



The future of the Code for Sustainable Homes –  
Making a rating mandatory:  
Consultation July 2007  
**Summary of Responses**



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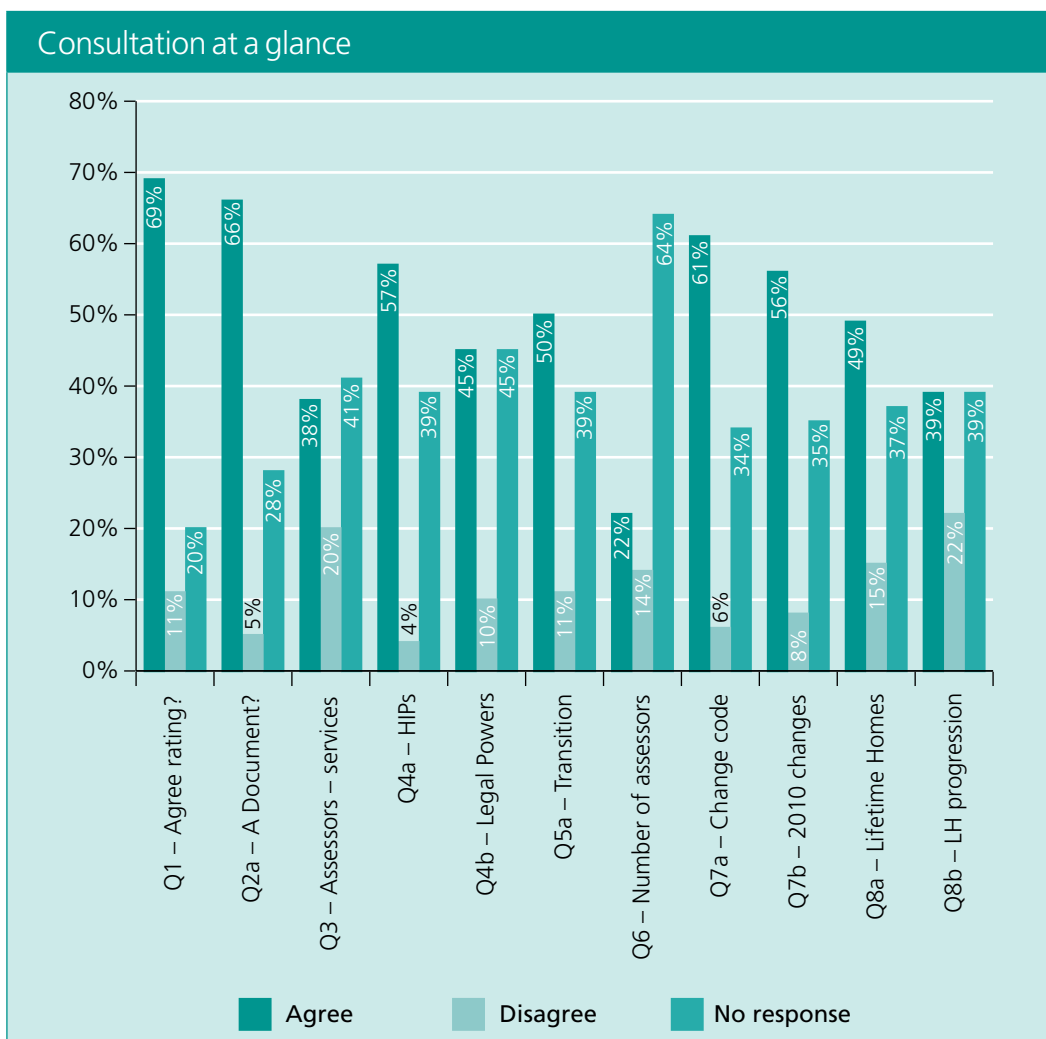
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## Executive Summary

In July 2007 the Government consulted on proposals for making it mandatory for new homes to be rated against the Code for Sustainable Homes. This would mean that, once introduced, all homes would either have to be assessed against the Code and given a certificate indicating the rating they had achieved or would not be assessed and would be deemed to have achieved a zero rating against the Code. In all instances as a result of the mandatory rating policy the purchasers of new homes would be given clear information about the sustainability of their home and house builders would have a clear and consistent basis on which to compare and market their products.

This document provides a summary of responses to the July 2007 consultation on this proposal and sets out the Government’s final policy. The principle message is that as a result of consultation, the Government will be proceeding with the implementation of mandatory rating against the Code for all new homes. It is minded to introduce mandatory rating from April 2008, as proposed, but will confirm the timing of the introduction in the next few weeks following further detailed consideration of consultation responses.

