

Housing Standards Review consultation

Response from BRE

22 October 2013

Note

While responses to the questions in the consultation document are set out in Annex A, these questions fail to address many of the more fundamental issues and concerns raised by the review's proposals. As a result of this deficiency in the consultation, many of the main points in BRE's response are set out in this covering paper.

Summary

- BRE supports the Government's stated objectives of
 - improving the sustainability of new housing and the built environment
 - simplifying the current regime of regulations and standards by reducing red tape.
- Unfortunately the consultation proposals will achieve neither.
- The proposals overlook the fact that the Government-owned Code for Sustainable Homes is different from the other standards. It groups standards together in a holistic approach, providing a flexible mechanism for developers, designers, product manufacturers and others to drive improvements in house building. If implemented correctly, the Code can reduce red tape. "Winding down" the Code for Sustainable Homes mechanism will create costly uncertainty and delay to the detriment of housing provision.
- Indeed, the Government's Homes and Communities Agency has only recently highlighted the multiple benefits of the Code. Its October 2013 press releaseⁱ on a new housing scheme in Sunderland stated: "The first phase of houses will meet level five of the Code for Sustainable Homes. This highly efficient rating for any new build property means that they will be highly insulated, include 'Smart' gas and electric meters and integrated PhotoVoltaic panels. Not only

does this make the properties more ‘environmentally friendly but it helps keep residents’ fuel bills down.”

- The Code is not preventing new house building. The Government states in its own impact assessment that 39% of new dwellings completed in 2012 were built to the Code.
- The consultation proposals do not reflect the views of the working groups.
- The outcome of the consultation gives the appearance of being predetermined. There are flaws in the consultation process: for example, there is no specific question on the future of the Code. This is unacceptable in view of the fact that the Code for Sustainable Homes, as the Government’s own comprehensive standard, is of a different status to the other standards reviewed, and we consider that there should be a separate consultation on the proposal to wind it down.
- The impact assessment concentrates on costs to developers and fails to take account of wider economic, social, environmental costs and benefits. It thus fails to reflect the recognition in the National Planning Policy Framework that “to achieve sustainable development [which is the purpose of the planning system], economic, social and environmental gains should be sought jointly and simultaneously”ⁱⁱⁱ.
- The consultation refers to the November 2010 version of the Code. If the Code was updated, the technical criteria would be more responsive to today’s house building needs providing a framework to reduce red tape and encourage more sustainable house building. Over the last couple of years BRE has recommended on several occasions that the Code should be updated, but DCLG, as owner of the Code, has not taken this up.
- Clear transitional arrangements are vital to developers, product suppliers, local authorities and the rest of the industry. At the Environmental Audit Committee inquiry on 9 October a number of witnesses stressed the importance of any transitional arrangements, and Peter Schofield of DCLG stated “This comes into the whole question about the transition and how do we move from where we are now to where we want to be. Elsewhere in the consultation document, we have asked questions about exactly how we should do that and how quickly we should do that that it does”. However, the consultation does not pose any specific questions on how any transitional arrangements might work. In the light of this omission there should be a separate public consultation on this issue.
- The consultation proposals are likely to lead to a reduced quality of housing, with compliance relying on individual building control and planning officers.

The importance of sustainable construction to the UK economy

1. The UK construction industry is currently seen as being at the leading edge of sustainable design and construction, as exemplified by the success of projects like the London 2012 Olympic stadia and athletes' village. As Greg Barker, Minister of State for Energy and Climate Change, said in May this year of high building standards: *"it not only makes us feel good that we are doing the right thing by the planet but over the last two years the low-carbon goods and services sector has accounted for nearly a third of all growth in the economy and is growing by around five per cent year on year when other sectors are struggling."*
2. [The Coalition Agreement](#) states that the Government will "...decarbonise the economy and support the creation of new green jobs and technologies. We will implement a full programme of measures to fulfil our joint ambitions for a low carbon and eco-friendly economy". BRE believes that the consultation proposals do not support this objective.
3. Sustainable design and construction is a significant contributor to the UK's exports. For example, the development of the Beijing Green Building Park followed a visit by the then Chinese vice-premier to BRE's innovation park at Watford, and has resulted in contracts worth over £100m to UK companies. BRE is now involved in the development of several further innovation parks around the world which raise similar export opportunities for British firms and the credibility of the current standards is a significant selling point in these negotiations. These activities would not have occurred without the widespread use of sustainability standards such as the Code for Sustainable Homes. An example of this can be found on the [Government's website](#) as recently as August this year, when BRE signed a deal through the Foreign Office Prosperity Fund to create a sustainable building Code for Chile.
4. Standards have played an important part in driving innovation in the construction industry and the economic success that this has delivered. The current review proposals fail to recognise this, and are likely to result in the unintended consequence of damaging one of the success stories of the UK economy.

Deficiencies in the review and consultation process

5. BRE supports the Government's stated objectives of simplifying the current framework of regulations and standards while maintaining the drive towards increasing the sustainability of new housing and the built environment generally. However, it shares the concerns of several commentators that the review does not appear to have been even-handed, and has started with a

pre-determined end in mind. This stems from a number of issues including the following:

- a. Some pejorative wording in the original terms of reference, which spoke of significantly rationalising “the untenable forest of Codes, Standards, rules, regulations and guidance that add unnecessary cost and complexity to the housebuilding process”. Alternative terms of reference which looked at how to “increase the construction of high quality housing that meets social, economic and environmental needs now and in the future” would have permitted a wider discussion around the best way to encourage high sustainability standards without restricting development and would almost certainly have led to very different conclusions.
- b. The review and consultation ignore the benefits of the holistic nature of the Code. The Code has created a new culture where all aspects of sustainability are discussed in design meetings together. Separating the house from its surroundings will not only create unintended consequences, such as overheating (as mentioned in the consultation) but also reduce the driver for multi aspect solutions such as green roofs which can help improve thermal performance, ecology and surface water.
- c. The consultation fails to provide any quantifiable evidence to support the assertion that current standards and local authority requirements inhibit the development of new housing.
- d. Nor does it recognise that in order to produce ‘quality’ housing, where there are a large number of different contractors and personnel all working to have their own part of the development completed, checks or ‘compliance’ are as important as the design work that has gone into them.
- e. The consultation proposals do not accurately reflect the divergence of views expressed or the outcome of the various working groups.
- f. The impact assessment appears to overlook significant costs arising from the proposals to parties other than developers and landowners, and to neglect significant social, economic and environmental benefits which derive from many of the existing standards. Further details of this are given later in this response.
- g. Over half of the questions in the consultation use the formulation “Do you agree...?” The [Electoral Commission](#) advised in January this year that such wording was unsatisfactory (in relation to the referendum on Scottish independence), saying “the words ‘Do you agree’ could lead

in the Housing Standards Review would be covered in the planning practice guidance. However, the planning practice guidance was not published until 28 August, thus effectively reducing the consultation period for the Housing Standards Review. Moreover, there was no substantive discussion in the housing standards review steering group on these issues and no opportunity for members to get involved in the planning guidance process before the guidance was published in test mode.

