propertymark

Department for Levelling Up, Housing and Communities - The Future Homes and Buildings Standards: 2023 consultation

Response from Propertymark

March 2024

Background

1. Propertymark is the UK's leading professional body of property agents, with nearly 18,000 members representing over 12,800 branches. We are member-led with a Board which is made up of practicing agents and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry-leading training programme and mandatory Continuing Professional Development.

Consultation – overview

2. The energy use and carbon emissions of buildings account for 30% of the UK's greenhouse gas emissions, as a result, improving the energy efficiency of buildings is a major part of the UK Government's plan to reach net zero by 2050. This consultation seeks views on implementing the Future Homes and Building Standards, which amends existing legislation to set new minimum energy efficiency requirements for buildings. The proposals made by the UK Government will amend Part L (Conservation of Fuel and Power) and Part 6 of the Building Regulations 2010.

Propertymark response – summary

3. Propertymark welcomes the opportunity to respond to the consultation on the Future Homes and Building Standards 2023 consultation. Propertymark has campaigned for a long-term strategy to improve the energy efficiency of UK buildings, where existing retrofitting programmes have often failed to reach expectations and the wider impact required to improve existing housing stock[1]. Establishing minimum requirements for new buildings however can go a long way towards providing this long-term solution to energy efficiency by removing the need to retrofit thousands of buildings in future years, which has proven to be difficult and costly for both the UK Government and the consumer.

[1] https://committees.parliament.uk/publications/34006/documents/187196/default/

4. While Propertymark supports this progress towards establishing more energy efficient housing, we have three key issues with the proposals the UK Government must address.

- **Firstly, the new standard must not reduce the supply of new homes.** The UK is currently facing a housing shortage, with UK Government targets of 300,000 new homes a year yet to be met[2]. As referenced in the consultation, the new Standards will increase costs and time for buildings to be completed. Additionally, they may require more trained professionals to enter the industry. The UK Government must take this into account and explore methods of increasing the capacity of the country's construction industry so that the new Standards do not jeopardise the ability of the industry to build 300,000 new homes a year.

- **Secondly, the Standard's one-size-fits-all approach has the potential to make it more difficult to build homes that cannot meet certain building element criteria, such as requirements to install air source pumps being difficult in blocks of flats or coastal properties.** As an alternative, we recommend that the UK Government adopt an absolute energy efficiency or carbon emission standard for homes and non-domestic buildings. This would enable the Standards to be met flexibly, without failing to meet the Standards because one element out of many was unable to be met.

- **Thirdly, any requirements enforced by the Future Homes and Buildings Standards will need to be compliant with existing legislation and to ensure that existing homes do not have to undergo additional remediation.** In particular, a substantial number of properties will have to be or have already been remediated due to unsafe cladding or other building components due to the Building Safety Act 2022. This has come at substantial financial cost and risks being repeated if buildings are asked to undergo similar retrofit again to meet new standards. Where possible, this must not take place as it will undermine investment in the housing market.

[2] https://commonslibrary.parliament.uk/research-briefings/cbp-7671/#:~:text=New%20housing%20supply%20is%20currently%20lower%20than%20the,high%20point%20of%20243%2C000%20new%20homes%20in%202019%2F20.

Questions

Question 7: Which option for the dwelling notional buildings (for dwellings not connected to heat networks) set out in The Future Homes Standard 2025: dwelling notional buildings for consultation do you prefer?

5. Propertymark supports option 1. Out of the two options, one that would lead to higher carbon and bill savings but at a higher capital cost and the other which would lead to lower carbon savings but at a lower cost, option 1 provides a longer-term solution to the energy efficiency of new homes. While initial costs for these buildings are expected to be higher than option 2, option 1 would lead to lower long-term costs due to lower energy bills. The building would also be less likely to require retrofitting later in its lifespan, which can cost substantially more than the increase in upfront capital costs.

