
Consultation paper on the future of the Code for Sustainable Homes – making a rating mandatory

Response by the Royal Institute of British Architects

Introduction

The Royal Institute of British Architects welcomes this opportunity to comment on the CLG consultation paper on the future of the Code for Sustainable Homes.

The RIBA is one of the most influential architectural institutions in the world, and has been promoting architecture and architects since being awarded its Royal Charter in 1837. The 30,000-strong professional institute is committed to serving the public interest through good design. It also represents 85% of registered architects in the UK through its regional structure as well as a significant number of international members. Our mission statement is simple – to advance architecture by demonstrating benefit to society and promoting excellence in the profession.

The RIBA warmly welcomed the introduction of the Code for Sustainable Buildings as a good start by the Government towards establishing a comprehensive and readily-understood system for measuring the environmental performance of all buildings.

Since its introduction in 2006, the Code has already made a remarkable difference in encouraging the growth in sustainability within the built environment sector and represents a very significant step towards achieving the Government's stated target of making all new homes zero-carbon by 2016. The Code should also be seen as a crucial tool to inform (and in time merge with) the planned revisions to further tighten the environmental aspects of Building Regulations in 2010, 2013 and 2016.

Making the Code mandatory at the outset for publicly-funded new homes has meant that the public sector has emerged as a pioneer for sustainable design and is driving the emergence of new sustainable markets and technologies. But it is the commercial sector – by whom the majority of new housing is built – that must follow the public sector's lead if the Government's carbon reduction targets are to be met. Proper implementation of the Code will be key to achieving that objective. At present, the Government's proposals fall short.

Consultation questions

- 1. Do you agree that a rating (not an assessment) against the Code for Sustainable Homes should be mandatory for all new marketed homes from April 2008?**

We are disappointed with the proposal that assessments against the Code for Sustainable Homes will not be mandatory for new marketed homes. We recognise that mandatory assessments from April 2008 may not be realistic because of capacity issues or resistance from some parts of the housebuilding industry, but believe that assessment leading to a rating should become compulsory as soon as practically possible.

We point to the success of registered social landlords who are already meeting the requirement that all new homes funded by the Housing Corporation and those supported by English Partnerships must achieve Code Level 3 of the Code for Sustainable Homes. We are worried that the lower standards permitted under the Code for Sustainable Homes for homes in the private sector will lead to homes being built to the lowest common denominator. The public sector should be congratulated for taking such a strong lead – the commercial sector should be given every encouragement to follow suit. We believe mandatory assessment against the Code would provide useful data and an understanding of how developers engage with the drive for increased sustainability.

We are concerned that the Government's proposals set out in the consultation would mean that hundreds of thousands of new homebuyers by 2010 will be buying properties that do not even reach Code Level 1, far behind the standards being set by the public sector. If the public sector, which works at much tighter margins, must be assessed then we believe that the private sector should be subjected to the same requirements.

The consultation states "a mandatory assessment would force these developers to spend money on an assessment to be told what they already know – that they have not achieved a particular level of the Code" and "this approach does that without imposing unnecessary and unjustified costs where there are good reasons for not going further, faster." We cannot understand why the Government – which on one hand is driving forward extremely ambitious carbon reduction targets would, on the other, permit the commercial sector to mask its failure to match the public sector's efforts with purchased zero-rating certificates. Such an approach may be mandatory in respect of achieving a rating, but in every other respect it would be meaningless.

We strongly dispute this. The Government agrees that it is vital to rapidly reduce emissions from the UK's building stock- and we have heard from both the Stern Report and the Intergovernmental Panel on Climate Change that we must act now. The cost of performing assessments against all new homes has been estimated by CLG at £56m per annum- a tiny proportion of the overall build cost of new homes. Whilst in some cases developers may indeed be forced to spend money on an assessment for which they can pre-empt the rating because they know they will fail to meet any of the Code for Sustainable Homes ratings, this is not a credible reason for failing to introduce a measure which would have a significant impact in hastening the reduction of carbon emissions.

The RIBA would like to see developers aim for at least Code Level 3 in new developments immediately. However, we strongly encourage the Government to insist as soon as possible that all new homes are assessed at the post-construction stage and given a mandatory rating against the Code, and that this information is clearly provided to consumers.

A stronger assessment and enforcement regime is vital. A survey conducted by the Energy Savings Trust and BRE in 2005 showed that 45-50% of new homes failed to meet building regulations, which at the time were much looser than current Part L, and particularly than the Code. Building control officers in many local authorities are under-resourced and therefore under-staffed and require more resourcing.

2. Do you agree that where homes are not assessed against the Code for Sustainable Homes, potential buyers should be given a document which clearly states that it has not been assessed?

Yes. Until mandatory assessments become mandatory, then the Code – and in particular the meaning of a zero rating - needs to be well-understood by consumers. We suggest that zero-ratings should not be an easy option for developers to simply purchase – they should be clearly labelled as a “fail” against the Code to potential buyers.

