Information Packs, paving the way for their inevitable demise over the forthcoming months. To completely abolish HIPs will take some time, as only a change in legislation will allow this to happen, however suspending the requirement to provide a HIP can be done instantly, paving the way for new legislation to be put in place.

Touted as a big win for the industry, Grant Shapps announced: "Today the new Government is ensuring that Home Information Packs are history. This is a great example of how we are determined to get straight down to work and cut pointless red tape which is strangling the market. By suspending Home Information Packs today, it means that home sellers will be able to get on with marketing their home without having to shell out hundreds of pounds upfront. We are committed to greener housing so from now on all that will be required will be a simple Energy Performance Certificate."

So, what does the announcement mean to the housing market?

Many house builders will see this as a boost to the industry – a removal of legislation that could save hundreds of thousands of pounds for some developers. HIPs were never hugely popular and perhaps rightly so as recent research has discovered that 91% of estate agents felt that purchasers paid little or no attention to them.

The resale market will potentially see a rise in housing stock entering into it as some suggest that the introduction of HIPs has taken up to 30% of potential sellers out of this side of the market. Private sellers it would seem have not been clambering over each other to pay money upfront for a HIP, without guarantees that the property would sell – particularly given their short shelf life. The result of this could therefore be an increase in speculative private sellers, more willing to dip their toes in the water, and potentially increasing competition in the market.

Overall, it's likely the announcement will be welcomed in most quarters, but spare a thought for the thousands who have invested time and money in the Home Information Pack industry. The Association of Home Information Pack providers estimates that as many as 10,000 people's livelihoods are directly or indirectly dependant on HIPs, many of whom left jobs to work in an industry that came with promises of security and future development.

Government legislation still means you have to provide and SAP calculation and Energy Performance Certificate with every housing unit you build. For information on our SAP and EPC services, contact our team on 08444 120 888 or email services@premierguarantee.co.uk.

A blue 'FOR SALE' sign is positioned in front of a modern, multi-story house with a light-colored facade and dark window frames. The sign is white with blue lettering.

FOR SALE

Cracking the Code

With the Consumer Code for Home Builders (CCHB) now fully operational, **Chris Reynolds** outlines how you can make sure your business is complying with the Code without too much disruption to your day-to-day work.

One of the main areas of feedback we received from the series of CCHB training courses we ran over the past few months was a concern from developers about the amount of additional work that they'll have to put into ensuring they're adhering to the Code and not leaving themselves open to potential claims.

And that's hardly surprising.

In an industry that lives and dies on a seemingly never ending stream of regulation and legislation, the thought of additional guidelines that house builders need to follow must be daunting to many to say the least. However, it's worth bearing in mind that the CCHB was set up to benefit the industry as a whole and has been designed – where possible - to fit in with the way you currently work.

In line with this, there are a number of low-cost solutions to help you to make sure you're complying with the CCHB:

Training

Hopefully by now you've been fully briefed on what the CCHB is and how it affects you and your customers. If you haven't, there's a free e-learning presentation that you can access on our website. It's your responsibility to ensure any client facing staff are fully trained and understand what the CCHB is and that includes any agents or solicitors. By ensuring your staff undertake the free online training course, you can ensure you're adhering to this section of the Code.

Providing information

There are a few pieces of information you'll need to ensure you provide to your clients at the point of sale, reservation and handover. First, if anyone is viewing your properties, you'll need to inform the customer that the property is covered by the CCHB and also provide them with details of the warranty cover in place. Secondly, at reservation, you'll need to provide a copy of the CCHB itself and at handover you'll need to provide further details of the warranty in place on the property.

Fortunately, much of the hard work has been done for you:

- We can provide you with sales material that explains that the properties on your development are covered by the CCHB, and includes details of the warranty cover in place. By displaying these in your show houses and sales suites you will be acting in compliance with the Code.
- If you visit the CCHB website, you can access the Code documents you'll need to provide to your customers.
- Our home owner material includes further information on the warranty cover in place on the properties you sell.

All this documentation is freely available (contact us for copies of our documents), and will satisfy this section of the CCHB.

You might also want to consider adding the Code documents to your website, and directing your customers there for further information.

Pre-purchase information and Reservation Agreements

This is one of the most fundamental areas of the CCHB and one which can help you make sure you're complying with a number of sections of the Code.