6. Propertymark does have some concerns with option 1 that need to be addressed. We are concerned that the proposed standards are too prescriptive and do not provide the flexibility for developers to achieve the same energy efficient homes but through different means. Option 1 also fails to take into account the impact of the geographical location and building type when which would make it difficult to meet the standards set out by option 1 in three ways:

    - Firstly, the requirement to cover the building with high efficiency solar PV panels, even where there is no benefit for the homeowner, could lead to a reduction in new homes built in areas of the UK that receive less sunlight or where solar panels are not beneficial due to a range of other geographical factors.

    - Secondly, there are types of buildings which are unsuitable for air source heat pumps. It is difficult for example to install a heat pump in properties that are part of a block of flats. Additionally, air pumps installed on properties by the coast suffer from higher maintenance costs due to erosion. Like with the requirement to install solar panels, this could lead to fewer numbers of flats and coastal properties being built.

    - Thirdly, significant investment in education will be required to ensure the construction industry has the capacity to develop these buildings. In order to address issues with option 1, we would encourage including a range of renewable energy and heat source options where it can be shown that existing requirements are not feasible.

7. As an alternative, we would recommend that standards should be outcomes based, for example the amount of estimated carbon emissions or energy efficiency rating, rather than specify exactly the nature of each building element. This would allow developers to produce energy efficient buildings more flexibly by exceeding energy efficiency in one building element even if it is not cost-effective or feasible to do so for another element. This would have the advantage of ensuring that standards can account for different environments or undersupply of skills within a local workforce.

Question 8: What are your priorities for the new specification? (select all that apply)

- **low capital cost**
- **lower bills**
- **carbon savings**
- **other (please provide further information)**

8. Our main priorities for the specification of new homes are lower bills, higher carbon savings, feasibility and low impact on the number of new homes built. We envision that the introduction of new building requirements may have a negative impact on the number of new homes built. The UK Government will need to address this issue, either through polices that increase the capacity of the construction industry, or by expanding on the specification where outside factors will impact the ability for homes to be built to that specification, such as location or type of building.

Question 9: Which option for the dwelling notional buildings for dwellings connected to heat networks set out in The Future Homes Standard 2025: dwelling notional buildings for consultation do you prefer?

9. Our response to this question is the same as it is for homes not connected to heat networks.

Question 10: Which option do you prefer for the proposed non-domestic notional buildings set out in the NCM modelling guide?

10. Option 1. As with domestic buildings, option 1 presents the greatest long-term solution to improving energy efficiency while reducing long-term energy bills. Considering the additional costs in capital, maintenance and replacement, the UK Government should allocate additional resources to support a transition to the adoption of new buildings, which would help to encourage the widespread development of these new buildings. This will be especially important for schools and

hospitals, where tight public funding budgets may lead to delays in building new classrooms or hospitals due to an inability to afford these new buildings.

Question 11: What are your priorities for the new specification? (select all that apply)

- **low capital cost**
- **lower bills**
- **carbon savings**
- **other (please provide further information)**

11. Our priorities for the new specification of non-domestic buildings are the same as our priorities for the new specification of homes.

Question 12: Do you agree that the metrics suggested above (TER, TPER and FEE) be used to set performance requirements for the Future Homes and Buildings Standards?

12. Yes, we have no concerns over the use of these metrics.

Question 13: Do you agree with the proposed changes to minimum building services efficiencies and controls set out in Section 6 of draft Approved Document L, Volume 1: Dwellings?

13. Yes, we agree with the proposed changes to minimum building services efficiencies and controls. We urge however that the UK Government is able to provide a long-term plan for how these new minimum efficiencies and controls will be implemented without a reduction in the supply of new homes. Considering housing targets continue to be missed, further exacerbating existing supply issues[3], any new standards must not lead to a decline in the number of new homes built.

Question 14: Do you agree with the proposal to include additional guidance around heat pump controls for homes, as set out in Section 6 of draft Approved Document L, Volume 1: Dwellings?

14. Yes, we agree that additional guidance around heat pump controls for homes should be introduced. We have no issues with this.

[3] https://commonslibrary.parliament.uk/research-briefings/cbp-7671/#:~:text=New%20housing%20supply%20is%20currently%20lower%20than%20the,high%20point%20of%20243%2C000%20new%20homes%20in%202019%2F20.

Question 15: Do you agree that operating and maintenance information should be fixed to heat pump units in new homes?

