

Housing Standards Review: overview of the consultation

October 2013

Introduction

The Housing Standards Review, published by the Department for Communities and Local Government (DCLG) is proposing to reduce the number of locally driven building requirements (such as the Merton Rule, Lifetime Homes, and the Code for Sustainable Homes), and incorporate some of their provisions (eg those on access and water) either into simplified national standards, or direct into the Building Regulations.

Under these proposals, some other provisions (eg on materials sourcing, daylight and ecology, as currently covered in the Code for Sustainable Homes) might no longer be addressed, and planning authorities will no longer be able to require particular standards for them – with DCLG instead suggesting that many of these considerations should be ‘left to the market’, with or without consumer labelling.

Thus for example DCLG believes that because people like light homes, then there is no need for a daylight standard; lighter homes will be easier to sell so housebuilders will build them anyway, DCLG argues. Similarly they suggest that if people are interested in “sustainable” materials, then once again, there will be market pressure to use them.

However, where DCLG suggests that local authorities could retain the ability to set local requirements, they propose two significant changes to the current arrangements:

1. The authority would only be permitted to pick from a restricted range of centrally-devised and regulated standards: two accessibility standards above Part M are proposed, for example, and one water efficiency standard above the regs. (A set of three space standards is mooted, tied to accessibility standards – but DCLG makes it plain it has a preference for space labelling only.)
2. If an authority wishes to set a higher-than-baseline standard from this restricted range, it must show a “rigorous” demonstration of local need, and of the “viability” of development to their proposed standards, in their area. (The definition of viability has been criticised by some commentator as very narrowly focusing on housebuilders’ profits – see cost-benefit arguments, below.)

Fabric efficiency and renewables are now considered by DCLG to be entirely taken care of by the forthcoming changes to Part L and then by the 2016 zero carbon standard, and the Department is very clearly opposed to the Merton Rule whereby Local Authorities have been setting local

energy-related targets – mainly for a percentage of the predicted energy use to be generated by renewables on-site.

There are three consultation documents, the main Housing Standards Review Consultation, the Impact Assessment, and the Illustrative Technical Standards, which can all be downloaded from [here](https://www.gov.uk/government/consultations/housing-standards-review-consultation) <https://www.gov.uk/government/consultations/housing-standards-review-consultation>

This is a quick attempt to summarise three very long documents, and so cannot be guaranteed to be 100% accurate. For certainty, please refer back to DCLG's own documentation

Some of DCLG's consultation questions are also reproduced here for information – there are questions on interspersed in the respective texts, and all are also brought together in the electronic response form, [here](#):

https://www.gov.uk/government/uploads/system/uploads/consultation_response_form_data/file/93/5 - Housing Standards Review - Response Form.doc. The consultation closes on October 22nd.

Quotations in this overview are from the Housing Standards Review (main consultation document), unless attributed elsewhere.

Background and justifications

DCLG introduces the review with some emotive language about the current system of housing standards, saying the “developer has to wade through” ... a range of standards ... “imposed by local planning authorities as they deem fit”. Though they concede that “the local application of standards can be an important expression of local planning aspirations and can encourage local innovation,” in general they make it clear they want to end most of these options, on the grounds that they can be inconsistent and confusing, and may be ineffective because enforcement is unclear:

“Many standards carry separate and multiple third party compliance regimes with them, some of which are chargeable. It is also often unclear which part of an authority is responsible for checking whether standards have been met, and what it is they are checking.”

The accompanying Impact Assessment also says: “As the majority of these standards are not owned by government, the owners of these standards can update their standards with no advanced warning or transition time. This means house builders are operating in an ever changing and unpredictable environment meaning they have to invest a great deal of time ensuring they keep up date with the ever changing landscape of standards.”

The DCLG consultation follows the work of the ‘Local Housing Delivery Group’, led by the Home Builders Federation, Local Government Association and National House Building Council. Chaired by Sir John Harman, the group reported in June 2012, and DCLG draws on the findings to back its arguments: “[the Harman review] found that local housing standards tend to have been developed in isolation and without regard to each other. The review also found that the majority of standards are overly complicated and recommended a more structured and government led

programme to negotiate between the various owners to deliver a more coherent set of requirements for home builders, consumers and authorities.”

According to DCLG, the broad conclusion of the Harman review was that “there is significant scope for rationalisation.” The review “called for as much material to be put into the national Building Regulations as possible, to help establish a clearer divide between planning policies and technical regulations”.