- d. DCLG, with DEFRA support, are currently reviewing sound insulation criteria. This is a key area where the relaxation of standards could not only lower the performance of housing but also have significant impacts on the supply chain.
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8. It seems something of an oversight that the housing standards review makes no mention of the [“Code for Sustainable Homes Case Studies: Volume 4”](#), despite the fact that it was published by DCLG on the same day as the housing standards review consultation. This is especially the case given its conclusions that: “The case studies demonstrate that Code Level 4 can be achieved relatively easily by experienced developers and designers” (paragraph 10.1); “The majority of occupants were reported as being very happy with their homes, which they found to be warm and comfortable” (paragraph 10.28); and “Few seem to disagree that the Code for Sustainable Homes has played a vital role in driving sustainability issues up the agenda within house building” (paragraph 10.32).
 9. It seems particularly strange that there is no question in the consultation on one of its major proposals, to “wind down” the Code for Sustainable Homes. This tends to reinforce the impression that the process is more of a fait accompli than a genuine consultation. The proposal effectively to abandon the Government’s own overarching standard for sustainable housing is too important to be treated in this way. As it is not subject to a specific question in this consultation, there should be a separate consultation on the proposal to “wind down” the Code.

Material omissions

10. One of the elements for which there would be no standard if the consultation proposals are implemented is materials.

11. BRE does not accept the statement in paragraph 275 of the consultation document that ‘based on the inputs of the Steering and Working Groups there is no compelling case for local authority standard setting’ on materials. The Construction Products Association (with the help of BRE) prepared a discussion paper on this topic at the request of DCLG and the Steering Group but this was neither circulated to the group nor placed on the agenda. As a result no discussion occurred on this issue. This is despite various members stating that they saw materials as an important area of consideration which cannot be covered under planning guidance.
12. The setting of materials standards in the Code for Sustainable Homes and similar standards has been instrumental in encouraging manufacturers and suppliers to invest in improving the environmental performance of their products by reducing impacts and improving resource efficiency across the construction sector. A removal of such drivers will result in the loss of incentive to make progress and is likely to result in a fall off in standards as materials choice becomes focused on cost and functionality alone.
13. BRE has been working with the construction materials industry for over 20 years to develop and agree practical and cost effective methodologies that provide clarity and evaluation tools to specifiers on the life cycle impacts of materials selection without causing undue burden on designers and developers. This work has been a major influence on the development of European framework standards by CEN to the benefit of UK manufacturers and suppliers. As a result BRE has observed a significant rise in interest by manufacturers in life cycle assessment (LCA) – the basis of materials assessment in the Code.
14. The Code’s promotion of Responsible Sourcing of Materials (RSM), whilst less well established, is driving the rapid development of credible sector specific RSM standards across the breadth of materials sectors. Removal of Government drivers at this stage would result in the rapid drop-off in these development activities and as such would be highly detrimental to the availability of robust tools and guidance to developers, designers and clients. It would lead to a loss of much of the progress made to date and would result in the specification of most materials without the robust consideration of resultant social and ethical impacts. Responsible sourcing is a key element of Government procurement policies.
15. We agree that there has been considerable progress by manufacturers and suppliers but this is influenced by strong market drivers provided by the Code and similar standards. The Construction Products Directive (CPR) and other international and national standards (including BS, EN and ISO) are in themselves ineffective in promoting sound specification decisions without access to robust and comparable evaluation tools as they do not provide

consistent assessment methods and boundaries. Reliance on these standards alone would result in considerable inconsistency in the approaches taken by manufacturers and therefore confusion amongst developers and designers over LCA and RSM claims. This would significantly increase costs to many developers and manufacturers as they attempt to carry out such evaluation to guide procurement decisions.

16. Whilst there are opportunities for simplification of the requirements in the Code, it provides a widely understood and cost effective way of promoting sound procurement of construction materials. Any change in approach from these methods would incur large costs for industry in product redevelopment, testing/evaluation, reporting and retraining

A plan-led system or a recipe for chaos?

17. The Government has been keen, in publishing the National Planning Policy Framework (NPPF) and elsewhere, to stress the primacy of the development plan. S.38 (6) of the 2004 Planning and Compulsory Act states “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
18. Indeed, the Government’s mid-term review of the coalition agreement stated “We have invested in regional and local growth by:…
 - giving local authorities more control over planning by putting the local plan back at the heart of the system”
19. When the NPPF was published in March 2012 local planning authorities were urged to ensure they had local plans in place, and were given a 12 month breathing period to do so. Significant progress has been made. Over half of the local planning authorities in England have local plans that are adopted or at an advanced stage of preparation with policies which rely on the Code for Sustainable Homes.
20. The consultation document (and the Planning Practice Guidance which is currently in test mode) is now proposing to “wind down” the Code, and to allow local authorities to use only standards from a new national standards set, subject to rules on evidence and viability. Local planning authorities which had, in good faith, adopted policies referring to the Code, now find themselves facing potentially time-consuming and expensive revisions to

their plans. This lack of consistency and commitment from Government leads to confusion and uncertainty, and is likely to increase rather than reduce the number of different approaches being taken. It is also likely to increase the number of appeals, with associated delay and uncertainty.

21. The result of the housing standards review's proposals will almost inevitably be lower quality housing. Issues such as materials and ecology will disappear altogether, while the absence of voluntary standards in other areas will remove an important driver for innovation. Despite the fact that the consultation document states that the Government intends to produce a policy statement to "ensure that local planning authorities limit the use of discretionary standards to only those established as an outcome of this consultation", it seems likely that in law the provisions of the statutory development plan (particularly where that plan is recent) will prevail over such a policy statement.
22. Indeed, the consultation paper appears to anticipate such an outcome at paragraph 45: "If, in the light of experience, the government considers that the policy statement is not being accorded sufficient importance by planning authorities, the government will be ready to consider other options, including legislation, given the importance the government accords to this issue." Introducing such legislation would be likely to take considerable time, during which the scope for uncertainty and confusion would grow, to the detriment of all involved in the housebuilding industry and the likely delay or loss of housing development.
23. This emphasises the need for very clear arrangements to be put in place well in advance for any transition from the current situation to any new arrangements, but the consultation gives no indication of how these might operate or over what period. This is fundamental to any consideration of the impacts of the consultation proposals.
24. The [Mayor of London's proposed draft supplementary planning guidance](#) for sustainable design and construction, published for consultation in July 2013, serves to illustrate some of the potential difficulties in relation to the review's proposals. For example, it is proposing that new housing should achieve energy efficiency levels that are significantly above those in the 2013 revision to Part L of the building regulations, and which local planning authorities would be prevented from specifying under the housing standards review proposals. There are also potential areas of conflict between the draft London guidance and the review's proposals in relation to issues such as water use, materials, pollution, and sustainable drainage. This illustrates the tension that exists between the rather narrow and limited approach advocated by the review and the more holistic approach to securing sustainable new housing taken by some local authorities.