15. Yes, we agree that operating and maintenance information should be fixed to heat pump units in new homes.

Question 16: Do you think that the operating and maintenance information set out in Section 10 of draft Approved Document L, Volume 1: Dwellings is sufficient to ensure that heat pumps are operated and maintained correctly?

16. No, we do not agree that providing information alone will ensure that heat pumps are always operated and maintained correctly. One concern is the maintenance of heat pumps in rented accommodation, where tenants are not made aware of the existence of heat pumps. As a way of ensuring that property maintenance is followed in rented homes, we would urge the UK Government to include requirements for landlords and agents to run through proper maintenance to their tenants at the start of a new tenancy, with negative consequences for tenants who have been informed of correct maintenance but have failed to follow correct procedures.

Question 17: Do you agree with the proposed changes to Section 4 of draft Approved Document L, Volume 1: Dwellings, designed to limit heat loss from low carbon heating systems?

17. Yes, we have no issues with the proposed changes to guidance to limit heat loss in new homes.

Question 18: Do you agree with the proposed sizing methodology for hot water storage vessels for new homes?

18. Yes, we have no issues with the proposed sizing methodology for hot water storage vessels for new homes and are pleased to see that the sizing methodology takes account of the properties of the dwelling.

Question 19: Do you agree with the proposed changes to minimum building services efficiencies and controls set out in Section 6 of draft Approved Document L, Volume 2: Buildings other than dwellings?

19. Yes, we broadly agree with the proposed changes but have two concerns. Firstly, as stated earlier there will be types of homes and locations where installing a heat pump is not currently viable. This also extends to commercial buildings but has further implications as the use of the commercial building can impact the effectiveness of a heat pump. Therefore, we would encourage exemptions to this rule in order to ensure that the new requirements do not prevent certain types of buildings to be built. Secondly, in order to ensure that existing dwellings meet the proposed standards, smaller companies and public firms that are less able to afford any retrofit should be provided with financial support. Otherwise, many organisations could be placed in a difficult financial situation as they attempt to meet the new standards.

Question 20: Do you agree with the proposed guidance on the insulation standard for building heat distribution systems in Approved Document L, Volume 2: Buildings other than dwellings?

20. Yes, we agree with the proposed guidance, however we are concerned over the costs for building new flats at a time where new standards have also been introduced around fire safety. While we agree that higher fire safety and energy efficiency standards must be introduced, there is an undeniable cost associated with introducing both within a short time frame which needs to be taken into account. Additionally, under Part 5 of the Building Safety Act 2022, existing buildings over 11m or higher are required to remediate defects, which are aspects of the building which are no longer considered safe under the Act[4]. Introducing new energy efficiency requirements could lead to some high-rise buildings needing to replace their cladding systems again, which would cause a further cost and disruption to residents. This is especially concerning considering residents and landlords are not currently protected from being required to contribute to the cost of retrofit for energy efficiency purposes. We therefore propose financial support and incentives for developers or to ensure that residents and landlords are protected from covering the costs of energy efficiency improving measures.

Question 21: Do you agree that the current guidance for buildings with low energy demand which are not exempt from the Building Regulations, as described in Approved Document L, Volume 2: Buildings other than dwellings should be retained without amendment?

21. Yes, we see no reason to change the existing guidance on buildings with low energy demand.

[4] https://www.legislation.gov.uk/ukpga/2022/30/enacted

Question 22: Do you agree that lifts, escalators and moving walkways in new buildings (but not when installed withing a dwelling) should be included in the definition of fixed building services?

22. Yes, considering that lifts and escalators can encompass a substantial percentage of the energy demand of buildings, they should be included within the definition of fixed building services.

Question 23: Do you agree with the proposed guidance for passenger lifts, escalators and moving walkways in draft Approved Document L, Volume 2: Buildings other than dwellings?

23. Yes, we have no issues with the proposed guidance for passenger lifts.

Question 24: Do you have any further comments on any other changes to the proposed guidance in draft Approved Document L, Volume 2: Buildings other than dwellings?

24. No, we have no further comments to make at this time.

Question 25: Should we set whole-building standards for dwellings created through a material change of use?

