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Dear Mr Brown

LONDON COUNCILS' RESPONSE TO DCLG CONSULTATION ON THE HOUSING STANDARDS REVIEW

London Councils is committed to fighting for resources for London and getting the best possible deal for London's 33 councils. Part think-tank, part lobbying organisation, and part service provider, London Councils formulates policies, organises campaigns and runs a range of services all designed to make life better for Londoners.

London Councils welcomes the opportunity to contribute to this consultation on behalf of London boroughs. Our response to the consultation has been developed following discussions and consultation with the boroughs and is attached overleaf.

Whilst we would take the view that some aspects of the current system of housing standards, guidance and building regulations in England have become unwieldy over time, and there is an argument for a stocktake, we do not take the view that there should be a wholesale revision which we believe would amount to unnecessary, inappropriate and overbearing deregulation of the area. We understand the need to rationalise some ad hoc standards where there is duplication and overlap, however London Councils is concerned that a lot of useful and cost effective guidance and standards on which decisions should be made locally could potentially be lost such as the Code for Sustainable Homes.

In seeking to ensure greater consistency of a national approach and disproportionately reflect the needs of developers the Government has reduced local authorities' ability to determine what is best for their own areas in a way that could harm the central planning objective of 'sustainable development' and the proposals are in many cases antithetical to the principle of localism. Outlined below are some particular overarching concerns we have on the environmental aspects and I also attach a completed form as our submission to this consultation.

Yours sincerely

A handwritten signature in black ink that reads "Catherine West".

Cllr Catherine West
Chair of the London Councils' Transport and Environment Committee

General comments on environment aspects

Removal of the Code for Sustainable Homes

1. The Review proposes removing the Code for Sustainable Homes – and restricting the use of standards by local planning authorities to a national set – yet there is no consultation question relating to this proposal. Of the nine environmental aspects covered by the Code, the consultation only addresses four (energy, water, materials, and health and well-being). The other five environmental aspects (surface water runoff, waste, pollution, management and ecology) covered by the Code are not discussed at all in the consultation.
2. Many planning authorities currently adopt the Code, as a recognised national standard, in their planning requirements. The Code has been a valuable standard for driving up environmental performance in residential new build. As a minimum there should be consultation on removal of these other five environmental aspects, and preferably there should be consultation on the removal of the Code itself. In addition, any future nationally described standards should cover the full range of sustainability issues and be subject to regular review to ensure they are fit-for-purpose on an ongoing basis.

Impact assessment

3. The assumption has been made throughout the consultation document that the requirement for environmental standards is a barrier to growth by making otherwise viable schemes unviable. While this may be the case in individual circumstances, no evidence is put forward as to whether there is a significant problem. In London, where many boroughs require development to meet Code Level 4, the experience is that there is no confusion and developers are very clear what the requirement entails. We seek clarification from the government on the evidence base behind the assumption in the consultation.
4. While the impact assessment assesses the cost-benefit to the developer, it does not provide any assessment of the increased levels of CO₂, water consumption and other environmental impacts that would result from enforcing the lower standards that would result from implementing the current consultation proposals. Taking a whole-life costing approach, the impact assessment should also include an estimate of the additional cost to occupants of having a lower performance home in terms of higher energy and water bills.
5. Page 22 of the impact assessment refers to on-site renewable energy generation and assumes that the environmental costs up to 2016 will be limited and thus the potential impact has not been quantified at this stage. This argument appears to be based on little evidence and neglects the fact that, if developers are able to circumvent existing planning policies on renewables and on overall carbon reduction targets as a result of these proposals, there will be a significant drop in the energy and carbon efficiency of new homes. The London Plan requires a 40% reduction against 2010 Building Regulations as of October 2013. This will help increase energy efficiency and alleviate pressure on the energy grid. Therefore the impact assessment needs to include cost-benefit analysis of the grid reinforcement that will be required and any other impacts.

Links with Allowable Solutions

6. This consultation is being undertaken at the same time as a consultation on Allowable Solutions. These two consultations crossover, particularly with regard to setting of energy and carbon reduction targets, and responses to both of these separate consultations need to be considered together. London Councils also responded to the Allowable Solutions consultation.

Energy

7. The table on page 62 of the consultation document would be clearer if it referred to the Code for Sustainable Homes levels against 2010 Part L requirements, rather than 2006, given that these are the current Building Regulations requirements. This would also help to highlight that while the 2013 Building Regulations propose a 6% improvement on 2010 building regulations, the majority of London boroughs already require new homes to achieve the Code Level 4 which requires a 25% improvement on 2010 levels; moreover the London Plan requires all major developments to achieve a 40% improvement on 2010 levels from 1 October 2013. Thus removal of the Code and removal of the ability to set energy/carbon targets through planning would lead to a dramatic fall in the energy standards secured in new homes in many boroughs. This will exacerbate fuel poverty, increase grid energy demands and undermine progress towards radically reducing carbon emissions.

Overheating

8. We have concerns about the overheating of buildings, which is exacerbated in London by the urban heat island effect and is likely to become more of an issue with the predicted increase in extreme weather events as a result of climate change.
9. We agree with paragraph 242 where it states that "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".
10. However, this seems to contradict the distinction drawn between standards relating to the technical and functional performance of buildings and the environment in which buildings are built (paragraph 9), and the assertion that all of the former should fall within the remit of national standards/ building regulations rather than planning. This needs to be fully clarified, both with regard to mitigating overheating risk and with regard to requirements for greening of buildings - will such issues continue to be dealt with under planning? Ultimately technical/functional performance is inextricably linked with the external appearance of a building, and we would question whether it makes sense to try to separate these issues and allocate them to separate regulatory regimes.