



Ministry of Housing, Communities and Local Government
Future Homes Standard Consultation
2SW
Fry Building
2 Marsham Street
London
SW1P 4DF

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Submitted electronically via FutureHomesStandardConsultation@communities.gov.uk

Consultation on the Future Homes Standard

ADEPT – the Association of Directors of Environment, Economy, Planning and Transport - is the voice of Place Directors in county, upper tier and metropolitan borough authorities across England. ADEPT members focus on achieving the best for their communities. We provide services that people use every day of their lives. We know what our communities need to prosper. We continue to shape places and support economic success by providing the right conditions for growth. We are well placed to support Government in creating a prosperous and sustainable economy into the 2030s and beyond.

We welcome this opportunity to respond to the consultation; and the involvement of local government in supporting the Government meeting its zero emissions target. We look forward to being actively involved in the future. ADEPT would make the following general comments on the proposals:

ADEPT would not be in favour of the proposal to remove the Fabric Energy Efficiency standard from Building Regulations. The ability to meet the new 2020 options by simply adding a heat pump and solar power whilst building to poorer energy efficiency fabric standards than currently allowed under Part L 2013 is a retrograde approach. The reliance on sophisticated equipment and solutions such as waste water heat recovery systems brings with it risk. The same results could be achieved by measures that require minimal management and maintenance and are prone to obsolescence. The new standards should be promoting the improvement in the fabric energy efficiency of all new buildings to minimise energy demand, improve thermal comfort, and reduce energy costs.

A lesser standard of building fabric could still give rise to peak heat demand that strains the national grid and results in higher energy bills and worse comfort for occupiers. Homes with inefficient fabric are unsuited to heat pumps which provide low temperature heat rather than the “bursts” of heat required in cold, inefficient homes. ADEPT believes that this is an opportunity to drive fabric performance up, rather than let it worsen or create a dependency on high maintenance specialist

equipment with a high degree of obsolescence to achieve what could be achieved with much less risk.

ADEPT does not support the proposal to activate the amendment to the Planning and Energy Act 2008 to restricts local planning authorities from setting higher energy efficiency standard for dwellings. This seems to run counter to the aspiration to improve standards and build communities that are context specific and have the appropriate level of resilience. To drive up standards Authorities should have the flexibility of setting higher standards in their localities if they consider it appropriate. For example, higher standards may be part of the measures to address carbon emissions in local authorities that have declared a climate emergency. ADEPT believes that it is essential for some areas to be allowed to go beyond the national standards in order to drive innovation, develop sustainable construction expertise and materials, stimulate the market and scaling up of supply chains, bring costs down and ultimately pave the way for higher standards in national policy. It is important to not restrict innovation in areas that are able to achieving higher standards sooner. Each area will have its own individual set of circumstances around energy e.g. grid constraints or resources for renewable heat and power. Local Authorities need flexibility to require higher standards in their areas so that they can make progress against their Climate Emergency declarations and enable the local development industry to adapt and innovate to achieve a carbon neutral future.

The introduction of a more stringent is welcomed in principle. In introducing a more stringent regime the government should support measures to increase the supply of building control inspectors; particularly in Local Authorities. The decline in local authority building control services is a serious issue for Authorities. Local Authority building control services have a high level of trust with the public and increasing competition from approved inspectors has undermined their ability to provide this service. If the new regime is not to become a tick box approach which is subject to avoidance it must be fully and properly regulated. Local Authorities are the natural organisations to ensure compliance in the public interest and should be properly resourced and supported to ensure the new standards are adhered to.

ADEPT would highlight the cumulative impact of all new regulations being introduced for housebuilders over the coming years. Consideration needs to be given as to how this will affect the viability of housing schemes both approved and proposed. It may result in developers seeking to renegotiate S.106 agreements. This may mean that the ability of Local Authorities to address other impacts arising from development is undermined.

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms (Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the National Planning Policy Framework). It is not just a question of changing or deleting an agreement because the viability changes. Therefore, any additional costs of introducing a more stringent regime needs to be carefully considered in the context of viability. This could have a knock effect of the quantity of housing coming

forward and the ability of Local Authorities to meet their housing delivery test (paragraphs 73-75 of the National Planning Policy Framework).