National prescription in place of local choice

25. The proposals in the housing standards review represent a significant shift from decisions being taken locally to prescription from central government. This appears to run counter to the intentions of the Localism Act. As the Local Government Association said in responding to the draft NPPF: “LGA believes the NPPF should not restrict local authorities from setting local standards that exceed minimum national standards where these would be supported by evidence to demonstrate that they are achievable and viable.”
26. While there is scope for simplifying the current regime by providing a robust framework for local standards, the changes proposed would undermine the efforts of local planning authorities which have developed local plan policies in accordance with paragraph 95 of the NPPF, based on sound evidence.
27. In terms of process and compliance, the consultation document suggests that “any standards emerging from this Workstream should be assessed by or through building control bodies”. This workload is likely to fall either to local authority building control officers, who are already under pressure, or to organisations such as the NHBC, where questions may arise as to how well this compliance could be linked to the planning process, a key issue for the HSR Process and Compliance Working Group. We are concerned that the proposals will render unachievable the [Government-supported ambition that 90%](#) of new housing will meet or perform better than the designed energy / carbon performance.
28. In addition, in a number of areas the consultation suggests that local planning authorities will need to engage in significant evidence-gathering work if they wish to apply standards higher than the national minimum. For example, the document suggests that areas of higher crime risk sometimes need to be defined “on a street for street basis”, and indicates that local authorities “would need to use a combination of crime statistics, historic evidence and co-ordination with local police services to identify where the level 2 standard should be used”. It is not clear where local planning authorities (or indeed local police forces) which have already experienced significant reductions in resources are likely to be able identify the additional resources necessary for this sort of work.

A flawed impact assessment

29. The impact assessment focuses very largely on the up-front costs to house builders of current standards. Other issues do not appear in any significant way in the assessment. There appears to have been no attempt to quantify the economic, social and environmental *benefits* of some of the current standards or the related impacts of the proposals across the broad range of house building stakeholder groups and professionals who are also responsible for providing quality and sustainable homes.
30. For example, considerable work has been done on the health benefits of high quality housing (and the costs to the NHS and individuals of poor housing). Research into the costs to NHS of failing to build to the Code indicates that, at a conservative estimate “winding down” the Code is likely to add initially £1m a year to NHS costs. These costs will continue throughout the life of the housing, typically well over 60 years, and will progressively accumulate as more houses are built to below-Code standard.
31. Equally, little account appears to have been taken of the potential costs to a range of agencies of the changes proposed: for example, the costs to local authorities of the proposal that building control become responsible for ensuring compliance with the new standards or that planning authorities be required to undertake major additional work in revising their local plans and in other areas.
32. These additional costs are very likely to dwarf the claimed £28 million cost savings to private housebuilders.
33. The Housing Standards Review impact assessment also does not appear to correlate with the impact assessment into the changes to Part L of the Building Regulations 2013 (August 2013). For example, Table 2.4 of the Part L Impact Assessment, assumes that in 2014 22% of housing will be built to Part L 2013 standards (which it equates to Code Level 4 and above) without a change in regulations. Table 5 in the Housing Standards review impact assessment states that 29% of housing will be built to Code Level 4 and above in 2014. By underestimating the number of Code Homes already built to Part L 2013 standards, the Government is reducing the counterfactual economic benefit of the Code. This (underestimated) benefit in Part L does not appear to have been taken into account in the Housing Standards Review Consultation.
34. The Government analysis also appears to ignore the fact that a significant proportion of homes built to the current Code level 3 (not just Code level 4,5 and 6) achieve far more than the minimum requirement in energy efficiency (to achieve the required 57 credits) and thus are being built to higher standards than Part L 2013.

35. There is no attempt to evaluate the costs of the proposed process for comparison with the current arrangements or any simplification of these. There is also no evaluation of the costs for designers, manufacturers, suppliers and developers in retraining and skills relating to the new systems and standards.
36. It also appears that some of the process costs for Part L / Part G have been included in the Code costs, and thus over-estimate the potential savings claimed for the proposals. The impact assessment states (paragraph 43) that process costs “can be extensive and very time consuming”, and can include “undertaking technical calculations, such as related to energy or water use”. Both of these use the same calculation methodology as Building Regulations and would have to be completed anyway, even without the Code.
37. These omissions raise serious concerns over the validity of the financial justification for the proposals.
38. One of the key elements of sustainable development is the concept of inter-generational equity – ensuring that we “don’t cheat on our children”, as former Environment Secretary John Gummer put it. However, there is virtually no attempt to assess the social, economic and environmental costs and benefits of the proposals over time.
39. These omissions and shortcomings are perhaps even more surprising given the explicit acknowledgement by Government of “the essential relationship between the economy and the environment” in its [response](#) to the final report of the Ecosystem Market Task Force in September 2013.
40. Whilst the impact assessment takes into account the benefit to business of no longer having to pay extra over cost it does not appear to examine the impact on businesses that will have lost business as a result of these changes or which will incur costs as a result of the proposed new standards. Organisations such as small assessor companies are likely to see their workload drastically cut or lost altogether, putting livelihoods at stake. As AA Energy Consultants Ltd said in their written evidence to the Environmental Audit Committee: “If the Government go ahead with their proposals to wind down the code for sustainable Homes, it will result in my business losing approx. £75,000 a year. This is 35% of our income, and would close the business down almost instantly.” The damaging impact on small and medium sized businesses will be considerable.
41. These sorts of impact need to be taken into account if the assessment is to provide a complete picture.

42. One of the benefits that has not been quantified is the fact that homes built to Code standards are “future proofed”, in particular by being resilient to future changes. If the standard is dropped they may become unpleasant to live in or even uninhabitable if the current trend of climate change continues. This would result in mass refurbishment being required in order to make these homes fit for purpose. This would need funding either from homeowners or local or central government, and would represent an extra over cost of a different order of magnitude to any of the others mentioned within the impact assessment.
43. We have made further comments in Annex A regarding the actual costs used within the Impact Assessment.

About BRE

44. BRE has an unrivalled history of research and expertise in construction and other aspects of the built environment stretching back for over ninety years. The constituent companies within the group gift aid their profits to the BRE Trust (a registered charity) to undertake research and education for the benefit of the built environment.
45. Through its research, testing, certification, consultancy and other services BRE supports the construction industry. It plays a major role in helping the industry to innovate and bring about positive change in the built environment.
46. BRE occupies a unique position, both as the UK’s de facto centre of excellence for the built environment and in terms of its track record and expertise in promoting sustainability. It was the first organisation in the world to develop and operate certification schemes to promote the development of sustainable buildings, and now has over twenty years’ experience in this field. It was largely for this reason that the Government looked to BRE when it wished to develop the Code for Sustainable Homes, which BRE Global manages under contract to the Department for Communities and Local Government. The Code has provided a robust framework around which developers and their suppliers and manufacturers have structured their practices and products, with significant investment over recent years.

Annex A: responses to the consultation questions

Q1 Which of the options (A, B, or C) set out above do you prefer? Please provide reasons for your answers.

None of the above as described. An amended version of Option A (nationally described standards set operating in addition to regulations) might be acceptable provided any definition of viability ensured that social, economic and environmental factors were given equal consideration in both the short and long term. These should be built on the current standards to avoid unnecessary burdens on developers and other stakeholders.

