



Department for
Communities and
Local Government

Housing Standards Review

Consultation

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The Consultation Process and How to Respond

Basic Information

To:	This is a public consultation and it is open to anyone with an interest in these proposals to respond
Body responsible for the consultation:	The Department for Communities and Local Government is responsible for the policy and the consultation exercise.
Duration:	This is a 10 week consultation which will conclude on 22 nd October 2013.
Enquiries:	Email: HousingStandardsReview@communities.gsi.gov.uk

How to 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
After the consultation:	A summary of responses to the consultation will be published.

Freedom of information and data protection applicable to consultation

Representative groups are asked to give a summary of the people and organisations they represent and, where relevant, who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act 2000, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The Department for Communities and Local Government will process your personal data in accordance with the Data Protection Act 1998 and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual responses will not be acknowledged unless specifically requested.

Overview

Topic of this Consultation:	Rationalisation of the framework of building regulations and local housing standards.
Scope of this Consultation:	The aim of this consultation is to seek views on the results of the recent review of Building Regulations and housing standards. This was a radical reform of the framework of building regulations, guidance, local codes and standards which aimed to reduce bureaucracy and costs on house builders - supporting growth whilst delivering quality, sustainability, safety and accessibility.
Geographical Scope:	England
Impact Assessment:	An impact assessment has been published alongside this consultation document.

Introduction

1. The house building process is difficult in itself, but it is not assisted by the large and complex range of local and national standards, rules, and Codes that any developer has to wade through before they can start building. Across the sector it is a widely acknowledged that there is a strong case for a review of housing standards, to rationalise and simplify them, and to decide what is fit for purpose.
2. Most housing standards are imposed voluntarily by local planning authorities, through local plan policies and as planning conditions applied to permissions, as they deem fit. Standards are not regulations laid down by government. They typically set out specific housing attributes or technical performance criteria, such as on energy efficiency issues, and either go above and beyond the Building Regulations or deal with subjects not covered by regulation, for example security.
3. Aside from the Code for Sustainable Homes and the Housing Quality Indicators, which the government own, standards are all drawn from documents produced by non-Governmental groups who perceive that current national guidance, policy or regulation is deficient in some respect, and needs to be supplemented. They are rarely subject to cost benefit analysis when they are developed, unlike government guidance or regulation. Some examples of the most commonly imposed standards are Lifetime Homes, Secured by Design, the Merton Rule, the London Housing Design Guide, and local space standards.
4. Although the local application of standards can be an important expression of local planning aspirations and can encourage local innovation, they are often complex and overlapping, and can even contradict each other or even parts of national Building Regulations. This is because they are usually produced in isolation from each other. Cumulatively they can be difficult to understand; there is no mechanism to help authorities understand what is best to apply, or how, or why, or indeed how to calibrate them all together.
5. Many standards carry separate and multiple third party compliance regimes with them, some of which are chargeable. It is also often unclear which part of an authority is responsible for checking whether standards have been met, and what it is they are checking. The overall effect is that standards can add considerably to development costs, project delay, local authority bureaucracy, and put a brake on growth.

Background

6. In 2010 the government announced the need for an industry led examination of housing standards¹, to find a way to simplify them. The examination was established during 2011, under the leadership of the Home Builders Federation, Local Government Association and National House Building Council. Chaired by Sir John Harman, the 'Local Housing Delivery Group'² reported in June 2012³.
7. Given the huge range of standards under consideration, the Local Housing Delivery Group decided the best way to consider standards was by theme, and divided the territory up into the themes of energy, accessibility, security, and water. The broad conclusion of the Local Housing Delivery Group was that there is significant scope for rationalisation in each of the themes. The group also called for as much material to be put into the national Building Regulations as possible, to help establish a clearer divide between planning policies and technical regulations. The Local Housing Delivery Group also urged the government to continue the review work, and to include the Code for Sustainable Homes in the review too.
8. In response to the Harman report, and last spring's housing and construction '[Red Tape Challenge](#)', in October the government announced the [Housing Standards Review](#). The full terms of reference for the [Housing Standards Review](#) are available on the [GOV.UK website](#)⁴. In short, two processes were launched together, acting as different facets of the same review – a Housing Standards Working group process, and a Challenge Panel process.

Approach

9. Standards, in the case of this review, can relate either to the technical or functional performance of the building (dwelling); or to the environment in which it is built. In very broad terms the former should relate to the Building Regulations; the latter are matters for planning policy or

¹ <https://www.gov.uk/government/news/were-lifting-burdens-from-the-backs-of-builders>

² <https://www.gov.uk/government/news/grant-shapps-welcomes-new-group-to-clear-minefield-of-building-standards>

³ <http://www.nhbc.co.uk/NewsandComment/Name,47338,en.html>

⁴

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/66140/Published_ToRs.pdf

guidance. The [Housing Standards Review](#) has concentrated on the former.

10. These standards can be brought forward by government, or can be brought forward by industry or other bodies. The vast majority of the standards within the scope of this review fall into the latter category.
11. This review is not proposing to stop industry or other bodies bringing their own standards to the market, for developers to utilise on a voluntary basis. Such standards, such as those provide by the NHBC can play an important role in providing information about performance and technical specifications which can inform builders and home buyers alike. This consultation identifies areas where this approach might be encouraged (eg, space labelling).
12. However, it is one thing for standards to be brought forward on a voluntary basis and be applied as a matter of choice by developers because they are welcomed in the market. But the way that standards are applied can be a problem where such standards are not subject to any local cost benefit or viability assessment, or rigorous local needs assessment.
13. This consultation therefore proposes a clear differentiation between standards which can be asked for subject to viability – which will be set out in a “nationally described standard set” under the National Planning Policy Framework; and areas where voluntary, market led approaches are to be encouraged, but cannot be mandated through planning policy.

Planning practice guidance review

14. As mentioned above this consultation covers technical planning standards applied to dwellings, and does not cover planning standards applying outside dwellings ie from the front door outwards. The Planning Practice Guidance Review, chaired by Lord Matthew Taylor of Goss Moor⁵, reviewed some 7,000 pages of planning practice guidance owned or co-owned by DCLG dating back to the 1960s, publishing their report on 21 December 2012. The aim of the review was to enable the production of an accessible and more effective set of practice guidance, dramatically reducing the existing guidance, and ensuring that new guidance supports effective planning.

⁵ <https://www.gov.uk/government/consultations/review-of-planning-practice-guidance>

15. On 21 May 2013, the government responded to both Lord Taylor's report, and the subsequent consultation on the review's recommendations, accepting that the existing guidance suite needs reform and consolidation. In light of the positive response to the consultation, we are carefully considering the implementation of the review group's recommendations, the majority of which we have accepted. As set out in the Budget, we will publish significantly reduced planning guidance, providing much needed simplicity and clarity in line with Lord Taylor's recommendations.
16. The drafting of the new, revised and reduced practice guidance material is taking place alongside the Housing Standards Review themed standards proposals, to ensure the material emerging from both reviews operates together effectively.

The Housing Standards workstream process

17. The Housing Standards Workstream steering group was chaired by DCLG, and comprised a diverse group of representatives from industry, local authorities, and standard owners. The group directed the work of six themed working groups, each examining standards under the headings of energy, accessibility, security, water, space, and process/compliance. Nominated by the steering group, the working groups themselves also comprised a balanced set of sector representatives.
18. Each working group was charged with developing a consensus way forward for their theme, and to develop consultation recommendations for government to consider. The government is very grateful to the participants in the groups for their considerable efforts rationalising a huge amount of material in such a short period.
19. The groups were not simply asked to delete material, or to just agree on a lowest common denominator approach. The review has not been a "race to the bottom" since there are important policy, legal and equity considerations underlying all of the themes.
20. The groups were also asked to focus on developing outcomes that meet the needs of each particular sector, as necessary. For example, the access group agreed that it is not necessary to retain the (at least) 15 different wheelchair housing specifications currently available. Instead they have developed a single specification that can do the job for the whole country.

21. At the start of their deliberations, each group began with a full range of potential outcome options for their theme. This is not a complete list, but options included –
 - do nothing / business as usual/ not have any standards at all;
 - incorporate existing standards into the Building Regulations;
 - incorporate existing standards into the Building Regulations, with an additional voluntary higher standard on top of this;
 - develop a national standard (that may have several levels);
 - develop a national standard for now, with the option of Building Regulations in time.
22. The result from each working group is presented in the forthcoming chapters, together with the government’s preferred option where that is known; in others we are seeking views. In some the preferred option is a “Regulation only” route.
23. Further background details of particular proposed standards are contained, where appropriate, in the standards technical document published alongside this consultation.

Implementing the review outcomes

24. Subject to consultation, we are currently considering implementing the outcomes of the review in one of two ways:
 - to develop a set of ‘nationally described standards; or
 - through fully integrating the standards proposed in the review into the Building Regulations (England).
25. The advantage of fully integrating all the proposed standards into the Building Regulations is that all technical building standards would be contained within the Building Regulations alone, thus providing clarity and certainty, and these could be set nationally. Any further changes made to the integrated standards would be subject to both broader policy considerations and legislative due process. A number of those involved in the working groups, and the Challenge Panel, advocated this approach.
26. For some of the themes in the review – eg energy – the outcome of the work, and the option preferred by most working group members (subject to clarity on future direction) was that performance standards should be set only in the Building Regulations.

27. However, there are also disadvantages to fully integrating all the proposed standard themes into the Building Regulations. For example, currently, the Regulations set technical standards at a national level – which all developments are required to meet. Setting a single, Building Regulation based national standard risks setting standards that are, by their nature, an average of likely requirements across the country, and therefore could have adverse impacts on viability if too costly in some places while not meeting the nation’s needs in others. A good example is the proposals for a standard for wheelchair accessible housing. It would be far too expensive to prescribe this as a standard for all new homes.
28. One way around this would be to apply different (ie higher standards), to different areas. Building Regulations do not themselves currently do this, though the statutory guidance sets out that provision for radon gas protection which is only required in certain parts of the country. Therefore the current Building Regulations would need to be amended to make provision for different standards to apply to different areas, circumstances or cases. This approach could risk confusion as to which standard applied in which area.
29. The government is keen to realise the benefits of this rationalisation exercise as quickly as possible. Subject to consultation, therefore, the government is minded at this stage to group the standards proposed in this consultation into a simple, short, ‘nationally described standards’ document that will reduce cost and complexity for housebuilders.
30. These ‘nationally described standards’ will be adopted, as now, through local development plans and neighbourhood plans, under current planning powers, including enforcement and appeal powers. They will be imposed on dwellings, by a condition on a planning permission. Furthermore, a single point of inspection and compliance with the standards imposed should be used. For more details about how this is proposed to work please see chapter 8.
31. When finalised (post consultation) each standard will carry with it a needs test ie the evidence criteria which local planning authorities would have to demonstrate to Planning Inspectors if they wish to apply a particular standard in their area. The test will be rigorous. The clear aim is that authorities will only be able to adopt standards that are strictly necessary and justifiable and will not default to adopting them all because they are seen as nice to have.

32. The local application of each and every standard will also need to be costed, as per the local plan viability test set out in the National Planning Policy Framework.
33. These safeguards are aimed at ensuring that standards from the nationally described standards document are adopted in plans only where there is a direct justified local need, and where the standard would not hinder development.
34. Although the government currently considers that developing a nationally described standards set is the best way forward for the short term, the government wants to explore the further longer-term option of fully integrating all the proposed standards into Building Regulations and invites views on the principle of this, and the best way to do so.
35. The technical provisions in the proposed standards could be put into the statutory guidance Approved Documents (ADs) or other guidance which supports Building Regulations. But ADs only apply when the Building Regulations to which they relate apply. So where different levels of provision are included, there would need to be a trigger in the Building Regulations setting out the circumstances at which the different levels might apply. The Building Act 1984 currently enables building regulations to be made to apply different provisions for different areas, circumstances or cases – which means that it would be possible to adopt a tiered approach where different technical provisions applied to different circumstances. However, this would have to be done within the overall scope and purposes of the Building Act 1984.
36. Nevertheless, the approach could provide a solution to ensure a complete functional divide between technical regulations and the rest of the planning policy system. Such a system could be simpler for practitioners to understand and apply.
37. We are very keen to hear views about a wider systemic reform, and whether the ‘tiered’ building regulation option, in particular, could be the way forward in the medium term. The government also intends to undertake further work to investigate the legal and practical issues concerning how appropriate ‘local standard’ triggers could be integrated within the Building Regulations.

38. The government welcomes views on the following strategic options;
- A. whether government should develop a nationally described standards set which would operate in addition to the Building Regulations (where rigorous local needs and viability testing indicated it could apply);
 - B. whether government should develop a nationally described standards set as a stepping stone en route to integrating standards into Building Regulations at a future date;
 - C. whether the government should move now to integrate standards directly into building regulations, as functional tiers, and no technical standards would remain at all outside of the Building Regulations system, recognising that this will take time and may require legislative change.
39. The government’s preference, subject to consultation, is option B. We will take your views into account alongside the other questions posed in this consultation document. These will help inform how the system could be shaped in the medium to longer term.

Q1	Which of the options (A, B, or C) set out above do you prefer? Please provide reasons for your answers.
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40. With regard to the Code for Sustainable Homes, as already noted this has been considered as part of the review. Where there are significant issues for carrying forward, these have been reflected in the consultation proposals. In the light of that, and the outcome of this consultation, the government proposes to wind down the role of the Code. We will put in place transitional arrangements to ensure that contractual commitments under the Code can be properly covered.

Curtailing the proliferation of standards

41. The Terms of Reference of the Housing Standards Review stipulated that it should “deliver a mechanism, legislative or otherwise, to ensure that additional rules and standards are not added on [by authorities], beyond those left at the end of the Review”.