In short, your pre-purchase information should include:

- Reservation Agreement
- Summary of warranty cover (provided as outlined above)
- List of contents provided with the property (e.g. white goods)
- The standards to which the house is built
- Description of any management services and associated costs
- If selling off-plan, brochures or plans reliably showing the position of the property
- Details of formal handover

Reservation Agreements are also under scrutiny and as they are in effect the contract between you and your customer, this is your opportunity to make sure your customers fully understand the details of the agreement they are entering into.

In addition to information you're already providing on your Reservation Agreements, you need to make sure you're also covering:

- Information on the sales process they are entering into
- Realistic information on completion dates
- Information on rights to cancel for both you and your customer
- Details of deposits payable and the amounts that will be retained in the event of cancellation

Other information

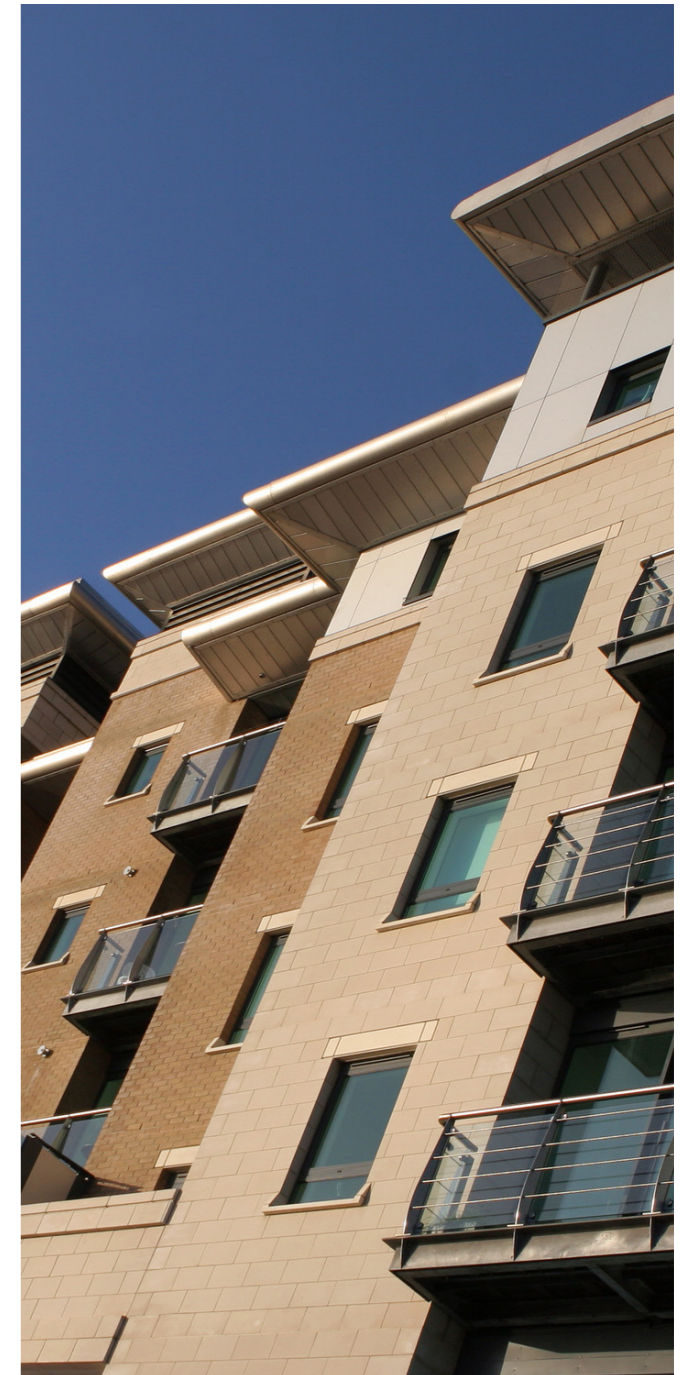
Other details we recommend you should pass onto your customers include:

- Health and safety precautions when visiting and living on site
- Advise customers to appoint an independent, professional legal advisor
- Provide information on the after sales service
- Details of systems to deal with disputes and complaints

The most important thing to remember is that transparency is key to ensuring you're complying to the Code. By making sure your customers are fully aware of what is happening with their new homes, the CCHB should cause very few issues for you, and where issues do arise, they should be easy to resolve.

