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Sustainable Buildings Division  
Department for Communities and Local Government  
5/G10 Eland House  
Bressenden Place  
London  
SW1E 5DU

24<sup>th</sup> March 2010

Dear Ms. Chukwuma

**RE; SUSTAINABLE NEW HOMES - THE ROAD TO ZERO CARBON:  
Consultation on the Code for Sustainable Homes and the Energy Efficiency  
Standard for Zero Carbon Homes**

We are writing to you with the Home Builders Federation's response to the above consultation.

The Home Builders Federation (HBF) is the principal trade association representing private sector house builders in England and Wales. Our members are companies who between them build about 80% of the new homes in England and Wales.

Following discussions with members at two dedicated meetings on the consultation as well as in other member meetings, attached is the HBF response to the consultation on the Code for Sustainable Homes and the Energy Efficiency Standard for Zero Carbon.

Since the Code first came out there have been many inconsistencies that have caused tensions in certain areas, the most notable being SUR1.

This consultation has therefore been eagerly awaited by all stakeholders and offers the chance to bring transparency and simplicity to many issues.

## **Specific issues arising from the consultation**

### **Costs**

Consistent with HBF's overall approach on the regulatory costs facing the industry and the Government's commitment to create a national baseline of such regulatory costs, we believe it is essential that the net result of the Code's revision should be that there is no overall increase in industry costs. Indeed the objective should be to seek a reduction in overall costs while seeking to promote desirable results in terms of sustainable building.

### **Fabric efficiency standard**

The future minimum standard proposed is the outcome of intensive work managed by the Zero Carbon Hub which involved all the main stakeholders, including environmental groups. Indeed it is a credit to the Hub that they managed this difficult and groundbreaking process so as to achieve a clear agreement between all these stakeholders.

The Hub's detailed work has shown that the proposed standard would represent the best balance between cost and carbon benefit on a lifetime cost basis and whilst we agree with the outcomes from the group we do nevertheless believe this will present a big challenge to housebuilders.

### **Aligning the Code with changes to Part L and the revised definition of zero carbon**

Consistent with the proposed minimum fabric efficiency standard, the consultation proposes to align the energy requirements of the Code at its various Levels with the requirements of Part L 2010 of the building regulations and the revised definition of zero carbon confirmed by John Healey last summer.

HBF believes this is essential if the Code is to remain credible. If the Code were not revised in this way, it would mean two separate sets of standards on energy/ carbon efficiency would be current at the same time for policy and regulatory purposes which would lead to considerable potential confusion and sub-optimal outcomes. It is particularly important to ensure one properly aligned set of standards in this field given the many local authorities that have adopted their own plan policies seeking building to particular Levels of the Code.

### **Lifetime Homes.**

It is welcome that in the proposals on the revision of the Code the Government is minded not to make adherence to Lifetime Homes standards mandatory at Code Level 4 in 2013. The Government cites concerns about the cost and appropriateness of such a mandatory requirement under the Code in taking this view.

The Government has said nothing, however, about its views on whether Lifetime Homes requirements should be introduced in building regulations against its previous ambition that all homes would adopt such standards from 2013. It is important therefore to make the point that if reasons of cost and appropriateness argue against a mandatory Code Level 4 requirement for Lifetime homes standards, it should equally preclude any change to building regulations in this regard.

### **Reclassifying ENE issues**

The reclassification of the ENE issues under the energy provisions of the Code (Table 2 in the consultation document refers) is we think both confusing and unnecessary.

One consequence of this reclassification would potentially be to result in inconsistent assessment criteria between different phases of developments subject to different editions of the Code.

Although not a question asked in the consultation document, a matter coupled with the case against reclassifying ENE issues is our concern about the continued use of weightings for different issues under the Code.

The use of weightings in addition to the various Code issues again creates confusion and an unnecessary complexity and diminishes the status and rationale for particular points and credits. We would therefore wish to see weightings omitted in the revision of the Code.

### **Surface water drainage – SUR1**

While the technical note issued on these Code requirements and the proposed way in which this can be used retrospectively are welcome, we still have many concerns about the content of the Code in this area.

It is essential these concerns are recognised and resolved so that the Code is correct, fit for purpose and operationally manageable in this field by the time the revised Code is due to be launched in October.

