Housing Standards Review Consultation - Response Form

How to respond:

Please respond by email to: HousingStandardsReview@communities.gsi.gov.uk.

Postal responses can be sent to:

Simon Brown
Code for Sustainable Homes & Local Housing Standards
Department of Communities & Local Government
5 G/10, Eland House,
Bressenden Place,
London, SW1E 5DU

The closing date for responses is 5pm on 22 October 2013.

About you:

First Name:	Sara
Last Name:	Grimes
Position:	Corporate Sustainability Officer
Name of organisation (if applicable):	Bath & North East Somerset Council
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(i) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response ☒
Personal views ☐

(ii) Are the views expressed on this consultation in connection with your membership or support of any group? If yes please state name of group:

Yes ☐

No ☒

Name of group:

(iii) Please tick the *one* box which best describes you or your organisation:

Builders / Developers:		**Property Management:**	
Builder – Main contractor	☐	Housing association (registered social landlord)	☐
Builder – Small builder (extensions/repairs/maintenance, etc)	☐	Residential landlord, private sector	☐
Installer / specialist sub-contractor	☐	Commercial	☐
Commercial developer	☐	Public sector	☐
House builder	☐	**Building Control Bodies:**	
Building Occupier:		Local authority – building control	☐
Homeowner	☐	Approved Inspector	☐
Tenant (residential)	☐	**Specific Interest:**	
Commercial building	☐	Competent Person Scheme operator	☐
Designers / Engineers / Surveyors:		National representative or trade body	☐
Architect	☐	Professional body or institution	☐
Civil / Structural Engineer	☐	Research / academic organisation	☐
Building Services Engineer	☐	**Energy Sector**	☐
Surveyor	☐	**Fire and Rescue Authority**	☐
Manufacturer / Supply Chain	☐	**Other** (please specify)	☐
		Local Authority	

(iv) Please tick the *one* box which best describes the size of your or your organisation's business?

Micro – typically 0 to 9 full-time or equivalent employees (incl. sole traders)

☐

Small – typically 10 to 49 full-time or equivalent employees

☐

Medium – typically 50 to 249 full-time or equivalent employees

☐

Large – typically 250+ full-time or equivalent employees

☒

None of the above (please specify)

☐

(v) Would you be happy for us to contact you again in relation to this consultation?

Yes ☒

No ☐

DCLG will process any personal information that you provide us with in accordance with the data protection principles in the Data Protection Act 1998. In particular, we shall protect all responses containing personal information by means of all appropriate technical security measures and ensure that they are only accessible to those with an operational need to see them. You should, however, be aware that as a public body, the Department is subject to the requirements of the Freedom of Information Act 2000, and may receive requests for all responses to this consultation. If such requests are received we shall take all steps to anonymise responses that we disclose, by stripping them of the specifically personal data - name and e-mail address - you supply in responding to this consultation. If, however, you consider that any of the responses that you provide to this survey would be likely to identify you irrespective of the removal of your overt personal data, then we should be grateful if you would indicate that, and the likely reasons, in your response, for example in the comments box.

Questions:

Please note: We very much welcome your views to help inform our decision on the way forward on standards. However, you are not obliged to answer every question. You can focus only on the sections that are most relevant to you.

Introduction

Q1	Which of the options (A, B, or C) set out above do you prefer? Please provide reasons for your answers.
A ☒ B ☐ C ☐	
Comments: Whilst we are not commenting on the implementation of other types of standards through the approaches above, we do support the continued ability to set local standards for energy in the manner currently possible, through the planning system, as allowed for in the 2008 Planning and Energy Act and in the NPPF. Currently, local authorities can use nationally described standards, including the Code for Sustainable Homes or BREEAM, or set Merton Rules for renewable energy. There is a body of experience and knowledge behind these instruments that makes them effective. They can continue to be updated and if need be, streamlined. Bregs Part L is currently a weak tool for implementing energy standards. Firstly, national companies that employ Independent Assessors are not well placed to enforce local energy standards. Secondly, Part L Transitional Provision loopholes delay implementation for several years after each Part L update. Until these loopholes are closed, planning remains a preferable way to implement local energy standards.	

Q2	Do you agree that there should be a group to keep the nationally described standards under review? Y/N.
YES ☒ NO ☐	
Comments: Technology and construction methodologies are constantly improving so standards should be reviewed to keep pace with this.	

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 ☐ NO ☐	
Comments: No comment.	