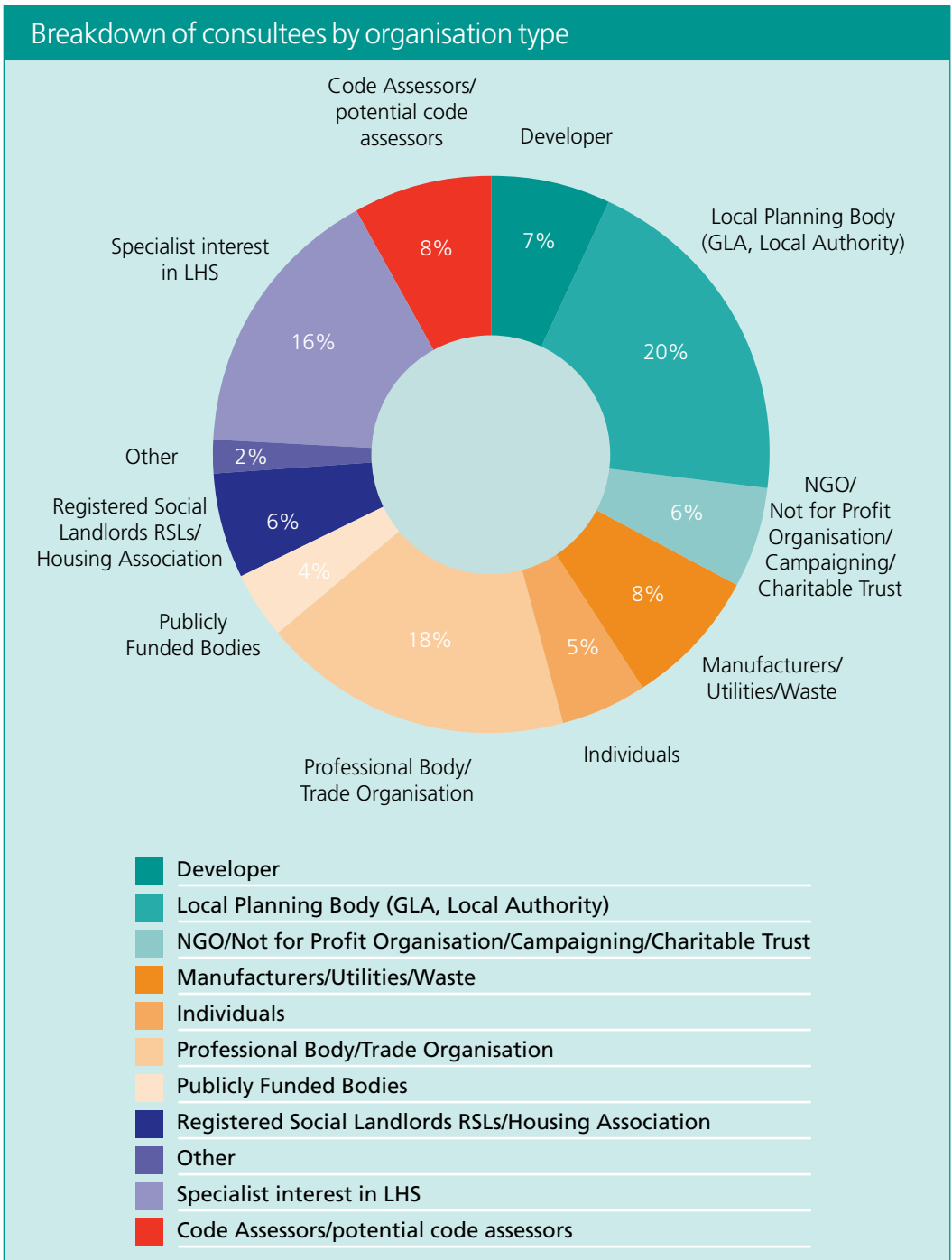


Below is a summary of the questions we asked during the consultation and the Government's final policy response taking account of the responses received.

Question	Policy Response
<p><b>Question 1:</b> 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?</p>	<p>Following the outcome of the consultation the Government will implement mandatory rating against the Code for all new homes. It is minded to introduce mandatory rating from April 2008, as proposed, but will confirm the timing of introduction in the next few weeks following further detailed consideration of consultation responses and the practical implementation issues.</p>
<p><b>Question 2a:</b> Do you agree that where such 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?</p>	<p>To introduce a document that makes it clear where a new home has not been assessed against the Code, in line with the preference expressed during the consultation.</p>
<p><b>Question 2b:</b> Would you prefer that this document is:</p> <p>a) A zero star certificate; or</p> <p>b) A standard letter</p>	<p>To introduce a zero-star certificate for non-assessed properties, in line with the preference expressed during the consultation response.</p>
<p><b>Question 3:</b> 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?</p>	<p>Not to <i>require</i> this but to allow the market to drive services in this direction if customers require it.</p>
<p><b>Question 4a:</b> 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?</p>	<p>To require that documentation relating to the Code ratings are included in the HIP, in line with the preference expressed during the consultation response.</p>

Question	Policy Response
<p><b>Question 4b:</b> Do you think it is necessary to have legislative powers to ensure that both design stage and post-construction certificates are given to homebuyers?</p>	<p>To legislate to ensure that certificates are required at both the design and post construction stages in line with the preference expressed during the consultation response.</p>
<p><b>Question 5a:</b> Do you think there should be a transition period for the introduction of a mandatory rating against the code?</p>	<p>To introduce a transitional period before mandatory ratings come into effect in line with the preference expressed during the consultation response.</p>
<p><b>Question 5b:</b> If there is a transition period, should this come into effect for new homes that either:</p> <ul style="list-style-type: none"> <li>• Apply for planning permission after April 2008; or</li> <li>• Reach the initial notice, full plans or Building Notice stage of the building control notification process after April 2008?</li> </ul>	<p>To introduce mandatory Code ratings with transitional arrangements based on the second option – for all new homes that reach initial notice, full plans or building notice stage of the building control process after April 2008, in line with the preference expressed during the consultation.</p>
<p><b>Question 6:</b> Do you agree with our analysis of the likely demand for assessments and that there will be sufficient code assessors available.</p>	<p>Communities and Local Government will work with our delivery partners to ensure that there are adequate numbers of assessors available, across the public and private house-building sectors; and in sufficient numbers across each region.</p>
<p><b>Question 7a:</b> 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?</p>	<p>To update the Code at appropriate points to reflect changes to building and other regulations, in line with the preference expressed during the consultation response.</p>
<p><b>Question 7b:</b> Do you agree that the Code for Sustainable Homes should be revised in light of changing Building Regulations in 2010?</p>	<p>To revise the Code in the light of changing Building regulations in 2010, in line with the preference expressed during the consultation response.</p>
<p><b>Question 8a:</b> Do you agree that Lifetime Homes standards should be mandatory in the Code?</p>	<p>To introduce the Lifetime Homes Standards as suggested in the consultation questions, and in line with the preference expressed during the consultation response.</p>