Following the Harman Review came the government’s Red Tape Challenge with its one in/two out rule on regulations - which paradoxically has impeded DCLG in carrying out some the review group’s recommendations, by making it harder for DCLG include more provisions directly into the Building Regulations.

Instead of the current range of standards that can be required by statutory authorities but published and certified by a variety of bodies, the government wants to establish a single set of ‘nationally described standards’. “These ‘nationally described standards’ will be adopted, as now, through local development plans and neighbourhood plans, under current planning powers, including enforcement and appeal powers. They will be imposed on dwellings, by a condition on a planning permission.”

DCLG wants to simplify the process of verification/certification:

“A single point of inspection and compliance with the standards imposed should be used”... “This will enable single points of contact and compliance to be developed, and overlapping or conflicting consent regimes to be minimised, or removed altogether.”

“Given that Building Regulations requirements will remain under any of the scenarios considered, and the small set of standards proposed by the working groups all strongly configure well with the current Building Regulations requirements, this suggests that any standards emerging ... would ideally be assessed by or through building control bodies. The working group generally felt this would be the most constructive way forward, and would build on the existing skill set of building control professionals.” DCLG accepts accept that this would mean extra work, and possibly extra training, for building control inspectors, including “Approved Inspectors”.

What is not covered

The consultation states that it covers technical planning standards applied to dwellings, and does not cover planning standards applying outside dwellings (ie from the front door outwards).

At first sight this would seem to suggest that matters of site ecology, as covered in CSH for example, would not be counted(‘ecology’ and ‘biodiversity’ are not mentioned in the review document), though in view of the above, they may be deemed to be matters for local planning authorities. It appears that “significantly reduced planning guidance” is due to be published separately by DCLG (para 15 of the review), so it is not yet clear how many provisions lost in the housing standards review will be picked up in this related process.

The DCLG's own challenge panel was disappointed that the housings standards and planning guidance reviews were not better co-ordinated – though DCLG claims they will “operate together effectively”.

DCLG is not proposing standards on materials, overheating, daylight and ventilation because, they say, “the case is for them is not established”, though according to DCLG officials, the department is “open to evidence” on these points¹ – evidence which many AECB members will have the specialist knowledge to supply. (The same officials also claim the department only sees its impact assessment as “a good start” and would “welcome more evidence”) However it is not clear how such evidence would feed into the review process – given the paucity of more ‘open’ questions in the consultations documentation, interested members may need to hunt for questions where they might be able to advance evidence relating to these issues.

Cost-benefit arguments

DCLG are concerned about costs to developers of the current system, and they extrapolate these costs to an impact on the wider economy: “The overall effect [of the complexity] is that standards can add considerably to development costs, project delay, local authority bureaucracy, and put a brake on growth.” (The Impact Assessment is more nuanced, saying only that locally variable standards “could be seen to obstruct growth since the additional costs can make some developments economically materially less viable.”)

The department wants to make local authorities justify any enhanced standards they do apply , through what sound like quite an onerous “needs” and “viability” assessment process. While they are “not proposing to stop industry or other bodies bringing their own standards to the market, for developers to utilise on a voluntary basis,” the department considers “the way that [mandatory] standards are applied can be a problem where such standards are not subject to any local cost benefit or viability assessment, or rigorous local needs assessment,” and they believe this should change.

“This consultation ... proposes a clear differentiation between standards which can be asked for subject to viability – which will be set out in a “nationally described standard set” under the National Planning Policy Framework; and areas where voluntary, market led approaches are to be encouraged, but cannot be mandated through planning policy.”

Each standard would therefore in future have its own “needs test” - “ie the evidence criteria which local planning authorities would have to demonstrate to Planning Inspectors if they intend to apply a particular standard in their area.”

“The test will be rigorous. The clear aim is that authorities will only be able to adopt standards that are strictly necessary and justifiable and will not default to adopting them all because they

¹ See <http://www.slideshare.net/Habinteg/richard-harrall-introducing-the-housing-standards-review-access-proposals> - speaker said DCLG “open to evidence” on overheating, materials, daylight and ventilation

are seen as nice to have.” Furthermore “the local application of each and every standard will also need to be costed, as per the local plan viability test set out in the National Planning Policy Framework.