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.
Comments:	

Accessibility – General questions

Q5	Do you agree that minimum requirements for accessibility should be maintained in Building Regulations? Y/N.
YES ☒ NO ☐	
Comments:	

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 ☐ NO ☐	
B ☐ YES ☐ NO ☐	
Comments:	

Q7	Do you agree in principle with the working group's proposal to develop a national set of accessibility standards consisting of a national regulatory baseline, and optional higher standards consisting of an intermediate and wheelchair accessible standard? Y/N.
YES ☐ NO ☐	
Comments:	

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? Y/N If not we would appreciate feedback as to what you believe the unit cost of complying with Life Time Homes is. b) Do you consider our estimates for the number of homes which incorporate Life Time Homes to be accurate? Y/N 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:** c) Do you agree with the figures and assumptions made to derive the extra over cost of incorporating Wheelchair Housing Design Guide? Y/N If not we would welcome feedback along with evidence so that we can factor this into our final analysis. d) Do you have evidence of requirements for and the costs other wheelchair standards which we have not estimated? Y/N 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). Y/N. If you do not consider the estimate to be reasonable, please could you indicate how many authorities you believe require wheelchair standards.
A) YES ☐ NO ☐	
Comments:	
B) YES ☐ NO ☐	
Comments:	

C) YES ☐ NO ☐
Comments:
D) YES ☐ NO ☐
Comments:
E) YES ☐ NO ☐
Comments:

Q9	Do you believe that the estimated extra over costs in the Impact Assessment reflect the likely additional cost of each level? Y/N
YES ☐ NO ☐	
Comments:	

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?
YES ☐ NO ☐	
Comments:	

Q11	If a cap were to be adopted should it, in principle; a) Vary across tenure? b) Be flat across tenure?
A ☐ B ☐	
Comments:	

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.
A ☐ B ☐ C ☐	
Comments:	

Accessibility – Technical questions

QA1.1	Would you support the proposed changes to these aspects of guidance? Y/N. In your view, would introducing these requirements increase cost over and above that within the current AD M of the Building Regulations- please provide reasons for your answer.
YES ☐ NO ☐	
Comments:	

QA1.2	Would you support the inclusion of guidance non car parking for all dwellings as set out in the consultation standard? Y/N. In your view, would introducing these requirements increase cost to industry - please provide reasons for your answer.
YES ☐ NO ☐	
Comments:	

QA1.3	Would you support inclusion of requirements for external lighting and covered communal entrances? Y/N. In your view, would introducing these requirements increase cost to industry - please provide reasons for your answer.
YES ☐ NO ☐	
Comments:	

QA1.4	Do you think that including this guidance for lobbies in all dwellings would be helpful? Y/N. Would introducing these requirements increase cost to industry - please provide reasons for your answer.
YES ☐ NO ☐	
Comments:	

QA1.5	Do you agree that the lift size set out in the technical standard reflects current industry practice? Y/N. Would introducing these requirements increase cost to industry - please provide reasons for your answer.
YES ☐ NO ☐	
Comments:	

QA1.6	Do you agree that it is appropriate to require a minimum width of 850mm in all new homes? Y/N. Would introducing these requirements increase cost to industry - please provide reasons for your answer.
YES ☐ NO ☐	
Comments:	

QA1.7	Do you agree that it is appropriate to amend guidance on hall and landing widths? Y/N. Would introducing these requirements increase cost to industry - please provide reasons for your answer.
YES ☐ NO ☐	
Comments:	

QA1.8	Would you support this simplification measure? Y/N. Please give reasons for your answer being clear whether you think that this could add cost to home builders.
YES ☐ NO ☐	
Comments:	

QA1.9	Do any other elements of the working group's suggested technical standard increase requirements above current regulatory minimum? Y/N. Please give reasons for your answer being clear whether you think that this could add cost to home builders and in particular in relation to reworded guidance on the following: • Approach routes • External steps • Communal Approach route • Communal entrance doors • Private entrance • Hall and landing widths • Clear access zones and route • Consumer units

YES ☐ NO ☐
Comments:

QA1.10	Are the working group's proposed performance requirements for level 1 of the standards pitched at the right level? Please indicate which of the options below you agree with. a) they go too far, and should be reduced b) they are about right c) they don't go far enough
A ☐ B ☐ C ☐	
Comments:	

QA1.11	If you do not entirely agree (ie your answer is a) or c), what aspects should be different and why (please provide reasons for your answers, identifying the specific measure by reference number where possible).
Comments:	

QA1.12	Do you agree that it would be beneficial for the structure, definitions, terminology and diagrams common to all three levels to be reflected in an updated version of Approved Document M (Access to and use of buildings) of the Building Regulations? Y/N
YES ☐ NO ☐	
Comments:	

QA1.13	Do you agree that level 2 properties should provide step free access and key facilities at ground level? Y/N.
YES ☐ NO ☐	
Comments:	

QA1.14	Are the working group's proposed performance requirements for level 2 of the standards pitched at the right level? Please indicate which of the options below you agree with. a) they go too far, and should be reduced b) they are about right c) they don't go far enough
A ☐ B ☐ C ☐	
Comments:	

QA1.15	If you do not entirely agree, (ie your answer is a) or c), what aspects should be different and why (please provide reasons for your answers, identifying the specific measure by reference number where possible).
Comments:	

QA1.16	Are the working group's proposed performance requirements for level 3 of the standards pitched at the right level? Please indicate which of the options below you agree with. a) they go too far, and should be reduced b) they are about right c) they don't go far enough

A ☐ B ☐ C ☐
Comments:

QA1.17	If you do not entirely agree, (ie your answer is a) or c), what aspects should be different and why (please provide reasons for your answers, identifying the specific measure by reference number where possible).
Comments:	

QA1.18	Do you agree that improved evidence of wheelchair users housing needs is necessary? Y/N
YES ☐ NO ☐	
Comments:	

QA1.19	If DCLG was to lead on this research, would you or your organisation be able and willing to collaborate in such a project? Y/N
YES ☐ NO ☐	
Comments:	

QA1.20	Do you agree with the working group's proposed differentiation between wheelchair accessible and wheelchair adaptable housing? Y/N
YES ☐ NO ☐	
Comments:	

Space – General questions

Q13	Would you support government working with industry to promote space labelling of new homes? Y/N
YES ☒ NO ☐	
Comments: Our preference would be for a national space standard. Better marketing information through space labelling would be useful but won't require developers to stop building small homes. Ideally, this would be in Building Regulations, it could then apply across the country. This option should be consulted upon.	