Not getting these issues right will have adverse consequences for the commercial climate we work in.

We would be happy to discuss any of the above issues further with the Department if this would be helpful and facilitate effective solutions.

Yours sincerely,

Dave Mitchell  
**Technical Director**

# CONSULTATION RESPONSE



Sustainable New Homes – The Road to Zero Carbon

24<sup>th</sup> March 2010

## **Consultation on the Code for Sustainable Homes and the Energy Efficiency standard for Zero Carbon Homes**

**Question 1:** Do you agree that the Code energy methodology should be aligned with the revised Part L 2010 when published?

Yes – this is essential to avoid confusion and the fragmentation of market signals for the supply chain to gear up to the new regulatory standard. Any fragmentation of the market would lead to additional costs for the industry.

**Question 2:** Do you agree that in principle we should maintain the current approach whereby the energy section of the Code (ENE 1) anticipates the 2013 and 2016 changes to regulations leading to zero carbon?

Yes. This is again necessary to prevent confusion and the fragmentation of market signals for the supply chain. Similarly, if the 2013 and 2016 regulations change then the Code should re-align to them.

**Question 3:** Do you agree in principle that the energy issues in the Energy category of the Code should be revised to reflect the terminology used in zero carbon hierarchy? If not, what would be your suggested approach?

No – see revised table below. To give existing issues (i.e. drying space, energy labelled white goods, cycle storage and home office) different ENE numbers will cause great confusion among assessors and house builders. The ENE numbers should be kept the same. We also believe it would be better to continue to call “Renewable Technologies” “Low and Zero Carbon Technologies” As ‘renewable technologies’ is too prescriptive and could exclude some non-renewable ‘low and zero carbon technologies’ which might be of benefit

Current ENE issues	2010 ENE issues
ENE1: Dwelling Emission Rate	ENE1: Dwelling Emission Rate
ENE2: Building Fabric	ENE2: Fabric Energy Efficiency
ENE3: Internal lighting	ENE3 ENE7: Renewable Technologies Low and Zero Carbon technologies
ENE4: Drying Space	ENE4 ENE5: Energy labelled white goods
ENE5: Energy labelled white goods	ENE5 ENE4: Drying Space
ENE6: External Lighting	ENE6: External Lighting
ENE7: Low and zero carbon technologies	ENE7 ENE8: Cycle storage
ENE8: Cycle storage	ENE8 ENE9 : Home Office
ENE9: Home Office	ENE9 ENE3: Energy Display devices

**Question 4:** Do you agree that introducing half credits under *ENE1: Dwelling Emission Rate* is an effective approach to preventing degradation of specification? If not, why?

No – A decimal approach giving percentages of credits would be fairer and more reflective of the percentage saving actually achieved. Under a decimal approach there would be a proportionate recognition of the percentage of the difference between two full credits that was achieved – so that homes achieving 25 or 75% of the difference between two full credits would respectively receive 25 or 75% of a credit for this. Fairly recognising such achievements will be very important and provide an incentive the further along the Zero Carbon path we go.

**Question 5:** Would it be beneficial to introduce a further breakdown of credits available in this section? If yes, what would you propose?

See answer to Q4

**Question 6:** Do you agree with removing 5 credits from *ENE 1: Dwelling Emission Rate* and reallocating them to *ENE 2: Building Fabric* to incentivise improvements to the energy efficiency of the building?

Yes – however it needs to be clearly demonstrated that this is cost neutral in terms of energy. If cost neutrality cannot be clearly demonstrated the answer would be No.

**Question 7:** Do you agree with the proposed allocation of credits, as shown in the credit allocation table? If not, what would be your suggested approach?

Yes – as long as it can be demonstrated to be cost neutral.

**Question 8:** Do you have any suggestions for mechanisms for allowable solutions that could be used in the Code in advance of the introduction of a national approach to allowable solutions?

This is a difficult given the current position. While we would wish allowable solutions to be usable as soon as practically possible under the Code, we feel there is too much work still to be done on this issue to be able to propose any firm arrangement at present. Delivery mechanisms for allowable solutions that avoid regulatory risk are essential and have yet to be agreed. It is also vital that there is agreement on a cost cap in terms of the cost for a tonne of CO<sub>2</sub> for allowable solutions. The cost cap in turn would need to be consistent with the wider objective of ensuring that revision of the Code does not result in any increase in the net cost of its implementation – cost neutrality.