42. Without such a mechanism in place, the government is concerned that the local proliferation of standards would continue apace, replicating the problem the Review is trying to contain and address in the first instance.
43. The government is clear that this mechanism should ensure that local planning authorities limit the use of discretionary standards to only those established as an outcome of this consultation. Subject to consultation, the government has considered the options, and concluded that a policy statement issued alongside the outcome of this consultation is likely to be the most suitable means to this end. The statement will make it clear that, going forward, there is a national policy expectation that local planning authorities limit the use of discretionary standards in future to those which are proposed by the Review.
44. Local planning authorities will also be encouraged to bring their local plans up to date to align with the new standards. The policy statement will set out that the government accords the standards document a very high priority. It will be a material consideration that local planning authorities should take into account when granting planning permission for development and authorities will need to have regard to the standard when preparing relevant policies for inclusion in local plans. The inclusion of any such standard in a local plan can be thoroughly tested through the examination process.
45. If, in the light of experience, the government considers that the policy statement is not being accorded sufficient importance by planning authorities, the government will be ready to consider other options, including legislation, given the importance the government accords to this issue.

Challenge Panel

46. An independent 'Challenge Panel' of four experts was also established at the same time the Housing Standards Workstream. The aim of the Panel was to act as a 'critical friend' of the work of the steering and working groups. The government is very grateful for the work of the Panel on their report.
47. Significantly, the Panel also had a wider remit: to consider how the current system of Building Regulations and housing standards work together with the planning system and what potential there is to free up the whole system and make it work more efficiently.

48. The Panel's report is published alongside this consultation document, and the government drew on it in the drafting process. We would encourage you to read the Panel report because the Panel raised a range of issues about each of the standards under consideration, and wider considerations too, and the Panel's views may be of value in shaping any responses you give to the questions posed in this consultation. We will consider the Panel's wider recommendations over the summer.
49. One of the main issues raised by the Panel was their preference for all standards (where they are worth retaining) to be expressed as Building Regulations, and for no separate standards at all to be available through the planning system.

Ownership and maintenance of the nationally described standards

50. The housing standards workstream focused mainly on developing a core of rationalised standards. Subject to this consultation, the proposal is that this is what will be taken forward and applied for the time being. However, standards did not originally evolve in a vacuum – they came about because problems or situations emerged, and local authorities used planning policies to address them.
51. New problems will continue to surface, as will new solutions and innovations. The nationally described standards set cannot and should not be remain static. The government therefore proposes that it is kept under scrutiny by a group of key partners, who will be tasked with keeping the standard set relevant.
52. The group will meet intermittently (perhaps annually?) to consider the impact of the nationally described standards, and whether new issues have emerged requiring new or adjusted standards. Or for that matter whether some standards are no longer needed. We also propose that this group will collectively “own” and be responsible for the standards.
53. If, as a result of this consultation, the government decided to move the standards wholly into the Building Regulations, either now or in the future, the Building Regulations Advisory Committee would fulfil this function, as now.

Q2	Do you agree that there should be a group to keep the nationally described standards under review? Y/N.
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Hosting the nationally described standards document

54. Currently information about housing standards is spread over a huge array of sources, and is difficult to assemble. In contrast to this, nationally described standards (if taken forward) should be presented in a single common point of information about housing standards, which everyone will know how to access.
55. As set out in Lord Taylor's recommendations, the government is intending to present the new, revised and much reduced planning practice guidance material as a single coherent web-based resource, rather than as many stand-alone documents. It would be logical to ensure that any new nationally described standards link to specific policy or guidance material where necessary and appropriate. The government proposes to host the nationally described standards, if taken forward, on a central portal enabling this ease of access and use.

Affordable housing

56. The government set clear expectations in the terms of reference for this review that any standards emerging from the review should be capable of application to both affordable and private housing on an equal basis. There is therefore no tenure differentiation between the standards proposed in this document. However, it is recognised that the needs of affordable housing occupants (in terms of access, disability, space, and security standards) tend to be higher than in the private housing market. So in undertaking a 'needs assessment' before applying any of the proposed standards it would be expected that authorities would take particular note of the needs of this sector.

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.
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Impact assessment

57. An impact assessment is also being published alongside this consultation document. The primary purpose is to estimate the current cost of housing standards, scaled up to a national level, and also the potential costs of a set of rationalised standards. Some significant potential savings are identified. We are keen to receive responses to the consultation that strengthen the evidence base for the housing standards review. Responses to the consultation will help inform the final policy options. We have asked specific questions throughout the consultation document; however we would welcome further views and evidence on any other aspect of our proposals. We would especially welcome further views and evidence of the assumptions we have used to derive the costs and benefits of each theme.
58. The unit costs in the impact assessment have also been produced to help authorities undertake their local plan viability assessments (as set out in the National Planning Policy Framework paragraphs 173-7).
59. A final version of the impact assessment will be produced alongside the government's response to the consultation, later in the year

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.
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Chapter 1: Accessibility

Introduction

60. Minimum accessibility standards are currently regulated for within Part M of the Building Regulations (Access to and use of Buildings) for all new homes in England. There are, however, an increasingly wide range of additional standards and requirements being imposed by planning authorities in order to meet needs not currently covered by the regulations, and to meet the requirements of the National Planning Policy Framework which states:

50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should;

- Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).*

61. The most common additional requirements (above the Building Regulations minimum) are the Lifetime Home Standard⁶ and the Wheelchair Housing Design Guide, both managed by Habinteg Housing Association. The exact requirements, application and interpretation of these standards can vary significantly from place to place. This has been highlighted as adding unnecessary cost and complexity to new housing developments as well as making good quality compliance harder to achieve.

62. Government is committed to ensuring that the housing market in England meets the needs of current and future households, including older and disabled people. This part of the consultation seeks views on how best to rationalise and simplify the current range of accessibility standards so that they are consistently used and applied on a national basis in order to ensure that these needs can be met most effectively.

63. In consulting on these issues the government is making no commitment to take forward any or all of the proposals. The proposals in this

⁶ Lifetime Homes is a trademark of Habinteg Housing Association

consultation and the technical annex document have been assembled by the working groups and are illustrative, to inform debate. They are not government policy. Any changes to national regulations will be subject to subsequent full impact assessment(s) and further, full public consultation.

What is the problem this consultation seeks to address?

64. Existing accessibility standards imposed through planning requirements can be complicated to use and are subject to widely varying interpretation and application. For instance, there are reportedly 12 different wheelchair housing standards in London alone. The industry working group could see no justification for accessibility standards to vary from one area to another given that (for instance) wheelchair users' specific needs are similar, in principle, across the country as a whole.
65. Even small differences in practice between one local authority and another can require extensive and costly re-design of schemes which would comply with the same standard in another locality. This achieves little other than to drive up the cost of compliance, and ultimately increase the cost of bringing forward much needed housing.
66. The key objectives of this consultation are to identify:
 - i) if there is a need for new dwellings to meet adaptability and accessibility requirements above Part M of the Building Regulations; and, if yes,
 - ii) what the higher standard or standards should be.

Consultation proposals

67. The current domestic requirements of Part M (Access to and use of Buildings) of the Building Regulations include such features as a level threshold, minimum requirements for circulation space, a downstairs WC, and accessible switches and sockets. Many of these features have now become part of basic home buyer expectations.
68. The government's view is that there are strong and compelling arguments to maintain these existing requirements, which remain suitable for the majority of new development. There are an estimated ten million disabled people in the UK with a wide variety of conditions including impaired mobility, vision and cognition. Requirements in the

Building Regulations ensure that all new homes are designed in such a way that they are 'visitable' and incorporate low-cost features which provide benefits to a wide range of users, including older and disabled people as well as others.

69. For instance, the level threshold and approach required by current regulations not only enable wheelchair users to access the home but also make life easier for families with prams and for the emergency services to access homes. Overall, the government's view is that these essential features should be maintained as a regulatory baseline and we would invite your views on this.

Q5	Do you agree that minimum requirements for accessibility should be maintained in Building Regulations? Y/N.
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70. During the Housing Standards review, the working group recognised that not all needs would be met by current standards in Building Regulations, but there were mixed views as to whether additional standards are needed and whether the baseline needed to be improved.
71. England has an ageing demographic which will see the proportion of the population over 85 increase by 2.3 million by 2036 (a 168% increase from 2011) and households over 75 increasing by 4.3 million (an 88% increase from 2011). There is a direct correlation between age and disability, and whilst only a small proportion of these older households will become full time wheelchair users many will experience some form of permanent or temporary disability as they get older.
72. The Lifetimes Homes Standard, owned by Habinteg Housing Association represents the most commonly required standard above Part M and, *seeks to enable 'general needs' housing to provide, either from the outset or through simple and cost-effective adaptation, design solutions that meet the existing and changing needs of diverse households.*
73. For some people the provisions of neither Part M of the Building Regulations or Lifetime Homes are sufficient to ensure that homes meet all of their day to day needs. In particular, the needs of wheelchair users are often impossible to meet in general needs housing and invariably require significantly increased circulation and activity spaces within and between rooms, particularly in bathrooms and kitchens. It is widely recognised that wheelchair accessible housing standards are not enhanced standards, but the minimum need to ensure independent living

on a day to day basis for many wheelchair users⁷. The Wheelchair Housing Design guide is the most widely used wheelchair housing standard.

74. Given the impact of the ageing population and the specific needs of some disabled people, there is an argument that the provisions of Part M of the Building Regulations may need to be augmented by homes with higher levels of accessibility in some circumstances. Any higher levels of provision should be proportionate to local needs which are likely to vary from locality to locality in line with current and future demographic profiles. As a result, government believes that the proportion of new homes meeting higher levels of accessibility should be set on a local basis through local planning policies.
75. It is important that these standards, if taken forward, are applied in a cost effective manner, ensuring that capital invested in making properties more accessible or adaptable provides returns which are equal to or better than alternative approaches. Government will review the present value justification for requiring upfront investment in accessibility in parallel to this consultation.

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.
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How many levels of accessibility are needed?

76. If it is determined that additional requirements for accessibility are appropriate, the next question which arises is how many levels of performance above the Building Regulation minimum are required. There is a broad consensus that wheelchair accessible housing standards impose significant additional requirements which would be disproportionate in widespread application and would go far beyond the needs of most older or disabled households. However it is accepted that these requirements are entirely necessary to ensure that a wheelchair user is not disadvantaged by the resultant design.

⁷ It is estimated that there are between 650,000 and 700,000 wheelchair households in the UK.

77. The question which then follows is whether provision for accessible and adaptable housing or age friendly housing (such as Lifetime Homes) should be delivered as a separate, intermediate standard, (sitting between Approved Document M and Wheelchair Housing Standards) or whether these requirements should be introduced in part or in full into regulation, resulting in only two levels of provision.
78. The government takes the view that introducing all aspects of the Lifetime Home Standard as a requirement for all new housing through regulation is too onerous, given the likely cost of the standards and the level of predicted need. On the other hand, adopting only some of the lifetime home requirements (and not having an intermediate standard) would create a significant gap in provision between Building Regulations and wheelchair housing, which would probably result in increasing demand for wheelchair housing. An intermediate accessibility standard such as Lifetime Homes could therefore remain important in bridging the gap, in a cost effective manner, between minimum standards and wheelchair accessible standards. After careful consideration of both a two-tier and three-tier approach, the working group supported a three-tier option.

Q7	Do you agree in principle with the working group's proposal to develop development of a national set of accessibility standard consisting of a national regulatory baseline, and optional higher standards consisting of an intermediate and wheelchair accessible standard? Y/N.
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79. Higher accessibility standards are needed for a proportion of the population but the proportion needing wheelchair accessible housing (for example) will vary considerably depending on local demographics. Government could take steps to set out what this proportion should be in every local authority area, but takes the view that this should be a matter for local choice, based on local needs, but utilising a national described set of accessibility standards.
80. In order to understand how this might work, DCLG undertook extensive consultation with the Industry working group to develop tiered standards to rationalise existing guidance into a single nationally endorsed framework. The working group's consultation proposals reflect the existing hierarchy, with a level 1 baseline with broadly the same requirements as Part M of the Building Regulations, a potential intermediate standard providing improved accessibility and adaptability, and a standard for wheelchair housing. It is envisaged that (if adopted)

any level above the baseline contained in the Regulations would only be required as a proportion of overall development through requirements in local planning policy, based on local needs and viability assessments.

81. By establishing a national standard capable of 'type approval' significant efficiencies could be delivered and complexity can be reduced. A tiered approach may also offer considerable flexibility in assembling the necessary mix of properties within developments in relation to local needs and viability, and could offer a wider 'spread' of different levels of accessibility, improving choice for homebuyers and tenants overall.
82. The tiered standards developed by the working group also rationalise existing access standards, and the following method has been applied throughout:
 - Harmonisation – wherever possible, technical terminology, approaches to assessment and technical requirements have been harmonised to reduce complexity eg, all three standards now use a common definition of 'level' (a new common glossary of terms is proposed).
 - Rationalisation – the technical requirements have been restructured to deliver specific levels of performance at each level directly related to the desired policy outcomes eg, Level 2 dwellings must be capable of achieving step free access in order to comply (whereas currently this is not the case).
 - Simplification – technical requirements were reviewed and simplified where possible.

Link with Space Standards

83. The proposed three levels of this access standard set are directly related to the three levels of the space standards proposed for consultation by the working groups. If the government decides to proceed with any of the space propositions (or higher access standards), application of higher levels of space standards would be limited to particular circumstances, for instance where the need for higher accessibility standards could be robustly evidenced. They would not be applicable independently.

The Technical Standards

84. In order to understand views on what new accessibility standards could look like, or whether this is the right approach, the working group proposed a full set of performance requirements for the three levels. We are interested in your views on the specific technical requirements, and

further questions on the content and nature of the standard are included in Annex A1 in the accompanying technical standards document. The format and text are subject to change, even if it is determined that tiered accessibility standards are the right approach, depending on the final outcome of the consultation. We would therefore ask consultation respondents to focus on the performance standards and whether any/all are needed rather than detailed drafting or structure of the standard.

Costs and viability

85. Accessible Housing Standards typically include features and spatial requirements which add to the construction cost of new homes. Costs associated with Level 2 standards are relatively modest, whilst level 3 (wheelchair adaptable) housing can add significant cost.

Our assumptions are set out the impact assessment accompanying this report. We are interested in you views and any further evidence you can submit in relation to the cost impacts of these standards.