Q14	Do you agree with this suggested simple approach to space labelling? Y/N.
YES ☐ NO ☒	
Comments: Our preference would be for a national space standard. Better marketing information through space labelling would be useful but won't require developers to stop building small homes. Ideally, this would be in Building Regulations, it could then apply across the country. This option should be consulted upon	

Q15	If not, what alternative approach would you propose?
Comments: Our preference would be for a national space standard. Better marketing information through space labelling would be useful but won't require developers to stop building small homes. Ideally, this would be in Building Regulations, it could then apply across the country. This option should be consulted upon	

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

YES ☐ NO ☒

Comments:

Our preference would be for a national space standard. Better marketing information through space labelling would be useful but won't require developers to stop building small homes. Ideally, this would be in Building Regulations, it could then apply across the country. This option should be consulted upon.

RIBA research shows that:

- Lack of space is the main reason why people living in homes built less than 10 years ago want to make changes or are considering moving home
- 69% of people moving into new-build homes said there wasn't enough space for their possessions
- 60% of people who said they would not buy a new home claimed room size was a major factor in their decision.

Q17	Would you support the introduction of a benchmark against which the space labelling of new properties is rated? Y/N Please give reasons for your answer.
YES ☒ NO ☐	
Comments: This would be a useful evaluation tool for buyers, on top of a national space standard. Better marketing information would be useful but won't require developers to stop building small homes. Ideally, this would be in Building Regulations, it could then apply across the country. This option should be consulted upon.	

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.
A ☐ B ☐ C ☒	
Comments: Our preference would be for a national space standard. Better marketing information would be useful but won't require developers to stop building small homes. Ideally, this would be in Building Regulations, it could then apply across the country. This option should be consulted upon. Failing this, space standards should be able to be set at a local level across all tenures.	

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

YES ☒ NO ☐	
Comments: Our preference would be for a national space standard. Better marketing information would be useful but won't require developers to stop building small homes. Ideally, this would be in Building Regulations, it could then apply across the country. This option should be consulted upon. Failing this, local authorities could set a space standard.	

Q20	Do you agree with the proposed limiting of the scope of any potential space standard to internal aspects only? Y/N
YES ☐ NO ☒	
Comments:	

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?
YES ☐ NO ☐	
Comments:	

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.
A ☐ B ☐ C ☐	
Comments:	

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?
Comments:	

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.
Comments:	

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?
A ☐ B ☐ C ☐	
Comments:	

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?
Comments:	

Q27	Do you agree with this approach to managing cycle storage? Y/N.
YES ☐ NO ☒	
Comments: By removing the Code for Sustainable Homes, and the cycle storage provision within it, the only way to ensure housebuilders provide cycle storage space will be lost. If the government is serious about placing a high degree of importance on cycling as the consultation document claims, it would retain this standard within the Code and the ability to require that residents have somewhere to store their bicycles.	

Space - Technical questions

QA2.1	Do you agree that any space standards, if adopted, should be co-ordinated with the requirements of relevant accessibility standards? Y/N
YES ☐ NO ☐	
Comments:	

QA2.2	Do you agree with Gross Internal Areas indicated at Level 1, 2 and 3, shown in Table A1-3? If not, please provide reasons for your answer. Y/N
YES ☐ NO ☐	
Comments:	

QA2.3	Do you think it is necessary to define minimum areas for bedrooms and do you agree with the areas for bedrooms indicated at Level 1, 2 and 3in Table 2? Y/N
YES ☐ NO ☐	
Comments:	

QA2.4	Are the performance requirements for level 1 of the space standards proposed by the working group pitched at the right level? Please indicate which of the options below you agree with. a) they go too far, and should be reduced b) they are about right c) they don't go far enough

A ☐ B ☐ C ☐
Comments:

QA2.5	If you do not entirely agree (ie your answer is a) or c), what aspects should be different and why (please provide reasons for your answers, identifying the specific measure by reference number where possible).
Comments:	

QA2.6	Are the performance requirements for level 2 of the space standards proposed by the working group pitched at the right level? YN Please indicate which of the options below you agree with. a) they go too far, and should be reduced b) they are about right c) they don't go far enough
A ☐ B ☐ C ☐	
Comments:	

QA2.7	If you do not entirely agree (ie your answer is a) or c), what aspects should be different and why (please provide reasons for your answers, identifying the specific measure by reference number where possible).
Comments:	

QA2.8	Are the performance requirements for level 3 of the space standards proposed by the working group pitched at the right level? YN Please indicate which of the options below you agree with. a) they go too far, and should be reduced b) they are about right c) they don't go far enough

A ☐ B ☐ C ☐	
Comments:	

QA2.9	If you do not entirely agree (ie your answer is a) or c), what aspects should be different and why (please provide reasons for your answers, identifying the specific measure by reference number where possible).
Comments:	

Security – General questions

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 ☒ B ☐

Comments:

The following response was provided by our partners in the Avon & Somerset Constabulary. Their experience is that the basic security which is in line with the NHBC warranty is too basic and open to interpretation, and based solely upon cost rather than performance.

