

Following a Written Update to Parliament from the Secretary of State for Communities and Local Government on 25th March 2015 and the coming into law of the Deregulation Act on 26th March 2015, the outcomes of the Housing Standards Review come into force which partly relate to sustainable design standards.

The outcome of the review will mean significant changes for the implementation of the EBC **Environmentally Sustainable Development Supplementary Planning Document (ESD SPD)**.

This does not affect non-residential schemes where the requirements regarding BREEAM still apply. It also does not affect legacy developments, where conditions regarding Code compliance will still apply and the Code can still be used for this purpose.

We are no longer able to grant planning permission requiring compliance with specific standards in the Code for Sustainable Homes. We are able to continue applying energy standards which exceed the Building Regulations (i.e. at Code 4 standard) until the 'Zero Carbon Homes' policy comes into force in late 2016.

We are able to continue to require specific standards of water efficiency as well, given our existing policy requirement in the ESD SPD is for Code 4 where there is a mandatory water consumption standard to be met. The combined energy and water standards can be secured through standard conditions at design stage and post-construction stage.

Summary of changes:

- The ESD SPD still applies in full to non-residential and multi-residential developments where a BREEAM assessment is appropriate and where the total gross internal floor space is at least 500sqm.
- The Code for Sustainable Homes references in ESD 1 of the ESD SPD no longer apply to residential development where formerly a Code for Sustainable Homes assessment was appropriate but the remainder of the ESD SPD requirements ESD2-8 inclusive still apply.
- All applications for new residential dwellings must be designed to achieve Code 4 standards for energy and water. There needs to be a written commitment to this at the planning application stage.
- A pre-commencement condition will require evidence of compliance demonstrating Code 4 standards have been achieved for energy and water at design stage
- A pre-occupation condition will require evidence of compliance demonstrating Code 4 standards have been achieved for energy and water at post construction stage.
- Evidence for compliance with Code 4 standard for energy should consist of SAP data (which is already required for building regulations) at design and subsequently 'as built' stages showing a 19% improvement of predicted carbon emissions in kg CO₂/m²/yr on Part L1A 2013 building regulations standard (A 19% improvement of the Target Emission Rate (TER) on the Dwelling Emission Rate (DER)).
- Evidence of compliance with Code 4 standard for water consumption should be in the form of a BRE water calculator showing that predicted mains internal water consumption will be no more than 105 litres/person/day at design and subsequently 'as built' stages.
- All planning applications determined before March 26 ('legacy applications') retain the conditions applied at the time which will normally include full Code compliance and the other requirements in the ESD SPD.