<p>Q8</p>	<p>Do you agree with the costs and assumptions set out in the accompanying impact assessment? Specifically we would like your views on the following:</p> <p>a) Do you agree with the estimated unit costs of Life Time Homes? If not we would appreciate feedback as to what you believe the unit cost of complying with Life Time Homes is.</p> <p>b) Do you consider our estimates for the number of homes which incorporate Life Time Homes to be accurate? 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.</p> <p>Wheelchair Housing Design Guide/standards:</p> <p>c) Do you agree with the figures and assumptions made to derive the extra over cost of incorporating Wheelchair Housing Design Guide? If not we would welcome feedback along with evidence so that we can factor this into our final analysis.</p> <p>d) Do you have evidence of requirements for and the costs other wheelchair standards which we have not estimated? We would appreciate the estimated costs of complying with the standard and how it impacts properties.</p>
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	<p>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). If you do not consider the estimate to be reasonable, please could you indicate how many authorities you believe require wheelchair standards.</p>
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86. This means that accessibility standards, like other additional standards, impose cost on development which needs to be taken into account when setting local policies, to ensure that new housing remains economically viable. There is some concern that taking access standards into account within viability studies could prevent some accessible housing being built, in particular Level 3 or wheelchair accessible housing.
87. Government takes the view that a suitable balance needs to be struck between economic viability and meeting specific housing needs. Costs associated with Level 2, which with Level 1 housing will form the majority of the housing stock, should therefore continue to be accounted for in viability assessments, particularly where the proportion of housing to be built to Level 2 is large.

Q9	<p>Do you believe that the estimated extra over costs in the Impact Assessment reflect the likely additional cost of each level?</p>
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88. However, the costs per unit associated with Level 3 housing are also significant (see the accompanying Impact Assessment) and whilst the proportion of wheelchair homes that is required is relatively low, these costs could be meaningful in determining whether development is viable or not.
89. We are interested in exploring whether particular consideration need be given to the provision of Level 3 housing, if taken forward. The default position – in line with broader policy on standards and viability – would be that all accessible housing costs should remain within scope for viability purposes – it would be for local authorities to ensure that the priority needs of disabled people are met in setting their local plans. This would mean that local authorities would have to ensure that wheelchair housing provision is given priority over other demands on development if necessary.
90. Alternatively, a ‘cap’ could be set for a maximum proportion of Level 3 housing that could be required of new development (and which local authorities could not exceed in all but the most exceptional

circumstances). Local authorities would still need to establish the case for any given level of provision through robust evidence in developing local plans, but for the purposes of this consultation we are suggesting that Level 3 provision would be capped at a given level (eg, a cap of 5% or 10%). This would help to ensure that local authority viability calculations would not be imbalanced.

91. We would like to understand peoples views on whether a cap is needed.

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?
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92. If an upper limit cap were to be introduced, it would need to account for different needs in public and affordable housing, given that in affordable housing the proportion occupied by older and disabled people is much higher than within owner occupied homes. This could suggest a 'higher' cap in affordable housing (because needs are higher). However, because allocation policies should be capable of more efficiently marrying wheelchair user with wheelchair housing, it is also arguable that the same level could be set across both tenures.

Q11	If a cap were to be adopted should it, in principle; a) Vary across tenure? b) Be flat across tenure?
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Future development of regulation and use of 'regulated options'

93. Level 1 of the Access standard set proposed by the working group, as set out for consultation in the Technical document, is based on the existing Approved Document M of the Building Regulations (AD M). However, throughout the working group meetings a number of areas emerged where current industry practice was already in advance of AD M, there were calls from industry to bring the provisions in AD M into line, and also to consider if any small anomalies could be ironed out. The working group was also keen to ensure that any three tier approach should be harmonized in application so as not to conflict or duplicate requirements across all three levels, should that be the final approach

that is taken forward.

94. In that light, the three level standard set out in the technical document includes potential changes that the working group suggested could be made to the Level 1 standard. These are made clear in the Technical document Annex A1. Your views are invited on these potential changes to AD M, and whether you consider that they would be necessary at all to support a standard set. Depending on the response to this consultation the government will consider whether to move ahead in developing updated guidance in AD M, including whether to take forward any of these potential changes to the technical provisions. Of course, any such changes would be subject to the usual full impact assessment and also a separate full public consultation.
95. Specifically, the Level 1 standard includes possible changes to Approach routes, Car Parking Communal Entrances and Communal Facilities, External Lighting, Lifts, Staircase widths and electrical service positions.
96. Chapters 1 and 8 of this consultation also set out how government will consider whether it is appropriate to undertake wider reform of the Building Control legislation to enable possible standards to be fully encapsulated within the Building Regulations as 'Regulated Options' . Requirements for higher levels of accessible housing would continue to be set through local planning policy, but technical standards would be fully integrated into the Approved Documents. We would like to understand the extent to which such an approach would be supported.

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.
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Further evidence and comments

97. We are interested in any further comments that you have about these proposals, and would welcome submission of further evidence relevant to the consultation questions.

Chapter 2: Space

Introduction

98. National, minimum internal space standards for private sector housing have not been required in England to date, but an increasing number of planning authorities are including various different forms of space standards in local plans. The degree to which space standards should be developed or mandated is hotly contested and views for and against are very polarised.

99. One key driver for the increasing adoption of space standards is the National Planning Policy Framework which requires that local authorities have due regard to the nature of housing development in relation to current and future demand. It states:

Paragraph 50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- *identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.*

100. In order to understand the extent to which internal space is considered critical to meeting these objectives, this consultation seeks views on a number of issues relating to space standards. However, understanding the impact of requiring space standards across sectors is extremely complex, and preliminary analysis set out within the accompanying impact assessment suggests that costs and benefits can vary widely. . The proposals in this consultation and the technical annex document have been assembled by the working groups and are illustrative, to inform debate. They are not government policy.

101. The main purpose of this consultation is therefore to look at issues in principle and to gather evidence to inform future considerations. As a result, government does not have a preferred approach on space standards at this time, or how they would operate exclusively with access standards, and takes the view that further work will be necessary to develop improved analysis if a space standard is to be taken forward including further exploration of areas which impact on the cost of affordable housing.

102. In consulting on this issue, government is making no commitment to the introduction or use of space standards and will consider responses to consultation before deciding how to proceed.

What is the problem this consultation seeks to address?

103. Requiring minimum space standards for new homes has a significant impact on the nature of the homes that are built. Whilst it is recognised that most people see larger homes as desirable, there are implications in terms of construction cost, affordability for new home buyers and the potential need for larger areas of land to deliver a given number of homes. These and other factors all need to be properly understood and balanced against the benefits that larger homes provide.
104. Space standards are also by nature potentially complex and typically require home designs to be tailored to meet specific criteria. There is a trend towards a proliferation of varying standards which are increasingly necessitating re-design where home builders operate in different local authority areas. Given that major developers typically have 90 different house types, and there are more than 300 local authorities in England, the potential for largely wasteful re-design and compliance costs is very large.
105. This consultation also sets out the role that space labelling could play in improving consumer choice in the new housing market in addition to, or as an alternative to space standards, and seeks views on the benefits of standardising application of space standards in order to reduce cost and complexity.

Considerations

106. Space standards for affordable housing were originally introduced in the 1960s in 'Homes for Today and Tomorrow' and 'Space in the Home' - more commonly known as 'The Parker Morris Standards'. These included minimum internal floor areas based on functionality requirements and the space required for typical furniture and 'everyday activities'. Current national requirements for space in affordable housing are set out in the Homes and Community Agency's Design And quality Standards which uses the Housing Quality Indicators (Housing Quality Indicator's) to measure the performance of housing against 10 criteria

Including 'Unit Size' and 'Unit Layout'.

107. Until 2011, these funding rules were applied nationally by the Homes and Communities Agency. As a result of the absorption of Homes and Community Agency London into the Greater London Authority in April 2011, funding standards in London now differ from those elsewhere, and include higher minimum space standards than those set out in the Housing Quality Indicators.

What are the arguments for and against space standards?

108. There are a wide range of views about space standards, and also how these inter-relate with access standards. Proponents of space standards argue that they are needed to ensure that homes provide adequate space to undertake typical day to day activities, and to avoid the health and social costs that arise where space is inadequate. In particular, space standards are seen as a way of ensuring that there is sufficient room to carry out normal daily activities, socialise with family and friends, work from home or study in private and provide storage for general household goods and personal belongings. There is a view (supported by some evidence⁸) that across all tenures, the average size of new homes in England has reduced over time giving rise to concern about their ability to support these routine activities, particularly when homes are fully occupied.

109. There is also some evidence to support the assertion that England has some of the smallest housing in Europe based on the number of bedrooms in any given property and compared to its floor area⁹ – but it has been suggested that because most privately owned homes in England are under occupied (have a spare room) the overall space per person is equal to or better than many other European nations.

110. A number of recent reports have highlighted dissatisfaction with internal storage space and daylighting¹⁰ amongst new home owners – and

⁸ Leishman, C., Aspinall, P., Munro, M. And Warren, F. (2004) Preferences, quality and choice in new-build housing, Joseph Rowntree Foundation: <http://www.jrf.org.uk/system/files/185935162x.pdf>

⁹ More information including a range of research references is available on the swing a cat web site: http://www.swingacat.info/facts_figures.php.

¹⁰ The Royal Institute of British Architects has produced three reports relating to space and design of new homes. <http://www.architecture.com/HomeWise/News/TheWayWeLiveNow.aspx> and <http://www.withoutspaceandlight.com/Resources/WithoutSpaceLightReport.pdf> and <http://www.architecture.com/Files/RIBAHoldings/PolicyAndInternationalRelations/HomeWise/CaseforSpace.pdf>

research undertaken by the housing charity Shelter¹¹ suggests that adopting space standards through local or neighbourhood plans could reduce local resistance to new development as it is seen as a sign of good quality making it more likely that new homes will meet local people's needs. However, the annual home buyer satisfaction survey by the National Home Building Council (NHBC) Foundation show overall satisfaction ratings amongst home buyers are at a nine year high which tends to suggest that new homes are well suited to purchasers' needs.¹²

111. Large parts of the home building industry take the view that market forces function effectively in ensuring that essential consumer interests are well served and there is little evidence of new private sector housing failing, or proving unsustainable, on grounds of insufficient internal space. Some home builders suggest that ambitious density targets set by the previous government forced developers to build smaller homes, a trend that has been reversed since the targets were dropped.
112. It is also important to consider the impact of space standards on affordability. New homes are typically set at a price in relation to similar existing homes in local housing markets – with larger homes of any given type attracting higher prices. For instance, a larger three bedroom home will typically be more expensive than a smaller three bedroom home (all other factors being equal). In practice, this means that requiring all homes to meet a prescribed space standard could raise the entry level price of new housing. This is clearly a potential problem for purchasers who could be priced out of the market if the higher entry price exceeds their ability to raise finance.
113. Home builders build a wide range of size of each property type – for example two bedroom homes range from 52 to 79 square meters in size - and this tends to suggest that they are meeting a broad range of needs and budgets. Home builders wish to continue to be able to innovate and flex to meet market demand in this way, and are particularly concerned that space standards, even if only linked to access standards, could drive construction costs up to the point where home building is not viable in some areas. It has been suggested that the use of 'space labelling' on the size of new properties so that consumers can more easily compare one property with another could be an alternative (or used in tandem with) to space standards as a way of ensuring that the market is responding effectively to consumer demand.

¹¹ http://england.shelter.org.uk/_data/assets/pdf_file/0011/652736/Shelter_Little_Boxes_v4.pdf

¹² <http://www.nhbc.co.uk/NewsandComment/Name,50638,en.html>

114. Overall, the available evidence of industry practice suggests that this mixed picture accurately reflects some of the specific characteristics of the housing market in England. On the one hand, private developers are typically highly efficient in maximising the return that they achieve from any given investment by meeting local market needs and homebuyer preferences. These preferences will vary considerably – in some areas the best return will be achieved by building two bedroom flats, in another area by building five bedroom homes. The people who purchase these homes are typically very satisfied because the homes are developed to meet both their aspirations and their budgets.
115. However, this could mean that local authorities perceive there is a need to intervene in order to ensure a more balanced supply of housing representing wider (but perhaps less profitable) needs in terms of the size and type of new homes being built. There are many examples given where this is the case – for instance where two bedroom starter homes predominate but there is a need for larger family homes; or where larger two bedroom homes are needed to encourage downsizing to free up larger family homes. There are other location specific criteria which it is argued are relevant. For instance in high density urban areas there may be a case for minimum internal space standards to compensate for a lack of external space.
116. Overall, it is clear that in many respects the market is performing well in the absence of national space standards and government's preference remains for market led solutions. Therefore, given the views of the review working group we are keen to consult on whether an industry-led voluntary space labelling scheme could sufficiently address stakeholder concerns or whether a baseline standard may be necessary and what that standard should be.

Consultation issues and questions

117. Government is keen to ensure that home buyers and tenants are well served by the housing market and that housing needs are suitably met. To do this we are seeking views as to whether a national space labelling scheme, developed with industry, could help consumers compare the size of new build properties for sale and drive quality in the private sector.
118. Government also recognises that there are circumstances where failures or particular conditions within a local housing market (which may not be addressed through market forces alone) could justify intervention through

the use of space standards. Government believes that this should not be imposed from the centre but also thinks that it is right that local communities and neighbourhoods should be able to set out what housing they want, and in doing so, become more supportive of new development in their area.

119. We are therefore interested in gauging the extent of support for whether a national space standard (a single standardised approach to space standards) would be seen as beneficial, when linked to access standards, and to gather evidence of current home building practice and the future impacts that the introduction of such a standard might entail.

Link with Access Standards

120. The proposed three levels of the access standard (see Chapter 1) are directly related to the three levels of the space standards proposed for consultation by the working groups. If the government decides to proceed with any of these space propositions, application of higher levels of space standards would be limited to particular circumstances, for instance where the need for higher accessibility standards could be robustly evidenced. They would not be applicable independently.

Space labelling

121. Space labelling is a process whereby the overall internal floor area (and potentially individual room sizes) of new homes are presented in a consistent and visible manner at point of sale to potential home buyers to make a more informed comparison between similar properties. This may also help consumers to influence the size of new homes offered by home builders.