Question	Policy Response
<p><b>Question 8b:</b> 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?</p>	<p>To introduce the Lifetime Homes Standards as suggested in the consultation questions, in line with the preference expressed during the consultation response.</p>



## Introducing Mandatory Ratings against the Code for Sustainable Homes

In July 2007 the Government consulted on proposals for making it mandatory for new homes to be rated against the Code for Sustainable Homes. This would mean that, once introduced, all homes would either have to be assessed against the Code and given a certificate indicating the rating they had achieved or would not be assessed and would be deemed to have achieved a zero rating against the Code. In all instances, as a result of the mandatory rating policy, the purchasers of new homes would be given clear information about the sustainability of their home and house builders would have a clear and consistent basis on which to compare and market their products.

### What is the Code?

The Code for Sustainable Homes (the Code) was first introduced as a voluntary standard in England<sup>1</sup> in April 2007, following extensive consultation with environmental groups, the home building and wider construction industries.

The aim of the Code is to improve the overall sustainability of new homes by setting a single national standard within which the home building industry can design and construct homes to higher environmental standards, and giving new homebuyers better information about the environmental impact of their new home and its potential running costs.

The Code provides a framework within which home builders can be recognised for going beyond current Building Regulations on environmental performance.

### The Code and EPC's

From April 2008, Energy Performance Certificates (EPCs) for new homes will ensure that every purchaser has information they need to be able to make sustainable choices about the energy performance of their home and practical suggestions for making it even more efficient. The Code builds on this in two important ways:

1. Because all new homes already reach a high level of performance on the EPC scale, even big improvements on top of current Building Regulations don't register significantly. The energy element of the Code is based on percentage improvements over Building Regulations so big improvements will be clearly visible.
2. It sets standards for a wide range of other aspects of sustainability which are not mandatory in the Building Regulations but are critical to limiting the environmental impact of housing.

<sup>1</sup> The Code does not apply in Scotland, Wales or Northern Ireland.

The Government has already, through building regulation revisions, increased the energy efficiency of new dwellings by 40 per cent compared to 2002 standards. It has also already announced that it will go further, delivering zero carbon new homes by 2016. The table below summarises the steps to achieve this.

Date	2010	2013	2016
Carbon improvement as compared to Part L Building Regulations 2006	25%	44%	zero carbon
Equivalent energy/carbon standard in the Code	Code level 3	Code level 4	Code level 6

In addition to Energy, the Code covers other eight other key aspects of sustainability including water, pollution, waste, materials, and ecology. For all elements, it provides guidance on how home builders might achieve high standards in these areas and gain the credit for doing so.

## Building to the Code

Homes are already being built to the code. So far 202 Code assessments have been registered covering a total of 19,137 homes under, or anticipated to shortly be under development, across the public and private sectors.

All new homes developed by English Partnerships or with direct funding from the Government's housing growth programmes are now being built to level 3 of the Code for Sustainable Homes. Additionally, Housing Corporation funded homes built by registered social landlords will, from the start of the next National Affordable Housing Programme (beginning in April 2008), comply with level 3 of the Code. Furthermore, the Olympic Village will meet at least level 3 of the Code for Sustainable Homes, as will all new service housing contracted by the Ministry of Defence (from 2008 at the latest), ISIS (the commercial arm of British Waterways); and the Department for Health will actively encourage NHS organisations to adopt Code level 3 when they commission new dwellings.

In the private sector, the Code is also increasingly being used to drive up standards. Berkeley Homes has recently become the first major house builder to announce that it will build all homes on sites seeking planning permission after January 2008, to Code level 3.

Making ratings against the Code mandatory will provide consumers with the relevant information to be able to factor the sustainability of their home into purchase decisions.

## Consultation Responses

For each of the questions that we asked in the consultation document we have set out below:

- A detailed analysis of the responses by organisation type
- A summary of the substantive comments provided to support the answers given
- A clear indication of the Government’s final policy decision on the question concerned taking account of the responses received.

### Analysis and the Government’s Final Policy Position

**Question 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?**

Q1: Responses by organisation type				
Organisation Types	Agree	Disagree	Not Clear	No Answer
Developer	6	2	0	0
Local Planning Body (GLA, Local Authority)	18	3	0	1
NGO/ Not for Profit Organisation/ Campaigning/ Charitable Trust	6	1	0	0
Manufacturers/ Utilities/Waste	4	1	0	4
Professional Body/ Trade Organisation	13	5	0	2
Publicly funded bodies	4	0	0	0
Registered Social Landlords RSLs/ Housing Association	5	0	0	1
Specialist interest in LHS	6	0	0	11
Code Assessors/potential code assessors	9	0	0	0
Individuals	2	0	0	3
Other	2	0	0	0
All Respondents	75	12	0	22
Overall Percentage	69%	11%	0%	20%

This question attracted the highest response rate with 80 per cent of respondents expressing an opinion. Of those who expressed an opinion 87 per cent were in favour of making rating against the Code mandatory (this equates to 69 per cent of the total respondents).