It's also important to ensure all agreements between you and your customers are made in writing, as although verbal agreements are included in the Code wording, written agreements will provide you with more support should any problems occur.

There are additional considerations you should make which can be found in the CCHB material and is accessible on our website. However, if you have any questions regarding the Code, please contact us on 08444 120 888.



Code for Sustainable Homes Calculator

We're delighted to be able to give you a preview of our latest service – our newly developed Code for Sustainable Homes Calculator.

The Code for Sustainable Homes is quickly becoming an everyday part of many house builder's lives, so we've been working to develop new systems to improve and simplify the assessment process for our customers.

Our new Code for Sustainable Homes calculator is the first system of its kind, and has been designed to allow house builders to easily determine whether their planned developments will allow them to meet their desired Code star rating.

For more information on this or our Code for Sustainable Homes assessment services, contact our team on 08444 120 888 or email services@premierguarantee.co.uk

Screen Shot



Key Features

Based on the systems we use to provide assessments for our customers, our quote calculator means users will be able to:

Determine the star rating of your developments – by entering the details of your site you can easily determine if your site design will meet your required star rating.

Identify areas for improvement – if you're falling short of what you need, our calculator will clearly show where you need to improve.

Try different variations of designs – by varying your designs by using different systems or materials, you can easily compare different scenarios and identify easier or more cost-effective solutions to achieving the rating you require.

Speed up the assessment process – if you use Premier Guarantee for your Code for Sustainable Homes assessments, we can use the information from the calculator to provide you with a formal assessment, speeding up the assessment process.

Construction Manager of the Year Awards

Premier Guarantee are a sponsor at this year's Construction Manager of the Year Awards, which is held in association with the Chartered Institute of Building.

For more information on the awards, visit the CMYA website - www.cmya.co.uk. Best of luck if you're entering this year's event.



CIH Housing 2010

We will be exhibiting at this year's CIH Housing exhibition in Harrogate on the 22nd-24th of June, where we will be running the first demonstrations of our new Code for Sustainable Homes calculator.

For your free demonstration, visit us on stand B135.

To attend this year's exhibition, visit the CIH Housing website - www.cihhousing.com.



Premier Guarantee are a main sponsor at this year's What House? Awards.

As one of the flagship events in the housing industry calendar, the What House? Awards recognise the very best house builders the country has to offer.

For further details, visit - www.whathouse.co.uk

British Homes Awards 2010

Premier Guarantee are delighted to be sponsoring the Build Quality Awards at this year's British Homes Awards, held in conjunction with the Daily Telegraph.

More information on the BHA and Build Quality awards can be found on the BHA website - www.britishhomesawards.com.



Feature Development

The Quays at Chatham Maritime Byrne Estates

This edition's feature development comes from one of the south east's most dynamic developers; Byrne Estates. A winner of the Large Development of the Year category at our 2008 awards, The Quays at Chatham Maritime is one of Byrne Estates' flagship sites, and judging by what we've seen, it's easy to see why...

Few developments in the south east showcase successful regeneration quite as spectacularly as The Quays at Chatham Maritime. The two iconic towers stand against the Medway skyline and pinpoint the location of one of the most exciting and diverse building projects seen for some time.

Situated around two historic dock basins and 310 berth marina The Quays provide 334 studio, one and two-bedroom apartments alongside 60,000 sq ft of bar, restaurant, leisure and retail uses. The low-rise wharf building offers spacious apartments with balconies and terraces and all apartments feature designer ALNO kitchens and fitted appliances as standard. The scheme was recently awarded best overall residential development and best major residential development in the Kent Design Awards 2010.

While mixed-use developments can sometimes fail to establish the promised atmosphere created by glossy brochures The Quays creates a highly specified residential environment which is complemented by the success and vibrancy of the nearby shops, restaurants and attractions. Large numbers of visitors are regularly drawn to the adjoining Chatham Historic Dockyard, Odeon Cinema, Dockside Outlet Centre and 71,500 sq ft Dickens World. In addition the nearby Medway campus, Leapfrog Day Nursery, Encore Hotel and office developments provide all the necessary facilities to guarantee the viability and continued growth of the area.