25. Yes, we agree that a whole-building standard should be set for dwellings created through a material change of use. This would ensure that any new installations do not negatively impact the rest of the building, even if each individual component does meet minimum standards. The UK Government should be aware however that these requirements could disincentivise change of use in buildings where the nature of the building makes it difficult for it to meet the new whole-building standard. However, introducing this standard would help to ensure that conversions are done so in a way that produces high quality buildings. For example, the UK Government is exploring the potential of converting empty office spaces into new affordable homes[5]. In a response to the APPG for Ending Homelessness' joint inquiry with the APPG on Housing Market and Housing Delivery on the feasibility of empty office conversions, Propertymark pointed out that conversions must be suitable for domestic use.[6] Establishing whole-building standards can go some

[5] https://www.crisis.org.uk/ending-homelessness/appg-for-ending-homelessness/appg-bulletins/joint-report-housing-solutions-for-homeless-households-with-the-appg-for-housing-market-housing-delivery/
[6] https://www.propertymark.co.uk/resource/calls-for-action-to-turn-empty-buildings-into-affordable-homes.html

way to ensuring that the right heating and energy systems are in place, which would make a more comfortable living experience for residents.

Question 26: Should the proposed new MCU standard apply to the same types of conversion as are already listed in Approved Document L, Volume 1: Dwellings?

26. No, we disagree that the proposed new MCU standard should apply only in the following cases: where the building is used as a dwelling, where previously it was not, where the building contains a flat, where previously it did not and where the building contains a greater or lesser number of dwellings than it did, having previously contained at least one dwelling. As an alternative, in order to avoid a one-size-fits-all approach, we would recommend MCU standards for different types of buildings. For example, a property where additional or fewer dwellings are created will require different standards if the property was a block of flats compared to an HMO. There should also be standards for non-dwelling accommodation, which account for the differences in student accommodation and the accommodation in care homes. This will ensure that more effective standards can be applied based on the unique characteristics of the type of building and its general use. This would have a greater impact on energy efficiency than a single broader standard.

Question 27: Should different categories of MCU buildings be subject to different requirements?

27. Yes, for the reasons outlined in our response to question 26.

Question 28: Which factors should be taken into account when defining building categories? (check all those that apply)

- **height of the building, i.e., low versus mid- to high-rise buildings**
- **floor area of the building**
- **the expertise of those carrying out the work**
- **whether the conversion is a part- or whole-building conversion**
- **Other (please state)**

28. All of the above factors should be taken into account, including the nature of the use of the building (e.g. if it is a domestic or non-domestic dwelling), aside from the expertise of those carrying out the work. Each factor will have an impact over the energy use of the building or potentially other legislation impacting the standards that the building will need for follow. For example, high-rise

buildings over 11 metres in height will have minimum fire safety standards when compared with 2 storey homes and a care home is required to meet the Fitness of premises definition under the Care Homes Regulations 2001[7] which will need to be taken into account.

29. We believe that the expertise of those carrying out the work should not be taken into account is that the new standards should encourage the use of experienced and skilled professionals in carrying out building works. If, for example, standards would be lower due to the inexperience of those carrying out the work, it may incentivise people to hire inexperienced workers to carry out building works. This would have a negative impact on raising building standards and improving energy efficiency.

Question 29; Do you agree with the illustrative energy efficiency requirements and proposed notional building specifications for MCU buildings?

30. No, our concerns over a one-size-fits-all approach to heating systems and other renewable energy sources within new standards can also be applied to this question.

Question 30: If you answered no to the previous question, please provide additional information to support your view. Select all that apply. The requirements are:

- **too stretching**
- **not stretching enough**
- **not economically viable**
- **not practical/technically feasible**
- **other (please provide further details**)

31. Other, too prescriptive. As mentioned in our answer to question 7, setting fixed standards for each building element restricts exactly how developers and architects can account for local environmental or skill-based challenges. By focusing on an overall energy efficiency outcome, rather than strict requirements per building element, more energy efficient buildings can be developed in a variety of ways.

Question 31: Do you agree with using the metrics of primary energy rate, emission rate and fabric energy efficiency rate, if we move to whole dwelling standards for MCU buildings?