Q13	Would you support government working with industry to promote space labelling of new homes?
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122. Much if not all of this information needed to support space labelling is readily available within Energy Performance Certificates or sales particulars and so would be at little extra cost to industry other than ensuring consistent presentation. It is proposed that space labelling would be through a voluntary industry led approach.

123. The industry working group universally endorsed this approach for all new homes for private sale, and favoured a measurement of simple Gross Internal Area in square metres (M²) combined with room areas

(M²) and dimensions in metres (M). It was suggested that this could be delivered by inclusion within the Home Builder Consumer Code which would give homebuyers the right to recourse if information was not provided in the appropriate form or later proved to be inaccurate.

Q14	Do you agree with this suggested simple approach to space labelling? Y/N.
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Q15	If not, what alternative approach would you propose?
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124. Later in this chapter we will look at the merits of space standards themselves, but space labelling could be adopted as an alternative to national space standards on private sale housing. This would mean that space standards could not be mandated (required) in new development. If this were to be case, we would be interested in understanding views as to whether the space labelling should also be ‘benchmarked’ against the a minimum recommended space standard – for instance, a purchaser buying a two bedroom flat would be offered a comparison of actual size against a benchmark.

Q16	Would you support requirements for space labelling as an alternative to imposing space standards on new development? Y/N.
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Q17	Would you support the introduction of a benchmark against which the space labelling of new properties is rated? Please give reasons for your answer.
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Space standards

125. Given that an increasing number of local authorities have decided to introduce requirements for space standards into their local policies we would like to understand your views on whether you consider space standards necessary or desirable in principle. The Government’s preferred approach would be for market led, voluntary mechanisms such as space labelling, in order to meet consumer needs rather than mandatory application of space standards. However, on the basis that any requirements for space standards in a local plan could, in future, demonstrate that they do not unduly affect viability, and would need to be

justified by suitably robust evidence, we are also seeking in principle views on the following;

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.
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126. Current space standards adopted by local authorities vary from simple minimum internal floor areas for a small number of typical home types to highly detailed standards setting out requirements for individual room sizes, widths and specific furnishing requirements.

127. It is suggested that the complexity of designing homes to meet these numerous different sets of space standards is unduly costly and that seemingly small differences in standards can require complete re-design of house types whilst delivering little in the way of benefit. Space standards are invariably ergonomically derived and there is no ergonomic justification for space standards to vary on a local basis in meeting a specified level of performance.

128. One way of addressing this problem would be to develop a single national minimum space standard for use by all local authorities. This would reduce learning and development costs across local authorities and industry and have the effect of providing a single national model for compliance. This would also enable designers and developers to gain 'type approval' of standard internal layouts so that the same certified compliance is accepted across all local authorities in England.

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
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Scope and application

129. The requirements of any proposed space standard proposed by the working group relate only to the internal aspects of the home – this includes internal storage space, space for internal storage of recyclable waste and potentially the definition of minimum size for single and double bedrooms. This means that considerations of external private space, overlooking, day-lighting, sun-lighting, aspect and external waste storage will be outside the scope of this standard.

Q20	Do you agree with the proposed limiting of the scope of any potential space standard to internal aspects only? Y/N
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130. Opinions are divided as to what tenure of housing space standards should be applied to. Many but not all affordable housing organisations, designers and housing professionals believe that a minimum space standard is vital and should be applied across all tenures, and at all levels. Similarly many but not all home builders strongly believe that the market should remain free to meet local demands and that space standards should not be applicable to private housing development at all. The government is of the view that a distinction should not be made between housing tenures in terms of what standards should apply.

A possible model space standard

131. As part of this consultation we are interested in your views as to what form a national space standard might take, when linked to access standards, if it is decided that one should be developed. A model standard, developed with an Industry working group, is included in section 2 of the accompanying standards technical document. It includes an introduction which sets out how the standard could be structured and a series of questions on specific technical aspects of the space standard itself is included in Annex A2 of that document. We recommend that respondents also read Chapter 1 of the consultation document on accessibility standards before responding to the specific questions because the issues of space and accessibility are interlinked.

132. Government wishes to interrogate further the rationale for a three tier space standard. We would welcome views on whether a single baseline space standard would be a more proportionate approach, if there were to be any space standard at all.

133. Whilst setting out a 'model' space standard to inform debate within this consultation, it should be noted that this represents an initial model only. The accompanying impact assessment suggests a range of uncertainty as to the potential overall impact of a space standard, including on private and affordable housing costs, and government intends to undertake further analysis, development and costing following the closure of this consultation if it is decided to take forward further work on a national standard.

Costs and viability

134. Building larger homes can have a meaningful impact on the viability of bringing forward much needed housing development. Larger homes have higher construction costs, take more land (meaning that developers may not be able to build as many homes on a given site) creating losses through opportunity costs; and where local land values are insufficient this could make housing difficult to fund. However, space standards do not necessarily increase the size of new homes and the model standard has properties ranging between 38 and 132 square meters in size. It is how the space standard is used in practice which determines the extent of impact.

135. Space standards should therefore only be applied in conjunction with access standards, and where the costs and impacts are thoroughly tested in a transparent and challengeable manner and subject to a robust viability assessment taking into account other costs and pressures on development. We take the view that this can only be the case where any requirement for space standards forms part of a local plan (rather than supplementary planning guidance).

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?
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136. In order to understand the impact of space standards on viability and affordability we have commissioned an assessment of costs which are set out within the impact assessment accompanying this consultation. However, the evidence we have been able to gather to date is not sufficiently detailed at this stage to conclusively demonstrate impacts on private and affordable development. If government does take forward the development of a joint national space and access standard set, it will be vital that both developers and local authorities have confidence that viability has been properly assessed on the basis of established and

accepted costs. It is therefore very important that respondents to the consultation provide additional evidence where to inform any further work.

Q22	<p>Do you agree with the costs and assumptions set out in the impact assessment? We are particularly interested in understanding;</p> <p>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?</p> <p>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?</p> <p>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?</p> <p>Please provide reasons for your answers.</p>
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Q23	<p>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?</p>
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Q24	<p>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.</p>
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Further evidence and comments

137. We are interested in any further comments that you have about these proposals, and would welcome submission of further evidence relevant to the consultation questions.

138. In particular, we are keen to gather as much evidence as possible of the range of sizes and average sizes across different types of property to help inform our analysis.

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?
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Exterior space

Waste storage

139. The Government places a high degree of importance in ensuring that suitable provision is made for waste storage in new homes, particularly to avoid bins dominating street frontages or contributing to increased levels of anti- social nuisance such as odour or litter. This is sometimes referred to as "bin blight", and the Government intends to bring this to an end. These problems have come to the fore in some areas due perhaps to inadequate thought being given to the visual design or provision of bin storage space or its location in different dwelling types in previous decades.

140. The Code for Sustainable Homes currently includes standards on where and how household waste should be stored outside new homes. The Government considers that Part H6 of the Building Regulations and the supporting Statutory Guidance on the design of waste storage for new homes is the right way forward, in coordination with local authority waste collection policies. The guidance in H6 is equivalent to the Code standards, and this could be further strengthened to ensure that the design and placing of suitable waste storage areas in new developments is more fully taken into account, for example through the provision of specialist storage units for bins. The Government will shortly be publishing new planning guidance which makes it clear that local authorities should ensure that each dwelling is carefully designed to

ensure there is enough storage space for the different types of bins used in the local authority area.

141. The Government invites views on whether, and how, Section H6 of Approved Document H needs to be updated to tackle bin blight. This could be done, for example, by importing into H6 some of the current Code standards on external waste storage.

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?
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Cycle storage

142. The government places a high degree of importance in promoting cycling. The National Planning Policy Framework sets out policies for local authorities to plan for and encourage sustainable modes of transport, such as cycling. Where cycle provision features as part of a new housing development, appropriate external cycle storage should be considered through the design process, to ensure that it is safe, well used, and appropriately located. Advice on this is contained in the security section of the Technical Standards document.
143. The government thinks this is a better approach to providing suitable cycle storage rather than including detailed guidance within the suite of standards relating to the energy performance of new homes, which the government proposes later in this consultation should be absorbed into Part L of the Building Regulations.

Q27	Do you agree with this approach to managing cycle storage? Y/N.
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Chapter 3: Security

Introduction

144. Government understands the importance of a safe, secure and welcoming environment and recognises the potential impact of burglary on people's lives. That is why the National Planning Policy framework sets out the need to consider these factors in developing local plans. It states;

58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:

- *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;*

145. There are also wider legislative considerations. Section 17 of the Crime and Disorder Act 1998, places duties on local authorities to consider crime and disorder implications in its area.

146. One way of helping to ensure that development delivers a safe environment is to make sure that doors, windows and other aspects of the design of new homes incorporate suitable features to make forced entry harder to achieve. Security standards for domestic properties are not currently covered by national Building Regulations, but some local authorities require compliance with standards such as the police Secured By Design Section 2 as part of their planning policies, and adoption of the same standard is recommended by the Homes and Communities Agency.

147. Most new homes do however provide basic security – with the majority (80%) of private sale homes conforming to minimum standard set through the NHBC warranty. This leaves approximately 20% of new homes for sale (or private rental) which where the level of security being adopted is unclear and could vary both above and below typical industry practice.

148. In affordable housing, achieving compliance with Secured by Design Section 2 (which is a higher security standard than NHBC warranty requirements) is recommended under the Homes and Communities Agency's 2007 standards and is a factor when the Agency assesses bids for affordable housing.
149. In considering whether security standards should form part of the output from this review, we also need to consider why they are considered necessary. Over the last 18 years the risk of being a victim of domestic burglary has declined - since its peak in 1993 the national average risk of being burgled has reduced from 6.5% to around 2% today. Police recorded burglary in a dwelling has shown year-on-year decreases from 437,583 offences in 2002/03 to 245,317 offences in 2011/12. This means that households are now three times less likely to be burgled than in 1995. Overall, improved standards, design and manufacturing have therefore contributed to a fall in domestic burglary of 64%.
150. However, the 2011/12 Crime Survey for England and Wales showed there were still an estimated 701,000 domestic burglary incidents and the proportion of people who were emotionally affected by a burglary has remained consistently high for the past decade (around 85%).

What is the problem this consultation seeks to address?

151. Whilst the risk of burglary has declined since the mid-1990s, and that the market is delivering to some extent, there were still around 700,000 incidences of attempted or successful burglary in 2011/12¹³. In the working group there was broad agreement that measures to reduce burglary and crime are both relevant and desirable, and as a result a case could be made for security standards to be within a suite of housing standards.
152. The proposals in this consultation and the technical annex document have been assembled by the working group and are illustrative, to inform debate. They are not government policy. It is important that should standards be adopted, they are cost effective and aligned within the overall framework set out in this consultation, to reduce cost and complexity for industry. Government therefore wishes to explore whether security standards are needed, and, if so, the most cost effective

¹³ This data is from the British Crime Survey, which reports peoples' experiences of crime rather than officially reported offences.

approach to maintain the reductions seen in burglary incidents through appropriate security standards in new domestic development.

Consultation proposals and questions

153. Government takes the view that new homes should provide reasonable protection against the risk of burglary but that the standard of security required should be proportionate to risk.
154. In order to understand this better, the Department commissioned independent research in 2011 to evaluate the costs and benefits of improved levels of security and assess their likely effectiveness in reducing the risk of burglary in domestic properties. The findings of this work fed into a much larger consultation process on the Building Regulations, which considered whether a case existed for the inclusion of domestic security standards within the Building Regulations.
155. This work concluded that the available evidence supports the assertion that improving levels of security in new homes helps to reduce the likelihood of unauthorised access. However, whether higher levels of security are cost effective for developers to include as standard depends on the cost of the security measures applied, by how much they are likely to reduce forced entry and the prevalence rate of burglary. Findings suggested that existing home building industry standards for the target hardening aspects of domestic security were generally cost-effective, whilst in many circumstances where the risk of burglary was not high, enhanced security standards were not cost effective.
156. Work undertaken by the Home Office has shown that locks on doors and windows provide an effective way to help reduce burglary. Analysis of the 2011/12 Crime Survey for England and Wales showed that 1% of households with basic (door and window locks) home security were victims of burglary compared with 6% of households who had less home security. Around 1% of households with additional security to door and window locks were also victims of burglary.
157. However, it is also clear that there are areas in England where the likelihood of burglary is much higher (often on a neighbourhood or street level). Independent analysis suggested that where this is the case enhanced levels of security can be cost effective. Enhanced security can also help to reassure planning authorities and local residents that new

development is acceptable where crime is considered a particular problem.

158. Government takes the view that it would be desirable for all new homes to meet at least the basic standard currently reflected in home building industry good practice warranties such as those provided by NHBC, whilst recognising the need for higher levels of security in some circumstances. Currently, we are not able to be sure whether a small proportion (about 20%) of new homes ensure basic or enhanced security standards, and we have examined a number of ways that this 'gap' could be closed.
159. One possible route would be through requirements set by the insurance industry for contents insurance. There are, however, problems with this approach. The insurance industry itself suggests that contents insurance premiums are relatively low (averaging £150-200) and that discounts for adopting higher levels of security are modest – perhaps at most 5% for installing a burglar alarm. Consumers are unlikely to be incentivised by such discounts given the cost of improving security in their homes, though insurance requirements do help to ensure that minimum levels of security are maintained. For new home owners home insurance is purchased after they have purchased the home (at which point they are unable to influence the level of security already built in to the house) and the most at risk groups are least likely to have household insurance.
160. Consumers' ability to influence house builders at point of purchase might also be a possible consideration. However, product standards are complex and consumers are unlikely to be able to discriminate between the different levels of security provided by different standards of doors and windows when buying a new property. This could be addressed, in part, by introducing better product labelling to inform consumer choice and which would have the additional benefit of informing the retrofit and DIY markets also.
161. Government is precluded from putting in place national product marking or labelling requirements for construction products other than adopting the CE mark as set out in the Construction Products Regulations¹⁴. Any

¹⁴ EU Construction Products Regulation (305/2011) Article 8.3: For any construction product covered by a harmonised standard, or for which a European Technical Assessment has been issued, the CE marking shall be the only marking which attests conformity of the construction product with the declared performance in relation to the essential characteristics, covered by that harmonised standard or by the European Technical Assessment. In this respect, Member States shall not introduce any references or shall withdraw any references in national measures to a marking attesting conformity with the declared performance in relation to the essential characteristics covered by a harmonised standard other than the CE marking.

product labelling scheme – similar to that available for white goods such as fridges or freezers – would need to be driven voluntarily by industry itself. Workshops with manufacturers and suppliers in 2010 to 2012 suggest that there was at that time no appetite within the industry to take forward schemes of this nature to better inform consumers. However, this approach has not yet been tested with consumers. Home builders are also reluctant to market security features which they feel risk creating ‘security blight’ in case this deters purchasers.