Q2 Do you agree that there should be a group to keep the nationally described standards under review? Y/N.

Yes, potentially, depending on its composition and terms of reference. Governance structures should allow rapid changes to take account of technological advances and promote innovation and ensure that standards are kept up to date.

Q3 Do you agree that the proposed standards available for housing should not differ between affordable and private sector housing? Y/N. Please provide reasons for you answer.

Yes. There is no reason why one group of people should have lower housing standards than another. In addition, given the range of different tenure options now available, it would be administratively complex to divide tenures into for example two simple categories. However, Government should still be able to support innovative sites which strive to achieve far higher levels of sustainability than others.

Q4 We would welcome feedback on the estimates we have used in the impact assessment to derive the total number of homes incorporating each standard, for both the “do nothing” and “option 2” alternatives. We would welcome any evidence, or reasons for any suggested changes, so these can be incorporated into the final impact assessment.

The figures used here seem low. The government’s own impact assessment for Changes to Part L of the Building Regulations has higher numbers of homes to be built than even the “high estimate” of this impact assessment. The figures contained within the Part L assessment are mirrored in the Construction Products Association’s “Construction Industry Forecasts 2013-2017” which support the view that the numbers contained within this impact assessment are low.

Q5 Do you agree that minimum requirements for accessibility should be maintained in Building Regulations? Y/N.

Yes.

Q6 a) Is up-front investment in accessibility the most appropriate way to address housing needs, Y/N.

if Yes,

b) Should requirements for higher levels of accessibility be set in proportion to local need through local planning policy? Y/N.

a) Yes.

b) Yes.

Q7 Do you agree in principle with the working group's proposal to develop development of a national set of accessibility standard consisting of a national regulatory baseline, and optional higher standards consisting of an intermediate and wheelchair accessible standard? Y/N.

Yes as long as LPAs who require additional features for particularly vulnerable or disabled people are not prevented from specifying them. Standards should take account of the need to ensure an appropriate level of accessibility to allow occupiers to cope with normal demographic and health changes such as caring for young children, aging, injury, etc.

Q8 Do you agree with the costs and assumptions set out in the accompanying impact assessment? Specifically we would like your views on the following:

a) Do you agree with the estimated unit costs of Life Time Homes? If not we would appreciate feedback as to what you believe the unit cost of complying with Life Time Homes is.

No.

In terms of costs, the impact assessment assumes that the Life Time Homes (LTH) costs happen for each development. This is incorrect as once a developer has adjusted their house types for LTHs they will use this house type over and over again. Many developers have LTH types and non LTH types. This is important to remember when thinking about **transitional costs** to a new standard.

Costs range from £1,035 to £1,051. This is roughly double the 2009 Element Energy Costs of LTH, yet there is no explanation to why this is.

There are no benefits of LTH measured in the impact assessment. In the 2009 Element Energy costs analysis, the benefits of having LTH in a property were around £1,200 per plot.

Due to the above the transitional costs (from LTH standard to new standards) will be much higher than the impact assessment assumes as developers will need to redesign whereas if LTH was kept they would not have to. This is likely to have a disproportionate impact on smaller developers.

- b) Do you consider our estimates for the number of homes which incorporate Life Time Homes to be accurate? If respondents do not consider our estimate is reasonable we would appreciate feedback indicating how many authorities you believe are requiring Life Time Homes standards.**

Wheelchair Housing Design Guide/standards:

No.

The impact assessment states that 90% of housing in London is LTH, while only 5% of new housing elsewhere is. This is incorrect as places such as Liverpool also require it. This gives the effect of reducing the current impact of LTH.

- c) Do you agree with the figures and assumptions made to derive the extra over cost of incorporating Wheelchair Housing Design Guide? If not we would welcome feedback along with evidence so that we can factor this into our final analysis.**

No.

It is unclear why EC Harris use their own costs for hourly earnings when there is a nationally recognised survey (The Annual Survey of Hours and Earnings – ASHE) which gives the earnings of people within specific fields. The EC Harris figures are considerably higher than those found within the ASHE survey, leading to the belief that the process costs are not representative of the costs that would be charged by practitioners in the field. The impact assessment admits as much, noting that “an individual will not be able to charge out 100% of their time at this charge out rate”, and that “EC Harris use a higher wage rate than would typically be used for government appraisal” (paragraph 111). It is inappropriate for this figure to be used in the calculation of an average if it is over and above what is usually used, and it would be more sensible for the ASHE figures to be used for the calculation of the professional fees to give a more representative impression of what happens in practice.

- d) **Do you have evidence of requirements for and the costs other wheelchair standards which we have not estimated? We would appreciate the estimated costs of complying with the standard and how it impacts properties.**
- e) **Do you consider our estimates for the number of homes which incorporate wheelchair standards to be accurate (in the “do nothing” and “option 2” alternatives). If you do not consider the estimate to be reasonable, please could you indicate how many authorities you believe require wheelchair standards.**

Q9 Do you believe that the estimated extra over costs in the Impact Assessment reflect the likely additional cost of each level?

No – see above.

Q10 Do you agree that level 3 properties should be capped in order to ensure local viability calculations remain balanced? Y/N

If yes, at what level should the cap be set?

No. Housing supply needs to be fit for purpose. LPAs are best placed to decide how many homes would be required as long as there is a robust method of identifying local needs now and into the future.

Q11 If a cap were to be adopted should it, in principle;

- a) **Vary across tenure?**
- b) **Be flat across tenure?**

N/A.

Q12 To what extent would you support integration of all three levels of the working group’s proposed access standard in to Building regulations with higher levels being ‘regulated options’? Please provide reasons for your answer if possible.

- a) **Fully support.**
- b) **Neither support or oppose.**
- c) **Oppose.**

b

Q13 Would you support government working with industry to promote space labelling of new homes?

We support space labelling as a mandatory requirement if used alongside a minimum space standard to ensure that claimed uses for spaces are practical. Labelling only works where the consumer is given sufficient choice in the market and there is little confidence that this would occur without a basic statutory driver.

Q14 Do you agree with this suggested simple approach to space labelling? Y/N.

No.

Q15 If not, what alternative approach would you propose?

See Q13.

Q16 Would you support requirements for space labelling as an alternative to imposing space standards on new development? Y/N.

No. A simple GIA metric is too restrictive and would stifle more innovative solutions that would still be practical. This is especially important in high density starter homes markets etc. It is unclear how the market would interpret a simple GIA metric

Q17 Would you support the introduction of a benchmark against which the space labelling of new properties is rated? Please give reasons for your answer.

We would support the introduction of a benchmark since this would allow new homes to have a 'space' rating which would make it easy for buyers to understand how the home performs, in terms of space, storage and functional living areas.

Q18 Which of the following best represents your view? Please provide reasons for your views.