The RIBA's strong preference remains for all homes to receive a mandatory assessment against the Code. Given the imperative of climate change and reducing emissions from homes, we believe that assessing all homes post-construction and making the rating clearly available to homebuyers would improve awareness of both the Code requirements and sustainability more generally. Self certification without objective assessment against strong criteria cannot be tolerated.

2b. Would you prefer that this document is:

- a) a zero star certificate; or
- b) a standard letter?

A zero star certificate appears to be the most easily understandable method for improving consumer awareness. We would be disappointed if the Government chooses to allow homes that only meet the minimum standards of Part L to be marketed on the basis of the improvements that the revised building regulations have delivered, and not made clear to the homebuyer that this does not even meet Code Level 1. This must be clearly explained and therefore we believe that the mechanism of awarding a zero star rating and certificate would be most appropriate.

3. Do you agree that, before we make rating against the Code mandatory, we should require that all Code assessor organisations (or self-employed individuals) are able to provide Code and EPC services as a single package?

We agree that this proposal is sensible and would serve to reduce the possibility of duplication of services and cost.

4. Do you agree that the Home Information Pack would be an appropriate mechanism for ensuring homebuyers are provided with a rating against the Code for Sustainable Homes?

Yes. If consumers are going to receive the full benefit of awareness of sustainability that a mandatory assessment and rating system can deliver, the rating of marketed homes must be clearly provided to homebuyers.

We agree strongly that the CSH rating should be included in Home Information Packs. We would also like to see the Code rating clearly displayed in consumer focused marketing- for example in advertising. We understand that this would prove difficult to implement without legislation but would hope that estate agents would agree to provide this information by default- and would suggest that space (ie size of property, in addition to number of bedrooms) should also be included in this.

4b. Do you think it is necessary to have legislative powers to ensure that both design stage and post-construction certificates are given to homebuyers?

Yes, we agree that this will be necessary to ensure full coverage of rating certificates across all marketing outlets.

5a. Do you agree there should be a transitional period for the introduction of a mandatory rating against the Code?

Yes. We believe that it would be unfair to assess homes designed before the introduction of the Code. However we would hope that designers and housebuilders are aware of the new sustainability targets, and will be encouraging our members to ensure that homes that they design are done so to the highest possible sustainable standards.

5b. If there is a transitional period, should this come into effect for new homes that either:

**apply for planning permission after April 2008; or
reach the Initial Notice, Full Plans or Building Notice stage of the
building control notification process after April 2008?**

It would be sensible for the Code to come into effect for new homes that reach the Building Regs application stage after April 2008. It may even be possible to add a sanction to ensure assessments against the Code take place: we propose that a Full Plans or Building Notice application cannot be made without confirmation that a scheme has been registered for assessment against the Code. At a later stage in the development process, the grant of a Building Regs completion certificate should be conditional upon a CSH assessment certificate.

6. Do you agree with our analysis of the likely demand for assessments and that there will be sufficient Code assessors available?

We agree that under the current analysis of demand (which is based on only 165,000 completions by 2008) then there will be sufficient Code assessors available. We support the eventual embodiment of the Code into Building Regulations and would point to the existence of Building Control Officers in Local Authorities as a readily available body of experienced professionals who could also be trained to carry out assessments against the Code.

7a. Do you agree with the principle that the Code for Sustainable Homes should be changed to reflect the changes to the building and other regulations?

Yes.

7b. Do you agree that the Code for Sustainable Homes should be revised in light of changing Building Regulations in 2010?

We agree with this and support the merging of Building Regulations and any "Code Version 2" to provide a strong and easily understandable framework for reducing carbon emissions.

8a. Do you agree that Lifetime Homes standards should be mandatory in the Code?

8b. Do you agree that Lifetime Homes standards should be mandatory at progressively lower levels of the Code starting with level 6 in 2008, level 4 in 2010 and level 3 in 2013?

We support Lifetime Homes standards being made mandatory to achieve a rating against the Code.

Space standards in the home

We believe that the issue of space in the home is just as important as adaptability. We are concerned that anecdotal evidence shows that the average size of homes at the lower and middle end of the housing market has decreased sharply in recent years. Internal space in the average UK home is often not sufficient for the varied requirements of modern life- and small rooms, lack of adequate storage space and inadequate separation and privacy between adults and children can and do have negative impacts upon the quality of resident's lives.

From the lack of adaptability, to the effect that lack of space might have on young people's educational and social development, and pressing issues around space and climate change such as overheating, it is clear that the space issue can no longer be overlooked. Architects, planners and developers should be doing all they can to design homes fit for the community at large, and we are of the opinion that the introduction of minimum space standards for all new homes is vital to achieve this. The Code provides an ideal lever towards this objective; and this should be considered when future revisions to the Code are made.