[7] https://www.legislation.gov.uk/uksi/2001/3965/regulation/23/made

32. Yes, however the rates should be used to create an overall energy efficiency rating that allows for some ratings to offset each other. For example, even if a fabric energy rate does not meet minimum standards, this should be able to be offset by a significantly lower emission rate.

Question 32: Under what circumstances should building control bodies be allowed to relax an MCU standard?

33. Building Control should be able to relax an MCU standard in three circumstances. Firstly, where existing legislative requirements for a building would make it unreasonably costly or cause unreasonable disruption to meet the MCU standard. We would envision that this would impact high-rise buildings where the requirement to meet fire safety standards would overwrite energy efficiency standards. Secondly, where an overall energy efficiency MCU standard can be met, even if individual requirements are not. This would ensure that buildings that are energy efficient can still pass standards, even if one or two categories are not met. Thirdly, where environmental factors would make the building unable to meet all MCU standards. For example, where installing heat pumps is not feasible due to the nature or location of the property.

Question 33: Do you have views on how we can ensure any relaxation is applied appropriately and consistently? Please select all that apply:

- **there should be guidance on circumstances where relaxation of the notional standard may be appropriate**
- **there should be monitoring of how relaxation is applied**
- **only formal relaxation or dispensation through the local authority should be possible**
- **other (please provide further details)**

34. Only formal relaxation or dispensation through the local authority should be possible, with monitoring to ensure that the relaxation is applied based on the application to the local authority. This would ensure that relaxations are only applies where it can be shown the there is a legitimate reason for doing so. To further ensure that standards are met consistently, we would encourage that the UK Government produce national guidance for local authorities, so enforcement is more consistent across England.

Question 34: Should a limiting standard be retained for MCU dwellings?

35. Yes, limiting standards should be retained for MCU dwellings. This would prevent a potential issue where all criteria of the Standards are met at a level that prevents harm to occupants. While we continue to advocate for flexibility in achieving the Standards, this should not jeopardise the safety of occupants.

Question 35: If a limiting standard is retained, what should the limiting standard safeguard against? Please select all that apply:

- **Risk of moisture, damp and mould**
- **High energy demand and energy bills (please provide recommended values referring to ADL volume 1 Table 4.3)**
- **Other (please provide further details)**

36. The standard should safeguard against all of the criteria listed and we would include any potential harm to the occupants caused by poor standards in one given area, even if mitigated by higher quality standards in another. For example, poor fabric standards or ventilation that cause the occupants to be at a higher risk of death or injury in the case of a fire. Additionally, moisture, damp and mould present a health risk to occupants. Considering that our standard for limiting standard is to ensure that the energy efficiency and carbon emissions still meet expected standards, where poorer efficiency in one building element is offset by greater efficiency in another, safeguarding against high energy demand and energy bills is a given.

Question 36: Do you wish to provide any evidence on the impacts of these proposals including on viability?

37. Propertymark does not have evidence regarding the impact that these proposals will have on building new homes, this would set with construction companies, investors or developers. We are however conscious of the impact that these proposals will have on the supply of homes which will need to be addressed. The UK Government will need to consider how it can support developers and the construction industry in maintaining the level of new homes built despite additional costs and time to construct buildings to this new standard. While out of scope of this consultation, there are various methods including but not limited to investing in technical education, tax incentives to meet new standards and direct investment in housing projects.

Question 37: Do you agree that a BREL report should be provided to building control bodies if we move to energy modelling to demonstrate compliance with MCU standards?

38. Yes, and photographic evidence is needed.

Question 38: Do you agree that consumers buying homes created through a material change of use should be provided with a Home User Guide when they move in?

39. Yes, a Home User Guide can go some way to ensuring that consumers can maintain the property effectively.

Question 39: Do you agree that homes that have undergone an MCU should be airtightness tested?

40. Yes, this would help to assess if further works are required for the building to meet new standards.

Question 40: Do you think that we should introduce voluntary post occupancy performance testing for new homes?