For example; they cite a development built by a major developer had around 70 homes certificated to Secured By Design (SBD) standard and 130 homes built to the developer's minimum security standard. Within the first six months 5 of the non SBD homes had been victims of burglary. Throughout the following 12 months additional non SBD homes became victims. Over the next three years, none of the SBD homes had been victim to burglary. This was most likely because the developer's minimum standard, in line with the NHBC standard, allowed for the UPVC windows to be externally glazed, as compared with the SBD requirement of internally glazed windows, part of the PAS 24:12 standard. The externally glazed windows allowed the glazing to be removed without breaking the glass with only the use of a normal screwdriver.

Another concern of “cost v performance” is evidenced in the consultation document where the Level 1 door standard refers to a “bolt” being fitted to the door. A developer will interpret this as merely a sliding bolt screwed to

the inside of the door, any pressure of even a small amount could be applied to the door and cause the screws to pull out from the door. Even when giving retrofit crime prevention advice to a householder we would never recommend anything less than a “Rack Bolt” which fits inside the material of the door, thus gaining additional protection from a pressure attack.

The schedule of security specification states that the Level 2 standard is based upon SBD Part 2, and is therefore similar but NOT the same. Even SBD Part 2 includes protection to the property through more than just the standards of the windows, doors and lighting; it also includes boundary treatment, height, and positioning of things like utility boxes and rear entrance gates. All of these things add to preventing the home from being broken in to.

Ideally, the Avon & Somerset Constabulary would like to see all developments built to the full SBD standard, however SBD Part 2 is a valid compromise. It is their professional opinion that to lower the standards any further would increase risk of the new homes being victims of crime.

Q29 – Part 1	Do you think there is a need for security standards? Y/N
YES ☒ NO ☐	
Comments:	

Q29 – 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.

A ☐ B ☐
Comments:

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?
A ☐ B ☐	
Comments:	

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'? Y/N
YES ☐ NO ☐	
Comments:	

Q32	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?
A ☐ B ☐	
Comments:	

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?
YES ☐ NO ☐	
Comments:	

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?
YES ☐ NO ☐	
Comments:	

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?

YES ☐ NO ☐
Comments:

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?
YES ☐ NO ☐	
Comments:	

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?
YES ☐ NO ☐	
Comments:	

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?
YES ☐ NO ☐	
Comments:	

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?
YES ☐ NO ☐	
Comments:	

Security – Technical questions

QA3.1	Are the performance requirements for the baseline security standard proposed by the working group pitched at the right level? Please indicate which of the options below you agree with. a) they go too far, and should be reduced b) they are about right c) they don't go far enough
A ☐ B ☐ C ☐	
Comments:	

QA3.2	If you do not entirely agree, (i.e. your answer is a) or c), what aspects should be different and why (please provide reasons for your answers, identifying the specific measure by reference number where possible).
Comments:	

QA3.3	Are the performance requirements for the higher level of the security standards proposed by the working group pitched at the right level? Please indicate which of the options below you agree with. a) they go too far, and should be reduced b) they are about right c) they don't go far enough
A ☐ B ☐ C ☐	
Comments:	

QA3.4	If you do not entirely agree, (ie your answer is a) or c), what aspects should be different and why (please provide reasons for your answers, identifying the specific measure by reference number where possible).
Comments:	

Chapter 4: Water efficiency

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 ☒ NO ☐	
Comments: A stringent national water efficiency standard is needed to keep pace with the changing climate. Houses will last 50+ years and need to be fit for potentially constrained water supplies in areas not currently affected.	

Q41	Do you agree that standards should be set in terms of both the whole-house and fittings-based approaches? Y/N.
YES ☒ NO ☐	
Comments: No comment	

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 ☐ NO ☒	
Comments: Part G should be updated to 110l/person/day (including external use), in line with Code for Sustainable Homes Level 3 which was originally going to be the national standard and is already widely adopted. As noted on p57 of the consultation document, this is low cost and developers have experience of doing it. Across all the housing to be built, for 50+ years, this would prevent significant water wasteage.	

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

YES ☐ NO ☒
Comments: The national standard should be 110l/person/day and the local standard should be higher than that. Our prefered mechanism to enforce a water standards would be the Code for Sustainable Homes - an effective existing mechanism developed over a period of time with use of public funds - and not "reinvent the wheel". Code 5 & 6 set a limit of 80l/person/day which drives use of rainwater and greywater harvesting.