- a) **Local authorities should not be allowed to impose space standards (linked to access standards) on new development.**
- b) **Local authorities should only be allowed to require space standards (linked to access standards) for affordable housing.**

- c) **Local authorities should be allowed to require space standards (linked to access standards) across all tenures.**

c)

Q19 Do you think a space standard is necessary (when linked to access standards), and would you support in principle the development of a national space standard for use by local authorities across England? Y/N

We support space labelling as a mandatory requirement if used alongside a minimum space standard to ensure that claimed uses for spaces are practical. Labelling only works where the consumer is given sufficient choice in the market and there is little confidence that this would occur without a basic statutory driver.

Q20 Do you agree with the proposed limiting of the scope of any potential space standard to internal aspects only? Y/N

No. External space is vitally important to health and wellbeing and current planning guidance proposals do not adequately promote external provision especially in connection with private space. One very good example where this could be easily introduced would be within apartment blocks, where balconies provide multiple benefits, including to health and well-being.

Q21 Do you agree that Space Standards should only be applied through tested Local Plans, in conjunction with access standards, and subject to robust viability testing?

No – see Q18.

This question raises far more general issues about the Government's approach to viability, and the interaction between housing standards and the planning system.

The draft planning practice guidance states that "Local Plans should present visions for an area in the context of an understanding of local economic conditions and market realities. This should not undermine ambition for high quality design and wider social and environmental benefit but such ambition should be tested against the realistic likelihood of delivery."

In introducing the NPPF in Parliament on 27 March 2012 the Planning Minister, Greg Clark, stated: "Nothing that is unsustainable can override that fact by using the viability test. That is for local plan makers and local councillors to determine." [Hansard 27 March 2012, column 1344] It would be useful for the draft guidance to include this statement as a clear reflection of Government policy.

The draft guidance states that there is “no standard answer to questions of viability, nor is there a single approach for assessing viability. The National Planning Policy Framework, informed by this Guidance, sets out the policy principles relating to viability assessment. A range of sector led guidance on viability methodologies in plan making and decision taking is widely available.”

This is confusing. The majority of those involved in both the development industry and who have addressed the issue from an academic point of view appear to consider that the idea of conducting a viability appraisal of a local plan is both conceptually and practically flawed. Most local plan authority areas are far too big, and the timescale covered by a local plan far too long, for such an appraisal to have any practical use.

However, apart from the fact that the NPPF approach is impracticable, the draft guidance goes on to refer to sector led guidance (though without naming it), despite the fact that both the Taylor review and the Government response to it concluded that there should be no such guidance referred to on the Government’s planning practice guidance webpages. The Government should clarify which approach it is taking.

The range of factors which the guidance suggests should be taken into account in assessing viability is inadequate. No plan or development proposal should properly be considered viable if, for example, it involves unacceptable costs for future generations, or significant adverse impacts on health and wellbeing – even if it delivers a “competitive return” for developers and landowners. The guidance should stress this point, reflecting both Greg Clark’s comment, and the NPPF’s statement that “to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system” (paragraph 8).

Q22 Do you agree with the costs and assumptions set out in the impact assessment? We are particularly interested in understanding;

- a) Do stakeholders agree with our assumption that house builders are able to recover 70% of the additional cost associated with space in higher sales values?**
- b) Do you agree with the extra over unit costs we have used for the current and proposed space standards? If you do not agree, could you provide evidence to support alternative figures for us to include in the final impact assessment?**
- c) Do you agree with the proportion of homes we have estimated to have taken up space standards in the “do nothing” and “option 2” alternatives? If you do not agree,**

could you provide evidence to support alternative figures for us to include in the final impact assessment?

Please provide reasons for your answers.

Q23 If you do not agree with the costs set out in the impact assessment please state why this is the case, and provide evidence that supports any alternative assumptions or costs that should be used?

We feel that the costs outlined in the impact assessment do not take full account of the fact that some of the costs will already be incurred within the building regulations. Having asked our network of assessors for their own views they have provided us with a number of examples of this and other reasons why the costs quoted in the impact assessment are not representative of those that would be experienced in practice.

Examples of the views from assessors include: *“Surface water run-off - these would normally be required for planning so would not constitute an additional cost. Internal water - time allocated excessive. Many of the smaller items are excessively costed - eg Nox emissions, 2hrs/house is far too much.”*

“We disagree with the amount of time to assess ENE 1, in our experience 30mins to 1 hr max. ENE 3 the same comment, less time taken to assess and the comments field refers to a light fitting, what version of code was reviewed? WAT 1 calculator tool technical support appears excessive, 1 - 2 hrs in our experience per 50 unit site. MAT 1 we would say 25mins per house type max on a 50 unit site, MAT 2 and 3 where sought would be treated separately to MAT 1 and 1 – 23 hours each per site. SUR 2, we are not sure what is over and above the standard FRA as stated in the comments field, in most cases a code FRA is simpler than the PPS 25 requirements. POL 1, in our experience it is not time consuming and certainly does not take 4 hours. All the manufacturers we deal with provide the information easily via website, this has been regularly asked for since EcoHomes in 2003 and CFSH introduction. POL 2, we do not think it takes 2hrs to source NOx emission information from manufacturers we would say 30 – 45mins max. HEA 1, we would say 30mins for calculations, and HEA 2 requires 30mins to 1hr for the whole 50 unit site. MAN 4, the comment stating SBD to be completed is inaccurate, section 2 compliance only, no certificate is required.”

See also the answer to Q8c.

Q24 We also need to verify how many local authorities are currently requiring space standards, and what those space standard requirements might be. Can you identify any requirements for

space standards in local planning policies? – please provide evidence or links where possible.

Q25 Can you provide any of the following, (supporting your submission with evidence wherever possible)?

- a) Evidence of the distribution of the size of current private and affordable housing development?**
- b) Evidence of space standards required by local authorities stating what is required and by whom?**
- c) Evidence of the likely cost impact of space standards?**

Q26 What issues or material do you consider need be included in H6 of the Building Regulations, in order to address the issues identified above?

The Code for Sustainable Homes goes beyond the current requirements in Building Regulations H6. Within H6 there are limited requirements for accessibility. The Code provides a standard of accessibility for all residents to be able to put out their rubbish/recycling/composting from their doorstep to the outside storage. This is not accounted for in the regulations.

Equally the Code requires specific sizes for recycling bins (both internally and externally). This inexpensive requirement can be the difference between a household starting to recycle/compost their waste or not. Not thinking about space for bins (both internally and externally) can lead to expensive, unsightly and unusable solutions.

Q27 Do you agree with this approach to managing cycle storage? Y/N.

No. The Government has stated that it wants to see cycling become more widely available as a safe, convenient and everyday mode of transport. Ensuring that adequate cycle storage is provided in new development is an essential part of this although current Code requirements should be reviewed to avoid over prescription. The planning system should take an integrated approach to land use and transport planning. It is expected to ensure appropriate provision for the parking of cars and should do the same for cycles.

General comments on security

Design for security relates to both good site planning and design and appropriate specification of the building envelope, built form and systems such as locks. The inherent properties of a development are set at site layout stage and the current proposals fail to recognise this. Whilst these could be covered in detailed planning guidance this is not the case in the current beta guidance and a more joined up approach to good security design is needed to achieve the best results.