162. We have also engaged productively with key warranty providers, and there may be some scope for alignment of the level 1 baseline security standard described in this consultation, and warranty standards, where they differ. However, it is clear that warranty providers are reluctant to increase standards where this would increase costs to home builders and which might risk their market share (home builders would choose to use an alternative warranty provider). As a result, whilst warranty standards play an important part in ensuring a sound basic level of security in some homes, they are unlikely to drive improvements above that minimal level, and are not well suited to delivering enhanced levels of security where local risks are higher.

163. The Government is therefore seeking peoples’ views as to whether there may be legitimate circumstances in which intervention by a local authority is a practical way of addressing the need to meet a given level of security. The following proposals, developed by the working group, set out how two different levels of performance – consisting of a minimum standard for broad application, and an enhanced standard for application in areas of elevated risk - might be taken forward as a result of this review.

Q28	<p>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?</p> <p>a) national standards/Building Regulations</p> <p>b) market forces/other</p> <p>Where possible, please provide evidence to support your view?</p>
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164. The scope of this theme is limited to technical standards and design features that begin at the front door of domestic properties, including entrances to communal areas in flats. Site planning and design issues are outside the scope of this work and will remain a material consideration in planning policy.
165. Government has worked with an industry panel of experts in security, including standards holders, to develop two technical performance standards which broadly reflect what could work as a baseline (referred to as level 1 standard) and an enhanced standard (referred to as a level 2 standard). The draft standards are included in Chapter 3 of the accompanying standards document.
166. **Level 1 – a baseline standard** intended to reflect typical current good practice in private sector home building and based around the requirements from the security section of the NHBC warranty. It is intended to form a minimum level of protection that could be applied to all properties across tenure. Whilst there are some additional requirements relating to standards for windows over and above those set out in the NHBC warranty standards, we believe these reflect current industry specifications in practice.
167. **Level 2 – an enhanced standard** provides a higher level of protection and is based around the levels of security recommended in section 2 of Secured By Design. It is intended to offer a higher level of protection that can be applied on a discretionary basis by local authorities, subject to viability, where a compelling case exists for the higher level. DCLG analysis shows that this standard can only be justified on cost terms in areas where the risks of burglary are elevated, or where the impacts on tenants of burglary are likely to be higher.
168. Requirements for additional security could be set out in local authority planning policy based on suitable evidence of need, and subject to consideration of viability. There are two ways in which these standards could be used;

Option 1 – A two level standard delivered through Planning Policy

169. One option is to make both the level 1 (baseline) and level 2 (enhanced) standards available for use by local authority planning departments in formulating their local plans and whilst having due regard to the National Planning Policy Framework. Demonstrating compliance with these proposed standards would not be mandatory unless required in a local

plan or as a planning condition. Where these standards are not required, homebuilders would be able to choose to build to whatever standard or warranty suited them best.

170. This approach enables local authorities to establish whether there are failures or issues at a local level which need to be addressed (such as persistent sub standard construction practice, or in areas of high crime) and to use an appropriate standard to address those risks. This will ensure that cost effective measures proportionate to risk can be adopted but only where needed.
171. The level 1 standard might be appropriate for more broad based application to ensure that all new development – not just those covered by warranty requirements – meet a basic and effective level of security.
172. The level 2 standard would be used where planning authorities decide that enhanced levels of security are necessary to make development acceptable. Areas of higher risk are often geographically discrete, sometimes on a street for street basis which typically makes application across entire local authority areas cost ineffective. Local authorities would need to use a combination of crime statistics, historic evidence and co-ordination with local police services to identify where the level 2 standard should be used.
173. If taken forward as a result of this consultation, adoption of the level 2 targeted approach should only be delivered through local planning policy as a planning condition, on a case by case basis. This would allow local authorities in coordination with the police service to target requirements where they are most needed, at the same time ensuring cost to industry is incurred only where it will deliver measurable benefits.

Option 2 – A single higher security standard

174. This option would adopt level 2 standards as a 'National Security Standard', for use by local authorities on a development by development basis as described in option 1. There would be no baseline standard available to local authorities, and application would be more focused rather than on a wider spread basis.
175. The main advantage of this approach is that local authorities maintain the ability to require measures that can help address the risk of burglary in areas of elevated risk (or where occupants are considered to be particularly vulnerable) without imposing wider costs on development.

However, this approach means that local authorities have less discretion in addressing risks in a proportionate way - any and all issues relating to security would need to be addressed by adopting a level 2 standard.

Q29	Part 1: Do you think there is a need for security standards? Y/N
	<p>Part 2: If yes, which of the approaches set out above do you believe would be most effective to adopt (please select one only)?</p> <p>a): Option 1 – A baseline (level 1) standard and a higher (level 2) standard.</p> <p>b): Option 2– A single enhanced standard (level 2) for use in areas of higher risk only.</p>

Q30	<p>If the level 2 standard is used how do you think it should be applied;</p> <p>a) On a broad local basis set out in local planning policy?</p> <p>Or</p> <p>b) On a development by development basis?</p>
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Introducing security standards as regulated options

176. Chapter 8 of this consultation has set out government’s intention to explore whether to include the outputs from this review within a Nationally Described set of Housing Standards. It also sets out that government will consider possible longer term reform of the Building Regulations so that standards can be fully integrated in to the Building Regulation system through the use of ‘regulated options’.

177. If development of regulated options were taken forward, and it was determined that security standards are necessary, it is possible that both level 1 and level 2 security standards would remain optional and be available for use within local planning policy. However, there is a logical case supporting the introduction of level 1 as a mandatory baseline given that it is considered cost effective; would only impact on a small proportion of the less responsible home builders who are building below what is considered typical industry practice and would remove local variation in standards except in areas where level 2 standards are deemed necessary.

178. It is likely that any such programme of reform will take some time, and we are not making specific proposals as part of this consultation – any changes to regulatory requirements would be subject to further consultation and a full impact assessment. We would however like to explore the appetite for this approach to be adopted in relation to security, and whether there is any preference for future consideration of a regulatory baseline. The following questions assume that our preferred option (option 1) is taken forward following this consultation.

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’?
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Q32	<p>Q1: If security standards are integrated in to the Building Regulations, would you prefer that;</p> <p>a) level 1 and level 2 become optional ‘regulated options’ for use by local authorities? Or</p> <p>b) level 1 be required as a mandatory baseline for all properties with level 2 a regulated option for use by local authorities?</p>
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Costs and viability

179. DCLG has commissioned independent research into current industry practice and the costs of varying levels of security in domestic properties. The impact assessment accompanying this consultation sets out the costs of existing and proposed standards.

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?
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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?
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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?
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?
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?
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?
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?

Further evidence and comments

180. We are interested in any further comments that you have about these proposals, and would welcome submission of further evidence relevant to the consultation questions.

Chapter 4: Water efficiency

Background

The Need for water efficiency

181. Population, household size and affluence all affect how much water we use. Climate change is likely to affect demand and may also put supplies under greater pressure in the future. To meet current and future need, it is essential that the demand for water is managed sustainably. Protecting our natural resources, promoting economic growth and improving the natural environment go hand in hand.
182. Households use around a half of the water put into the public supply. Whilst new homes account for a relatively small amount of total water consumption, the additional demand they represent can be significant in areas where there is already water scarcity. Although all new homes are fitted with a water meter, consideration of the impact of additional dwellings and how this can be mitigated further necessarily forms part of the longer-term plans put in place by water companies to manage demand and supply in their area. The need for infrastructure for water supply and wastewater treatment is a consideration for local planning authorities when preparing local plans and assessing proposals for new development in their area.
183. Water efficiency provides other benefits as well. It increases the amount of water that is available for other purposes, such as agriculture, and can reduce the amount of water that has to be abstracted from the environment. Reducing water consumption can also have a positive impact on water quality and reduce the amount of energy and chemicals used in providing, distributing and treating it. Householders also benefit from reducing the amount of energy they use in heating hot water.

Existing national standards

184. Minimum water efficiency standards were introduced into the Building Regulations in 2010. The provisions require that all new homes are designed so that their calculated water use is no more than 125 litres per person per day. Water use is calculated by using the methodology set out in the Water Efficiency Calculator for New Dwellings. In effect, the

provision promotes the fitting in new homes of more water efficient baths, taps and showers. As all new homes are metered, the provision ensures that reasonably efficient fittings are installed and thereby ensures that inefficiency isn't built in.

Local standards

185. Standards on water efficiency, over and above the mandatory national Building Regulations standard set out above, can currently be required for new homes through the planning system. In practice, this has usually been done through a more wide-ranging local sustainability requirement to build to a specific level of the Code for Sustainable Homes (most commonly Code Level 3) which includes water efficiency, rather than a water-specific local standard.
186. The water efficiency element of the Code for Sustainable Homes is set out in the table below. The national standard of 125 litres per person per day set through Part G of the Building Regulations is equivalent to Code Level 1 (as the Code Levels relate only to internal water use unlike Part G which includes a 5 litres per person per day allowance for external use).

Code Level	Water Efficiency Standard (litres/person/day)
1 and 2	120
3 and 4	105
5 and 6	80

Consideration of future standards

187. The proposals in this consultation and the technical annex document have been assembled by the working groups and are illustrative, to inform debate. They are not government policy. The Department is grateful for the time and input provided by the members of the working group who have helped develop these proposals. The remainder of this chapter explains what the proposals are and sets out the main points that have arisen as these proposals have been developed.

Do we need water efficiency standards?

188. For the overarching reasons set out at the beginning of this chapter, we believe there remains a strong case for a minimum level of water efficiency in new homes. Given that the Building Regulations are the primary means by which national minimum building standards are established, we believe that this baseline should be set out through a legislative requirement in Part G of the Building Regulations.

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.
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Which methodology should be used?

189. Both the Code for Sustainable Homes and the Building Regulations use a “whole-house” methodology to set a water efficiency standard based on the estimated average water use of a house. It is based on use factors, for example, the number of times someone will, on average, flush the toilet each day. The consumption is then calculated by multiplying use by the “performance” of the particular fitting, for example, flush volume or flow rate. In effect, the Water Calculator requires the performance of fittings that are to be installed in a new home to be considered.

190. In terms of future water efficiency standards, using a whole-house methodology has the advantage that it is already in use and is therefore familiar to many. In addition, because it sets an overall performance target, it provides flexibility in the specification of the water fittings used (subject to meeting the target water use requirement).

191. However, there are also negatives associated with this approach. For example, evidence from the introduction of Part G has shown that there can, for some, be significant process costs associated with preparing and submitting the calculation (particularly for those unused to it). In addition, the inherent flexibility allows less efficient hot water using fittings to be offset by more efficient other fittings. In particular, more water efficient cold water fittings such as WCs are often specified to allow higher flow showers to be installed which has a consequent impact on energy use and ultimately household bills.

192. An alternative approach would be to set minimum water performance standards for all fittings. This would set the maximum flow rate and volumes that would be acceptable. Such an approach is used in the Water Fittings Regulations (for WCs), the AECB standards and the Government Buying Standards (the latter two of which relate to water use in non-domestic buildings rather than homes).
193. The advantage of a fittings-based approach is primarily its simplicity and consequent reduction in process costs (over the whole-house methodology). In addition, it avoids the offsetting of hot water with cold water described above. However, this simplicity is also responsible for the principal drawback of the approach – namely the reduced flexibility due to setting water efficiency performance targets for all fittings.
194. On balance, there is a clear case for providing people with the option to benefit from either of these approaches – either the flexibility of the whole-house approach or the simplicity of one based on fitting standards. To do this the government proposes that future water standards are set in terms of both - having two different ways of describing an equivalent level of water efficiency and, in effect, establishing that meeting minimum specification standards would be deemed to comply with the water efficiency requirement. It is proposed that guidance in Approved Document G would be amended to reflect this approach and similarly any additional standard would be set in terms of a whole-house approach with fittings standards provided as an alternative way of demonstrating compliance.

Q41	Do you agree that standards should be set in terms of both the whole-house and fittings-based approaches? Y/N.
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195. The water labelling scheme, www.europeanwaterlabel.eu, will be of great assistance to either approach by providing data in simple format about the performance of fittings.

What level should water efficiency standards be set at?

196. The government believes that the existing Part G sets a reasonable level of water efficiency by ensuring that consideration is given to the water performance of fittings. We propose, therefore, that this should remain

the regulated, national baseline (although, as stated above, we also intend to specify this standard in terms of fitting standards).

197. The table below shows the proposed performance that all fittings must achieve to demonstrate that the overall efficiency standard has been met. The table below shows the proposed fittings standards which deliver equivalent levels of water efficiency to the existing standard (inserting these fittings into the Water Calculator estimates water use of 124.4 litres per person per day including external use). If any of the fittings exceed the value in the table, the Water Calculator must be used to demonstrate compliance. Similarly, where waste disposal units, water softeners or water re-use is specified the Water Calculator must be completed.

Water Fitting	National Base Level
WC	6/4 litres dual flush or 4.5 litres single flush
Shower	10 l/min
Bath	185 litres
Basin Taps	6 l/min
Sink taps	8 l/min
Dishwasher	1.25 l/place setting
Washing Machine	8.17 l/kilogram

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)
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Should there be additional local levels?

198. The water demand/supply balance varies significantly between different parts of the country. The challenge that new housing represents to water supply varies similarly. On that basis, the government does not have a preferred position but is seeking views as to whether a case exists for higher local standards where there is a clear local need and where that measure would form part of an effective strategy to manage demand locally.