Testing the Water

Developed to fall in line with the Government's sustainability and zero carbon agendas, Approved Document G was scheduled for release in October last year, however problems in the consultation process meant the launch of the updated document was delayed until April 2010. Nigel Edson outlines what these changes are, and how they might affect the way you build new homes.



After months of preparation and delay, the updated Approved Document G – Sanitation, Hot Water Safety and Water Efficiency – is now in force.

Approved Document G has been substantially overhauled – even down to changing its title from 'Hygiene' to 'Sanitation, Hot Water Safety and Water Efficiency', however the most significant changes are to the way the section is now set out.

The original three sections have now been increased to six and cover the following:

- Cold water supply
- Water efficiency
- Hot water supply and systems
- Sanitary conveniences and washing facilities
- Bathrooms
- Kitchens and food preparation areas

Cold water supply

This includes a new requirement which specifies locations in buildings where the supply of water should be wholesome. Wholesome water is defined as water complying with the requirements of regulations made under Section 67 (Standards of Wholesomeness) of the Water Industry Act 1991. There is also provision for wholesome softened water which may be suitable for most purposes, but should not be used as drinking water, or in any sink provided in an area where food is prepared.

Non-wholesome water means cold water that does not meet the requirements for wholesome water, but is considered suitable for specified applications having regard to the risks to human health. This could include grey water or captured rainwater.

Water efficiency

This section applies to all new dwellings including conversions and is intended to reduce water usage without impacting on personal use or behavior.

Under this section, hot and cold water systems should be designed to allow efficient use of water in new dwellings. The maximum designed wholesome water usage of a new dwelling should not be more than 125 litres per head, per day.

The method for calculating the water efficiency is set out in the document 'The Water Efficiency Calculator for New Dwellings' and is further reinforced by Regulation 17K of the Building Regulations, which requires that a notice is given to the Building Control body not more than five days after the work has been completed.

Hot water services

This includes a new requirement for heated wholesome hot water to be provided to baths, showers, hand basins and sinks. Although this was substantially covered in the previous Approved Document, it has been extended to explicitly

cover food preparation areas and all personal washing facilities.

In addition, a further new requirement specifies that hot water systems should be able to resist the effects of temperature and pressure during normal operation and foreseeable failure modes. This would include cisterns receiving discharges from vent pipes from vented hot water storage systems.

This section has also been extended to cover both unvented and vented hot water storage systems and primary thermal storage vessels.

A further new requirement has been added to prevent scalding through the installation of protective devices that limit the temperature of water supplied to fixed baths. The hot water supply temperature to a bath must be limited to a maximum 48°C by use of an in-line blending valve or other appropriate temperature control device.

The Approved Document has also included the requirement for commissioning certification to be provided to the Building Control body within five days of completion.

WCs and associated facilities

There is no real technical change to the requirements in this section.

Bathrooms in dwellings

This section has been extended to include rooms that are used for residential purposes. There has also been an amendment to clarify that the need for a bath or shower and a washbasin only applies to the primary bathroom.

Food preparation areas

This requirement formalises current practice to provide a sink in food preparation areas. As part of this formalisation, if a dishwasher is provided in a separate room to the kitchen, an additional sink is not needed in that room.

When will the Approved Document G Changes Apply?

- Where an Initial Notice is submitted and work commences on site prior to the 6th April 2010, the 1992 Edition of the Approved Document will be applicable.
- Where an Initial Notice is submitted and Plan Certificate is issued prior to the 6th April 2010 and provided work commences on site prior to the 6th April 2011, the work can comply with the requirements of the 1992 Edition of Approved Document G.
- For work that does not require an application, such as self certified work (provided a contract was entered into prior to 6th April 2010 and the work is commenced prior to 10th October 2010) the requirements of the 1992 Approved Document can be followed.

Key Approved Document G Changes

- A full update in all parts to reflect current standards, legislation and practice.
- The inclusion of a new section on cold water services which would specify locations within the building where a 'wholesome' supply of water is required, making it possible in turn to allow the use of 'non-wholesome' water in other locations, e.g. captured rainwater for toilet flushing.
- The inclusion of a new section on water efficiency in new dwellings to bring into effect the Government's policy announced in July 2007.
- Measures to improve the safety of hot water systems and to limit the temperature of water delivered at water outlets to 48°C.