The following is an extract from the NPPF guidance on viability testing (see http://www.pas.gov.uk/events-and-support3/-/journal_content/56/332612/15030/ARTICLE)

“An individual development can be said to be viable if, after taking account of all costs, including central and local government policy and regulatory costs and the cost and availability of development finance, the scheme provides a competitive return to the developer to ensure that development takes place and generates a land value sufficient to persuade the land owner to sell the land for the development proposed. If these conditions are not met, a scheme will not be delivered. At Local Plan level, viability is very closely linked to the concept of deliverability. In the case of housing, a Local Plan can be said to be deliverable if sufficient sites are viable – as defined in the previous paragraph – to deliver the plan’s housing requirements over the plan period.” (for more info see paras 24 – 40 of the consultation).

The Impact Assessment similarly focuses on the costs/savings to developers of the alternative options of either continued deployment of standards as now, or a more “streamlined” arrangement. They admit that the assessment only addresses the direct costs to housebuilders (and local authorities), and ignores the associated social or environmental costs of the alternative options: “For this impact assessment the focus is on the change in direct costs arising from a removal or modification of each standard. Where a standard has been removed or streamlined it is possible that the social outcome delivered by the current standard will reduce,” they concede.

“In some local authority areas, higher levels of environmental and social outcomes, which may be delivered in the do nothing option*, may not be realised in option 2. These have not yet been monetised for this consultation”.

*('Do nothing' here meaning continuing with the current range of local authority-imposed standards, and possibly seeing new ones added over time.)

Note on Answering Consultation Questions

Many of the questions, especially those relating to costings, reflect these priorities and the approach taken in the impact assessment, focusing on the immediate unit costs to developers, and on the impact on “viability”. There are few explicit questions about benefits, monetised or more qualitative, either of the current arrangements or the proposed changes. However, as a “negative cost” these could perhaps be included by respondents anyhow - possibly adding useful perspectives to the consultation responses.

Affordable Housing

“The government set clear expectations in the terms of reference for this review that any standards emerging from the review should be capable of application to both affordable and

private housing on an equal basis. There is therefore no tenure differentiation between the standards proposed in this document. However, it is recognised that the needs of affordable housing occupants (in terms of access, disability, space, and security standards) tend to be higher than in the private housing market. So in undertaking a ‘needs assessment’ before applying any of the proposed standards it would be expected that authorities would take particular note of the needs of this sector.

In other words, higher standards would not automatically be applied to social housing under these proposals (or, you could argue, lower standards would not automatically apply to private housing) but local authorities will have to somehow accommodate their local social housing need when working out how to set any standards. What this means in practice will depend on what the outcomes are from the deliberations on the various standards, but respondents can comment on the principle:

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.
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The proposals, by topic

Access

The chapter on access opens with the suggestion that perhaps Part M isn’t enough on its own – and indeed, DCLG’s cites its own NPPF, which calls on local authorities to look further than the current minimum regulations to meet local needs:

“There is ... an increasingly wide range of additional standards and requirements being imposed by planning authorities in order to meet needs not currently covered by the regulations, and to meet the requirements of the National Planning Policy Framework which states:

‘To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should ...plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).’

DCLG notes however that there are problems in meeting the existing higher access standards (eg Lifetime Homes and Wheelchair Housing Design Guide) as currently administered, as “[the] exact requirements, application and interpretation of these standards can vary significantly from place to place...For instance, there are reportedly 12 different wheelchair housing standards in London alone. The industry working group could see no justification for accessibility standards to vary from one area to another given that (for instance) wheelchair users’ specific needs are similar, in principle, across the country as a whole.” (DCLG are not proposing to remove the basic provisions in Part M).

They are also concerned that if a very high number of homes with high levels of accessibility are required by local authorities, some of these “accessibility enhancements” may never be used, and might add unnecessarily to costs. They want to know if respondents feel it is worth building some or all homes to be “enhanced-accessibility-ready” or whether it makes more sense for “standard” home simply to be retrofitted when a particular need arises in a particular household.

“The key objectives of this consultation are to identify:

- i) if there is a need for new dwellings to meet adaptability and accessibility requirements above Part M of the Building Regulations; and, if yes,
- ii) what the higher standard or standards should be.”

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

There are also detailed questions (Q8&9) asking for evidence about the (real or likely) unit costs of meeting existing & proposed accessibility standard

Illustrative standards are published alongside the main Review (Illustrative Technical Standards <https://www.gov.uk/government/consultations/housing-standards-review-consultation>) but DCLG stresses that any changes to regulations would be subject to their own assessment and consultation process.

