



Ms J Henderson  
Sustainable Buildings Division  
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T/6/Code

18 October 2007

Dear Ms Henderson

### **The Future of the Code for Sustainable Homes - Making a Rating Mandatory**

HBF is the principal trade organisation representing the interests of house builders in England and Wales. Our members include companies of all sizes, ranging from multi-national household names through regionally based businesses and small local companies. They are responsible for more than 80% of the new homes built every year.

We have responded to the questions asked (attached) but would add the following observations.

We are most concerned about Question 8 and the proposal that Lifetime Homes standards should be a mandatory rather than a voluntary element in the Code. We are worried that many people will have missed this question as the title makes no reference to it. The incorporation of Lifetime Homes has a major impact on the footprint of house designs. Increasing the footprint increases the costs and therefore the viability of certain projects. This has an impact on the price of the property that the consumer pays.

With regard to making a rating mandatory, before any such proposal can be seriously considered it is imperative that the flaws in the existing Technical Guidance are satisfactorily resolved.

We would also note that it was difficult to identify the changes in the recently published amendment of the Technical Guidance. It would be extremely helpful to everyone concerned if any future changes could be tracked, as they were for the last revision to Part B of the Building Regulations.

Yours sincerely

D F Mitchell  
Technical Director

# CONSULTATION RESPONSE



HBF Response to Questions - Making a Rating Mandatory

23 October 2007

## **The Future of the Code for Sustainable Homes - Making a Rating Mandatory**

***Q1: Do you agree that a rating (not an assessment) against the Code for Sustainable Homes should be mandatory for all new marketed homes from April 2008?***

No. Since the Code is not mandatory it is illogical to require a mandatory rating. Given that the Code is to be integrated into Building Regulations and that the energy efficiency rating required at Level 3 will become the Building Regulation in 2010 there seems little point in trying to assign Levels 0-2 in the intervening two years. It would also be desirable for the Code to be enforced through the national Building Regulations rather than to allow a repeat of the current confusion over renewable energy targets.

***Q2a: Do you agree that where homes are not assessed against the Code for Sustainable Homes, potential buyers should be given a document which clearly states that it has not been assessed?***

See Q1. If it is assessed the buyer will get a certificate, if they do not get a certificate they will know that it has not been assessed - why waste paper on saying so? It would only undermine customer confidence by implying that their prospective purchase is somehow inferior.

***Q2b: Would you prefer that this document is:***

- a) a zero star certificate; or***
- b) a standard letter?***

There is no point in issuing any such documentation.

***Q3: Do you agree that, before we make rating against the Code mandatory, we should require that all Code assessor organisations (or self-employed individuals) are able to provide Code and EPC services as a single package?***

No. SAP assessments are a mandatory requirement, while Code assessment is not - you cannot require a SAP assessor to carry out non-mandatory assessments. It is also unlikely that many individuals would have the requisite qualifications to do both.

***Q4a: Do you agree that the Home Information Pack would be an appropriate mechanism for ensuring homebuyers are provided with a rating against the Code for Sustainable Homes?***

It is the only possible route at present. However, there is already confusion with the EPC being issued as a separate document from the Completion/Final Certificate under Building Regulations and it would be preferable for this duplication of certification to be avoided. Building Regulations are the means of ensuring technical standards and it is not sensible to have additional requirements to exceed what an RIA has deemed acceptable. It is imperative that the provision of any rating does not result in delays.

***Q4b: Do you think it is necessary to have legislative powers to ensure that both design stage and post-construction certificates are given to homebuyers?***

No. The Code is not mandatory so cannot be enforced under legislative powers.

***Q5a: Do you agree there should be a transitional period for the introduction of a mandatory rating against the Code?***

Yes.

***Q5b: If there is a transitional period, should this come into effect for new homes that either:***

- apply for planning permission after April 2008; or***
- reach the Initial Notice, Full Plans or Building Notice stage of the building control notification process after April 2008?***

It would have to be the second option. While outline planning permission would appear to offer a sensible transition route, there are already difficulties with the submission of reserved matters carrying additional conditions so the use of the planning option is unworkable.

***Q6: Do you agree with our analysis of the likely demand for assessments and that there will be sufficient Code assessors available?***

No. The assessors are required to do the calculations twice (design and completion ) so with 180,000 new completions envisaged there is no way that there is/will be a sufficient number of trained, competent assessors. We are also concerned that if a private company is to enjoy a monopoly position in accrediting such assessors there should be a system for monitoring their performance.

***Q7a: Do you agree with the principle that the Code for Sustainable Homes should be changed to reflect the changes to the building and other regulations?***

No. The situation is exactly the opposite. The Code was supposed to set the future for Building Regulations so the Building Regulations would be amended over time to meet the Code, not the other way around. It is essential that the Code Levels retain the same scoring for the lifespan of the Code if meaningful comparisons are to be made between housing at different Levels.

***Q7b: Do you agree that the Code for Sustainable Homes should be revised in light of changing Building Regulations in 2010?***

No. The change in Building Regulations in 2010 is to reflect the aspiration of the Code on the path to zero carbon. To amend the Code and thereby impose a different standard would add confusion and jeopardise the achievement of this very challenging target

***Q8a: Do you agree that Lifetime Homes standards should be mandatory in the Code?***

No. Any attempts to improve building standards must come through Building Regulations. The current 'Lifetime Homes' standards are in need of review and several elements are not necessarily desirable. Generally speaking they increase the footprint of a dwelling, decreasing the density of a development, increasing the cost of a building and reducing the flexibility of the Code to allow innovation and choice. At present developers are free to incorporate elements where they feel they are desirable. It would be more helpful if the Code ratings gave credit for different degrees of implementation rather than the four options available at present.

***Q8b: Do you agree that Lifetime Homes standards should be mandatory at progressively lower levels of the Code starting with level 6 in 2008, level 4 in 2010 and level 3 in 2013?***

No. As stated above, it is illogical to consider progressive changes to what is supposed to be a standard of comparison.