

Annex D: Response Form

Invitation

You are invited to comment on the Government's proposals for a Code for Sustainable Homes.

Your views are particularly sought on the key proposals in Sections 1 and 2 and their potential impacts set out in the partial Regulatory Impact Assessment (RIA) in Annex E. It should be noted that, although all these proposals are being consulted on as part of a package of measures, they are not mutually exclusive, i.e. one or more of them could be disregarded or amended in the light of the consultation exercise.

How to respond

Comments are invited on any aspect of this consultation document. However, to assist our analysis of responses we would appreciate it if you could complete the response form below either electronically or in hard copy. Please feel free to submit additional comments, evidence and/or supporting documentation.

Responses can be returned by post or by e-mail. The deadline for receiving responses to this consultation is 6 March 2006. All responses received before the deadline will be considered.

Additional copies of this consultation document and this response form may be downloaded from the ODPM website, www.odpm.gov.uk, or obtained as hard copies from:

The Office of the Deputy Prime Minister
PO Box 236
Wetherby
West Yorkshire
LS23 7NB
Tel: 0870 1226 236
Fax: 0870 1226 237
Textphone: 0870 1207 405
E-mail: odpm@twoten.press.net

Please return your response to this consultation as soon as possible and in any event no later than 6 March 2006. Please reply direct to the contractors engaged in collation and initial analysis at:

By post:

**Code Review
CIRIA
174-180 Old Street
London
EC1V 9BP**

Or by e-mail:

csb@ciria.org

**Response form for the consultation on proposals for introducing a
Code for Sustainable Homes**

| Respondent Details | |
|---|---|
| Name: Hugh Ellis | Please return by 6 March 2006 by post or e-mail to: Code Review CIRIA 174-180 Old Street London EC1V 9BP e-mail: to: csb@ciria.org |
| Organisation: Friends of the Earth | |
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| Town/City: London | |
| County/Postcode: N1 7JQ | |
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Organisation type (*tick one box only*)

- | | |
|---|---|
| <input type="checkbox"/> Approved Inspector | <input type="checkbox"/> Manufacturer |
| <input type="checkbox"/> Architects | <input type="checkbox"/> Trade body or association |
| <input type="checkbox"/> Civil/Structural Engineer | <input type="checkbox"/> Private individual (unaffiliated) |
| <input type="checkbox"/> Commercial Developers | <input type="checkbox"/> Professional body or institution |
| <input type="checkbox"/> Consultancy | <input type="checkbox"/> Property funder |
| <input type="checkbox"/> House or property developer | <input type="checkbox"/> Research/academic organization |
| <input type="checkbox"/> Housing Association (Registered Social Landlords) | <input type="checkbox"/> Specific interest or lobby group |
| <input checked="" type="checkbox"/> Other non-governmental organisation | <input type="checkbox"/> Individual in practice, trade or profession |
| <input type="checkbox"/> Builder/other contractor (please specify) | <input type="checkbox"/> Journalist/media |
| <input type="checkbox"/> Local authority – Building Control | <input type="checkbox"/> Insurer |
| <input type="checkbox"/> Local authority – Environmental health | <input type="checkbox"/> Other (<i>please specify</i>): |
| <input type="checkbox"/> Local authority – other (please specify) | |

Please use an X in answering the following questions

Is your response confidential? Yes No

If so please explain why.

(See disclaimer on page x)

Foreword: It is appreciated that not all consultees will wish to express an opinion on every question. Where no response is given it will be presumed that consultees do not wish to contribute to the consultation on that specific matter. Where consultees strongly support particular aspects of the guidance please use the comments sections of this form to note that support.

Please note that provision is made throughout this questionnaire for you to provide additional comments. If, however you wish to provide detailed comments on any aspect of the consultation then please append additional materials and supplementary documents, clearly marked and cross referenced to the relevant questions, as necessary.

1 Do you welcome the concept of the Code for Sustainable Homes?

Comments:

Yes

No

1.1 Friends of the Earth welcomes the acknowledgement in the first paragraph of the consultation that `more than a quarter of the UK's carbon emissions come from energy used in homes and more than half the water`. The urgency of tackling climate change can not be overstated, as exemplified by the UK's commitment reducing our carbon emissions.

1.2 Friends of the Earth welcomes the overall concept of a Code that will create a coherent framework to drive up standards of sustainable construction and design. The overarching objective of the Code must be to ensure that all developments are designed so as to minimise their environmental impact by minimising resource use through the entire life cycle of the building.

1.3 The Government has a major opportunity to secure a step change in the environmental performance of housing by reducing greenhouse gas emissions and delivering low carbon and sustainable communities. This will be essential for economic as well as environmental reasons. However, we are extremely disappointed that:

- The scope of Code has been reduced from all buildings to only new domestic dwellings

- The Code remains voluntary for all private sector housing

- The internal code standards are weak and offer little incentive to promote innovation.