Of the 12 respondents that said 'no' to this question, six did so because they felt that the proposal did not go far enough. Six respondents (6 per cent of the total) were against mandatory rating and/or any other mandatory use of the Code. In total 16 respondents (including the six mentioned above) wanted the proposals to go further and introduce mandatory assessments or mandatory minimum standards. Several respondents also felt the code should be extended to cover existing dwellings.

Whilst the major trade associations representing the development industry were opposed to the concept of mandatory ratings, the majority of individual developers who responded were positive about the proposal, although the sample size is small.

The reasons why the Government has proposed a mandatory rating as opposed to a mandatory assessment, and to apply the Code to new build homes only, were set out in the consultation document, *The future of the Code for Sustainable Homes: Making a rating mandatory*.

**Policy Outcome:** The responses received to Question 1 were overwhelmingly in favour of the Government's proposal. The Government will therefore implement mandatory rating against the Code as soon as possible. It is minded to introduce mandatory rating from April 2008, as proposed, but will confirm the timing of introduction in the next few weeks following further detailed consideration of consultations responses and practical implementation issues.

**Question 2a: 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?**

<b>Q2a: Responses by organisation type</b>				
<b>Organisation Types</b>	<b>Agree</b>	<b>Disagree</b>	<b>Not Clear</b>	<b>No Answer</b>
Developer	4	1	1	2
Local Planning Body (GLA, Local Authority)	16	0	0	6
NGO/Not for Profit Organisation/ Campaigning/Charitable Trust	7	0	0	0
Manufacturers/Utilities/Waste	5	0	0	4
Professional Body/Trade Organisation	13	4	0	3
Publicly funded bodies	4	0	0	0
Registered Social Landlords RSLs/ Housing Association	5	0	0	1
Specialist interest in LHS	6	0	0	11
Code Assessors/potential code assessors	9	0	0	0
Individuals	2	0	0	3
Other	1	0	0	1
All Respondents	72	5	1	31
Overall Percentage	66%	5%	1%	28%

Sixty-six per cent of respondents agreed that where a new home had not been assessed against the Code, purchasers should be alerted to that. Five per cent of responses received were against this proposal. No further substantive comments were offered.

**Question 2b: Would you prefer that this document is:**

- c) A zero star certificate; or**
- d) A standard letter**

<b>Q2b: Responses by organisation type</b>						
<b>Organisation Types</b>	<b>Standard Letter</b>	<b>Zero Star</b>	<b>Both</b>	<b>No Preference</b>	<b>No response</b>	<b>Other</b>
Developer	2	4	0	0	2	0
Local Planning Body (GLA, Local Authority)	5	12	0	1	4	0
NGO/Not for Profit Organisation/Campaigning/Charitable Trust	0	6	1	0	0	0
Manufacturers/Utilities/Waste	1	2	2	0	4	0
Professional Body/Trade Organisation	5	8	0	2	5	0
Publicly funded bodies	1	3	0	0	0	0
Registered Social Landlords RSLs/Housing Association	1	3	0	0	2	0
Specialist interest in LHS	1	3	0	0	13	0
Code Assessors/potential code assessors	0	8	0	0	0	1
Individuals	0	1	0	0	4	0
Other	0	0	0	0	2	0
<b>All Respondents</b>	<b>16</b>	<b>50</b>	<b>3</b>	<b>3</b>	<b>36</b>	<b>1</b>
<b>Overall Percentage</b>	<b>15%</b>	<b>46%</b>	<b>3%</b>	<b>3%</b>	<b>33%</b>	<b>1%</b>

A significant number of respondents chose not to express a preference on the form of the document, but of those who did, just over three quarters preferred the zero star certificate approach to the standard letter approach. Three respondents made alternative proposals and three respondents wanted both a zero star certificate and a standard letter. Several respondents added that there should also be a narrative for purchasers on steps they could take to improve the environmental impact of their home.

**Policy Outcome:** To introduce a zero star certificate in line with the preference expressed during the consultation. The Government has considered the proposal that this should come with recommendations for improvements for purchasers but has decided, for now, that this is not necessary because:

1. The EPC for a new home will provide this information in respect of energy efficiency, and improving energy efficiency is likely to be both the most effective and cost-effective method of improving the overall sustainability of the home.
2. As the Code applies to new build homes rather than existing dwellings, it is considered less likely that purchasers will be undertaking major renovation work in the short term after purchasing.

During Communities and Local Government's outreach work as part of the consultation on the Code, it has been noted (by, for example, participants at stakeholder seminars and conferences that covered the Code) that the current design of the Zero Star certificate could be misleading to purchasers either because the unfilled stars could be mistaken for a six star home, or because 'zero star' could be misinterpreted as 'zero carbon'. In order to address this concern, the Department will look again at the certificate and ensure, perhaps through the use of a title heading such as 'ungraded', that the risk of mistaking an un-assessed home for one which has been assessed is minimised.