**Question 9:** Do you agree that *ENE2: Building Fabric* be changed from its current name to *ENE2: Fabric Energy Efficiency* to reflect the zero carbon hierarchy?

Yes – for consistency

**Question 10:** Do you agree that we should adopt the new energy efficiency metric and levels for the 2016 zero carbon definition into the Code now? If not, why not?

Yes.

**Question 11:** Do you agree that we should adopt the new energy efficiency levels for the 2016 zero carbon definition into the Code as a mandatory requirement at Code levels 5 and 6 and award 5 credits?

Yes – due to the importance of this we believe that this should have more than 5 credits. It clearly needs to be modelled with the new SAP to ensure it is cost neutral



**Question 12:** Do you agree that Code level 4 should mirror the outcome of the consultation on the energy efficiency definition (see Part B) for interim measures to be introduced into regulations in 2013?

Yes – for consistency. This does, however, need checking against the new SAP

**Question 13:** Do you agree that the credits for internal lighting will no longer be required once the Code is updated in 2010 and it is therefore appropriate to delete *ENE3: Internal Lighting* and reallocate the points elsewhere in the energy section?

Yes. This would seem sensible.

**Question 14:** Do you agree that evidence must be provided by developers on the energy efficiency of appliances provided as optional extras if they choose to gain the credit for leaflet provision?

Yes – and a company policy document should be sufficient. This or some other method which would avoid the developer having to produce paperwork for each plot will help both developer and assessor.

**Question 15:** Do you agree that the 2 points awarded for external lighting should be reduced to 1 point?

No – External lighting is about keeping the external area lit and safe at night. To reduce the points awarded for this could be seen as watering down your concerns in this area. There is a school of thought which questions whether this should actually be in the Code, but if it is, a suitable allocation of credits must be available

**Question 16:** Do you agree that this issue is renamed from *ENE7 Low and Zero Carbon Technologies* to *ENE3: Renewable Technologies* to better reflect the zero carbon hierarchy?

No – this definition leads you towards renewables at the cost of any other technology. There are other options which are not renewable which would be excluded. The previous definition is less prescriptive and allows as it says 'low and zero carbon technologies'. To be this prescriptive would be inconsistent with the policy on, and the definition of, zero carbon.



**Question 17:** Do you agree that for technologies under 50kWe and 300kWth certification under the *Microgeneration Certification Scheme* should be a requirement for allocating credits and for all renewable CHP schemes over 50kWe assurance under the CHPQA should be a requirement for allocating credits?

No. There are some technologies which do not comply with the schemes mentioned above which perform perfectly well. We need to find a more economic way of getting these accredited.

**Question 18:** Do you agree that a new issue should be introduced into the Code for the provision of energy display devices?

Yes – subject to detail. This should not wait for legislation, but be pursued in the in short-term.

**Question 19:** Do you agree with the proposed credit allocation for this new issue? If not, why not?

Yes

**Question 20:** Do you agree that we should postpone making the Lifetime Homes Standards (as revised) a mandatory requirement from Code level 4 upwards pending a review in 2010?

Yes – this would seem sensible. The review of the future regulatory approach in this field is important and must be completed and assessed before any change to the Code in this area would be appropriate. See also the wider comments on this in our covering letter on the consultation issues.

**Question 21:** Do you agree with our proposal to introduce an exemption on steeply sloping sites for the external Lifetime Homes requirements and award 3 out of the 4 available points?

Yes – this seems sensible, but all 4 points should still be available to be awarded in such circumstances.



**Question 22:** Do you agree with the definition of a steeply sloping site as having a predominant gradient of 1:12 or greater?

No – the official geotechnical definition of a steeply sloping site is '*one where the gradient is 1 in 15 or steeper*'. Part M also uses 1:15. Therefore for consistency reasons the Code should use the same definition.

**Question 23:** Do you agree with the proposals for measuring gradients?

Yes – but a better and simpler form of words would be preferable.

**Question 24:** Do you agree with the proposed changes to the technical guide criteria in order to better reflect current thinking and standards on accessibility? If not, which proposals do you disagree with, and why?