Q44	Do you agree that no different or higher water efficiency standards should be able to be required? Y/N.
YES ☐ NO ☒	
Comments: Local standards should be able to be set at 80l/person/day, in line with Code 5 and 6, requiring greywater or rainwater recycling, since these technologies will be important for adapting to the future climate and ensuring enough water for a growing economy and population.	

Q45	Would you prefer a single, tighter national baseline rather than the proposed national limit plus local variation? Y/N.
YES ☐ NO ☒	
Comments: Local authorities need the ability to respond to local climate adaptation needs by setting local standards. However, the national standard should be tightened also.	

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.
YES ☐ NO ☒	
Comments:	

No. The only concern with water standards (or other standards) considered in this consultation is their financial impact on housebuilders. If this is the main concern, the test should be whether the water standard would prevent development coming forward. This can be assessed simply through a viability test using nationally provided cost data, as already required by the NPPF. We suggest keeping the Code for Sustainable Homes which already provides an instrument for this. We disagree with the idea of "needs assessments"- this risks setting up another costly and bureaucratic process that would consume public funds and may not be fit for purpose, since needs will change over the lifetime of the house. Similarly, the requirement to be consistent with the local water undertaker's management plan would be hard to define and again, may not cater to future needs since water undertakers have different resource planning horizons.

The main problem with needs testing is that local authorities should be able to set standards in response to the future climate over the lifetime of the house- 50 to 100 years. This may not be reflected in current local need patterns, since the expected increase in severe weather events will likely result in more widespread water shortages. Even if water shortages are not felt in the local area, as water companies move towards a "water grid" approach, water savings in one area can be used in other areas of need, for example agriculture and industry, catering for a growing economy and population. Therefore it is in the national as well as local interest that LAs should be as ambitious with water saving as they are able, within viability constraints.

For example, in Bath & North East Somerset, by 2050 the UK Climate Impact Programme model show that our summers could be up to 4.7 degrees centigrade warmer and 41% drier, and our winters up to 30% wetter with an increase in severe weather events which can impact water quality. This is using a medium emissions scenario, which is looking increasingly optimistic given current global emissions. So although our local water company Wessex Water might currently be able to meet demand, this may not be the case for the lifetime of the house.

In order to adapt, we will need very water-efficient houses, which requires the step-change from the "efficient fixtures" approach to greywater and rainwater use. Costs of this technology are already falling and this is not properly reflected in the figures underpinning this consultation. Our study "Costs of building to the Code for Sustainable Homes (2013 update)" undertaken by Element Energy & Davis Langdon found that the cost of complying with the water standard of 80l/person/day to comply with Code 5 & 6 is lower than that in the HSR Impact Assessment: £2,550, as opposed to £3668-£4643 in the Impact Assessment (see link below). This is because the less expensive rainwater harvesting was used as the basis for the calculation, rather than EC Harris' assumption of the more expensive greywater harvesting (Impact Assessment p95). On the basis of this, the savings of scrapping the higher water standard have been over-estimated. http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-

Building-Control/Planning-Policy/Evidence-Base/Sustainability/code_for_sustainable_homes_costs_report.pdf

So far, as the Impact Assessment acknowledges, the Code for Sustainable Homes has resulted in water efficient fixtures becoming the norm and can be an equally useful instrument in driving this next level of change.

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

YES ☐ NO ☒

Comments:

As stated above, a viability test should be the only test required to set local standards. Since the issue is whether or not a water standard would prevent development coming forward, as per the NPPF, local authorities should be able to set water standards through use of viability tests only and we suggest keeping the Code for Sustainable Homes which can already operate in this way, since robust national costings can be inputted easily into a viability model. We disagree with the idea of "needs assessments"- this risks setting up another bureaucratic process that would consume public funds and may not be fit for purposes, since needs will change over the lifetime of the house, and the requirement to be consistent with the local water undertaker's management plan would be a subjective test that, again, may not cater to future needs.

Local authorities should be able to set standards in response to the future climate in 50 years. This may not be reflected in current local need patterns, since the expected increase in severe weather events means that the future climate will likely result in widespread water shortages. Even if those shortages are never felt in the local area, as we move towards a "water grid" approach, water savings in one area can be used in other areas of need, for example agriculture and industry. Therefore it is in the national as well as local interest that LAs should be as ambitious with water saving as they are able, within viability constraints.

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.
YES ☐ NO ☒	
Comments: The study "Cost of Costs of building to the Code for Sustainable Homes (2013 update)" undertaken by Element Energy & Davis Langdon found that the cost of complying with the water standard of 80l/person/day to comply with Code 5 & 6 was £2,550, as opposed to £3668-£4643 in the Impact Assessment (see link below). This is because the less expensive rainwater harvesting was used as the basis for the calculation, rather than EC Harris' assumption of the more expensive greywater harvesting (Impact Assessment p95). On the basis of this, the savings of scrapping the higher water standard have been over-estimated. http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Evidence-Base/Sustainability/code_for_sustainable_homes_costs_report.pdf	

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 ☐ NO ☐	
Comments:	

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?
A ☒	
B ☐	
C ☐ YES ☒ NO ☐	
Comments: Our draft Core Strategy Policy CP2 requires Code 4 district wide for major developments. We intend to set site-specific requirements for Code 5 where viable, thus requiring water standards of 80l/person/day. Since our area has several sites with high land values, viability is more favourable than in other areas so we would like to take a leadership role and where possible require very water-efficient development to help mainstream the uptake of water saving technology.	