Product Assessments

With more and more new building systems coming to us for approval for use on our schemes, **Rob Clay-Parker** explains how the process works, and what you need to do to help ensure you get the approval you need.

We've been carrying out Product Assessments in Technical Services for a number of years now, which started in response to customer requests to review new systems they were considering using. Due to the demand for such products and new ways of working, we have developed our own process of assessment to ensure that products and systems comply with the relevant British and European Standards as well as our own Technical Requirements.

In order for an assessment to be undertaken we normally require identification of the scope of the building system, including:

- Number of storeys
- Engineering drawings showing construction details
- Junction details and connections, with manufacturing tolerances
- Test reports and calculations
- Competency and training requirements of installers
- Full detailed site installation or assembly instructions including any diagrams
- Critical site assembly checklist for use by on-site inspectors
- Risk assessment for the installation and construction process
- Procedures for the adaptation or change of use of the building system

On a regular basis we receive enquiries direct from manufacturers, which we are happy to review. Many systems in particular can require significant levels of research including many different parts and materials whose suitability across varying environments can differ.

Of course, requirements vary and the above is only an indication, we occasionally have to seek specialist assistance, unfortunately we don't know everything! We do however, try to undertake these as quickly as possible and when complete will often satisfy our requirements for Warranty, significantly speeding the application and quoting process for our customers. Our approval also enables the manufacturer to use our logo within their marketing literature, enabling our customers to review those systems/products already assessed.

For more information on our assessment process, or if you would like a system approval quotation, contact our Technical Services team on 08444 120 888 or email technicalservices@premierguarantee.co.uk.



We wanted a partner who could provide us with a complete range of sustainability services and give us the best advice tailored to our business needs.

That's why I use Premier Guarantee.

Simon Ashworth
Commercial Director, McInerney Homes

Technical Updates

Foundation Depths

In each edition of Premier Guarantee News, we'll provide you with some words of wisdom from our Technical Services team. In this edition, **John Gilbert** outlines some of the issues you should consider when determining foundation depths.

The required depth of the foundations can be influenced by a number of factors. However, in general terms, the minimum depths should be the greatest of the following criteria:

- The depth to the selected bearing stratum.
- In clays which are subject to seasonal moisture movement, not less than 1.0m in depth (See also BS 5837).
- In clays and in close proximity to trees and shrubs
- In sands, chalk and other frost susceptible soil, a depth below the zone of frost action and not less than 450mm (On exposed sites subject to long periods of frost, an increase in depth will be required).

For internal load bearing walls, foundations must be provided to the same depth as the external walls.

For minimum widths of strip foundations refer to Building Regulations.

Not all natural soils lend themselves to conventional spread foundations. Also, spread foundations may not be the most cost effective solution. Other foundation methods may be appropriate and should be determined by an Engineer. These may take the form of one of the following:

- Pile and ground beam
- Pad and ground beam
- Rafts
- Vibratory ground improvement.
- Engineered Fill

On Brownfield sites, natural soils are often concealed beneath man-made ground or ground that has been reworked. Care therefore needs to be taken to ensure that the level of the natural soils (i.e. virgin strata) is correctly identified for foundation purposes. Man-made ground may also pose a risk from contamination.

For more information on our technical advice and standards, contact our Technical Services Team on 08444 120 888 or email technicalservices@premierguarantee.co.uk.

New Appointment

Stuart Truss

Commercial Building Control
Business Development Director

We're delighted to welcome **Stuart Truss**, who will be working with our Building Control company, PG Surveyors to develop our ongoing work in the commercial property sector.

Stuart has joined us from leading construction firm Carillion, before which he spent a number of years working for Solihull, Stoke on Trent and Plymouth Councils, focusing on a range of Building Control and regeneration roles. Stuart has over 30 years Building Control surveying experience, including two years as Chief Building Surveyor for Stoke on Trent Council, responsible for area regeneration and Building Control.



Robust Details

Building to Robust Details means you can build your schemes without having to worry about acoustic testing requirements. But how do systems become approved by Robust Details? Colin Potter, Technical and Development Manager at Robust Details Limited explains how the system works.