Nonetheless, the illustrative standards on accessibility are very detailed (running to over 40 pages), and in some places propose incorporating higher-level requirements than those in the current Part M (including some similar to those currently seen in ‘lifetime homes’) into the proposed base-level accessibility standard. They are accompanied by detailed consultation questions, some technical (eg on lift sizes, entrances etc) and some about the merit of the proposals and the ‘cost to industry’. (Again, the benefits, monetised or otherwise, are not sought in any detail, but respondents may wish to comment nonetheless).

Space

(This summary is drawn in part from the briefing on the Energist website introducing the Housing Standards Review (see <http://www.energistik.co.uk/knowledge/the-housing-standards-review-space/>); summaries on other aspects of the review can be found on the same site.)

Current space standards in the UK are varied: London introduced a minimum space standard for all new housing a couple of years ago. There are some additional regional requirements being

enforced by local planning authorities, and the Homes and Communities Agency also requires space standards in social housing.

Although the RIBA and others have been campaigning for the introduction of national space standards (see for example www.withoutspaceandlight.com) the consultation suggests that the government believes that the industry is performing relatively well. The argument is that if it is that if people want more space, the market will self-regulate -- homes with more space will be built and sold if there is market demand.

The government suggests that to assist the market, industry could introduce space labelling (though possibly set against a benchmark - which might of course act as a de facto space standard).

“Space labelling is a process whereby the overall internal floor area (and potentially individual room sizes) of new homes are presented in a consistent and visible manner at point of sale to potential home buyers to make a more informed comparison between similar properties. This may also help consumers to influence the size of new homes offered by home builders.

“Space labelling could be adopted as an alternative to national space standards on private sale housing. This would mean that space standards could not be required in new development. If this were to be case, we would be interested in understanding views as to whether the space labelling should also be ‘benchmarked’ against the a minimum recommended space standard – for instance, a purchaser buying a two bedroom flat would be offered a comparison of actual size against a benchmark.”

Q16	Would you support requirements for space labelling as an alternative to imposing space standards on new development? Y/N.
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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.
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However, the Government does acknowledge that there might be instances where the market cannot self- regulate (for example, “where two bedroom starter homes predominate but there is a need for larger family homes”; or “where larger two bedroom homes are needed to free up larger family homes”, or perhaps “in high density urban areas there may be a case for minimum internal space standards to compensate for a lack of external space”).

DCLG concedes in relation to space standards that “local communities and neighbourhoods should be able to set out what housing they want, and in doing so, become more supportive of new development in their area” (even though the thrust of this consultation as a whole is to restrict exactly this ability!), and floats the idea of centrally-defined but locally-applied space standards for discussion. The proffered space standards come in a three tier system, which would be intrinsically linked to the proposed accessibility standards.

Level 1 Space Standard: a basic space standard that allows homeowners to use the minimal amount of furniture necessary. This standard is compatible with the requirements of the Level 1 Accessibility Standard.

Level 2 Space Standard: Same space for furniture and fittings as Level 1, but increased circulation and activity space in the dwelling. Also allows for the additional space implications required by the Level 2 Accessibility Standard.

Level 3 Space Standard: Allows for additional space above level 1 and 2, to charge and store a wheelchair, install a home lift, enlarge the kitchen and bathroom and provide the extra activity space required to meet Level 3 of the accessibility standard.

The consultation makes it clear that the space standards could not be applied independently of the accessibility standards, and that Level 3 could only be applied where wheelchair accessible housing is needed. Local authorities would have to justify the ratios of housing required to each accessibility/space standards with demographic evidence, and would be subject to strict “viability testing”. As the Impact Assessment put it:

“The proposed three levels of the access standard are directly related to the three levels of the space standards proposed for consultation by the working groups. If the government decides to proceed with any of these space propositions, application of higher levels of space standards would be limited to particular circumstances, for instance where the need for higher accessibility standards could be robustly evidenced. They would not be applicable independently.”

What is actually proposed is not in fact 100% clear. Julia Park of Levitt Bernstein Architects was very closely involved in the development of these standards, (though from outside DCLG) but as she says, “discerning exactly what’s on offer isn’t easy”.²

Thus it is not actually clear what evidence, if any, local authorities would have to advance to justify imposing the basic space standard (given that the basic accessibility standard would be applied automatically by compliance with Part M) – but it is plausible that “viability testing” would be required – ie – does applying even this basic standard make homes ‘too expensive to build’? (Some commentators have also raised questions about a space standard leading to increased energy demand, and potentially restricting the density of housing developments.)