Taken together these deficiencies render the Code an ineffective policy instrument with little potential to effect change in building design and quality.

1.4 The overall approach to empowering and embedding the Code in existing regulatory systems is flawed. There is insufficient join up between the provisions of PPS 3 Draft (Housing) and the objectives of the Code. In particular while the planning system has major role to play in incorporating Code standards into development plan policy neither the Code nor PPS 3 contains any discussion of how this can be achieved.

1.5 In addition, Friends of the Earth considers that the Code should be clearly applicable to Wales until building regulations are devolved, so that Wales is able to tackle climate change effectively in this area.

2 Do you think that the coverage of six essential elements and other optional elements is correct?

Comments:

Yes

No

2.1 Friends of the Earth believes that instead of the elements outlined in the draft Code, that the new BRE EcoHomes standards (scheduled for publication in April 2006) should form the basis of the Code. This would build on the experience of industry in building to EcoHomes standards, utilize the experience of professionals who already work with the current EcoHomes system, and provide a clear and consistent approach to industry.

2.2 The EcoHomes system also has the advantage of bringing in the transport considerations of new build, which are an interconnected part of the sustainability of a home, and should not just be thought of as an entirely separate issue.

2.3 WWF have identified four key advantages of this approach which Friends of the Earth endorses:

' - it would be consistent with existing Government requirements. English Partnerships and the Housing Corporation will continue using EcoHomes 2005/6 standards until 2008 due to contractual commitments.

- It would provide consistency for the industry. Major house builders have told WWF that they will continue to use the EcoHomes standard on private developments for the foreseeable future as they now have extensive experience of working with this standard and fully understand the requirements. The industry has been critical of the proliferation of sustainability tools and guidance, and this approach would help to simplify and rationalise information and standards promoted.

- BRE have a team of trained and licensed assessors already in place to enable delivery of the Code immediately.

- The award winning BREEAM family of tools are internationally renowned and have formed the basis of most, if not all other international environmental building standards.' (WWF Consultation response to the Draft Code for Sustainable homes March 2006))

3 Is a mix of essential and optional 'tradable' elements helpful?

Comments:

Yes

No

3.1 While FOE acknowledges the flexibility of a tradable approach we are concerned that the proposed Code contains very low minimum standards, particularly regarding those criteria that directly relate to carbon emissions. For energy use, the Code minimum standard does not even go beyond the new building regulations despite the fact that far greater efficiency is technically possible. The sustainability assessment commissioned by ODPM suggests that emissions from energy use in new homes could be cut by 17 per cent if they were all built to the EcoHomes 'excellent' standard, as compared to current building regulations.

3.3 . It is particularly important to achieve these standards now given the opportunity of the planned large scale expansion of housing development. Retrofitting these new homes would be significantly more expensive than designing efficient homes from the start.

3.4 It is to be regretted that the draft Code provides no information regarding what standards will be required at each of the stages of the Code (beyond the minimum requirements), thereby negating any constructive comments that we might have been able to provide..

4 Do you think that a scoring system in terms of points out of 100 is workable?

Comments:

Yes

No

4.1 The draft contains scant information as to how the scoring system will work. Without this information, it is hard to see what the combination of choices would be to achieve the different star ratings - for example what possible combinations would be required to achieve the 50 extra Code points for the 5 star rating? Without this information, it is not possible to fully evaluate the concept of the scoring system.

4.2 Instead of using the 100 point system, and spending more time working it up into a more comprehensive proposal, Friends of the Earth believes the Code should adopt the same scoring systems as EcoHomes 2006.

5 Do you think the concept of a one to five-star rating system is right?

Comments:

Yes

No

5.1 Friends of the Earth thinks that one of the key purposes of the Code is to create a level playing field for industry, and to provide a mechanism by which developments will be built to high environmental standards. The designation of these standards should have an internal mechanism that increases the Code standards, to take account of technological advances over time. Bearing that in mind, the five star system does not help the Code to meet these aims for the following reasons:

- the star system does not encourage developments to meet high environmental standards, as developers can merely reach the one star rating, which does not even go beyond current government regulations for energy efficiency.

- there is no incentive for the developer to achieve the 5 star rating, because it is not mandatory, and so will only be seen as a luxury that will be applied to few homes. As a result, less 5 star standard houses will be built and the unit costs will be higher than if they were more ubiquitous.

- the `luxury` element of a 5 star image will not help to increase the public awareness of what should be possible across the sector. Instead it should be clear that higher ratings will also bring lower running costs, long-term affordability and better quality.

5.2 Whilst it is to be welcomed that buyers are fully informed about the environmental standards of their building, this does not change the fact that their choices will still be restricted to what stock is built, much of which is likely to only conform to the lower star ratings. It would be more effective to make higher standards mandatory, so that the burden is lifted from the consumer, giving them greater choice of buildings to purchase in higher environmental standards. The complete voluntary approach - as demonstrated by CO2 emissions from cars, or green electricity tariffs, puts too much expectation on the consumer to be an expert in the field, which should instead be regulated by government.