The preferred option and standards proposed do not go far enough and may result in a future housing stock which is not capable of providing appropriate levels of security. Further long-term costs have not been considered in the consultation, such as the implementation, maintenance and enforcement of any new standards, and it has not explained who will absorb these additional responsibilities. Furthermore, the focus of the consultation is burglary. No consideration is given to other crime types associated with domestic security (vehicle crime, deception burglary, arson, insecure burglaries and other/miscellaneous theft), despite these being influenced by the design, layout and specification of developments and properties.

The consultation confuses 'basic' and 'enhanced' security with the 'Level 1' and 'Level 2' standards, and draws judgement on the latter based on figures obtained on the former. In fact, these two data sets are not directly interchangeable. The judgements in the consultation in respect to this are therefore flawed.

The content of the technical standards contain flawed requirements and language/terminology open to interpretation, and may lead to a watering down of the standards and inconsistent application. Furthermore, the consultation fails to recognise that a meaningful physical security specification should be balanced against other factors such as the local demographic, tenure type and layout/spatial considerations (as currently considered by the Code). Implementation of the consultation proposals could result in homes being built with inappropriate security specifications unless the issue of security is considered holistically (as with Secured by Design).

The lack of requirement for third-party certification of products means the developers will still be expected to procure premium rated products though may not be gaining the performance levels currently delivered and enforced by equivalent products in homes built to Secured by Design (SBD) standards today via the Code.

Analysis of statistics

We suggest that the consultation is incorrect in stating that homes with security above and beyond 'basic security' are no less likely to be targeted. Our analysis suggests homes with enhanced security are half as likely to be targeted by burglars as homes with basic security. On this basis, we believe the rationale, proposals and preferences outlined in the consultation are misinformed and fundamentally flawed.

Q28 Do you support the view that domestic security for new homes should be covered by national standards/Building Regulations or should it be left to market forces/other?

a) national standards/Building Regulations

b) market forces/other

Where possible, please provide evidence to support your view?

a) national standards/Building Regulations

Consumers and insurers have limited ability to influence levels of security provided in new homes (paragraphs 159 and 160).

Warranty providers' requirements are largely driven by the need to be competitive (paragraph 162).

Therefore, in the absence of pressure from homebuyers, regulations or schemes such as the Code for Sustainable Homes:

- House builders will reduce their security offering (to deliver greater profits / cheaper homes)
- Warranty providers are likely to be pressurised to accept those reductions in security.

This will leave future homes more vulnerable to crime.

The statistics indicate that those with enhanced security (i.e. security beyond locks on some windows and doors) were significantly less likely to be targeted by burglars (53.9% of total number of people responding to survey) than those with basic security (12.6% of total number of respondents) or those with no/little security (23.4% of respondents).

The consultation document and supporting impact assessment prepared by EC Harris both appear to fail to take into account broader benefits gained from the Code and its support of the Crime Prevention through Environmental Design (CPTED) principles contained within SBD's 'standard'. The SBD design requirements, which cover external layouts as well as building fabric, can lead to reductions in anti-social behaviour (vandalism (including graffiti), abuse, arson, etc.) and hence to reductions in costs associated with those crimes. Such reductions do not appear to have been quantified as part of the impact assessment, thereby resulting in results not fairly presenting the benefits of Code /SBD.

The crime figures indicate that a number of people suffer symptoms of stress and depression as a result of burglary (whether that burglary attempt was successful or not). However, the associated costs to those individuals and society at large (e.g. costs to NHS, sick pay or potential loss of income tax revenue to treasury resulting from unpaid leave if periods of sickness are extended) do not appear to have been accounted for in the impact assessment.

**Q29 Part 1: Do you think there is a need for security standards?
Y/N**

Yes

Part 2: If yes, which of the approaches set out above do you believe would be most effective to adopt (please select one only)?

- a): Option 1 – A baseline (level 1) standard and a higher (level 2) standard.**
- b): Option 2– A single enhanced standard (level 2) for use in areas of higher risk only.**

Option 1.

This is supported by the statement made in paragraph 177. Furthermore, if there were no security requirements (voluntary or otherwise) security for bulk of UK homes would be simply led by market forces which our answer to Q28 has already identified cannot be relied upon for ensuring suitable levels of security are implemented in new homes.

Q30 If the level 2 standard is used how do you think it should be applied;

- a) On a broad local basis set out in local planning policy?**

Or

- b) On a development by development basis?**

Development by development basis

Although crime levels vary on a regional basis, there is generally greater variance at a micro level (i.e. from street to street and even plot to plot).

Aspects such as the design and layout of individual schemes greatly influence criminal behaviour. This is accounted for within the Code, and allows proportionate application of crime prevention measures.

Q31 Do you believe that there would be additional benefits to industry of integrating the proposed security standards in to the Building Regulations as 'regulated options'?

Yes.

Integration into the Building Regulations would remove the need for the creation of a new delivery mechanism, and costs associated with setting up such a system. However, it is recognised that building control officers would need to cover more work. That impact could be minimised by reliance on existing network of licensed Code assessors.

Q32 Q1: If security standards are integrated in to the Building Regulations, would you prefer that;

a) level 1 and level 2 become optional 'regulated options' for use by local authorities?

Or

b) level 1 be required as a mandatory baseline for all properties with level 2 a regulated option for use by local authorities?

b) Level 1 be required as a mandatory baseline for all properties with level 2 a regulated option for use by local authorities

Level 1 is already generally provided by the majority of house builders. Its use as a 'baseline' would only raise the standards of the less responsible minority of house builders.

Q33 Do you agree with the overall costs as set out in the accompanying impact assessment? Y/N. If you do not agree, then do you have evidence to support alternative figures?

No. Refer to answer to Q35.

Q34 Do you agree that level 1 security reflects current industry practice? Y/N. If you do not agree, then do you have evidence to support an alternative view?

No. We would suggest more than the 80% of new homes suggested in paragraph 147 of Document 1 (Consultation Document) exceed level 1 standards.

However, the definition of level 1 security presented in document 2 (i.e. Illustrative Technical Standards) is very open to interpretation. Homes constructed in accordance with that standard may therefore actually fall below the level intended.

Q35 Do you agree with the assumptions used to derive the extra over cost of Secured By Design as set out? Y/N. If you do not agree, then do you have evidence to support alternative figures?

No. We question the unit cost of SBD doorsets (particularly when purchased in high quantities) and believe the trade price to be lower than that in the EC Harris report. Furthermore, the EC Harris specification strictly follows SBD requirements. We suggest that local interpretation of SBD requirements may lead to certain requirements being offset, or downgraded (due to low crime risk for example). Therefore, we suggest the cost per SBD dwelling stated by EC Harris is a high end estimate and does not accurately reflect the cost to industry.

Q36 Do you agree with the number of homes which incorporate Secured By Design standards that have been used in the accompanying impact assessment? Y/N. If you do not agree, then do you have evidence to support alternative figures?