The consultation and new standards is also an opportunity to demonstrate how they are meeting the UN Sustainable Development Goals (SDGs) which is missing from the consultation. For example, SDG7, SDG11, and SDG13.

We look forward to seeing the Government response to this consultation. We are grateful for the chance to provide our views and hope to be involved on further consultation going forward.

Yours faithfully,

Peter Geraghty
Chair, Sustainable Growth Board
Association of Directors of Environment, Economy, Planning & Transport

RESPONSES TO CONSULTATION QUESTIONS

Q1 Do you agree with our expectation that a home built to the Future Homes Standard should produce 75-80% less CO₂ emissions than one built to current requirements?

c. No – 75-80% is too low a reduction in CO₂

To make the necessary reduction by 2050 needs a committed target to achieving the necessary reduction in carbon emissions. The aim for the Future Home Standard should be to achieve zero carbon status without relying on the decarbonisation of the electricity grid and it is considered that the proposed specification is not ambitious enough.

Q2 We think heat pumps and heat networks should typically be used to deliver the low carbon heating requirement of the Future Homes Standard. What are your views on this and in what circumstances should other low carbon technologies, such as direct electric heating, be used?

No. comment

Q3 Do you agree that the fabric package for Option 1 (Future Homes Fabric) set out in Chapter 3 and Table 4 of the impact assessment provides a reasonable basis for the fabric performance of the Future Homes Standard?

c. No – the fabric standard is not demanding enough. For the reasons explained in the introductory letter. ADEPT would point out that any new regulations should operate in a complementary manner with planning policy and legislation. Whatever standard is agreed it will be necessary to ensure effective mechanisms are in place to ensure that these standards are achieved on-site.

Q4 When, if at all, should the government commence the amendment to the Planning and Energy Act 2008 to restrict local planning authorities from setting higher energy efficiency standards for dwellings?

d. The government should not commence the amendment to the Planning and Energy Act.

For the reasons explained in the introductory letter. Complementary planning legislation and guidance could also assist delivering technological solutions to improve energy efficiency and to remove such powers could diminish innovation and locally based solutions.

Q5 Do you agree with the proposed timings presented in Figure 2.1 showing the Roadmap to the Future Homes Standard?

c. No – the timings are not ambitious enough.

To meet the national 2050 target, we need net zero carbon now, either nationwide or at very least in all areas where the market can be shown to support it. The timetable needs to reflect the urgency of the issue. The development industry needs to be incentivized to introduce the necessary measures as soon as possible.

Q6 What level of uplift to the energy efficiency standards in the Building Regulations should be introduced in 2020?

d. It should be more ambitious than the government's preferred option. The use of fabric technology should be maximised in whatever option that is implemented as there is no justification for not maximising the potential energy efficiency savings from this technology.

Q7 Do you agree with using primary energy as the principal performance metric?

a. Yes – primary energy should be the principal performance metric.

Q8 Do you agree with using CO2 as the secondary performance metric?

a. Yes

Q9 Do you agree with the proposal to set a minimum target to ensure that homes are affordable to run?

a. Yes

Q10 Should the minimum target used to ensure that homes are affordable to run be a minimum Energy Efficiency Rating?

a. Yes

Q11 Do you agree with the minimum fabric standards proposed in table 3.1?

a. Yes

Q12 Do you think that the minimum fabric standards should be set in the Building Regulations or in the Approved Document (as is the current case)?

b. In the Approved Document

Q13 In the context of the proposed move to a primary energy metric and improved minimum fabric standards, do you agree with the proposal to remove the fabric energy efficiency target?

b. No. For the reasons explained in the introductory letter above. The standards are not enough to drive fabric.

Q14 Do you agree that the limiting U-value for roof-lights should be based on a roof-light in a horizontal position?

No comment

Q15 Do you agree that we should adopt the latest version of BR 443?

No comment

Q16 Do you agree with the proposal of removing the fuel factors to aid the transition from high-carbon fossil fuels?

a. Yes.

Q17 Do you agree with the proposed changes to minimum building services efficiencies and controls set out in table 3.2?