Julia Park concluded “It could mean no space standards at all (even for affordable housing) or it could see the first ever, national set of reasonable, universal requirements designed to safeguard the interests of a diverse population.”

² Julia Park of Levitt Bernstein writing in the Architect’s Journal
<http://www.architectsjournal.co.uk/news/daily-news/levitt-bernstein-minimum-space-standards-more-important-than-ever/8653579.article>

Despite the government’s disinclination to impose a statutory space standard, the accompanying Illustrative Technical Standards mentioned under Access also sets out detailed space standards for comment – the basic level being similar to that currently required in London.

Q18	<p>Which of the following best represents your view? Please provide reasons for your views.</p> <p>a) Local authorities should not be allowed to impose space standards (linked to access standards) on new development.</p> <p>b) Local authorities should only be allowed to require space standards (linked to access standards) for affordable housing.</p> <p>c) Local authorities should be allowed to require space standards (linked to access standards) across all tenures.</p>
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Q21	<p>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?</p>
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There are detailed questions about the cost (to builders) of building to particular space standards – and about the government’s own assumptions in its impact assessment.

Bin blight!

The space section also contains a question relating to “bin blight” – “bins dominating street frontages or contributing to increased levels of anti- social nuisance such as odour or litter” (this inclusion is generally believed to reflect the personal views of the Secretary of State)

The government is here very keen to increase regulation: DCLG “considers that Part H6 of the Building Regulations and the supporting Statutory Guidance on the design of waste storage for new homes is the right way forward, in coordination with local authority waste collection policies.”

“The Government invites views on whether, and how, Section H6 of Approved Document H needs to be updated to tackle bin blight. This could be done, for example, by importing into H6 some of the current Code standards on external waste storage.”

Q26	<p>What issues or material do you consider need be included in H6 of the Building Regulations, in order to address the issues identified above?</p>
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On cycling, the consultation proposes that cycle storage be separated from standards relating to energy performance (where it currently sits in the Code) and becomes a planning issue under the NPPF – though it suggests that appropriate external cycle storage only needs to be considered “where cycle provision features as part of a new housing development”.

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

DCLG is proposing two security standards, one similar to the provisions in the current (privately-managed) NHBC warranty, and a higher level based on some aspects of ‘Secured by Design’. DCLG is also consulting on whether local authorities need to option of imposing the lower standard (on the grounds that most housing already approximately meets it anyway) or whether to create only an ‘enhanced’ standard for high-risk areas.

Level 1 :- a Baseline standard: broadly in line with current good practice in the private sector housing, the exception being window standards which are slightly higher than the NHBC Standard.

Level 2: - an Enhanced standard: based around the levels set out in Secured By Design Section 2. However this standard would only be applicable in areas where there is an increased risk of burglary (otherwise the standard cannot be justified in terms of cost according to DCLG).

(Thanks again to Energist: www.energistik.co.uk/knowledge/the-housing-standards-review-security/)

Fans or otherwise of “Secured By Design” may wish to contribute answers on the following:

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

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?
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There are also a number of detailed questions about the costs (to industry) and the current prevalence of various levels of security.

Water

For the first time, DCLG has proposed an appliance/fittings based standard, which could be used instead of the current water calculator, to demonstrate water efficiency in housing. This was lobbied for by the AECB and the Energy Saving Trust.

Two water efficiency standards are proposed, a baseline level, which is no tighter than the current Part G, and an improved “local standard” which would require fairly stringent needs and viability criteria to be met before it could be applied by local authorities.

In the light of the fact that AECB has developed its own water standard, and was involved in some of the lead-up to the current DCLG review, AECB has produced a separate, detailed response to the water proposals (AECB response to DCLG’s proposals for housing water standards), which can be viewed/downloaded from the same area of www.aecb.net as this overview.

Energy

The headline message from DCLG here is a simple one – that energy should in future be taken care of entirely by Part L and the 2016 Zero Carbon provisions.

DCLG argue that now that Part L is due (next year) to rise to somewhere between Code for Sustainable Homes levels 3 & 4 in energy terms (a “modest but meaningful” improvement, as they call it), and then again in 2016 to somewhere around Code 5, the Code for Sustainable Homes and the 2008 Planning and Energy Act (Merton Rule) are deemed to have done their job, so are now redundant.