199. As stated previously, water efficiency standards above the national baseline standard in Part G are currently usually required as part of a

more wide-ranging requirement to build new homes to Code Level 3 (which requires estimated internal water use of no more than 105 litres per person per day – equivalent to 110 litres per person per day including external water use). Many developers already have experience of delivering homes that meet this requirement and homes built to this higher standard are estimated to deliver savings of 15 litres per person per day over Part G. This additional efficiency can also be achieved at a relatively small cost – both in terms of cost to housebuilders (see paragraphs 210 to 212 below) and in usability of the fittings for the householder.

200. On that basis, the working group has proposed that local planning authorities should be able to require a local water efficiency standard equivalent to 110 litres per person per day (including external water use) subject to the conditions set out below).

Q43	Do you agree that there should be an additional local standard set at the proposed level? Y/N.
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201. The government proposes that no other different standard relating to water efficiency should be able to be required (although housebuilders would be able to continue to provide higher standards voluntarily if they wished to). In particular, achieving water efficiency equivalent to Code Levels 5 and 6 can impose significant costs (of several thousand pounds) that we do not believe is justifiable to be required on new homes (although again voluntary provision would remain an option).

Q44	Do you agree that no different or higher water efficiency standards should be able to be required? Y/N.
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202. The proposed equivalent fittings-based standard is set out below (this would deliver an estimated water use of 106.3litres per person per day including a 5 litre allowance for external use).

Water Fitting	Additional Local Level
WC	4/2.6 litres dual flush
Shower	8 l/min
Bath	170 litres
Basin Taps	5 l/min
Sink taps	6 l/min
Dishwasher	1.25 l/place setting
Washing Machine	8.17 l/kilogram

203. An alternative to an additional local standard could be to tighten the national baseline standard for all new homes to those described above. This would have the benefit of simplicity and certainty, but would introduce an across the board additional cost.

Q45	Would you prefer a single, tighter national baseline rather than the proposed national limit plus local variation? Y/N.
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When should higher standards be required locally?

204. It has been suggested that a higher local standard could be determined simply by reference to water resource assessments. The Environment Agency has produced assessments in the past, such as Catchment Abstraction Management Strategies and for water stress designation, although these were developed for different purposes. While local planning authorities will be encouraged to draw on existing evidence to establish the need for possible action (and would be aided in doing so by their consultation with their local water undertaker and the Environment Agency) we do not believe this is sufficient – not least because current maps were not developed to establish areas where additional controls were required on new homes.

205. In addition, given that new homes are unlikely to represent a significant proportion of total water consumption in an area, imposing standards and additional cost on new homes is very unlikely, on its own, to prove an effective response to water demand pressures in an area. Therefore a planning requirement of this sort should only be required where it is part of a wider approach to water efficiency as set out in the local water undertaker's water resources management plan.

206. The government proposes, therefore, that a requirement for a higher water efficiency standard within a local plan should follow on from consultation with the local water supplier, developers and the Environment Agency. For inclusion in a local plan a local planning authority must be able to demonstrate at examination of the plan that the standard is required to address a clear need and as part of an approach to water efficiency that is consistent with a wider approach to water efficiency as set out in the local water undertaker's water resources management plan.

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

207. The impact assessment accompanying this consultation includes our initial assessment of the potential costs and benefits of the current and proposed regimes relating to housing standards. In relation to water, the additional cost of meeting the tighter, local standard has been estimated at £68 for an average three bedroom house. However, it has also been suggested that meeting this tighter water efficiency standard can be done at little or no cost (on the basis that more efficient fittings are no more costly). We would particularly welcome the views of consultees on this and any evidence they have to support their view.

208. As stated above, we also propose that future water efficiency standards should also include a fittings-based approach to demonstrating compliance. Evidence suggests that completing the water calculator can be confusing and time consuming for some – particularly for small developers encountering the requirement for the first time. It is envisaged that this will provide, therefore, a cheaper way of demonstrating compliance with the water efficiency standard, but we would welcome the views of consultees on this point.

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
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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
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209. To develop further our understanding of the costs and benefits associated with our proposals, we would particularly welcome information from local planning authorities as to whether they currently require new homes in their area to be built to a higher standard of water efficiency than the national baseline. This might be through a more general requirement that new homes are built to Code Level 3 or above or through a water-specific requirement, for example, that new homes meet Code Level 3 in relation to water only.

Q50	<p>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:</p> <p>a) a more general requirement to build to Code Level 3 or above? Or</p> <p>b) a water-specific planning requirement? And</p> <p>c) are you likely to introduce or continue with a water-specific water efficiency standard (beyond the Building Regulations) in the future?</p>
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Chapter 5: Energy

Introduction

210. The government's Carbon Plan¹⁵ made it clear that a key government priority is to reduce the energy demand and carbon emissions created by both new and existing homes. It outlined the progress already made due to improved thermal insulation and better performing boilers, and set out what more needs to be achieved to minimise the impact from homes (and other buildings) on the climate and to help reduce the price paid by consumers for heating and running homes.
211. The government reaffirmed in Budget 2013 its commitment to implement zero carbon homes from 2016¹⁶. On 30 July the Government took an important step towards zero carbon homes by announcing changes to Part L of the Building Regulations, which set out the energy performance targets for homes and other buildings. For new homes, the changes require a modest but meaningful strengthening of these requirements.
212. On 6 August the Government also published a separate consultation on the options for using allowable solutions to implement zero carbon homes from 2016¹⁷.

Background to current standards

213. Under Part L of the Building Regulations, developers have to achieve energy performance targets which are set through the National Calculation Methodology¹⁸. Developers have to demonstrate that their buildings will meet those targets. These targets are expressed in terms of a Target Emissions Rate (TER) in kgCO₂/m²yr and an energy demand target in kilowatt hours per square meter per year or kWh/m²yr.

¹⁵ The Carbon Plan: Delivering our low carbon future, HM Government, December 2011

<https://www.gov.uk/government/publications/the-carbon-plan-reducing-greenhouse-gas-emissions--2>

¹⁶ The zero carbon standard is for the net carbon emissions from energy use, regulated under Building Regulations, to be abated over the course of a year ('regulated' energy use is the energy involved in heating, hot water, lighting, ventilation and other fixed building services).

¹⁷ <https://www.gov.uk/government/consultations/next-steps-to-zero-carbon-homes-allowable-solutions>

¹⁸ <http://www.planningportal.gov.uk/buildingregulations/approveddocuments/partl/bcassociateddocuments9/ncm>

214. Building Regulations, and the statutory guidance which supports them (set out in Approved Document L) do not prescribe the measures developers should use to meet these carbon and energy targets, and therefore allow a combination of good fabric insulation, efficient fixed building services and/or building integrated renewables. The new energy demand target emphasises the need for robust fabric performance.
215. Separate national standards are in the Code for Sustainable Homes, which has nine energy related standards. Two of these – a carbon emission requirement and an energy demand requirement – cover the same ground as Building Regulations.
216. As with other aspects of the Code, there are six levels relating to energy (EN1). In many ways the Code energy levels were designed to point the way for future Building Regulations' requirements. The relationship between Building Regulation targets and the Code energy levels is set out in the following table. The latest changes to Part L regulations raise the national minimum requirements for all new homes to between Code levels 3 and 4.

Code Level Category (EN1)	Building Regulations requirement
1 - 10% improvement from 2006 Part L Building Regulations	No equivalent
2 - 18% improvement from 2006 Part L Building Regulations	No equivalent
3 - 25% improvement from 2006 Part L Building Regulations	Same requirement in 2010 Part L Building Regulations.
4 - 44% improvement from 2006 Part L Building Regulations	2013 Part L set between Code levels 3 and 4.
5 - All emissions from regulated energy use (100% improvement from 2006 Part L Building Regulations)	Equivalent to zero carbon standard – noting however that the zero carbon standard allows for a mechanism to account for emissions that are not expected to be achieved on site to be abated by off site measures through 'allowable solutions'. The Code does not include allowable solutions.
6 - All emissions from all energy use	No equivalent

217. In 2008 the Planning and Energy Act enabled local authorities to set local plan policies for development in their area to set energy efficiency standards that exceed Building Regulations. Those standards have to be nationally recognised, and in practice the Code is the only such standard.

218. The Planning and Energy Act also enables local authorities to set policies asking for a proportion of energy used in developments in their area to be from renewable or low carbon energy sources. Again, any policies should be based on national policy and should be reasonable.
219. Using the powers in the Act and the standards in the Code, a number of local authorities have local plan policies that govern how new homes should perform in relation to energy performance. Some have none at all – relying on Building Regulations as the minimum standard – some require levels consistent with the national standards set in the Code for Sustainable Homes – whereas others, it is arguable, deviate from the Regulations and the Code and set unreasonable additional requirements on development.

Consideration

220. The government considers that due to the progressive strengthening of Building Regulations alongside a national policy for zero carbon homes, the time is right for a review of the relationship between Building Regulations, the Code, the Planning and Energy Act 2008 and local standards. The current relationship has a number of issues:
- national and local policies can clash - local requirements/policies are layered onto the Building Regulations and requirements vary by area, causing confusion and potentially extra cost;
 - the higher levels of the Code may be applied inappropriately without considerations of viability (notwithstanding the Planning and Energy Act requirement for policies applying standards to be reasonable). This in turn can drive developers to develop design solutions which are not cost effective, become redundant and in the worst case can drive developers up technological dead ends;
 - the impact can be to make development unviable. This then causes delays in getting planning permission because of the lengthy and costly negotiations needed to try and resolve the viability questions.
221. For new homes (and other buildings), the government is committed to Building Regulations as the way to drive up energy performance standards. It is clear that Building Regulations will need to play a strong role in the development of zero carbon policy.

222. As can be seen in the table above, Building Regulations have surpassed the lower levels of the Code and are now set at between Code levels 3 and 4. The government has set a clear end point for strengthening Building Regulations, with the zero carbon standard the equivalent of Code level 5, with a further strengthening anticipated in 2016 of both carbon and energy targets, which will relate to measures required on the building, as well as allowable solutions, subject to further analysis and full consultation in due course.
223. On this basis, the government's conclusion is that the Code has been successful in doing its job in terms of pointing the way forward. In light of this, the government does not now see a need for levels or separate carbon and energy targets in the Code - carbon and energy targets should be set in Building Regulations as we move towards zero carbon homes.
224. The one reason for continuing with Code type levels in a nationally described standard would be that an interim level would be appropriate between the 2013 Building Regulations and 2016 requirements.
225. The argument for an interim level would be that this will help developers prepare for the final 2016 requirement. On the other hand, such an interim level would only have a shelf life of at most 3 years. There is also the risk, as outlined above, of developers being led up technological blind alleys if they are required to focus on an interim level (eg, small arrays of solar panels that may not be cost effective). The government therefore does not believe that an interim level would be helpful to developers and is not minded therefore to set one in a nationally described standard.

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.
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226. Alongside the levels in the Code and the standards for carbon and energy discussed above, there are other 'standards' in the Code which the government considers have become, or are becoming, redundant due to other policy or technology developments (eg, smart meter roll out low energy lighting etc.) and therefore are no longer needed. A summary analysis of each of the Code standards and the government's preferred approach to each one can be found in the table below.

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.
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227. The preferred approach set out above has a knock on effect to the current relationship between national standards and the planning system which sets local standards through plan policies.

228. Firstly, there is an important distinction to make between the energy performance of buildings and where that energy comes from. The government is not proposing to limit the ability of local planning authorities to set strategic policies in relation to the locations and relationship between new housing developments and how they should connect to low carbon and renewable energy infrastructure, such as district heating networks. The ability for local authorities to do so is important, as set out in the National Planning Policy Framework.

229. The government considers however that the progressive strengthening of Building Regulations means it is no longer appropriate for local plan policies to specify additional standards for how much of the energy use from homes should come from on-site renewables. Developers should be free to decide the most appropriate solutions to meet stronger Building Regulations. There is evidence in the associated impact assessment that shows the number of homes which may be subject to separate local renewable targets.

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.
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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
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Q55	<p>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.</p> <p>If you do not agree, please provide the evidence to support your alternative figures</p>
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230. On the basis of the evidence, the view is that there needs to be a clear break between the role of planning in shaping the locations of development and energy infrastructure, and the role of Building Regulations in shaping the energy performance of new homes. As we move towards zero carbon homes from 2016, then it is likely that more efficient and renewable technology will play an increasingly important role, but Building Regulations should be flexible enough to allow innovation and choice for industry.
231. This approach will help to set a level playing field for developers and reduce the burdens on local authorities. There will no longer have to be detailed and lengthy discussions on whether additional requirements are viable or not – as there will be one clear set of standards for new homes to meet. Developers will be required to meet robust fabric efficiency levels in new homes, comply with future policy on zero carbon homes, and work with local planning authorities who can identify opportunities where development can draw energy supply from decentralised renewable or low carbon energy supply systems.
232. The government considers that with this proposed new approach, it will need to consider the role of the Planning and Energy Act 2008, which allows local authorities to set policies for on-site renewables on new homes. With the preferred Building Regulations only approach to energy standards, the government considers that the Act may need to be amended or removed. However, we invite views on this – especially from local authorities.

Q56	<p>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?</p>
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ANNEX – CODE FOR SUSTAINABLE HOMES ENERGY PROPOSALS

Code	Aim	Proposal	Rationale for proposal
ENE1 – Dwelling Emission Rate	To limit carbon dioxide emissions arising from the operation of a dwelling and its fixed services in line with current policy on the future direction of regulations.	Retain as a role for Building Regulations.	Levels are represented for ENE1 as a percentage increase above a 2010 Building Regulation compliant home. The government has announced plans to strengthen these levels in Building Regulations and is committed to Zero Carbon new homes from 2016.
ENE2 – Fabric Energy Efficiency	To improve fabric energy efficiency	A role for Building Regulations.	Cost effective fabric efficiency is effectively the starting point for reducing carbon dioxide emissions under ENE1. The Part L 2013 requirements will include a new energy demand target in Building Regulations.
ENE3 – Energy Display Devices	To promote the specification of equipment to display energy consumption data, thus empowering dwelling occupants to reduce energy use.	Remove standard.	These devices are becoming the norm in new housing. The government is requiring energy companies to install smart meters to most households between 2015 and 2020. https://www.gov.uk/smart-meters-how-they-work On this basis, it is not considered necessary to regulate for mandatory take up.
ENE4 – Drying Space	To promote a reduced energy means of drying clothes.	Remove standard	This is an unnecessary level of prescription that ignores the fact that most homeowners can and do choose to purchase inexpensive methods of drying clothes internally and externally. Drying space provided via fixings is often removed by consumers and communal drying space is often not used.
ENE5 – Energy Labelled White goods	To promote the provision or purchase of energy efficient white goods, thus reducing the carbon dioxide emissions from appliance use in the dwelling.	Remove standard	European requirements for minimum product efficiency have overtaken the Code in this regard. It is now not possible to buy a poorly performing fridge, washing machine or tumble dryer and all products must be labelled. There is simply no place for this standard any longer.

