

HOUSING LIN POLICY BRIEFING

The Future of the Code for Sustainable Homes

'The Future of the Code for Sustainable Homes: Making a Rating Mandatory' is a consultation paper published by the Department for Communities and Local Government in July 2007:

(www.communities.gov.uk/documents/corporate/pdf/Makingaratingmandatory)

The Department is consulting on the following:

- Whether to make it mandatory for all new homes to be rated against the Code (previous consultation supported this)
- The connection between the Code and Energy Performance Certificates
- Using Home Information packs (HIP's) as the mechanisms for making the Code rating available to buyers
- When the Code should be updated
- Whether the Lifetime homes standard should be a mandatory element of the Code

The consultation paper makes a number of key recommendations which will have important implications for developers of housing with care and support from both the private and public housing supply side.

Background

The Code for Sustainable Homes provides a framework within which house builders can be recognized for going beyond the current Building Regulations on energy efficiency. It also sets standards for other aspects of sustainability designed to limit the environmental impact of housing, examples include water, pollution, waste, materials and ecology.

From January 2008 all new homes will have an energy efficiency certificate and the Code adds to this. It was introduced as a voluntary standard in England in April 2007 and works by awarding new homes a star rating (1 – 6) based on nine sustainability criteria and their overall environmental impact.

Currently all new government funding for homes built by Registered Social Landlords (RSL's), those developed by English Partnerships or with direct funding from the government's housing growth programmes will comply with level 3 of the Code. In addition, the Ministry of Defence will adopt this standard for housing and the Department of Health is encouraging NHS organisations to adopt it.

The Housing Corporation have also published an efficiency toolkit for providers of housing with support. This is available at:
http://www.housingcorp.gov.uk/upload/doc/Efficiency_Toolkit.doc

Part 2a: Introducing a mandatory rating against the Code

The Code measures the sustainability of new homes. Ratings start at 1 which is above the level of Building Regulations and 6 is the highest.

There are nine categories within the Code:

Categories	Flexibility
Energy efficiency Water efficiency	Minimum standards at each level of the Code
Materials Surface run-off Waste	Minimum standards at Code entry level
Pollution Health and well-being Management Ecology	No minimum standards

A code assessment is in two stages, firstly an initial design assessment followed by a post completion check.

It is proposed that from April 2008 all new homes will be required to have a mandatory rating (not a mandatory assessment). A home builder would either:

- Employ a Code assessor
- Download at no cost a zero rating certificate or standard letter stating that the house has not been assessed against the Code

A zero rating will make clear to buyers whether or not a home has been designed and built to standards in the Code

Q1: do you agree that a rating (not assessment) against the Code should be mandatory for all new marketed homes from April 2008?

Q2a: do you agree that where homes are not assessed against the Code potential buyers should be given a document which clearly states that it has not been assessed?

Q2b: Would you prefer that this document is:

- A zero star certificate or
- A standard letter?

The Connection between the Code and Energy Performance Certificates

The Code will compliment Energy performance Certificates (EPC's) which came into effect on 1st August 2007. The Code provides a mechanism for builders to show how they have improved energy efficiency and provides a broader measure of the overall sustainability of the house.

It is proposed that when rating against the Code is mandatory all Code assessors should also be able to provide an EPC.

Q3: do you agree that, before we make rating against the Code mandatory we should require that all Code assessor organizations (or self-employed individuals) are able to provide Code and EPC services as a single package?

It is proposed to provide buyers with information early in the home buying process, coinciding with when they are entitled to receive a copy of a Home Information Pack (HIP). Using HIP's means that in some circumstances there will be no mechanism to require builders to give a final certificate, for instance when homes are sold 'off-plan' and marketing stops before a post completion check takes place, it is possible that the completed home may not have been built to the intended standards and the buyer does not get what they thought.

Q4: Do you agree that the Home Information Pack would be an appropriate mechanism for ensuring buyers are provided with a rating against the Code?

Q5: Do you think it is necessary to have legislative powers to ensure that both design stage and post-construction certificates are given to buyers?

When the proposals are introduced it will be necessary to ensure fairness for example not requiring homes under construction to have a certificate if construction was begun before this was a requirement.