Yes – to meet current legislation.

**Question 25:** Do you agree that current Code requirements cause duplication for some developers who already have a corporate site waste management plan in place? If yes, please provide evidence of experiences to support your answer.

Yes – it does cause duplication and therefore one wonders why this is in the Code. Some of our members may be able to provide evidence on this issue.

**Question 26:** Should the mandatory requirement for Site Waste Management Plans be removed and replaced with voluntary credits for minimising or diverting waste to landfill as set out above and in the technical guide?

Yes.



**Question 27:** Do you agree with the proposed methodology and requirements for dealing with doubling external space where there is a fortnightly collection? If not, what methodology/requirements do you think should be used?

No – this would result in different standards in different areas on an issue which is not in the control of house builders. There would be a real lack of certainty and it then becomes a post code lottery.

**Question 28:** Do you agree that waste compactors should be allowed on sites where there are space restrictions for storing waste? If yes, do you agree with the proposed requirements?

No – there could be health and safety problems and CO<sub>2</sub> issues which will need to be properly understood.

**Question 29:** Should communal cycle storage in large scale, high density developments be reduced, remain the same or be increased? We would welcome evidence from respondents of experiences with this issue.

This is a difficult area as there is no one size fits all answer. Generally the requirement needs to be reduced, but it needs to be sensitively dealt with on a site by site basis.

We do, however, need an exact definition of what is a large scale, high density development.

**Question 30:** If we were to rescale the communal storage requirements for certain sized developments, what threshold should be used to describe a development as 'large scale' and allow a rescaled requirement to be applied, e.g. 100 dwellings, 200 dwellings, etc.? Why do you consider this threshold to be appropriate?

This is very subjective as no one size fits all. In planning terms a large development is 10 properties or more.

**Question 31:** Do you consider it appropriate to reduce the cycle storage requirement for certain types of development, such as specialist retirement housing. If so, what types of development would you consider it appropriate to apply the reduction to?

Yes – it should be reduced in categorised retirement accommodation.



**Question 32:** Should the requirement for cycle storage remain for all developments but be flexible to allow for storage of mobility equipment applicable to the likely end user as well as cycles?

No. Not as much space should be required in retirement type accommodation. There is no one size fits all in this and a sensible, flexible approach needs to be adopted.

**Question 33:** Do you agree that the home office space requirement for specialist housing such as retirement homes should be reduced?

Yes – but this should also be the case in all properties as the way in which people choose to work at home is becoming much more flexible in this wireless age.

**Question 34:** Are there other parts of the Code you think this may apply to?

Yes – storage, water, cycles, ENE5 communal drying spaces.

**Question 35:** Should the issues in the Code not directly related to climate change remain in the Code? What are the reasons for your answer and do you have any evidence to support them?

No. They should be removed. Parts of the Code that become legislative requirements elsewhere should also be removed. This avoids costly duplication.

**Question 36:** Do you agree with the proposed changes set out in the technical guide to the assessment criteria in *SUR1: Management of Surface Water Run-off from development*? If not, why not?

No – Far more work needs to be done in this area to get a robust solution. Fundamentally, however, we believe that developments should be deemed to satisfy the requirements of SUR1 if they have complied with statutory legislation elsewhere. The major changes that will result from the Flood and Water Management Bill also need to be taken into account to ensure a practical and consistent approach under SUR1.



**Question 37a:** Do you agree in principle that the minimum door and window security standards outlined in Box B should be introduced into the Code and awarded one credit?

Yes. However, since this is not concerned with Climate Change why is it in the Code?

**Question 37b:** Should an additional credit be available for consulting with the local architectural liaison officer or crime prevention design advisor and implementing their recommendations based on *Secured By Design part 2*?

We would not wish to see such a credit introduced as it would lead to a post code lottery where the developer may not qualify for a credit through no fault of their own. In addition, as there is no certainty this would be climate change related, why is it in the Code?

**Question 37c:** Do you think the above options would give rise to additional construction costs. If so, please state what you think those costs would be.

Costs could vary from developer to developer, but there will certainly be an additional cost. Some of our members may be able to provide you with the additional costs.