6 If you are a house-builder, will you use the Code?

Comments:

Yes No

N/a

- 7 Do you agree that no certification should be awarded until a post construction check to verify that the home complies with the design assessment rating?

Comments:

Yes No

7.1 Friends of the Earth agrees that to ensure the integrity of the Code the certification should not be awarded until a post construction check.

- 8 Do you have comments on the costs and benefits identified in the draft Regulatory Impact Assessment (RIA)?

Comments:

Yes No

8.1 Friends of the Earth does not agree with the predicted cost of implementing the minimum level of the Code at £608. We believe this to be an overestimate because although better designed housing may cost more, this is a small percentage of total costs. Merton Local Authority puts green design at just 2.5% onto building costs. The architects and builders at BedZed estimate that at just 3% of new developments, unit costs for green homes would fall to the same as conventional development.

8.2 Better designed and more efficient homes have greatly reduced running costs – a major benefit particularly for lower income households who spend a greater percentage of their income on electricity, heating and water. In the first year of the BedZed development in London, running costs were almost £500 a year lower than the average UK home – savings of £80 on electricity, £225 on heating and £170 on water.

8.3 It is important to look at the costs and benefits beyond the housing sector. Housing accounts for around a third of the UK's carbon emissions. If we don't prevent dangerous climate change there will be massive economic costs. Carbon reduction measures will have major benefits to society in relation to the costs of dealing with climate change impacts. In recent years we have seen hundreds of billions of pounds of damage from

Hurricane Katrina and tens of billions for drought and floods in Europe. We are not immune in Britain – floods in Carlisle and Boscastle have had major social and economic costs. Climate change will cause more severe climate disasters and much greater damage to communities and economies. It will also be the poorest who will be hit hardest – they are least able to protect their property and are less likely to be insured. Climate change will also affect the economy in other ways – for example increased spending needed to build flood defences and protect coastlines: all diverting spending away from other priorities. Action on housing is urgently needed to prevent economic damage from climate change.

Energy:

Water efficiency:

Surface water management:

Waste during construction:

Waste during occupation and use:

Use of materials:

Other:

9 Do you have any other comments on the draft RIA?

Comments:

Yes

No

Energy:

Water efficiency:

Surface water management:

10. Do you have any other comments not covered by your responses above?

Comments:

Yes

No

10.1 Friends of the Earth is extremely disappointed that the proposed Code is voluntary for private sector development, and so no matter what the standards within it, there is no guarantee that house-builders or anyone else will pay adequate attention to it.

10.2 The planning system is one of the most important mechanisms for securing low carbon development by enshrining Code standards into the development plan system. Planning Policy Statement 3 should contain text to ensure that Code is mandatory for all development. These amendments would have the additional benefits of creating certainty for business and investors by making clear the general regulatory framework for sustainable construction. This would correct the current position where some Local Authorities require measures such as micro-generation on new developments and some do not. This suggestion is based on the assumption that the proposed Code will be improved as outlined by our responses elsewhere in this document.

10.3 Sustainability assessments show the forecast house-building in England is likely to lead to substantial emissions of carbon dioxide, the principal greenhouse gas. Current plans suggest that creating the materials and constructing 2.8 million new homes by 2016 will release 142.9 million tonnes of carbon dioxide. In addition, over a 15 year period an additional 50 million tonnes of carbon dioxide will be released due to energy use in the home. This equates to around 12 million tonnes of carbon dioxide emissions each year, which is equivalent to ten per cent of current transport emissions. If higher house building scenarios are followed then emissions would increase by a further 60 million tonnes more over a 15 year period. (Figures from ENTEC 2005 "A sustainability impact assessment of additional housing scenarios in England" ODPM)

10.4 Yet the assessment commissioned by OPDM does not compare the emissions caused by new house-building with those from alternative strategies, despite admitting that 'reusing entire buildings by retrofitting them, reduces the total amount of embodied energy' and therefore the emissions from new construction. A previous assessment carried out in 2004 failed to make this comparison either.

Thank you for your time

Please note:

All information in responses, including personal information, may be subject to publication or disclosure under freedom of information legislation. If a correspondent requests confidentiality, this cannot be guaranteed and will only be possible if considered appropriate under the legislation. Any such request should explain why confidentiality is necessary. Any automatic confidentiality disclaimer generated by your IT system will not be considered as such a request unless you specifically include a request, with an explanation, in the main text of your response.

Confidential responses will nevertheless be included in any statistical summary of numbers of comments and views expressed, although individuals will not be identified.

Names and addresses may be held in an electronic database of interested parties for the purpose of distributing future consultation documents on similar issues. However, any such details will not be given to any third party.

A summary of responses to this consultation will be published at www.odpm.gov.uk

Paper copies will be available on request.