**Question 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?**

Q3: Responses by organisation type				
Organisation Types	Agree	Disagree	Not Clear	No Answer
Developer	1	5	0	2
Local Planning Body (GLA, Local Authority)	14	0	1	7
NGO/Not for Profit Organisation/ Campaigning/Charitable Trust	4	0	0	3
Manufacturers/Utilities/Waste	2	3	0	4
Professional Body/Trade Organisation	9	5	0	6
Publicly funded bodies	1	2	0	1
Registered Social Landlords RSLs/ Housing Association	3	0	0	3
Specialist interest in LHS	4	0	0	13
Code Assessors/potential code assessors	1	7	0	1
Individuals	2	0	0	3
Other	0	0	0	2
All Respondents	41	22	1	45
Overall Percentage	38%	20%	1%	41%

One of the most notable elements of the response to this question is that 41 per cent of respondents chose not to express an opinion. Of those that expressed an opinion there were almost twice as many who agreed than those who disagreed with the proposition. However a number of those that agreed said that they did not have a strong opinion on this issue.

Several respondents expressed the view that although they agreed with the proposal it should not be taken forward if there was a chance that it might delay implementation of the mandatory rating system.

Significantly, those who disagreed were mainly the respondents who would be most directly affected by the proposal including those who were most likely to be customers for these services. The development industry and its representatives,

representatives from the utilities and assessors themselves all expressed strong views against this proposal.

Several respondents also noted that it was likely, in any event, that if there was demand for Code assessment and EPC services to be delivered in tandem, the market would deliver that without intervention.

Four respondents used this question to raise broader concerns over the contract arrangements with BRE to deliver code services. In particular, there were concerns that BRE could use their position to gain an advantage over competitors, and therefore deter competitors from entering into sub-licensing arrangements. There were also concerns that BRE would operate as a monopoly provider.

Communities and Local Government takes any concerns about potential conflicts of interests seriously and is working closely with BRE, sub-license holders and potential sub-licensees to ensure fair and transparent processes are put in place to prevent conflicts of interest.

There was also some concern about the wording in the consultation document which suggested that there was a two-stage process for sub-licensing which required prior approval by Communities and Local Government before consideration by BRE. Communities and Local Government has never intended to run a prior approval process of this type, but appreciates that the wording used has led to confusion. We wish to confirm therefore that we will not be operating a separate approval process prior to BRE's consideration of applications. It would be helpful if organisations could let Communities and Local Government know of their intentions but they should not delay contacting BRE while they wait for a response.

**Policy Outcome:** Given the views expressed by those that this proposal was intended to benefit and those who would be most closely involved in delivering these services, we have concluded that the Government should not intervene in this area and instead allow the market to deliver the services that customers require. We will therefore not be taking forward this proposal.

**Question 4a: 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?**

Q4a: Responses by organisation type				
Organisation Types	Agree	Disagree	Not Clear	No Answer
Developer	6	0	0	2
Local Planning Body (GLA, Local Authority)	15	1	0	6
NGO/Not for Profit Organisation/ Campaigning/Charitable Trust	5	0	0	2
Manufacturers/Utilities/Waste	5	0	0	4
Professional Body/ Trade Organisation	11	1	0	8
Publicly funded bodies	4	0	0	0
Registered Social Landlords RSLs/ Housing Association	3	0	1	2
Specialist interest in LHS	5	0	0	12
Code Assessors/potential code assessors	6	2	0	1
Individuals	2	0	0	3
Other	0	0	0	2
All Respondents	62	4	1	42
Overall Percentage	57%	4%	1%	39%

A significant number of respondents chose not to comment on this question. However, 57 per cent were in favour of using that the HIP a mechanism for ensuring homebuyers are provided with a rating against the Code for Sustainable Homes.

Several respondents raised issues around the marketing of the code. The Government is aware that the strength of the Code will be largely dependent on knowledge of what the ratings mean and an awareness of the Code as a brand to consumers. For this reason the Government has committed funds over the next three years to marketing the Code both amongst key stakeholders (developers, estate agents etc) and to those purchasing new-build homes.

**Policy Outcome:** To require that Code ratings are included in the HIP in line with the preference expressed during the consultation response.

**Question 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?**

<b>Q4b: Responses by organisation type</b>				
<b>Organisation Types</b>	<b>Agree</b>	<b>Disagree</b>	<b>Not Clear</b>	<b>No Answer</b>
Developer	1	3	0	4
Local Planning Body (GLA, Local Authority)	14	2	0	6
NGO/Not for Profit Organisation/ Campaigning/Charitable Trust	5	0	0	2
Manufacturers/Utilities/ Waste	3	1	0	5
Professional Body/Trade Organisation	9	4	0	7
Publicly funded bodies	2	0	0	2
Registered Social Landlords RSLs/ Housing Association	4	0	0	2
Specialist interest in LHS	5	0	0	12
Code Assessors/potential code assessors	4	1	0	4
Individuals	2	0	0	3
Other	0	0	0	2
All Respondents	49	11	0	49
Overall Percentage	45%	10%	0%	45%

Forty-five per cent of all respondents agreed that legislative powers were necessary to ensure certificates were available at both design and construction stages. However, it is important to note that an equal number of respondents chose not to answer this question. The remaining 10 per cent of responses disagreed with the proposition.

Four respondents felt that certificates were only required at the final stage, and several respondents commented that there was a need to ensure that consumers were notified prior to sale completion if dwellings were not built to the standard specified at design stage.

**Policy Outcome:** To legislate to ensure that certificates are required at both the design and post construction stages, in line with the preference expressed during the consultation response. We will do this by seeking powers in the Housing and Regeneration Bill published on 16 November 2007.