Water – Technical questions

QA4.1	Are the proposed performance requirements for the higher level of the water standard pitched at the right level? Please indicate which of the options below you agree with. a) it goes too far, and should be reduced b) it is about right c) it doesn't go far enough
A ☐ B ☐ C ☒	
Comments: The higher standard should be 80l/person/day, applied where it is viable to do so.	

QA4.2	If you do not entirely agree, (ie your answer is a) or c), what aspects should be different and why (please provide reasons for your answers, identifying the specific measure by reference number where possible).
Comments:	

The higher standard should be 80l/person/day as per Code 5/6, applied where it is viable to do so, in order to drive innovation and normalisation of rainwater and greywater harvesting systems. The national standard, required in Building Regulations, should be the currently proposed local standards of 110l/person/day. Since developers now have experience of building to this standard and it is not costly, why waste 15l/person/day/house?

Chapter 5: Energy

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.

YES ☐ NO ☒

Comments:

It is crucial that local authorities are able to set energy standards, for two reasons: Meeting national commitments on climate change, and meeting local need. It is also vital that these standards remain, for now, within the planning system rather than BRegs. We propose that the ability to set both the Code for Sustainable Homes and Merton Rules is retained and implemented through planning. Further detail is set out below.

Local energy standards are needed to meet national commitments set out in the the Climate Change Act. To reach the target of an 80% reduction in Co2 emissions by 2050, truly zero carbon housing will be needed. It has been repeatedly demonstrated in the UK and elsewhere that this is technically and financially possible, but that practices must be mainstreamed and the only way to do that is for uptake to be driven by policy until construction techniques adapt.

BRegs 2016 Part L, unlike Code 6, do not reach true zero carbon, nor do they even deliver zero unregulated emissions on site as per Code 5, due to Allowable Solutions. Where developers are able to afford to build to a higher standard on site, local authorities must be able to continue to require this to drive innovation beyond BRegs 2016.

The NPPF already requires local standards to pass a stringent examination process and be supported by viability testing. This is a sufficient safeguard against local standards being set too high in unsuitable areas and preventing development from coming forward.

Local energy standards are also needed to meet local needs, in line with the principle of localism. As noted above, in areas where a higher build quality is viable, standards should set a requirement for this, to provide lower energy bills for their residents going forward. It is acknowledged in the Impact Assessment that the cost of building to a lower environmental standard has not been taken into account, however that cost can be significant in terms of higher bills and therefore reduced benefit to housholders over the coming decades. We have done some preliminary estimates of the benefits to householders of Code 5/6 versus BRegs 2016 based on PV revenues to compare the impact of a local

Code 5/6 standard, or a Merton Rule, against BRegs.

These basic calculations show that there is an average of £695 saving per year on household energy bills if the homeowner keeps the FIT and electricity sale revenue, or a £212 saving if the householder only gets free electricity. This represents a saving for local residents and money that could be redirected into the local economy as opposed to being paid to energy companies. However, these calculations are preliminary, and should be repeated and verified by DCLG to inform an evidence-based consultation on the removal of local energy standards.

In reality, these savings may not reach the housholder since it is likely that developers would deliver PV through an arrangement with a third party who would own and maintain the panels, keeping FIT revenues and selling the electricity back to the householder. This would negate the savings to the householder as cited above but greatly reduce the costs of delivering Code 5 in full on site, mitigating the argument that building to a higer standard is prohibitively expensive.

Lastly, loopholes in BRegs Part L, the “transitional provisions ” (see below) mean that they are not a suitable tool to implement energy standards. These loopholes mean that even now, in 2013, most new dwellings in B&NES are still being built to Part L 2006. Unless this loophole is closed, BRegs Part L 2016 won’t actually take effect until several years later. Local energy standards would protect against this. Even if this loophole would be closed, it would be difficult to implement local energy standards through BRegs since national Independent Assessor companies would have difficulty keeping up with local standards.

The "transitional provisions" loophole is a recent phenomena. Prior to BRegs 2010, developers would need to build each new dwelling to the Part L standard in place when the construction of that dwelling was started. However, a loophole was introduced in Part L 2010, allowing transitional provisions that meant that once one dwelling is started (even with simply a trench in the ground), the whole site only needs to meet the BRegs Part L in place when the BRegs application was made for the site. In addition, developers can make a building regulation application to the Council or to a private sector Building Control company (such as the NHBC) upon purchasing a site which gives them a year under the existing BRegs to get started on site. The combination of these loopholes means that implementation of BRegs Part L can lag behind the introduction of a Part L update by several years- a particular risk given the large sites coming forward in B&NES.