No comment

Q18 Do you agree with the proposal that heating systems in new dwellings should be designed to operate with a flow temperature of 55°C?

No comment

Q19 How should we encourage new dwellings to be designed to operate with a flow temperature of 55°C?

No comment

Q20 Do you agree with the proposals to simplify the requirements in the Building Regulations for the consideration of high-efficiency alternative systems?

No comment

Q21 Do you agree with the proposal to adopt the latest Standard Assessment Procedure, SAP 10?

a. Yes.

Q22 Do you agree with the proposal to update the source of fuel prices to BEIS Domestic energy price indices for SAP 10.2?

a. Yes.

Q23 Do you agree with the method in Briefing Note – Derivation and use of Primary Energy factors in SAP for calculating primary energy and CO2 emissions factors?

a. Yes.

Q24 Do you agree with the removal of government Approved Construction Details from Approved Document L?

b. No. The proper guidance in a form recognised by the development industry and regularly used by practitioners should continue to be available.

Q25 Do you agree with the proposal to introduce the technology factors for heat networks, as presented in the draft Approved Document?

a. Yes.

Q26 Do you agree with the removal of the supplementary guidance from Approved Document L, as outlined in paragraph 3.59 of the consultation document?

No comment

Q27 Do you agree with the external references used in the draft Approved Document L, Appendix C and Appendix D?

a. Yes.

Q28 Do you agree with incorporating the Compliance Guides into the Approved Documents?

No comment

Q29 Do you agree that we have adequately covered matters which are currently in the Domestic Building Services Compliance Guide in the new draft Approved Document L for new dwellings?

a. Yes.

Q30 Do you agree that we have adequately covered matters which are currently in the Domestic Ventilation Compliance Guide in the new draft Approved Document F for new dwellings?

a. Yes.

Q31 Do you agree with the proposals for restructuring the Approved Document guidance?

No comment

Q32 Do you agree with our proposed approach to mandating self-regulating devices in new dwellings?

No comment

Q33 Are there circumstances in which installing self-regulating devices in new dwellings would not be technically or economically feasible?

No comment

Q34 Do you agree with proposed guidance on providing information about building automation and control systems for new dwellings?

a. Yes.

Q35 Do you agree that the guidance in Appendix B to draft Approved Document F provides an appropriate basis for setting minimum ventilation standards?

a. Yes.

Q36 Do you agree that using individual volatile organic compounds, informed by Public Health England guidelines, is an appropriate alternative to using a total volatile organic compound limit?

No comment

Q37 Do you agree with the proposed guidance on minimising the ingress of external pollutants in the draft Approved Document F?

a. Yes.

Q38 Do you agree with the proposed guidance on noise in the draft Approved Document F?

a. Yes.

Q39 Do you agree with the proposal to remove guidance for passive stack ventilation systems from the Approved Document?

a. Yes.

Q40 Do you agree with the proposal to remove guidance for more airtight naturally ventilated homes?

a. Yes.

Q41 Do you agree with the proposal to remove guidance for less airtight homes with mechanical extract ventilation?

a. Yes.

Q42 Do you agree with the proposed guidance for background ventilators in naturally ventilated dwellings in the draft Approved Document F?

a. Yes.

Q43 Do you agree with the proposed approach in the draft Approved Document for determining minimum whole building ventilation rates in the draft Approved Document F?

a. Yes.

Q44 Do you agree that background ventilators should be installed for a continuous mechanical extract system, at 5000mm² per habitable room?

a. Yes.

Q45 Do you agree with the external references used in the draft Approved Document F, in Appendices B, D and E?

a. Yes.

Q46 Do you agree with the proposed commissioning sheet proforma given in Appendix C of the draft Approved Document F, volume 1?

a. Yes.

Q47 Do you agree with the proposal to provide a completed checklist and commissioning sheet to the building owner?

a. Yes. This should also apply to occupiers/users of properties.

Q48 Do you agree that there should be a limit to the credit given in SAP for energy savings from airtightness for naturally ventilated dwellings?

a. Yes.

Q49 Do you agree that the limit should be set at 3m³/m².h?

a. Yes.

Q50 Is having a standard level of uncertainty of 0.5 m³/m².h appropriate for all dwellings undergoing an airtightness test?

a. Yes.