ENE6 – External lighting	To promote the provision of energy efficient external lighting, thus reducing carbon dioxide emissions associated with the dwelling.	Remove standard	Another instance where the Code has been overtaken, with lamps required to be energy efficient and labelled at point of sale. There are also minimum controls for external lighting within Part L of the Building Regulations.
ENE7 – Low and Zero Carbon technologies	To limit carbon dioxide emissions and running costs arising from the operation of a dwelling and its services by encouraging the specification of low and zero carbon energy sources to supply a significant proportion of energy demand.	Retain as a future role for Building Regulations and local policy.	This covers the same ground as EN1 (so would be double counting) and should be a role for Building Regulations and future policy on zero carbon homes.
ENE8 – Cycle Storage	To promote the wider use of bicycles as transport by providing adequate and secure cycle storage facilities, thus reducing the need for short car journeys and the associated carbon dioxide emissions.	Remove standard. See section on exterior space for details (in Chapter 2).	See section on exterior space for details (in Chapter 2).
EN9 – Home Office	To promote working from home by providing occupants with the necessary space and services thus reducing the need to commute.	Remove as a standard.	This is not relevant to reducing the energy demand of a building. It should not be the responsibility of local or national policy on energy use to promote home working. See also Chapter 2: Space of this document.

Chapter 6: Indoor environmental standards

Introduction

233. This section of the consultation deals with a range of issues relevant to the design of new homes which were raised during work with industry partners as part of the Housing Standards Review. There are four sections relating to overheating, daylighting, sunlighting and indoor air quality in which government sets out background considerations and its proposed course of action.

Overheating

Issue

234. Overheating in a small number of new homes is a recognised problem primarily arising from increasingly well insulated and thermally efficient homes combined with predicted long term increases in the duration of peak temperatures as a result of climate change. Overheating can pose a risk to the health and safety of occupants, particularly older people who tend to be at home during the day when temperatures peak.

235. There are currently no nationally adopted methodologies or standards dealing with the potential for overheating in new homes. DCLG undertook an exercise to review existing literature and research on this topic¹⁹ which can be found at the link below;

<https://www.gov.uk/government/publications/investigation-into-overheating-in-homes-literature-review>

Considerations

236. Government recognises that summer over-heating is an area of growing concern amongst some developers, homeowners and landlords. However, this is an area where specific standardised solutions have not as yet come forward.

¹⁹ DCLG - Investigation in to overheating in homes: literature review - Ref: ISBN 9781409835929,

237. Evidence setting out how overheating issues arise is improving²⁰ and there are a number of factors which are accepted can exacerbate the problem including:
- heating pipe-work / supplies in common areas of apartments creating excessive heat gain, particularly when connected to district heating networks where they cannot be controlled;
 - designs failing to take into account risks of excessive solar gain; for example large, unprotected west facing windows;
 - site specific conditions which prevent normal means of ventilation to dwellings from being effective; for example, noisy, or polluted sites or security concerns that make it problematic to open windows.
238. Further work is needed to define what the appropriate threshold to define overheating is, at what point overheating becomes a health and safety risk (including consideration of the significant variations in risk associated with individual health issues). It is certainly the case that technical measures to avoid overheating such as increasing thermal mass, improving shading from solar gain and ensuring cross ventilation are well understood by most building designers, but when they should be adopted is less clear.
239. Overheating appears to result more frequently where site specific conditions mitigate against these more commonly applied solutions being effective, for instance where noise pollution or security concerns prevent people opening windows. In such circumstances designers need to be mindful of the need for alternative provision for cooling and ventilation, or to look at other methods of mitigating heat gain. This is best addressed by industry led guidance rather than prescriptive regulation or technical standards being imposed at a local level.
240. Many of the measures needed to address overheating also sit outside the immediate fabric of new homes – landscaping, planting, urban design, building aspect and site planning can be equally effective in helping to limit the risks of overheating, particularly in built up urban areas subject to ‘urban heat island’ effects. These are however matters which must be considered as part of the planning process in order to be effective.

²⁰ The zero carbon hub have developed guidance on overheating.
http://www.zerocarbonhub.org/resourcefiles/OverheatingInHomes8pp_2013_8March.pdf

Consultation proposals and questions

241. Based on the views of the working group, the government takes the view that over-heating is not an issue that can be effectively addressed by developing a 'standard' as part of the Housing Standard Review work. The review is primarily focused on rationalising existing commonly required standards, and work to develop specific solutions is still ongoing.
242. Many of the necessary solutions relate to site specific conditions and the way in which new development is designed and planned at a strategic level. These considerations should remain material as part of the planning application process, and outside the scope of this review. These considerations should be supported by industry gathering evidence and providing its own guidance for designers on how to assess and manage overheating risks
243. However, if evidence does emerge of a need for specific technical measures relating to the design of the fabric and internal layout of new homes, these should be dealt with through on-going review of relevant parts of the Building Regulations where they are proven to create risks to the health and safety of residents.
244. Government therefore proposes the following actions:
- DCLG will continue to monitor on-going industry research and data gathering (including that being carried out by the Chartered Institution of Building Services Engineers) to establish whether there is a case for further action with respect to future development of part L (Conservation of fuel power) and part F (ventilation) of the Building Regulations.
 - there are no standards or regulations that directly control overheating for thermal comfort, however DCLG will, when reviewing those areas that are controlled by regulation, consider the potential effects on overheating eg improved insulation of heating pipes in common areas required for the conservation of fuel and power can help to avoid overheating, and consider whether further similar safeguards are appropriate in the future;
 - DCLG/DECC will consider whether existing elements of the SAP calculation methodology can be developed to improve risk analysis of the likelihood of excessive solar gain (and by proxy the likelihood of high internal temperatures).

- industry should lead on the development of analytical tools to flag where risks of overheating are increased and to develop evidence and guidance as to how these risks can be mitigated.

Daylighting

Issue

245. Daylighting standards are used to measure how much natural light will penetrate into the interior of new buildings, or to assess the impact of new development on the amount of day light received by existing buildings. Daylighting calculations are currently an element of the Health and Wellbeing section of the Code for Sustainable Homes and are used by local planning authorities in assessing daylight impact of new development on existing buildings.

Considerations

246. There is reasonable evidence supporting the physiological and emotional benefits that adequate day lighting provides, and equally sound evidence that a lack of day lighting can lead to negative health outcomes. It is also accepted that while large windows providing good day light can save energy by reducing reliance on artificial lighting, they can also reduce thermal performance and increase heating demand, and/or result in excessive solar gain which can exacerbate over-heating and increase demand for comfort cooling.

247. However, there is little substantive evidence of systematic failures in daylighting in new homes and largely the market seeks to deliver homes which are attractive and meet people's aspirations and affordability. Recent research by the Royal Institute of British Architects suggests that good day light is highly valued by potential home purchasers and it is clearly in the interest of home builders to meet these consumer demands.²¹

248. We do recognise that in some circumstances - particularly in built up areas or in basement developments - daylighting may be compromised and that planning authorities may need to satisfy themselves as to the acceptability of new development. The most commonly used standard is 'Site layout planning for daylight and sunlight: a guide to good practice' produced by Building Research Establishment and the same methodology is utilised within the Code for Sustainable Homes.

²¹ RIBA 'The Case for space and light'.

249. There are alternative mechanisms or standards which rely on simple requirements for glazing to ensure adequate daylighting. For example, the Scottish Building Standards and the London Housing Supplementary Planning Guidance both require glazing to be a fixed, minimum percentage of the floor area of a habitable room (15% and 20% respectively). This is a simple measurement which allows designers reasonable flexibility in how they define solutions for daylighting. However there is no account taken of the likely different orientations of windows which may give rise to some complexity in designing for solar gain (in south western aspects) or to achieve high levels of energy performance by limiting glazing in north facing windows.
250. Currently, daylighting is not directly controlled in the Building Regulations, but glazed area and orientation are elements of the government's Standard Assessment Procedure (SAP) which is part of the National Calculation Methodology underpinning the energy efficiency requirements in the Building Regulations. In establishing emission targets for new homes, SAP assumes a notional glazed area of 25% - but this is not a prescriptive requirement and designers can adopt alternative measures in meeting the compliance targets.

Consultation proposals and questions

251. Based on the views of the working group, government takes the view that there is insufficient evidence to suggest that overall new homes are problematic in terms of the amount of daylight entering habitable rooms – the market should be sufficiently incentivised by consumer demand to ensure that windows are of a reasonable size and that rooms have attractive qualities. However, we are mindful that inadequate daylight can have impacts on health and welfare for homeowners and recognise the concerns that have been expressed on this issue by a number of organisations.
252. It is important that planning authorities continue to have the ability to assess site planning and layout considerations, including the impact of new development on adjoining existing properties. Discussions with industry suggest that the existing Building Research Establishment guidance remains fit for purpose in this respect though government takes the view that requirements for sunlighting and daylighting calculations should be on an exceptional case by case basis, where reasonable concerns exist (such as in high density areas, or on sites with significant over-shadowing) and not as a blanket requirement for all new development.

253. In terms of the design of new homes, government remains open minded as to whether a simple approach to ensure minimum levels of daylighting is necessary, and if so what such a standard should be. We are clear that we do not intend to take forward use of the existing Code methodology as a daylighting design tool for new homes, and that we are not intending national regulation.

254. This could be taken forward by reviewing existing simple percentage requirements taking into account interactions with relevant parts of the Building Regulations, orientation, and thermal performance of building fabric and risks of overheating to ensure that such an approach is fit for purpose. If this was found to be the case, and there is sufficient evidence of need, it is possible that a daylighting standard could be included within the outputs of the review process for use by local authorities in setting their local plan requirements.

255. We are interested in establishing the appetite to take forward further work on daylighting and to call for evidence to establish why this would be necessary.

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.
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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.
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Sunlighting

Issue

256. Sunlighting issues in new homes refer to the amount of direct sunlight that enters into habitable rooms or dwellings as a whole. Typically, the amount of sunlight results from the design and orientation of a home combined with its surrounding context.

Considerations

257. Sunlighting is a different issue from day lighting and poses different risks to health and wellbeing. It is of particular importance to older people who often spend long periods indoors, and, in some areas, the incidence of rickets in children has seen a recent increase.

258. Adequate sunlight within dwellings is relatively easy to achieve in typical suburban and rural housing development – most terraced, and nearly all detached or semi detached houses will have at least a dual aspect meaning that they will receive some sunlight at different time of the day. Ensuring that enough sunlight is received within deep-plan, high density, terraced housing is often more difficult and north facing single aspect flats receive virtually no sunlight.

259. However, where it is necessary to consider sunlight, solutions are invariably related to a buildings context ie through considering orientation, aspect, distances to adjacent buildings, and overshadowing alongside balanced consideration of amenity and privacy. These are matters which must be dealt with at a master planning scale rather than through individual technical appraisals.

Consultation proposals and questions

260. Based on the views of the working group, government takes the view that ensuring adequate sunlight is primarily a strategic and site planning matter, rather than a matter grounded in the internal layout of a property. We therefore propose that sunlighting should remain outside the scope or limitations of this review.

Q59	Do you agree that sunlighting should sit outside the scope of this review? Y/N.
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Indoor air quality, clothes drying, condensation and air tightness

Issue

261. In order to ensure that homes provide a healthy environment, it is necessary to consider how indoor air quality is maintained through adequate ventilation. There are many factors contributing to reduced air quality in dwellings including perspiration and respiration of occupants, chemicals ('volatiles') released from furniture, fixtures and fittings within the home over time, regular activities such as washing and cooking which may involve the use of combustion appliances and occasional activities such as decorating.

Considerations

262. As buildings are increasingly required to become more energy efficient there is a natural shift towards improved air tightness in their construction to limit heat loss. Part F (Ventilation) of the Building Regulations is intended to set out suitable purpose provided ventilation performance requirements to ensure that indoor air quality is maintained even in buildings which have high levels of air tightness.

263. There are however some common issues which have been identified emerging from the continuing improvements in the performance and design of new homes. These include;

- failures to design to meet the performance requirements of Part F can lead to developments with increased risk of condensation and mould growth;
- failure to take account of some of the site specific factors which can be causal in overheating (such as homeowner concerns about security, street pollution and noise preventing people from using windows to provide adequate ventilation) can increase condensation and air quality risks;
- people have become more acquisitive (we own more things) some of which bring increased levels of volatile compounds into the home. In more 'leaky homes' this is less of a problem but in more air tight homes the effect of a build up of potentially dangerous volatiles can impact on indoor air quality and therefore ventilation strategies needs to be more carefully considered.

- failure to properly commission Mechanical Ventilation and Heat Recovery units, and consumers being unfamiliar with their operation and maintenance can potentially lead to issues with indoor air quality.
- indoor clothes drying contributes to condensation and is a particular problem for families in modern air tight flats. There are few alternatives to the use of a combination of tumble driers (or combined washer/driers) in winter and of balconies / external space in summer.

264. Overall, we take the view that indoor air quality is a matter of essential health and safety, and that this should be adequately dealt with through ongoing research and development of the Part F (Ventilation) requirements of the Building Regulations.

265. Site specific risks and considerations – such as building adjacent to sources of pollution such as heavily used roads – need to be highlighted risks at the strategic design stage and subsequently taken into consideration in the detailed design of buildings to ensure that they can meet the performance requirements of Part F of the Building Regulations.