No. The number of homes incorporating SBD standards is based on ACPO data. It is unlikely to include homes incorporating SBD measures that have not been formally registered with SBD (i.e. those which have not been subject to an SBD application). The numbers quoted should therefore be regarded as a minimum.

Q37 Do you agree with the assumptions of the growth in the use of Secured By Design standards over the 10 years of the 'do nothing option' in the accompanying impact assessment? Y/N. If you do not agree, then do you have evidence to support alternative figures?

No. Under the 'do nothing option' we do not believe the percentage of homes built to SBD standards will be static at 4.7%.

Uptake of the standard is likely to increase only if there is further education about the benefits of home security to local decision makers and homebuyers, and further research backing the effectiveness of SBD is released. In the absence of the Code (currently a primary driver for uptake of SBD), there is likely to be a significant drop in future uptake of SBD.

Q38 Do you agree with the assumptions for the 'take up' of the proposed security standards in the accompanying Impact Assessment? Y/N. If you do not agree, then do you have an alternative estimate that can be supported by robust data?

No. If this question relates to EC Harris' assumption that 80% will need to apply Level 2 standard (Para. 99 of Impact Assessment); it is not clear how the 80% was derived.

Q39 Do you agree with the unit costs as set out in the accompanying impact assessment for the "do nothing" and "option 2" alternatives? Y/N. If you do not agree, please provide evidence to support alternative figures for us to include in the final impact assessment?

No. The consultation document claims that crime figures show that enhanced security offers no additional reduction in risk of burglary than basic security (Para. 156).

However, our assessment of the supporting crime statistics suggests having enhanced security halves a home's chances of being targeted by a burglar. Furthermore, other security aspects contained within the Code/SBD help to reduce potential threat of other crimes being committed. If these differences were accounted for within the impact assessment, the extra-over cost of achieving enhanced security would be far less than predicted and may well result in a net benefit.

Q40 Do you agree a national water efficiency standard for all new homes should continue to be set out in the Building Regulations? Y/N.

Yes.

Q41 Do you agree that standards should be set in terms of both the whole-house and fittings-based approaches? Y/N.

Yes, we agree that both standards are necessary and provide an effective means of reducing water consumption. The majority of the house-building industry is very familiar with and geared up to delivering standards through the whole house approach which has been effective since 2007 through the Code for Sustainable Homes and subsequently through Part G of the Building Regulations.

Removing the whole house approach would add additional burden and inflexibility to house builders who are already used to this approach, requiring them to change their processes and specifications to meet a new standard. The addition of a fittings-based approach is supported as a 'deemed to satisfy standard' as it provides a simple approach for those not familiar with the whole house approach. However, we would not support the use of a fittings based approach on its own, as this would remove some of the flexibility provided under the whole house approach, which

allows developers to provide a bespoke set of fittings to meet client requirements that also meet minimum water efficiency standards.

Q42 Do you agree that the national minimum standard set in the Building Regulations should remain at the current Part G level? Y/N. (see also Question 43)

Yes.

Q43 Do you agree that there should be an additional local standard set at the proposed level? Y/N.

Yes.

Q44 Do you agree that no different or higher water efficiency standards should be able to be required? Y/N.

No.

The higher water efficiency standards appear to be based upon water efficient technology that is currently widely specified and do not provide an allowance for technology that goes beyond this, for example, advances in more efficient washing machines and dishwashers that go beyond the specified standards. The Department of Energy and Climate Change is currently trialling a new labelling scheme for white goods with John Lewis that looks at the lifecycle impact of products. It seems sensible that there should be a joined up approach to promote the advancement of standards in water efficient technology. Rather than drawing a line at the current proposed standards it would make sense to have a standard in place that promotes an advancement in product performance, creates a driver for product manufacturers to innovate which helps stimulate new growth and even greater levels of water efficiency.

The standards make no reference to the promotion of water recycling and rainwater harvesting technology where these are deemed practical. This is an area of innovation and growth for the UK economy with new technologies being developed to meet this need. The sector is responding to concerns over maintenance costs and reliability. The Code for Sustainable Homes currently provides a voluntary driver for such technologies which under the proposed standards has been ignored. This is a change from earlier versions of the Code where it was compulsory in many circumstances. While it is sensible to require a minimum water efficiency standard which cannot be offset by the use of rainwater and water recycling, it is wrong for them to be ignored. There should at least be a question within this consultation to look at whether rainwater and greywater should be considered by the standards.

Q45 Would you prefer a single, tighter national baseline rather than the proposed national limit plus local variation? Y/N.

No.

Q46 Do you agree that local water efficiency standards should only be required to meet a clear need, following consultation as set out above and where it is part of a wider approach consistent with the local water undertaker's water resources management plan? Y/N.

This question is ambiguous and is not clear whether this relates to the minimum regulator baseline or the upper standard. We agree that there should continue to be a minimum regulatory baseline for water efficiency that is required nationally, irrespective of local circumstances. For the upper standard, we agree that this should only be required to meet a clear need such as where there area is subject to water scarcity.

Q47 Should there be any additional further restrictions/conditions? Y/N.

No.

Q48 Do you agree with the unit costs as set out in the accompanying Impact Assessment for the "do nothing" and "option 2" alternatives? Y/N.

If you do not agree, please provide the evidence to support your alternative figures

The figures for the "Do Nothing" approach appear to be sound as they have fallen from the previous cost review in line with what we would expect given the learning rates of specifying and installing such systems. As the Government has acknowledged these costs will almost certainly continue to fall over the next few years as the industry continues to build more sustainable homes and as components become more mainstream and therefore cheaper to manufacture.

Q49 Do you agree with the number of homes which we estimate will incorporate the proposed tighter water standard in the accompanying Impact Assessment? Y/N.

If you do not agree, please provide the evidence to support your alternative figures

Yes.

Q50 Do you currently require through planning that new homes are built to a higher standard of water efficiency than required by the Building Regulations through:

a) a more general requirement to build to Code Level 3 or above?

Or

b) a water-specific planning requirement?

And

c) are you likely to introduce or continue with a water-specific water efficiency standard (beyond the Building Regulations) in the future?

N/A.

Q51 The government considers that the right approach is that carbon and energy targets are only set in National Building Regulations and that no interim standard is needed. Do you agree? Y/N.

If not, please provide reasons for your answer.

No.

The proposed uplift for the 2013/14 Building Regulations is lower than either of the consultation options and still leaves a significant gap to be bridged in order to realise the proposed 2016 carbon compliance targets which have been developed by the Zero Carbon Hub.

Without any interim standard, developers will face a very steep learning curve come 2016 and there is a risk that the agreed carbon compliance requirements will have to be reduced which will in turn place more onus on allowable solutions in terms of meeting the zero carbon requirements.

An interim standard would encourage developers to start investigating ways of bridging the gap to the 2016 requirements now. Without any driver to start moving towards the 2016 requirements, it is likely that the cost of achieving compliance in 2016 will be increased because the industry will not have had time to develop cost

effective methods of meeting the requirements or put the necessary supply chains in place.