**Question 5a: Do you think there should be a transition period for the introduction of a mandatory rating against the Code?**

<b>Q5a: Responses by organisation type</b>				
<b>Organisation Types</b>	<b>Agree</b>	<b>Disagree</b>	<b>Not Clear</b>	<b>No Answer</b>
Developer	6	0	0	2
Local Planning Body (GLA, Local Authority)	14	1	0	7
NGO/ Not for Profit Organisation/ Campaigning/Charitable Trust	6	0	0	1
Manufacturers/Utilities/Waste	1	4	0	4
Professional Body/Trade Organisation	12	2	0	6
Publicly funded bodies	2	2	0	0
Registered Social Landlords RSLs/ Housing Association	3	1	0	2
Specialist interest in LHS	2	3	0	12
Code Assessors/potential code assessors	4	1	0	4
Individuals	2	0	0	3
Other	2	0	0	0
All Respondents	54	14	0	41
Overall Percentage	50%	13%	0%	38%

Fifty per cent of all respondents agreed that there should be a transitional period whilst 13 per cent did not agree. Those opposed most commonly gave the reason that they wanted to see mandatory Code rating introduced as quickly as possible, even if this meant that the majority of initial homes rated against the Code achieved a zero star rating.

Amongst those who agreed with the need for a transitional period the most common reasons cited was that developers would not have known at the start of building that a mandatory rating would be in place by the time the development was completed. A number of respondents stated that they would want the transitional period to be relatively short and in contrast to the previously expressed opinion, felt that developers have known for some time that mandatory ratings against the Code were likely to be introduced.

**Policy Response:** to introduce a transitional period before mandatory ratings come into effect in line with the preference expressed during the consultation response.

**Question 5b: If there is a transition 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?**

<b>Q5b: Responses by organisation type</b>				
<b>Organisation Types</b>	<b>Planning</b>	<b>Building Control</b>	<b>No Response</b>	<b>Other</b>
Developer	0	7	1	0
Local Planning Body (GLA, Local Authority)	2	13	4	3
NGO/Not for Profit Organisation/ Campaigning/ Charitable Trust	1	4	1	1
Manufacturers/Utilities/Waste	2	3	4	0
Professional Body/ Trade Organisation	4	7	4	5
Publicly funded bodies	2	1	0	1
Registered Social Landlords RSLs/ Housing Association	1	1	2	2
Specialist interest in LHS	1	1	12	3
Code Assessors/potential code assessors	2	1	4	2
Individuals	0	0	4	1
Other	0	2	0	0
All Respondents	15	40	36	18
Overall Percentage	14%	37%	33%	17%

The majority opinion expressed in both the answers and the narrative accompanying responses to this question was that any transition period should be as short as possible. This outcome would be delivered by introducing mandatory ratings against the Code for all new homes which had not yet reached the stage of submitting a building notice, applying for full plans approval, or submitting an Initial Notice (where an Approved Inspector is acting as the BCB) by the date of introduction.

It is interesting to note that this question on the whole generated a consensus of opinion between both those campaigning for higher environmental standards and the development industry and their trade bodies, possibly because this is the most rational place to implement the Code from, as this is the point in the process where detailed design specifications are being drawn up.

**Policy Response:** To require mandatory rating against the Code for all new homes which reach the stage of submitting a building notice, a full plans application or an initial notice for the purposes of building regulations after the date of introduction.

**Question 6: Do you agree with our analysis of the likely demand for assessments and that there will be sufficient code assessors available?**

Q6: Responses by organisation type				
Organisation Types	Agree	Disagree	Not Clear	No Answer
Developer	1	4	0	3
Local Planning Body (GLA, Local Authority)	7	1	0	14
NGO/Not for Profit Organisation/ Campaigning/Charitable Trust	1	0	0	6
Manufacturers/Utilities/Waste	3	1	0	5
Professional Body/ Trade Organisation	4	6	0	10
Publicly funded bodies	1	1	0	2
Registered Social Landlords RSLs/ Housing Association	1	0	0	5
Specialist interest in LHS	2	0	0	15
Code Assessors/potential code assessors	4	2	0	3
Individuals	0	0	0	5
Other	0	0	0	2
All Respondents	24	15	0	70
Overall Percentage	22%	14%	0%	64%

Twenty-two per cent of respondents agreed that there would be enough assessors in place against 14 per cent who disagreed. It is also notable however that this question had the lowest response rate of all questions with nearly two thirds of respondents not. Some respondents who did not answer the question did however comment on the importance of there being enough assessors in place, and some respondents raised specific questions over the analysis of the likely demand.

Latest figures from BRE on assessor numbers show that there should be about 890 assessors who will be qualified and licensed, or about to be licensed, by April next year (568 are already licensed and a further 324 are on training courses running between now and April 2008).

Whilst these figures are very close to our earlier estimates (900) of numbers of assessors needed further work is needed in considering any issues if large numbers of local authorities decide to implement mandatory code assessments, for example.

It is important to remember that a Code assessor will not be required to produce the document demonstrating non-assessment against the Code. On the basis of the expected demand for actual Code assessments (described and anticipated in the consultation document), the numbers of assessors set out above is expected to be more than sufficient.

**Overall, the evidence so far shows that there will be enough assessors in place by April 2008 to meet the demand. We will assess this issue further in advance of final decisions above the timing of implementation.**

**Policy Response:** Communities and Local Government will consider the specific comments and suggestions made in this area and continue to work with our delivery partners to ensure that there are adequate numbers of assessors available across the public and private house-building sectors; and in sufficient numbers across each region.