The committee consider the failure risk of the detail in four distinct areas

Robust Details Limited (RDL) was formed in 2004 to operate a scheme that would offer an alternative to the newly introduced sound testing of separating elements, as a means of demonstrating compliance with the Requirement E1 performance standards.

The Part E Robust Details scheme is based on a collection of pre-tested forms of construction (or patterns), capable of consistently providing sound insulation levels exceeding those prescribed in Approved Document E.

Within RDL's UKAS accredited certification framework, it is the responsibility of the Standards Committee to approve designs for inclusion to the pattern book and to evaluate their on-going performance in order to ensure that the scheme can deliver its key objectives.

The Approval Process

During the formation of RDL, a set of rules and criteria were formulated by acoustic experts to be used when assessing the initial

suitability of all proposed new components, flanking constructions or complete separating elements. The resulting document was titled Key Protocol 1.

Bodies such as manufacturers or trade associations can apply for their materials or designs to be considered which are termed Candidate Robust Details (CRDs).

The Standards Committee is responsible for the approval of applications for new or revised Robust Details (RD's) as well as the maintenance of existing RD's. When a CRD proposal is received, the Standards Committee reviews the tested performance against the enhanced criteria in the Protocol.

Of equal importance is the buildability of any submitted detail, i.e. the design must be 'robust'. The committee consider the failure risk of the detail in four distinct areas:

- Overall construction
- Number of components
- Number of potential trades involved
- Verification of construction

Where necessary the Standards Committee also undertake verification visits to gain additional information or confidence that a proposed RD can be built to the specification and that the testing reflects this.

Maintenance of the Standards

New details are approved on the evidence that they met the performance requirements through the CRD process. To be sure that the details are consistently achieving the standards, RDL commissions on-going performance monitoring of Robust Details being used in current developments. Both visual inspections and sound tests are

undertaken to monitor that the constructions are capable of being built to the specification and that they subsequently offer the required levels of sound insulation.

The findings of this monitoring are reported back to the Standards Committee for the members to evaluate against the target performance levels, and decide on any actions required. This could result in:

- maintaining the detail with no further action
- maintaining the detail, but introduce corrective action
- suspending the detail pending successful outcome from corrective actions
- withdrawing the detail

Where the monitoring has identified that corrective actions may be necessary to bring performance back up to standard, the committee will decide the scope of the actions in consultation with the owner of the detail and other interested parties.

If corrective actions cannot be agreed, or they were unsuccessful in addressing the performance issues, the Standards Committee can recommend the withdrawal of the detail. This decision would normally be the last resort, but ultimately, and essentially, it serves to maintain the industry's confidence in the scheme.

For more information on Robust Details Limited and the services they provide, please contact them on 0870 240 8209 or visit www.robustdetails.com.

Code for Sustainable Homes and EcoHomes

Under the Code for Sustainable Homes, Part E Robust Details can be used as evidence of compliance and can allow you to achieve credits for sound insulation in the 'Health and Well-Being' (HEA 2) category. This can be achieved without the need for on-site pre-completion sound testing where the level of performance achieved by the Robust Details meets the Code requirement. Similar provisions exist under BRE Global's EcoHomes scheme.

Using the sound test data from the CRD submissions and where appropriate, that from the performance monitoring, the Standards Committee are authorised to allocate credits to those Robust Details that qualify. The committee can agree to adjust the existing credit allocation if monitoring test data indicates a shift in performance.



The Standards Committee

Premier Guarantee is delighted to announce that Business Development Director **Paul Byrne** has accepted an invitation to join the Technical Standards Committee of Robust Details.



Dave Baker, Chief Executive of Robust Details said, "Paul's many years of experience in the insurance and sustainable construction sectors will provide a special insight and will ensure he is an effective and valuable addition to the Committee's membership."

Global Claims, Large Boulders and Steep Hills

Living in uncertain times, it's important to know what to do should disaster strike. Peter Vinden from The Vinden Partnership, explains how builders can make sure they're prepared for claims that could be raised against them.

It never ceases to amaze me how people underestimate the complexity of construction projects. With so many parties involved mostly motivated by money, conflicting egos, unrealistic programmes, variations not to mention British weather, is it really any wonder that so many construction projects have an inbuilt capacity to go very wrong?