Our confidence in BRegs as an instrument to apply energy standards is further reduced by the fact that Part L 2013 is later and weaker than originally proposed. BRegs 2013 Part L reduction in carbon emissions is six months later than the Government proposed in their January 2012 consultation, and is substantially

lower than the original proposed 25% reduction. This is in contrast to the previous two changes to Part L, in 2006 and 2010, which both reduced regulated emissions by 25% compared to previous BRegs. By weakeneing BRegs 2013, industry will have to make a large “jump” in build quality to meet up to a 70% reduction, as proposed in BRegs 2016. As a result, it is likely that industry will not be ready to implement BRegs 2016 Part L, so further weakening or delay is likely to occur. Again, the impact of this would be a lower build quality than is viable, higher bills for residents and increased CO2 emissions.

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.

YES ☐ NO ☒

Comments:

We are not content with the proposal to scrap the Code for Sustainable Homes and argue that it needs to remain and be required through local planning policies.

The holistic approach to environmental sustainability, as encapsulated in the Code, has improved building practices greatly and must continue to do so if we are to meet the Government's overall objectives on sustainability. Many of the measures below are low cost to developers and would not pose viability issues. The following are responses on particular elements of the Code:

ENE 3: Energy Display devices: This standard must remain. Energy behaviour change is vital. The Energy Saving Trust calculates that display devices can reduce energy use by up to 15%, at a tiny cost. Since the smart meter rollout will not be complete until 2020, many hundreds of thousands of new homes will be without monitors until then. The cost-benefit of this measure is very favourable and it should not be assumed that this would happen without a requirement.

ENE 4: Drying space: This standard must remain to enable low carbon living. The argument that some residents don't use these facilities is immaterial, since whether residents use the facilities is their choice but removing indoor drying space removes that low-carbon option. A load of laundry washed at 40 degrees centigrade emits 0.7kg Co2e if dried naturally, and over three times as much- 2.4kg - if tumble dried (Berners-Lee 2010)

ENE 5: Accept the argument that this standard is no longer needed

ENE 8: Cycle storage: This standard must remain. Nowhere in the Review is it proposed to keep this standard. Whilst it is mentioned in the "Domestic Security" section of the Technical Standards document, there are no requirements to provide cycle space, merely the requirement that "if provided" cycle space must include a locking facility.

EN9: Home Working: This should be provided for somewhere, perhaps in the Space Standard.

In reference to the question about where these standards should be held, they should remain in the Code and be implemented through planning until the loopholes in Building Regulations Part L are addressed.

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.
YES ☐ NO ☐	
Comments:	

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
YES ☐ NO ☒	
Comments: No- since the EC Harris study upon which the consultation is based used higher than necessary costings, as set out below.	

Costs of building to the Code have fallen rapidly over the past few years. Bath & North East Somerset, in conjunction with Bristol City Council, Swindon Borough Council, Brighton & Hove City Council and Wiltshire Council recently commissioned Element Energy to re-run the cost model they used to produce the 2011 DCLG study “Cost of building to the Code for Sustainable. Homes. Updated cost review" (see link below).

This study found that per dwelling costs of meeting Code 5 have fallen from a range of £16.5k–23k in 2011 to £6.5k–10.5k today (a reduction of around 55%). The equivalent range for Code 6 is £28k–38k in the 2011 study to £15k–26k today (a c.40% decrease).

The EC Harris report underpinning the Impact Assessment found higher costs than these. This was partly because they assumed the use of ground source heat pumps (GSHP) instead of less expensive alternatives (Impact Assessment, Appx B, p95). Conversely, Element Energy (2013) found that “The lowest cost method of achieving CSH5 is now typically based on a strategy with gas boiler with PV” (Element Energy, p5). EC Harris did not explain why they assumed use of GSHP was the most cost effective way of delivering the Code. In addition, the costs of water efficiency technologies are higher in the EC Harris report than the Element Energy study, which was based on actual costings from development projects that Davis Langdon/AECOM has been involved in, as below:

EC Harris: £3000 for rainwater, £3750 for greywater
Element Energy: Range of £1500 - £2700 for rainwater and £1700 to £3500 for greywater.

In addition, when the cost of the whole Code was assessed for p102 of the Impact Assessment, use of the more expensive greywater systems were assumed. The rationale was that these would be more suitable to larger areas of the country, however Element Energy found that rainwater was now more commonly being used. Again, this pushes up the EC Harris costings used as the basis for the HSR impact assessment. As a result, the difference in cost of Code 5 between the studies is significant:

EC Harris: £16,288 to £19,574 (p95)

Element Energy: £6.5k to £10.5k (p1)

The final point on the removal of the Code and local energy standards is the public resource and cost implications for local authorities having to change their policies and adapt to a new policy regime.

The Element Energy study can be found at the link below:
http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-

Building-Control/Planning-Policy/Evidence-Base/Sustainability/code_for_sustainable_homes_costs_report.pdf

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.
YES ☐ NO ☐	
Comments:	

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?

Comments:

Merton Rules must continue to be allowed, as per the Planning and Energy Act 2008. In contrast to the assumption in the Impact Assessment that they are not effective (para 70-72) they have been very effective in driving the uptake and development of renewable technologies, including heat networks which Government is keen to encourge. For example, our Bath Western Riverside (BWR) development would not have had a heat network installed were it not for the requirement that the development source 10% of its energy from renewable sources, at which point, biomass district heating and CHP was incorporated. BWR was cited as a DCLG case study in "Code for Sustainable Homes Case Studies: Volume 4" at link below:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/230271/Code_Case_Studies_Volume_4_-_final.pdf

The Merton Rules is the only tool to ensure a focus on renewable energy. This can meet local needs, for example in areas where there is a special potential for renewable energy to reduce energy bills or meet climate objectives.