Q51 Currently only a proportion of new dwellings are required to be airtightness tested. Do you agree with the proposal that all new dwellings should be airtightness tested?

a. Yes. This is an important quality assurance measure that sits alongside other measures.

Q52 Currently, small developments are excluded from the requirement to undergo any airtightness tests. Do you agree with including small developments in this requirement?

a. Yes. This is an important quality assurance measure that sits alongside other measures.

Q53 Do you agree that the Pulse test should be introduced into statutory guidance as an alternative airtightness testing method alongside the blower door test?

No comment

Q54 Do you think that the proposed design airtightness range of between 1.5 m³/m².h and the maximum allowable airtightness value in Approved Document L Volume 1 is appropriate for the introduction of the Pulse test?

No comment

Q55 Do you agree that we should adopt an independent approved airtightness testing methodology?

a. Yes. This is an important quality assurance measure that sits alongside other measures.

Q56 Do you agree with the content of the CIBSE draft methodology which will be available via the link in the consultation document? Please make any comments here.

No comment

Q57 Do you agree with the introduction of guidance for Build Quality in the Approved Document becoming part of the reasonable provision for compliance with the minimum standards of Part L?

a. Yes.

Q58 Do you have any comments on the Build Quality guidance in Annex C?

No comment

Q59 Do you agree with the introduction of the standardised compliance report, the Building Regulations England Part L (BREL) report, as presented in Annex D?

a. Yes. This also relevant to occupiers/users of properties as well as owners.

Q60 Do you agree with the introduction of photographic evidence as a requirement for producing the as-built energy assessment for new dwellings?

a. Yes – subject to there being safeguards that such material is not manipulated or altered.

Q61 Do you agree with the proposal to require the signed standardised compliance report (BREL) and the supporting photographic evidence to be provided to Building Control?

a. Yes This also relevant to occupiers/users of properties as well as owners.

Q62 Do you agree with the proposal to provide homeowner with the signed standardised compliance report (BREL) and photographic evidence?

a. Yes

Q63 Do you agree with the proposal to specify the version of Part L that the home is built to on the EPC?

a. Yes. This is important if the information provided is to be meaningful to purchasers or tenants.

Q64 Do you agree Approved Document L should provide a set format for a home user guide in order to inform homeowners how to efficiently operate their dwelling?

a. Yes. However, it would be desirable for the information to be provided to all 'occupiers' not just 'homeowners' as this information will also be of importance to tenants where properties are let.

Q65 Do you agree that the transitional arrangements for the energy efficiency changes in 2020 should not apply to individual buildings where work has not started within a reasonable period – resulting in those buildings having to be built to the new energy efficiency standard?

a. Yes. Provided the period is short.

Q66 Do you foresee any issues that may arise from the proposed 2020 transitional arrangements outlined in this consultation

No comment

Q67 What is your view on the possible transitional arrangements regarding changes to be made in 2025?

The arrangements need to be specific and not open to interpretation or manipulation or prevarication.

Q68 The Impact Assessment makes a number of assumptions on fabric/services/renewables costs, new build rates, phase-in rates, learning rates, etc for new homes. Do you think these assumptions are fair and reasonable?

To ensure robust cost-effective routes to net-zero carbon, energy-efficiency measures should be prioritised prior to adding renewables.

Q69 Overall, do you think the impact assessment is a fair and reasonable assessment of the potential costs and benefits of the proposed options for new homes?

The assessment states in relation to housing supply that 'developers have options to renegotiate their S106s (planning obligations) or make changes to planning permissions to absorb these costs'. This is based on a misunderstanding of the nature of such agreements. As explained above Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. Therefore, any reduction in such obligations may undermine the acceptability of the development. Moreover, it is considered that this could result in reduced levels of s106 infrastructure such as affordable housing, and potentially reduced materials quality and design specifications, poorer landscaping, smaller units etc. or higher densities. In addition the planning implications of reduced housing supply could mean added pressure on the 5 year housing land supply.

The consultation and new standards could also demonstrate how they are meeting the UN Sustainable Development Goals (SDGs); in fulfilment of the Government's stated commitment to meeting the goals.