Except where expressly stated otherwise, typical UK construction contracts often require the Contractor to carry all the risks associated with providing a building project. So when the proverbial hits the propeller it is usually the Contractor that is left holding the baby and returning a negative margin, much to the dismay of the shareholders and the Contractor's bank.

What usually follows is an autopsy of the project followed by the submission of some form of claim to try and recover the lost time and/or money. This is where the fun really starts. For a claimant to be successful in English law, a Contractor is required to:

- Particularise its claim (what, where, when and why)
- Explain why the Employer is responsible for the complaint, (prove the breach of contract)
- Show that it has incurred costs as a result of the offending action or inaction (prove the loss)
- Prove that the loss has been caused by the offending action or inaction (cause and effect)
- Show that but for the offending act the loss would not have been incurred (no contribution by the Contractor)

But what happens when the autopsy reveals that the cause of the delay or loss is down to more than one matter and nobody can unravel the mess and show which matter caused what loss?

The result is that claims are usually submitted on a global basis. What do I mean by global basis? Well in the case of claims for time, I literally mean the sort of claim that effectively says...

“Dear Mr Architect, it has taken 50 weeks to complete the project. The contract says I only had 40 weeks to complete the projects and as you did vary some of the works and were late in releasing information, it must be your fault the project is delayed so please give me an extension of time for 10 weeks.”

and, in the case of loss and expense...

“Dear Mr Architect, this project was supposed to make a 10% gross return but has only managed a return of 7%. You did vary part of the works and you were late issuing some of the key information so it must be your fault that we have under recovered, please certify payment of £ x to cover our unanticipated loss and expense”

Hudson's Building and Engineering Contracts - 11th edition defines global claims in a more legalistic and precise way.

“Global claims may be defined as those where a global or composite sum, however computed, is put forward as the measure of damages or of contractual compensation where there are two or more separate matters of claim or complaint, and where it is said to be impractical or impossible to provide a breakdown or sub-division of the sum claimed between those matters”

The courts are littered with cases concerning the rights and wrongs of claims that are made on a global basis and it is beyond the scope of this article to consider each of the cases and to debate the merits put forward by the claimants in each of these. However, what can be said in summary is that unless there are very exceptional circumstances, global claims are likely to fail for a number of very fundamental and good reasons:

- A total cost approach less the tender allowance is not in itself evidence that an Employer is in breach of contract or is responsible for causing the Contractor's loss.
- It is not unusual for Contractors to lose money on projects for a variety of reasons including for example pricing errors, poor supervision and poor cost control etc. Global claims ignore this reality.
- Finally and perhaps most importantly, a Contractor has the burden of proving that its claim derives from a breach by the Employer and the Employer has the right to understand the case it has to answer. Global claims invariably fail to discharge this burden.

So if the starting point is that, other than in exceptional circumstances, global claims are likely to fail, what are exceptional circumstances that may help a Contractor convince a tribunal to consider entitlement under the guise of a global claim?

- **First** - It must be impossible or at best impractical to separate out the effects of individual heads of claim. This does not, however, mean that it is only a problem with the benefit of hindsight. If a Contractor knows that it is incurring loss and expense and either chooses or neglects to keep adequate records, this is a failing that the Contractor can not expect to profit from at some point in the future when it then realises that it needs to pursue a claim.
- **Secondly** - A detailed summary of all the heads of claim must be provided and I would suggest that either some attempt at apportionment of the loss claimed is made, or at the very least a detailed narrative is provided, to explain why such apportionment is not possible.
- **Thirdly** - If a Contractor is aware that it is in itself culpable for part of the loss incurred, it should identify and separate this loss from the claim and give the Employer full credit for its own contribution to the loss. This should hopefully improve the credibility of the Contractor in the eyes of the tribunal.
- **Finally** - Pray. Getting paid out on global claims is not impossible, however if you are going to pursue them it might be worth getting in training first by pushing some very large boulders up some very steep hills!

Although this article is written from the perspective of a Contractor claiming against an Employer, the above principles would equally apply to a Sub-Contractor claiming against a Contractor.

Peter Vinden is a practising Adjudicator, Mediator, Expert and Conciliator. He is Joint Managing Director and Chairman of The Vinden Partnership and he can be contacted by email at pvinden@vinden.co.uk



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