We are also concerned at Government statements (e.g. at the Environmental Audit Committee) implying that the proposed 2013 Part L regulations fall midway between Code Levels 3 and 4, where in fact they are far closer to Level 3 than 4. In addition, at present a significant proportion of Code Level 3 homes are already achieving the 2013 Part L standards due to the fact that they exceed the minimum requirements in Ene 1. (Additional credits are usually achieved in Ene 1 in order to gain the 57 points required for the full Code Level 3).

In fact, it is likely that under the Government's proposals a significant proportion of developments would be built to lower energy efficiency standards than the present day counterparts, particularly in areas such as London.

Q52 Are respondents content with the proposal in relation to each energy element of the Code for Sustainable Homes? Y/N.

If not, what are the reasons for wanting to retain elements? If you think some of these elements should be retained should they be incorporated within Building Regulations or set out as a nationally described standard. Please give your reasons.

No.

ENE1/ENE2: Further to the answer to Q51, we believe there is still a place for a standard to set energy performance requirements in terms of Carbon Emissions (ENE1) and Fabric Energy efficiency (ENE2), beyond the minimum standards set out in the Building Regulations.

ENE3: The intention of the Energy Display Device is to provide live energy consumption data to increase awareness and encourage occupiers to reduce demand. It is not clear if all smart meters installed by energy suppliers will be coupled with an in-home display. If not, then there is still potentially a role for Energy Display Devices.

ENE4: As regulated energy consumption reduces in line with Building Regulations, the proportion of total energy consumption associated with unregulated energy use increases and becomes more important. In addition, ENE4 includes requirements for ventilation of drying space which are more relevant now than ever before due to the improving air tightness of new homes.

ENE5: As above, unregulated energy becomes more important as regulated energy requirements are tightened. All products must be labelled, but it is still possible to require the use of products with the best ratings.

ENE8: Whilst not necessarily appropriate for inclusion within any requirements relating to energy, there is still a demand for a standard covering the adequate provision of secure cycle storage.

Q53 Do consultees agree with the number of homes we have estimated which currently have a renewable target and the costs associated with incorporating such a target? Y/N.

Q54 Do you agree with the unit costs for the code set out in the accompanying impact assessment for the “do nothing” and “option 2” alternatives? Y/N.

If you do not agree, please provide the evidence to support your alternative figures

No.

The impact assessment appears to include a number of process costs that should be attributed to the Building Regulations. Section 43 of the impact statement states that process costs include calculations relating to Energy or Water usage. The Code takes information from the relevant National Calculation Methodologies (SAP / Water Efficiency Calculator for New Dwellings). Further calculations are required only on a limited number of higher Code level homes.

Q55 Do you agree with the proportion of homes we have estimated will incorporate the Code and the Planning & Energy Act 2008 (aka Merton rule) over the next 10 years? Y/N.

If you do not agree, please provide the evidence to support your alternative figures

Q56 What are your views on the future of the Planning and Energy Act 2008 (“Merton’s Rule” type planning policies) in relation to the preferred Building Regulations only approach to energy standards?

Whilst we agree that it is inappropriate for local planning authorities (LPAs) to set specific targets for renewables (as in the Merton Rule), it is important that they should retain the ability to require developments to utilise local low carbon infrastructure (e.g. district heating schemes) where available.

The confusion and contradiction in some planning requirements has arisen as a result of an inappropriate use of “Merton Rule” type prescriptive requirements in addition to the more flexible “fabric first” approach promoted by the Code.

Bearing in mind the NPPF's requirement (paragraph 94) that "Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change" in line "with the objectives and provisions of the Climate Change Act 2008", LPAs should, however, retain the ability to specify more ambitious energy/carbon targets than Building Regulations.

Q57 Government is interested in understanding the extent to which daylighting in new homes is a problem, and the appetite for a daylighting design standard to be available to designers and local authorities.

- a) **Do you believe that new homes are not achieving a sufficient level of daylighting in habitable rooms? Y/ N. If so what evidence do you have that this is the case (please submit evidence as part of your consultation response)?**

We believe that there is a minority of new homes that do not have adequate daylight. These are mainly on the lower floors of large new developments, especially in courtyard developments with balconies above the windows. The evidence for this can be found in planning submissions to local authorities.

Although there is a market push towards daylit homes, in areas of high demand developers make more money by having more units in tall, closely spaced buildings, even if some of them have sub-standard daylight provision.

- b) **Do you think that it is desirable to consider having a national daylighting standard for use in the design of new homes? Y/N.**

Yes, for several reasons:

1. Daylighting is a health issue; lack of access to daylight can affect circadian rhythms and may impact mental health.
2. Often the dwellings affected are those on the ground and lower floors which are more likely to be occupied by the elderly and disabled.
3. Having poorly lit new homes can blight adjoining development land because building opposite can further reduce the levels of light.
4. There is a regulatory inconsistency, in that a home could in principle be given permission to be built, but then declared as unfit for habitation and not occupied.

Q58 Do you agree that a review of simple percentage based methodologies should be undertaken to help determine if such an approach is fit for purpose? Y/N.

If you have any relevant research or evidence please submit this as part of your consultation response.

Yes. We suggest a three tier approach which includes a simple percentage based window area test where there are few obstructions outside, an average daylight factor test for more obstructed situations, and a full daylight calculation if the developer wants to account for the benefits of advanced daylighting techniques (use of atria, redirecting glazings or reflecting surfaces).

BRE could undertake this review as we have very detailed experience of daylight calculation and setting targets.

Q59 Do you agree that sunlighting should sit outside the scope of this review? Y/N.

Sunlight ought to be included in the review because of the health benefits it brings. However, it is likely to be more difficult to include in a national standard for dwellings. Many new dwellings are on restricted sites with limited access to sunlight. In others there may be a conflict between sunlight provision and attractive views out.

Q60 Do you agree that essential indoor air quality issues should be addressed through ongoing review of Part F (Ventilation) of the Building Regulations? Y/N.

Yes, but with higher standards optional.

Q61 Do you agree that materials standards are best left to the market to lead on? Y/N.

No.

Q62 Which of the above options do you prefer (1, 2, or the hybrid approach)? Please provide reasons for your answer.

Both approaches, if based on the proposed framework of standards, miss out a significant proportion of sustainability standards that are currently in the Code. Neither approach is holistic or likely to encourage designers to provide multifunction solutions.

Q63 Do you think that moving to a nationally consistent set of housing standards will deliver supply chain efficiencies to home builders? Y/N.

If yes, can you provide estimates and evidence of the level of efficiency that could be achieved?

No.

The Code for Sustainable Homes already provides a nationally consistent set of housing standards that deliver supply chain efficiencies to home builders. It has provided many suppliers with the marketing and framework to supply products at competitive prices, from large national suppliers to smaller more specialised companies

Q64 Do you think that moving to a nationally consistent set of housing standards could help reduce abortive or repeated costs during the construction stage of home building? Y/N.

If yes, can you provide estimates and evidence of the level of efficiency that could be achieved?

No not as proposed. Current standards present a clear framework so efficiencies already in place.

ⁱ Homes boost for Sunderland, 11 October 2013

ⁱⁱ National Planning Policy Framework, March 2012, paragraph 8