**Q7a: 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?**

Q7a: Responses by organisation type				
Organisation Types	Agree	Disagree	Not Clear	No Answer
Developer	5	2	0	1
Local Planning Body (GLA, Local Authority)	14	0	0	8
NGO/Not for Profit Organisation/ Campaigning/ Charitable Trust	7	0	0	0
Manufacturers/Utilities/Waste	6	0	0	3
Professional Body/ Trade Organisation	12	3	0	5
Publicly funded bodies	4	0	0	0
Registered Social Landlords RSLs/ Housing Association	2	0	0	4
Specialist interest in LHS	5	0	0	12
Code Assessors/potential code assessors	7	1	0	1
Individuals	2	0	0	3
Other	2	0	0	0
All Respondents	66	6	0	37
Overall Percentage	61%	6%	0%	34%

Sixty-one per cent of respondents agreed that the code should be changed as necessary to reflect changes to buildings and other regulations. 6 per cent did not feel this was necessary. It is notable that there was a broadly positive response to this question across all industry sectors.

**Policy Response:** To update the Code at appropriate points to reflect changes to building and other regulations, in line with the preference expressed during the consultation response.

### Q7b: Do you agree that the Code for Sustainable Homes should be revised in light of changing Building Regulations in 2010?

Q7b: Responses by organisation type				
Organisation Types	Agree	Disagree	Not Clear	No Answer
Developer	5	2	0	1
Local Planning Body (GLA, Local Authority)	14	0	0	8
NGO/Not for Profit Organisation/ Campaigning/ Charitable Trust	6	1	0	0
Manufacturers/Utilities/ Waste	5	0	0	4
Professional Body/ Trade Organisation	10	4	0	6
Publicly funded bodies	4	0	0	0
Registered Social Landlords RSLs/ Housing Association	1	0	1	4
Specialist interest in LHS	5	0	0	12
Code Assessors/potential code assessors	7	2	0	0
Individuals	2	0	0	3
Other	2	0	0	0
All Respondents	61	9	1	38
Overall Percentage	56%	8%	1%	35%

Fifty-six per cent of all respondents agreed that the Code should be revised in light of changing building regulations in 2010, with 8 per cent disagreeing with this proposal. Again there is a broadly positive response across all industry sectors although approximately a third of respondents did not express an opinion.

**Policy Response:** To revise the Code in the light of changing Building regulations in 2010, in line with the preference expressed during the consultation response.

**Q8a: Do you agree that Lifetime Homes Standards should be mandatory in the Code?**

Q8a: Responses by organisation type				
Organisation Types	Agree	Disagree	Not Clear	No Answer
Developer	1	6	0	1
Local Planning Body (GLA, Local Authority)	17	0	0	5
NGO/ Not for Profit Organisation/ Campaigning/Charitable Trust	2	0	0	5
Manufacturers/Utilities/Waste	0	2	0	7
Professional Body/Trade Organisation	6	5	0	9
Publicly funded bodies	2	1	0	1
Registered Social Landlords RSLs/ Housing Association	6	0	0	0
Specialist interest in LHS	13	0	0	4
Code Assessors/potential code assessors	3	2	0	4
Individuals	2	0	0	3
Other	1	0	0	1
All Respondents	53	16	0	40
Overall Percentage	49%	15%	0%	37%

There was agreement that this proposal should be adopted by 49 per cent of respondents, over three quarters of those who expressed an opinion. 15 per cent disagreed. Overall the proportion that supported the principle of introducing Lifetime Homes Standards into the Code was higher than the response table above illustrates as some respondents said they disagreed on the basis that they wanted to see faster implementation or implementation at lower levels of the code than proposed, rather than not see the standards introduced at all.

It is notable that developers and their trade bodies were almost unanimously opposed to this proposal. There were a number of reasons cited for this including:

- The fact the standards are not tradable. ie 4 code points are awarded only if all 16 lifetime homes criteria are met. No points are awarded for meeting less than all 16 criteria.

- A view that it is appropriate to apply Lifetime Home Standards to a proportion but not the whole, of a development.
- The fact that the standard is not considered suitable for all dwelling types and can be inconsistently applied.
- There may be trade offs between sustainability and building to Lifetime Homes Standards.

The Government believes that the BSI accreditation process currently underway will improve both the uniformity of the standard and ensure it can be adapted to a wide range of dwelling types.

The Government did consider a tradable points scheme for Lifetime homes but came to the conclusion that in order for homes to be truly adaptable to enable people to age in place, or stay in their home should they become disabled, all 16 criteria are important.

The Government also considered whether building a proportion of developments to Lifetime Homes Standards would be an adequate way of meeting the needs of an aging population. However in effect, developers can choose to build to different code levels for different dwellings on the same development, so this flexibility already exists.

The Government recognises concerns expressed that in the short term, building homes to lifetime Homes Standard may create additional space requirements, which might in turn increase wastage in the construction process. However this must be balanced against the energy and waste by-products of moving to a new property in order to deal with changing personal circumstances.

The environmental impact of moving property includes the primary energy of re-location, re-decoration, replacement furniture, fixtures and fittings to suit personal taste (in the new property), all of which in themselves promote wastage compared to remaining within an existing dwelling. Furthermore, to adapt a property already built to lifetime homes standards will be much more efficient in terms of energy and waste, than attempting to adapt a property that does not meet these standards.

**Policy Response:** To introduce the Lifetime Homes Standards as suggested in the consultation questions, and in line with the preference expressed during the consultation response.