Retaining the ability to set Merton Rules complements the Allowable Solutions mechanism, enabling developers to apply their Allowable Solutions directly to meeting the local Merton Rule requirement, as per the BWR example above.

The Impact Assessment has neither monetised the costs of removing Merton Rules, nor calculated the carbon implications of removing Merton Rules, either pre and post Part L 2016.

There will certainly be a pre-2016 Part L impact, since houses will simply be built with less renewable energy. There will also be a post- Part L 2016 impact, since our Element Energy study showed where the option was provided, Allowable Solutions would be used instead of on-site renewables in order to meet higher energy standards, so BRegs Part L 2016 may not simulate the same level of onsite renewables as a Merton Rule. Since these factors have not been considered in the Impact Assessment, we conclude that there is insufficient evidence at present to inform a consultation on removing the ability of LAs to set Merton Rules.

Chapter 6: Indoor environmental standards

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)? 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.
A) YES ☐ NO ☐	
B) YES ☐ NO ☐	
Comments:	

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 ☐ NO ☐	
Comments:	

Q59	Do you agree that sunlighting should sit outside the scope of this review? Y/N.
YES ☐ NO ☐	
Comments:	

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 ☐ NO ☐	
Comments:	

Chapter 7: Materials

Q61	Do you agree that materials standards are best left to the market to lead on? Y/N.
YES ☐ NO ☒	
Comments: The Code for Sustainable Homes has driven the uptake of more sustainable building materials and needs to be retained in order to continue the mainstreaming of these materials through the supply chain.	

Chapter 8: Process and compliance

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

1 ☒ 2 ☐ Hybrid ☐

Comments:

Whilst we are not commenting on the implementation of other types of standards through the approaches above, for energy, we propose the use of nationally described standards, including the Code for Sustainable Homes or Merton Rules for Energy, applied through planning. Bregs Part L is currently a poor tool for implementing energy standards.

Loopholes in BRegs Part L, the “transitional provisions ” (see below) mean that they are not a suitable tool to implement energy standards. These loopholes mean that even now, in 2013, most new dwellings in B&NES are only being built to BRegs 2006. Unless this loophole is closed, BRegs 2016 won’t actually take effect until several years later. Local energy standards protect against this. Even if this loophole would be closed, it would be difficult to implement local energy standards through BRegs since national Independent Assessor companies would have difficulty keeping up with local standards.

Prior to BRegs 2010, developers would need to build each new dwelling to the Part L standard in place when the construction of that dwelling was started. However, transitional provisions in BRegs 2010 weakened this, so that once one dwelling is started, the whole site only needs to meet the BRegs in place when the BRegs application was made for the site. In addition, developers can make a building regulation application to the Council or to a private sector Building Control company (such as the NHBC) upon purchasing a site which gives them a year under the existing BRegs to get started on site. The combination of these loopholes means that implementation of BRegs Part L can lag behind the introduction of a Part L update by several years- a particular risk given the large sites coming forward in B&NES.

Our confidence in BRegs as an instrument to apply energy standards is further reduced by the fact that Part L 2013 is later and weaker than originally proposed. BRegs 2013 Part L reduction in carbon emissions is six months later than the Government proposed in their January 2012 consultation, and is substantially lower than the original proposed 25% reduction. This is in contrast to the previous two changes to Part L, in 2006 and 2010, which both reduced regulated emissions by 25% compared to previous BRegs. This weakening of BRegs 2013/14 mean that industry will have to make a large "jump" in build quality to meet up to a 70% reduction, as proposed in BRegs 2016. As a result, it is likely that industry will not be ready to implement BRegs 2016 Part L, so further weakening or delay will likely occur, along with the concomitant decrease in build quality and increase in carbon emissions and resident's fuel bills.

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?

YES ☐ NO ☐

Comments:

In regards to sustainable construction, it has been shown that supply chains can adapt and improve in response to policy requirements, and that costs of previously expensive measures can fall rapidly, as more sustainable supply chains are created, mainstreamed and made efficient

For example, costs of building to the Code have fallen rapidly over the past few years. Bath & North East Somerset, in conjunction with Bristol City Council, Swindon Borough Council, Brighton & Hove City Council and Wiltshire Council recently commissioned Element Energy to re-run the cost model they used to produce the 2011 DCLG study "Cost of building to the Code for Sustainable. Homes. Updated cost review ".

This study, titled "Costs of building to the Code for Sustainable Homes, September 2013 " found that per dwelling costs of meeting Code 5 have fallen from a range of £16.5k–23k in 2011 to £6.5k–10.5k today (a reduction of around 55%). The equivalent range for Code 6 is £28k–38k in the 2011 study to £15k–26k today (a c.40% decrease).

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?
YES ☐ NO ☐	
Comments:	