DCLG add that “there are other energy-related ‘standards’ in the Code which the government considers have become, or are becoming, redundant due to other policy or technology developments (eg, smart meter roll out, low energy lighting etc.) and therefore are no longer needed.”

The tables below, from the consultation document, summarise DCLG’s “preferred approach” to all the energy provisions currently included in the Code.

ANNEX – CODE FOR SUSTAINABLE HOMES ENERGY PROPOSALS

Code	Aim	Proposal	Rationale for proposal
ENE1 – Dwelling Emission Rate	To limit carbon dioxide emissions arising from the operation of a dwelling and its fixed services in line with current policy on the future direction of regulations.	Retain as a role for Building Regulations.	Levels are represented for ENE1 as a percentage increase above a 2010 Building Regulation compliant home. The government has announced plans to strengthen these levels in Building Regulations and is committed to Zero Carbon new homes from 2016.
ENE2 – Fabric Energy Efficiency	To improve fabric energy efficiency	A role for Building Regulations.	Cost effective fabric efficiency is effectively the starting point for reducing carbon dioxide emissions under ENE1. The Part L 2013 requirements will include a new energy demand target in Building Regulations.
ENE3 – Energy Display Devices	To promote the specification of equipment to display energy consumption data, thus empowering dwelling occupants to reduce energy use.	Remove standard.	These devices are becoming the norm in new housing. The government is requiring energy companies to install smart meters to most households between 2015 and 2020. https://www.gov.uk/smart-meters-how-they-work On this basis, it is not considered necessary to regulate for mandatory take up.
ENE4 – Drying Space	To promote a reduced energy means of drying clothes.	Remove standard	This is an unnecessary level of prescription that ignores the fact that most homeowners can and do choose to purchase inexpensive methods of drying clothes internally and externally. Drying space provided via fixings is often removed by consumers and communal drying space is often not used.
ENE5 – Energy Labelled White goods	To promote the provision or purchase of energy efficient white goods, thus reducing the carbon dioxide emissions from appliance use in the dwelling.	Remove standard	European requirements for minimum product efficiency have overtaken the Code in this regard. It is now not possible to buy a poorly performing fridge, washing machine or tumble dryer and all products must be labelled. There is simply no place for this standard any longer.

ENE6 – External lighting	To promote the provision of energy efficient external lighting, thus reducing carbon dioxide emissions associated with the dwelling.	Remove standard	Another instance where the Code has been overtaken, with lamps required to be energy efficient and labelled at point of sale. There are also minimum controls for external lighting within Part L of the Building Regulations.
ENE7 – Low and Zero Carbon technologies	To limit carbon dioxide emissions and running costs arising from the operation of a dwelling and its services by encouraging the specification of low and zero carbon energy sources to supply a significant proportion of energy demand.	Retain as a future role for Building Regulations and local policy.	This covers the same ground as EN1 (so would be double counting) and should be a role for Building Regulations and future policy on zero carbon homes.
ENE8 – Cycle Storage	To promote the wider use of bicycles as transport by providing adequate and secure cycle storage facilities, thus reducing the need for short car journeys and the associated carbon dioxide emissions.	Remove standard. See section on exterior space for details (in Chapter 2).	See section on exterior space for details (in Chapter 2).
ENE9 – Home Office	To promote working from home by providing occupants with the necessary space and services thus reducing the need to commute.	Remove as a standard.	This is not relevant to reducing the energy demand of a building. It should not be the responsibility of local or national policy on energy use to promote home working. See also Chapter 2: Space of this document.

With the Merton Rule, later subsumed under the 2008 Planning and Energy Act, local authorities were empowered to set “reasonable” local policies “based on national policy” requiring a proportion of energy on new developments to be from renewable sources, and also to set standards for energy performance.

This has translated into a variety of policies across the country. Many have opted to require a minimum code level for all new housing (often 3, occasionally 4), and/or set particular quotas for on-site renewable energy generation, while some, like for example Camden Council, have deconstructed existing standards and set their own detailed sustainability requirements.

DCLG appears to feel the Code for Sustainable Homes was not, after all, appropriate for mass adoption to the higher levels: “Some [local authorities] require levels consistent with the national standards set in the Code for Sustainable Homes – whereas others, it is arguable, deviate from the Regulations and the Code and set unreasonable additional requirements on development. “The higher levels of the Code may be applied inappropriately without considerations of viability (notwithstanding the Planning and Energy Act requirement for policies applying standards to be reasonable). This in turn can drive developers to develop design solutions which are not cost effective, become redundant and in the worst case can drive developers up technological dead ends.”