It is proposed to phase in the requirements:

- Through the planning process, or
- Through the building control process

Both options allow a reasonable transitional period.

Q5a: Do you agree there should be a transitional period for the introduction of a mandatory rating against the Code?

Q5b: 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?

The consultation document also considers the following:

- Mandatory assessment against the Code
- Availability of Code assessors

This section includes a consultation question:

Q6: Do you agree with our analysis of the likely demand for assessments, and that there will be sufficient Code assessors available?

- Using the Code for existing homes
- Certification bodies and the relationship with BRE

Part 3: The future of the Code

This section consider how the Code will be updated in the light of future changes such as those to building and other regulations and that a Code version 2 be introduced in 2010.

Q7a: do you agree with the principle that the Code should be changed to reflect changes to the building and other regulations?

Q7b: do you agree that the Code should be revisited in the light of changing Building Regulations in 2010?

This section also considers Lifetime Homes which were developed in the 1990's in order to make it easier to use and adapt properties as occupants' needs change. The sixteen standards are set out in appendix 1. There is also information on the Joseph Rowntree Website:

<http://www.jrf.org.uk/housingandcare/lifetimehomes>

Where they are adopted homes are better able to meet the needs of individuals at different stages in their lives – as they grow and as they age and that when faced with a sudden crisis such as incapacity, injury or illness these homes are able to adapt at least in the short term.

Currently there is no requirement to adopt Lifetime Homes, but there are proposals to change this. One of the reasons is to take account of the needs of our increasingly ageing society which the home building market has not been reacting to as quickly as it needs to (see the Housing LIN briefing no 15, Homes for the Future: The Housing Green Paper, <http://www.icn.csip.org.uk/housing>). There is also evidence of under supply of appropriate housing for older people to move into leading to under-occupation of family homes. Also the cost of adapting homes not built to this standard is substantial.

In order to achieve the shift to Lifetime Homes in a manageable way it is proposed to make this a mandatory element at lower levels of the Code over time. This would mean:

- For a 6 star rating in the Code from April 2008
- For a 4 star and above rating from April 2010 and
- For a 3 star and above rating from April 2013

Examples of the rating system are set out in Appendix 2.

Note: the Department of Health's current Extra Care Housing guidance already makes reference to adopting the Lifetime Home standards for new build schemes and any further programme will need to take the above requirements into account.

Q8a: Do you agree that Lifetime Homes standards should be made mandatory in the Code?

Q8b: Do you agree that Lifetime Homes standards should be made mandatory at progressively lower levels of the Code, starting with level 6 in 2008, level 4 in 2010 and level 3 in 2013?

Annex A contains a list of the consultation questions

Annex B contains the consultation criteria

Annex C Partial Regulatory Impact Assessments including mandatory ratings against the Code and Lifetime Homes

Annex D contains example certificates.

If you wish to respond to this consultation paper, please send your comments by 23 October 2007 to:

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OTHER POLICY BRIEFINGS IN THIS SERIES

All documents are available from the Housing LIN website at www.icn.csip.org.uk/housing, under Briefings in the Resources section.

1. Department of Health's White Paper - Our health, our care, our say; a new direction for community services
2. Individual Budgets
3. Wanless Social Care Review - Telecare and older people
4. Long Term Conditions and the Wider Policy Context
5. Disabled Persons (Independent Living) Bill
6. Learning Disability & Housing
7. Local Government White Paper – 'Strong and Prosperous Communities'
8. Disabled Facilities Grant – Department for Communities and Local Government consultation
9. Mental Capacity Act: An Introduction
10. Commissioning Framework for Health and Well-Being
11. Prevention of Homelessness: the role of health and social care
12. Improving Access to Health and Social Care Services by People who are Homeless or Living in Temporary or Insecure Accommodation
13. New Health & Social Care Structures – What are the Opportunities for Housing?
14. Local Area Agreements: Maximising the Potential for Housing for Older People
15. Homes for the Future: More Affordable, More Sustainable – Housing Green Paper 2007
16. Independence & Opportunity – Communities & Local Government Strategy for Supporting People

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