**Question 37d:** Alternatively, to drive take up of basic physical security standards in new homes would it be necessary to make them a mandatory part of the Code?

No.

**Question 37e:** Would an alternative approach of allowing two credits for consulting an architectural liaison officer or crime prevention design advisor (whilst leaving the credit for door and window locks voluntary) be a more attractive way of encouraging take up of basic security standards?

Yes, but this would represent an additional cost.



**Question 38:** Do you agree that the technical guide should only be updated in 2013 and 2016? If not, do you have any suggestions for how often updates should be issued (for instance annually or every 18 months)?

Yes – this makes it consistent with the major envisaged Building Regulations changes relating to the Code. There should, however, be the ability by whatever means to issue a revision if any other show stopper issue is discovered during intervening periods.

**Question 39:** Do you have any comments on the redesign of the technical guide or suggestions for improving it?

Whilst a redesign could make it more user friendly, one must consider what the benefit would be over the additional cost and whether CLG could better invest this money elsewhere.

**Question 40:** Do you have any experience or views on how to help make the Code more accessible, visible and valuable to consumers?

Yes:

- National advertising campaign
- If consumers could compare all homes, existing and new, on the market against the Code, the Code would become the tool to measure sustainability. Also, currently, once a new home with the Code is sold the Code no longer has any effect – it therefore has such a short life expectancy that the consumer will never become engaged

**Question 41:** We would welcome your thoughts on whether these areas should be considered for the future and any evidence you may have to support those views.

We do not as yet know which of the three climate change scenarios produced by UK CIP will be considered by Government. Whichever is chosen will have an effect on the Code.

We do not consider that the other national issues should be considered under the Code.

Sustainability in the round will be driven forward by other means such as innovation or through planning policy such as the revised draft PPS on Climate Change and Renewable Energy.

We should therefore consider in moving forward whether there will come a point when the Code is no longer required. The Code's future must be assessed in terms of a clear test of whether it is still adding value to other policy and regulatory initiatives addressing similar, or the same, issues.



**Question 42:** Do you agree that the appropriate metric for the energy efficiency standard to support the regulatory definition of zero carbon homes should be based on the amount of energy demand for space heating and cooling per square metre per year? If not, why not?

Yes.

**Question 43:** Do you agree that it is right to focus on fabric and passive energy efficiency measures within the energy efficiency standard and to capture the efficiency of heating and cooling appliances and systems, mechanical ventilation, heat recovery and gains from hot water via carbon compliance? If not, why not?

Yes – very sensible.

**Question 44:** Do you agree that it is right to differentiate the level of the fabric energy efficiency standard (expressed in kWh/m<sup>2</sup>/year) according to the type of dwelling? If not, why not?

Yes – This is the way it has been structured. Additionally, the work of the group which looked at this and reported to the Minister found that the sweet spot surrounding costs, payback and practicalities clearly pointed towards two levels for different types of dwelling.

**Question 45:** Do you agree that the regulatory standard applicable from 2016 should (based on consultation SAP 2009) be 39 kWh/m<sup>2</sup>/year for apartments and mid-terrace houses and 46 kWh/m<sup>2</sup>/year for semi-detached houses? If not, do you think it should be (a) more demanding – for example equivalent to the Specification C- considered by the task group or (b) less demanding – for example equivalent to the Specification A considered by the task group?

Yes – The task group which contained the main players from all interested parties and affected stakeholders has come up with a challenging standard.

**Question 46:** Do you agree that the regulatory standard applicable from 2016 should (based on consultation SAP 2009) be 46 kWh/m<sup>2</sup>/year for detached houses? If not, do you think it should be (a) more demanding – for example equivalent to the Specification C considered by the task group or (b) less demanding – for example equivalent to the Specification B considered by the task group?

As above.



**Question 47:** Government is minded to introduce interim requirements from 2013. Do you agree? What approach would you support, bearing in mind the considerations and ideas set out in paragraphs 220–221?

A performance standard would be preferred.

**Question 48:** Are the proposals set out in this chapter likely to result in any seriously adverse unintended consequences that are unlikely to be addressed through the research requirements identified in paragraph 217?

Do not currently know. However, if an unintended consequence appears there should be a mechanism in place to correct the regulation.

**Dave Mitchell**  
**Technical Director**