Once again, DCLG is worried in particular about the impact on the “viability” of developments: “The impact can be to make development unviable. This then causes delays in getting planning permission because of the lengthy and costly negotiations needed to try and resolve the viability questions.”

Specific local renewables targets are – well – targeted as being irrelevant to housing design. “There is an important distinction to make between the energy performance of buildings and where that energy comes from. The government is not proposing to limit the ability of local planning authorities to set strategic policies in relation to the locations and relationship between new housing developments and how they should connect to low carbon and renewable energy infrastructure, such as district heating networks. The ability for local authorities to do so is important, as set out in the National Planning Policy Framework.

“The government considers however that the progressive strengthening of Building Regulations means it is no longer appropriate for local plan policies to specify additional standards for how much of the energy use from homes should come from on-site renewables. Developers should be free to decide the most appropriate solutions to meet stronger Building Regulations.”

Are locally-set energy efficiency and renewables standards helping or hindering good sustainable design in your experience? Are there some good examples which are a worthwhile improvement on the regulations? Is there a tendency for local authorities to focus on renewables quotas – and does this take attention and resource away from fabric efficiency, as some AECB members have argued? What has been your experience? AECB members may wish to share their experiences with DCLG, when answering DCLG’s questions, for example:

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.
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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.
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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?
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Indoor environmental standards: overheating, air quality, daylighting

Overheating:

DCLG accepts overheating is a “recognised problem” in a small number of new homes “primarily arising from increasingly well-insulated and thermally efficient homes combined with predicted long term increases in peak temperatures as a result of climate change.” Internal gains are also touched on in the discussion of possible solutions.

No separate standards for limiting overheating are currently proposed, because, DCLG says, there are no current standards that could be either ‘nationally described’ or incorporated in the building regulations. Nonetheless they highlight some issues that could be addressed by future changes to SAP:

“DCLG/DECC will consider whether existing elements of the SAP calculation methodology can be developed to improve risk analysis of the likelihood of excessive solar gain (and by proxy the likelihood of high internal temperatures); and

“DCLG will, when reviewing those areas that are controlled by regulation, consider [whether] the potential effects on overheating of for example improved insulation of heating pipes in common areas (as required for the conservation of fuel and power) can help to avoid overheating, and consider whether further similar safeguards are appropriate in the future.” (For some reason only ‘apartment common areas’ are identified as at risk of overheating from under-insulated pipework.)

They will “continue to monitor research” to establish whether there is a case for further action,” in the meantime “industry should lead on the development of analytical tools to flag where risks of overheating are increased.”

Unfortunately there is no specific question in this consultation where respondents are invited to make specific suggestions of their own for, for example, by proposing useful amendments to SAP

or Part L, though as DCLG officials have invited these in principle³, they could be submitted anyway, and AECB members may well wish to advance information about other possible causes and solutions for overheating.

DCLG also point out that some aspects of overheating can be addressed at the site layout level, a matter for local planning authorities. They don't however say if the topic is to be addressed in the forthcoming planning guidance.

Daylighting

DCLG accepts that there is “reasonable evidence” that adequate daylighting – (which currently contributes points in the Code for Sustainable Homes assessment) offers “physiological and emotional benefits” and “equally sound” evidence that a lack of daylighting can lead to negative health outcomes. The consultation document also recognises that there is a the balance to strike between (lighting) energy savings from providing good daylighting, and excess thermal and energy demand that can be caused by excessively large areas of glazing (heat loss and discomfort in cold weather, and also potential overheating).

The department however does not wish to carry this level of analysis through into any standards, but rather takes the view that most homes are already built to adequate daylighting standards, and takes the RIBA's finding that housebuyers value daylighting, to indicate that regulation probably won't be needed, because “largely the market seeks to deliver homes which are attractive and meet people's aspirations and affordability” and “there is insufficient evidence to suggest that overall new homes are problematic in terms of the amount of daylight entering habitable rooms – the market should be sufficiently incentivised by consumer demand.”

They do however acknowledge that in some circumstances, eg built-up areas and basement developments, “planning authorities may need to satisfy themselves” that daylighting will be adequate, (probably through reference to the ‘Site layout planning for daylight and sunlight’ guidance from BRE), so “it is important that planning authorities continue to have the ability to assess site planning and layout considerations, including the impact of new development on adjoining existing properties”. Therefore authorities ought to be able to require daylighting and sunlighting calculations, though “on an exceptional case by case basis”

Despite believing the market will probably provide , “government remains open minded as to whether a simple approach to ensure minimum levels of daylighting is necessary, and if so what such a standard should be.