**Q8b: 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?**

**Q8b: Responses by organisation type**

<b>Organisation Types</b>	<b>Agree</b>	<b>Disagree</b>	<b>Not Clear</b>	<b>No Answer</b>
Developer	1	6	0	1
Local Planning Body (GLA, Local Authority)	11	2	0	9
NGO/Not for Profit Organisation/ Campaigning/Charitable Trust	2	0	0	5
Manufacturers/ Utilities/Waste	0	2	0	7
Professional Body/ Trade Organisation	5	7	0	8
Publicly funded bodies	2	1	0	1
Registered Social Landlords RSLs/ Housing Association	3	2	0	1
Specialist interest in LHS	12	3	0	2
Code Assessors/potential code assessors	3	1	0	5
Individuals	3	0	0	2
Other	0	0	0	2
All Respondents	42	24	0	43
Overall Percentage	39%	22%	0%	39%

Thirty-nine per cent of all respondents agreed that Lifetime Homes Standards should be mandatory at progressively lower levels of the Code as discussed in the consultation document and 22 per cent disagreed. Looking just at those that responded to this particular question 63 per cent supported the proposal and 37 per cent were against.

Ten respondents said they felt that progress in this area should go further, faster. There were also a range of alternative proposals from lowering the Code level at which the LHS became a mandatory element, to speeding up the timetable. Again it is notable that developers and their trade bodies were almost unanimously opposed to this proposal.

**Policy Response:** To introduce the Lifetime Homes Standards as suggested in the consultation questions, and in line with the preference expressed during the consultation response.

### **Note on Response Rates**

One of the most notable things about the consultation response is the high rates of respondents who chose not to answer questions throughout the consultation exercise. This ranges from 20 per cent on Question 1 to 66 per cent on Question 6. There are a number of reasons for this including:

1. There were a significant number of respondents who has a specialist interest in the questions on Lifetime Homes Standards. Many of these respondents did not answer many or any of the other questions.
2. There were a number of respondents who replied in order either to promote a specific product or service, or to discuss the assessment methodology underpinning the Code, usually, in relation to how it assessed their particular product or service. These respondents usually did not answer many of the questions.
3. It is likely that in some cases some respondents felt confusion about the question or that they felt that they lacked enough information to answer it. This was particularly true of Question 5b and 6. Question 5b asks about the point in the development process which should have been reached on 1 April 2008 for the requirement for mandatory Code rating to apply. The response to this question requires some degree of understanding of the planning and building control systems that some respondents may not have felt they had. Question 6 relates to the number of assessors available. This is an area where a number of respondents said that they did not feel that they had enough information to make an informed judgement.

## Annex A: List of respondents

### Organisation/Individual/Group

Access Association  
Access by design  
Adrian Cave  
Adrian Levett  
Age Concern  
Ann Bond  
Association for the Conservation of Energy  
Association of Home Improvement Pack (HIPS) Providers  
Association of noise consultants  
BADDAC Access  
B&Q  
Banks Developments  
Ballymore Properties Ltd  
Bathroom Manufacturers Association  
BBT technology  
Bedford Borough Council  
Bolsolver District Council  
Bridport Environment Group  
BRE  
Bury Metropolitan Borough Council  
Calor Gas  
Camden Council  
Canterbury City Council  
Care and Repair England  
Carrie Suppel  
Centre for Accessible Environments  
Centre for Construction and Innovation Northwest  
Chartered Institute for Housing  
Chelmsford Borough Council

Chichester District Council  
Chilterns Conservation Board  
City of Lincoln Council  
City of London Council  
City of York Council  
Citywest Homes  
Chartered Institute of Water and Environmental Management (CIWEM)  
Concrete Block Association  
Construction Products Association  
Countryside Properties PLC  
Crest Nicholson  
Daventry District Council  
Devon County Council  
Dilys Cluer  
Environmental industries commission  
English Partnerships  
Environment Agency  
Environmental Economics  
Everwarm Energy Services  
Fulcrum Consulting  
Habinteg  
Hampshire County Council  
Help the Aged  
Hoare Lea  
House Builders Federation  
Housing Forum  
Howard Fuller  
Institute of Acoustics  
James Livingstone Energy  
Kingston Upon Thames Council  
Enfield Council  
Kilmartin Property Group

Land Securities Group  
Leonard Cheshires Disability  
London Borough of Haringay  
London Borough of Richmond upon Thames  
London Borough of Tower Hamlets  
Lorraine Shears  
Mark Suppel  
Mayor of London  
Micro Power  
Miller Homes  
Milton Keynes housing  
National Energy Services  
National Housing Federation  
National Non-food Crops Centre  
North East older peoples advisory board & Newcastle elders council  
Newcastle City Council  
National House Builders Confederation (NHBC)  
North Devon District Council  
North West Leicestershire Council  
Northern housing consortium  
OFWAT  
Orbit Group  
Portsmouth city council  
RoofKrete  
Roy Stewart  
Royal Institute for British Architects (RIBA)  
Royal Institute for Chartered Surveyors (RICS)  
Royal Society for the Protection of Birds (RSPB)  
Sally Dixon  
Sanctuary Housing Group  
Scottish Power  
South Shropshire Council

Stafford Borough Council

Sustainable Homes

The Concrete Centre

Tunbridge Wells Borough Council

UK Business Council for Sustainable Energy

UK Green building council

Unknown

Vaillant Group

Water UK

Waterwise

Waterworks

Wealden Council

Wildlife Trust

Worcester City Council

World Wide Fund for Nature (WWF)

WRAP