

Matter 19: Design (Policy CS1)

Local Code for Sustainable Homes Standards

- 1) RPS contends that the locally imposed Code for Sustainable Homes targets outlined in criterion 8 of Policy CS1 should be removed as there is insufficient justification for including such an onerous requirement in the Core Strategy. Criterion 8 requires major residential and mixed-use schemes to achieve Code for Sustainable Homes (CfSH) level 3 (level 4 from 2013).
- 2) CfSH is a voluntary national standard designed to improve the overall sustainability of new homes by setting a single framework within which the home building industry can design and construct homes to higher environmental standards. It is not a mandatory requirement as confirmed by the Department of Communities and Local Government website:

“The Code is not mandatory, nor is there any intention to make it mandatory (by 2016 or any other date)”¹

- 3) Moreover, the principal elements of the CfSH have been transposed into Part L of the Building Regulations which represent a statutory requirement for all development proposals. If the Council wishes to adopt more ambitious targets in advance of those set out nationally via the Building Regulations, it needs to provide evidence of local circumstances that justify such an approach along with a thorough assessment demonstrating that the CfSH requirements coupled with other local policy requirements in the Core Strategy will not impede the delivery of sustainable development. There is currently insufficient evidence to justify establishing CfSH targets in the Core Strategy.
- 4) The National Planning Policy Framework (NPPF) also makes clear that plan-making should pay careful attention to viability and costs to ensure that plans are deliverable. It stipulates:

“... sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened”.²

- 5) Having regard to the above requirement, there appears to be no detailed viability assessment informing the imposition of the CfSH standards in Policy CS1 beyond what is contained in the Council’s Affordable Housing Economic Viability Assessment. The aforementioned assessment bases its viability modelling upon CfSH Code Level 3. It does not account for the requirement for housing proposals to

¹ <http://www.communities.gov.uk/planningandbuilding/sustainability/codesustainablehomes/>

² NPPF, March 2012, Paragraph 173

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meet Code Level 4 from 2013 as prescribed in Policy CS1 owing to *“uncertainties in both the costs and implementation within the existing timescale”*.³

- 6) The imposition of CfSH Level 4 from 2013 will therefore clearly impact upon the viability of providing 35% affordable housing which is already reliant upon house prices being 110%-120% of prices in 2010 to ensure that the supply rate is viable. This represents a major concern that will affect the deliverability of development in the short term at the very least.
- 7) Although Paragraph 5.11 of the Core Strategy confirms that the Council will review its approach to sustainable construction through the Policies, Sites and Places DPD to ensure the highest possible standards are being applied and there is no undue burden on the delivery of housing, there will inevitably be a time-lag between the adoption of the Core Strategy and the preparation of the aforementioned DPD. This transition could potentially impede the delivery of housing and jeopardise the effective delivery of the Core Strategy objectives.
- 8) It is therefore concluded that in the absence of local circumstances that warrant and allow the imposition of local CfSH standards, criterion 8 of Policy CS1 needs to be amended to remove reference to CfSH requirements. This amendment is needed to ensure that Policy CS1 is justified and compliant with the NPPF. It would not be unreasonable for the policy to require planning applications to be accompanied by CSH assessments to monitor progress and performance of construction through the AMR.

³ Economic Viability Assessment: Affordable Housing Policy, August 2010, Section 6.2