Consultation proposals and questions

266. DCLG proposes that it will continue to review indoor air quality parameters (including World Health Organisation, European, Department of Health and HSE guidelines) and Building Regulations ventilation provisions over time to ensure that performance criteria and guidance in these areas remain effective and fit for purpose. Based on the views of the working group, government does not propose to develop any specific additional standards as part of the Housing Standards Review process. Industry should consider how guidance on site specific risks which can impact on ventilation can be evidenced and developed.

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.
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Chapter 7: Materials

Introduction

267. This section of the consultation deals with materials standards for new homes. Materials standards currently mainly feature in the Code for Sustainable Homes. Authorities can also apply their own hybrid materials standards. The question of how they will be handled in future was raised by industry partners during the Review.

Background

268. Over time, manufacturers have invested considerable sums into improving the sustainability of products both through reducing impacts and improving responsible sourcing. Giving clients a clear, consistent way of specifying more sustainable solutions is important. Both areas rely on data from manufacturers and suppliers and as such there is a need to ensure that the requested data is supplied in a consistent manner.

269. The Code for Sustainable Homes contains two areas of credits for sustainability of materials. The first, MAT1 covers the environmental impact of materials. The second, MAT2 covers the responsible sourcing of materials. These standards are very complex, but have sought to provide some consistency over the last few years. These standards only apply to Code housing. As such they affect only a relatively small proportion of all new homes built, with the majority being social housing funded by the public sector.

270. Separately some authorities have applied their own hybrid materials standards, for example requiring that only certain building materials sourced from particular locations will be acceptable for new housing. Other authorities also have attempted to set their own 'embodied energy' materials standards, despite this area being very unclear nationally or internationally at this moment in time.

Consideration

271. A specific working group was not set up to consider materials issues since at an early stage members of the Steering Group undertook to explore how materials could be addressed through various industry led mechanisms.
272. A range of formal, non-proprietary standards such as British (BS), European (EN) or International (ISO) exist already, setting out materials standards that the housing industry can adhere to if it wishes. Under the EU Construction Products Regulation (305/2011) products covered by a harmonised European standard (hEN) should normally be CE marked and accompanied by a declaration of performance when placed on the market.
273. Most housing new housing is brought forward by private sector developers, outside the auspices of the Code, and these manufacturers tend to follow these common non-proprietary standards already, without authorities requiring them to do so. There are compelling reasons for them to do this, since consistent approaches ensure economies of scale, comparability between different sites and reduces costs on the supply chain. If any of these areas were regulated anywhere in Europe, the regulators would have to use these European standards so it makes sense to keep voluntary codes based on them.
274. Developers and trade associations are clearly is taking a lead in agreeing materials standards, and adhering to them. There is also an absence of any clear understanding at this stage as to what embodied energy standards should embrace, or clear evidence of what works (nationally or internationally).
275. Based on the inputs of the steering and working groups, the proposition from the government therefore is that this is an area where there is no compelling case for local authority standard setting.
276. The government does not therefore propose to include materials with the Nationally Described Standards document. However, the government will keep this under review to see if Nationally Described Standards may need to be developed at some point in the future.

Q61	Do you agree that materials standards are best left to the market to lead on? Y/N.
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Chapter 8: Process and compliance

Introduction

277. A process and compliance group met at the same time as the other thematic working groups. Its main task was to consider how the proposals emerging from these other groups could best be applied, to reduce the complexity and cost of compliance and assessment.
278. The group also undertook to consider options for improving the ways in which local planning and building control processes could work better together, and how any eventual standards document emerging from the review could be owned or hosted (should this be the outcome). As part of the work the group also considered whether there were any immediate relevant international examples the review could learn from, and also how the terminology around standards and regulation could be made clearer.

Background

279. Currently, compliance with technical housing standards set in planning conditions is assessed through multiple points. Some are certified by various third party bodies, who may charge for the service, then notify planning departments, who sign off the planning condition. Others are not certified, and planning departments need to have the technical expertise to assess whether developments have complied (such as on building energy efficiency measures, Standard Assessment Procedure calculations, or detailed wheelchair accessibility requirements). In doing this, they may be able to rely on specialist officers if they are available, or buy in such services, or perhaps rely on advice from the building control Body. And some other conditions are not necessarily followed up at all by planning departments, who therefore do not know whether they have been complied with. The same and/or additional standards may also be applied as funding requirements and subject to a separate compliance and assessment regime; possibly with different outcomes.
280. With some standards, such as the Merton Rule, assessing the planning and building control expectations together may be very complicated, often because the local planning policies are unclear about what is

required and how it will be complied with. This can result in complex, time consuming negotiations between the authority and the developer. To add further complexity, some standards sign-off processes (especially those by third parties) can result in changes being made to the main application, which themselves trigger the need for other standards to be reconfigured. Again, this adds cost and delay too.

281. One of the overarching objectives of the Housing Standards Workstream has been to find ways to separate technical and planning requirements for new housing. This will enable single points of contact and compliance to be developed, and overlapping or conflicting consent regimes to be minimised, or removed altogether.
282. Given that Building Regulations requirements will remain under any of the scenarios considered, and the small set of standards proposed by the working groups all strongly configure well with the current Building Regulations requirements, this suggests that any standards emerging from this Workstream would ideally be assessed by or through building control bodies. The working group generally felt this would be the most constructive way forward, and would build on the existing skill set of building control professionals.
283. We believe there are two ways in which this can be achieved, although each has advantages and disadvantages.

Option 1 - Nationally described housing standards

284. Chapter 1 set out two ways in which the outcomes of the review could be implemented, through a nationally described standards set, or by integrating the requirements into Building Regulations. Alternatively, the nationally described standards could be developed as a stepping stone en route to integrating the standards into Building Regulations at a future date.
285. Under the first option the Nationally Described Standards would sit alongside the Building Regulations. Each standard would only be applied locally by the local planning authority after it has undertaken a rigorous needs assessment, justifying the application of each in a particular area. So for example, if there was a demonstrable water scarcity problem in an area, that could help to build a case for applying a higher than building regulation standard there. Before being put into the local plan it would also need to pass the local plan viability assessment.

286. The standard would be implemented through a planning condition, attached to a planning permission. Compliance with the condition would, as now, need to be overseen by the local planning authority. Similarly, appeal and enforcement processes would also operate as now under planning powers
287. However, as noted above, the technical complexities of applying the standards are more akin to the work which building control bodies undertake when assessing compliance with Building Regulations. The government is keen therefore that building control bodies are involved in the process. This could take the current form, whereby local planning authorities utilise the expertise of their building control departments where they think it appropriate; or this could be formalised in the nationally described standards set which might set out how building control bodies might be involved in carrying out compliance checking on behalf of the local planning authority, notifying the planning authority of the outcome. As now, building control may commission expert advice to help with its assessment process. If the building control body reports back to the planning authority that the standard has not been met, the planning authority could take the necessary action under current planning powers.
288. In taking forward this idea, a number of issues will need further thought. Local authority building control officers are part of a local authority as are planning officers. It is therefore possible for local planning authorities to delegate building control officers to use planning powers to check on the compliance with the discretionary local standards. However, where a private sector Approved Inspector is responsible for delivering the building control function in respect of a development, there would need to be an arrangement for them to report to the local planning authority on whether any standard from the nationally described standard set had been properly implemented.
289. The current regimes which enable local planning authorities and local authority building control bodies to charge for their services may need to be adjusted to ensure that the costs of undertaking these functions can be recovered. This would also need to be covered in any arrangement with approved inspectors.
290. Building Control staff may need further training in these new areas, and will need to have skills necessary for these enhanced assessments. However, the standards proposed are to a large extent an extension of existing responsibilities and work with the grain of existing Building

Regulations and the existing skill sets of building control professionals. Overall this should be the most efficient approach. For example Building Control bodies already have the expertise to assess compliance with the accessibility requirements of Part M. It would make sense to build on that expertise and use the same personnel to assess compliance with the proposed higher accessibility standards.

291. This approach would also enable the type approval process to continue and develop, which will further help streamline Building Control delivery for developers.
292. Furthermore, over time, the Building Regulations could be amended to better align with the new standards, enabling them to settle permanently in the regulatory structure, where necessary and justifiable.
293. The advantages of this approach are that it could be put in place relatively quickly; it could accompany the publication of a Nationally Described Standards document later in the year, subject to this consultation. It could be supported by the proposed policy statement, enabling adoption in developing policies by local authorities. The approach also quickly captures the savings available through a streamlined compliance system.
294. The disadvantages of this approach are that it may be difficult to take forward all of the proposals in one step.

Option 2 - Regulated options

295. The alternative system, also mentioned in Chapter 1, would be to integrate the standards into the Building Regulations as 'regulated options'. The Building Regulations would need to be adjusted to incorporate having 'tiers' within them, which would be applicable if a particular local need could be identified and justified.
296. Under this approach, the local plan would, as above, undertake the rigorous needs assessment necessary to justify requiring a particular Building Regulation 'tier' in an area, and would flag this necessity in the local plan. But building control bodies would have the formal compliance certification role, as with any other requirement in the Building Regulations.

297. There are several advantages to this approach. It would combine a single set of fully harmonised guidance in one location; it would enable a robust regulatory and assessment framework to be established; it would be simple; it would minimise duplication or overlap between planning and building control systems; and it would enable a single governance system.
298. The disadvantages are also several, however, going down this route may require changes to legislation. It would also take some time to put into place, and so there would be a delay before authorities and developers could benefit from the cost and time savings.
299. Overall, the government thinks that regulated options, allied with broader reform of existing Building Regulations would probably deliver a robust model in the longer term.
300. However, because a 'Building Regulations only' approach might take some time to put in place, if that is the preferred option (possibly even years), the government considers a 'hybrid' two stage approach may help meanwhile. This would encompass the nationally described standards being published for use immediately in developing local planning policies, whilst a programme of work is put in place to revise the Building Regulations, to embrace the regulated options model in years to come. Such an approach could enable everyone to capture the benefits of a rationalised system at the earliest opportunity.

Q62	Which of the above options do you prefer (1, 2, or the hybrid approach)? Please provide reasons for your answer.
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301. In its report, the Challenge Panel has also called for a cross-government review of all the regulatory, policy, guidance, utility and infrastructure approval processes that apply to new housing. This could roughly be termed a 'housing developer journey' review, encompassing everything necessary for a dwelling to be started on site. The aim would be to ensure that these all these regimes work together seamlessly, to reduce burdens, duplication or process problems and delays where possible. The government intends to explore this idea further.

Planning and building control process improvements

302. The working group concluded that there are several ways in which local planning and building control processes could work better together. This review has been about trying to ensure clarity between technical requirements and policy objectives, and also a clear separation of functions between planning and building control. A key consideration going forward, therefore, will be for local planning authorities to be very clear in their plan about how they would apply any of the new standards (if any). Coupled with plans being very clear about all other planning policy expectations, up front, this clarity of policy and technical objectives for housing would save considerable time and expense for applicants.
303. Secondly the group supported, for individual development applications, a building control 'pre-app' stage, if necessary, similar to planning pre-app discussions. Indeed there could be merit in combining these so that there is one all embracing discussion between the developer and the authority, and ideally these could wrap in other regulatory issues too (such as Highways, Sustainable Drainage Systems (SUDS), etc).
304. The government welcomes this proposal, and would like to encourage authorities to adopt the approach. There are no regulatory blocks to authorities making this option available, or for Building Control officers charging for pre-app discussions. The benefit of collective pre-app discussion such as this is that all the various regulatory and planning expectations can be tabled and discussed before housing developers finalise their applications, and so save wasted time and expense later down the line, revising applications as unforeseen regulatory or policy expectations emerge.

Ownership and hosting of nationally described standards

305. The question of ownership and hosting has been covered in the introduction, together with the proposals which emerged from the working group.

Building information modelling

306. The working group also discussed Building Information Modelling.(BIM) which has been mandated for use on all government projects from 2016. This was embedded in the government construction strategy and is now subject to considerable work both in the public and private sectors. It is clear that it will change the way the built environment is designed procured and used. There are clear links to any system of rationalised housing standards, and also to rationalised planning policies (under the Planning Practice Guidance Review). Pooled together in a common centralised web based resource, standards and national policies could be enabled very easily so as to work effectively with new models of design, such as BIM. Employed fully BIM has the ability to allow the complete design to be created virtually with every detail tested prior to construction.
307. For the regulatory arena there are enormous benefits. Experience from elsewhere around the world tells us that BIM can be used for assessment checking and compliance of a wide range of regulations. However, in many other parts of the world where BIM is common Governments have failed to embrace BIM as comprehensively as in the UK. There is the prospect that the whole process of design verification and compliance can be driven through the universal use of BIM by developing common approaches with all regulatory themes.
308. The BIM4regs group²² will be liaising with all regulators and representatives of user groups to take full advantage of this in the UK.

Supply chain and construction cost efficiency

309. One area on which we would like to seek further views is on the likely benefits of taking forward the proposed simplification process. Discussion with industry representatives suggest that home builders typically benefit from having a highly developed supply chain which is capable of delivering significant savings in terms of construction cost and material cost. The corollary of this efficiency is that home builders incur meaningful costs when they are asked to move away from that supply chain in order to meet varying standards and technical requirements which arise from varying local standards

²² <http://www.bimtaskgroup.org/>

310. It is suggested that by limiting the variety of standards, enabling 'type approval' and creating consistent application and interpretation at a national level that home builders will benefit by being able to further improve supply chain efficiencies. We would like to seek industry views on the extent to which this might be the case.

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?
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311. It has also been suggested that Industry incurs costs to rectify building work on site as a result of varying interpretation and application of standards from one area to another. Typically this arises as a result of tradesmen following standard practice, only to be required to amend or re-do elements of building work to meet variations in local standards which are required. We would like to understand whether these costs are incurred, and if so the extent to which they could be avoided by more consistent standard setting nationally.

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?
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Next Steps

312. Following the consultation, the Government will analyse responses and consider the way forward. Subject to the consultation, the current intention is to issue a National Described Standards document as soon as possible, alongside a final impact assessment, analysis of consultation responses, and the planning Policy Statement setting out how housing standards should henceforth be treated in the planning system.

313. In the light of this consultation, the Government will also be considering whether further changes may be needed to the Building Regulations, possibly to integrate elements of housing standards. If this is the case, then detailed cost benefit and further consultation will be undertaken to underpin the work.