“We are clear that we do not intend to take forward use of the existing Code methodology as a daylighting design tool for new homes, and that we are not intending national regulation.” Instead they want to look into whether some of the existing simple percentage requirements (as

³ See ref 1.

used in the Scottish Building Standards and the London Housing supplementary planning guidance) could be used, having first checked that these work well in combination. This would not become a national requirement but could become a “nationally described standard” that local authorities could require – if people can convince DGLG that there would be a good reason to do this.

Q57	<p>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.</p> <p>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)?</p> <p>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.</p>
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And

Q58	<p>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.</p>
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Sunlighting:

DCLG believes that “where it is necessary to consider sunlight, solutions are invariably related to a building’s context ie through considering orientation, aspect, distances to adjacent buildings, and overshadowing alongside balanced consideration of amenity and privacy. These are matters which must be dealt with at a master planning scale rather than through individual technical appraisals.” Thus, “ensuring adequate sunlight is primarily a strategic and site planning matter, rather than a matter grounded in the internal layout of a property. We therefore propose that sunlighting should remain outside the scope or limitations of this review.”

Q59	<p>Do you agree that sunlighting should sit outside the scope of this review? Y/N.</p>
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IAQ, clothes drying, condensation and air tightness

The consultation document outlines some “common issues which have been identified emerging from the continuing improvements in the performance and design of new homes”. These include:

- “Failures to design to meet the performance requirements of Part F” leading to developments with increased risk of condensation and mould growth;
- “Failure to take account of some of the site specific factors” (such as homeowner concerns about security, street pollution and noise preventing people from using windows) – which can increase condensation and air quality risks;

- More possessions bringing increased levels of volatile compounds into the home. “In more air tight homes the effect of a build up of potentially dangerous volatiles can impact on indoor air quality and therefore ventilation strategies need to be more carefully considered”.
- “Failure to properly commission Mechanical Ventilation and Heat Recovery units, and consumers being unfamiliar with their operation and maintenance can potentially lead to issues with indoor air quality,” and
- Indoor clothes drying which “contributes to condensation and is a particular problem for families in modern air tight flats”

The Department accepts that in the light of these problems, this is an important topic, and believes that Part F should continue to be the place for these matters to be addressed (as it is too important to be left to discretionary standards) – though there is no indication of when the next review will begin. (Despite their concerns about clothes drying in flats, the consultation says nothing about drying cupboards - as covered in the Code.)

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.
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Materials

DCLG (and the review body it set up to advise on this review) seem firmly of the view that materials standards are a matter for industry and labelling, not government regulation, and they propose to remove the ability of local authorities to make any requirements about materials (such as requiring local or sustainable sourcing, or a statement about embodied energy). The reasoning is less clear, though. DCLG appears to argue that because most manufacturers adhere to the “range of formal, non-proprietary standards such as British (BS), European (EN) or International (ISO) [that] exist already, setting out materials standards that the housing industry can adhere to if it wishes,” there is no need to set any standards.

This seems to miss the point that standards are not only about transparency and consistency of performance declarations, but also generally set out to require a particular level of achievement, even if it is as undemanding as an A to D rating under the BRE Green Guide. However, because “Developers and trade associations are clearly taking a lead in agreeing materials standards, and adhering to them, ... the proposition from the government therefore is that this is an area where there is no compelling case for local authority standard setting.

The only suggestion that there may be some give in the position is in relation to embodied energy; however DCLG believe it is too early to establish a standard on this as “an absence of any clear understanding at this stage as to what embodied energy standards should embrace, or clear evidence of what works (nationally or internationally)”

However, “the Government will keep [the case for local authority standard setting] under review to see if Nationally Described Standards may need to be developed at some point in the future”.

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

Much interesting comment and opinion is available on the Housing Standards Review – check the AECB website and Forum for examples, and please share your own here:

<http://www.aecb.net/forum/index.php/topic,3920.0.html>

Question 50 is for Local Planning Authorities. This is to try to understand the level of requirement currently for a higher standard of water efficiency than the national baseline, and if they are likely to implement it in the absence of the Code.

Q 50. 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 for AECB.

(Of course, if you are a Planning member of the AECB then please fill this in based on information from your local area.)



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