41. Yes, we do think that the UK Government should introduce voluntary post occupancy performance testing for new homes. However this testing should be made mandatory to ensure that homes that do not meet these new Standards are falsely advertising themselves as such. Additionally, this would ensure that the buildings continue to meet these standards even after occupancy. The entire purpose of the new Standard would be defeated if buildings fail to meet new energy efficiency standards post-occupancy.

Question 41: Do you think that the government should introduce a government-endorsed Future Homes Standard brand? And do you agree permission to use a government-endorsed Future Homes Standard brand should only be granted if a developer's homes perform well when performance tested? Please include any potential risks you foresee in your answer.

42. Yes, this is a positive suggestion for two reasons. Firstly, it would encourage developers to meet the Standard if they are able to use a government-endorsed brand to certify that the homes they build meet a higher standard. Secondly, homebuyers will be encouraged to purchase these properties if they know that they meet higher standards, through a brand that they can trust. The

effectiveness of this would however be determined by how effectively the brand is enforced. We would therefore encourage the UK Government to work with surveyors to ensure that they understand what the new Standards are, so they can confirm if they are met. We expect that this can be facilitated through RICS.

Question 42: Do you agree with the proposed changes to Approved Document F, Volume 1: Dwellings to improve the installation and commissioning of ventilation systems in new and existing homes?

43. Yes, we agree with the proposed changes to Approved Document F, Volume 1: Dwellings to improve the installation and commissioning of ventilation systems in new and existing homes. We retain however, that the Standard should allow for flexibilities for ventilation systems where the property, either by size of the property, its primary function and or other factors, means that the ventilation system cannot meet these Standards. Where this is the case, a clear reason should be provided by the professional or organisation installing the ventilation system. Where possible, an explanation of how improvements from the minimum standards in other building elements has been met should be included. This will ensure that the building remains compliant with the new Standards.

Question 43: Do you agree with the proposal to extend Regulation 42 to the installation of mechanical ventilation in existing homes as well as new homes?

44. Yes, we agree that Regulation 42 should be extended to include existing homes. This would help improve the energy efficiency and ventilation of existing housing stock, reducing the risk of mould and damp. We do however have three stipulations should be followed if this to be introduced:

    - Firstly, mechanical ventilation should only be introduced to existing homes if there is a clear demonstratable benefit compared with the existing ventilation system. This would prevent unnecessary costly installations from taking place for homes where mechanical ventilation would provide little or no benefit.

    - Secondly, it should come at no cost to homeowners. While it could be argued that homeowners would benefit in the long-term, many may not be able to afford the installation of a new ventilation system.

- Thirdly, it should not cause significant disruption for the occupants. Where it can be shown that the occupants would be at risk of homelessness would have to pay for short-term accommodation for an extended period of time, mechanical ventilation should not be installed.

Question 44: Do you think the guidance on commissioning hot water storage vessels in Section 8 of draft Approved Document L, Volume 1: Dwellings is sufficient to ensure they are commissioned correctly?

45. No. The guidance should be disseminated to professional bodies and Ombudsmen, such as the Chartered Institute of Housing and the Consumer Code for Home Builders, ensuring that it is implemented into their requirements. This would help ensure that the commissioning becomes part of regular best practice.

Question 45: Are you aware of any gaps in our guidance around commissioning heat pumps, or any third-party guidance we could usefully reference?

46. We are unaware of such guidance.

Question 46: Do you think the guidance for commissioning on-site electrical storage systems in Section 8 of draft Approved Document L, Volume 1: Dwellings is sufficient to ensure they are commissioned correctly?

47. No. Please refer to our response to question 44.

Question 47: Do you agree with proposed changes to Approved Document L, Volume 1: Dwellings and Approved Document F, Volume 1: Dwellings to (a) clarify the options for certifying fixed building services installations and (b) set out available enforcement options where work does not meet the required standard?

48. Yes, we agree disagree with the proposals that both a registered competent person and a building control body to certify that work complies with the requirements set out in the Building Regulations. This helps to increase the capacity for the sector to install heat pump systems since

there is no need for the building control authority to inspect and test the pumps, where this can be completed by a registered competent person instead. We also agree that the Document should set out available enforcement options to help consumers understand the actions they can take if the heat pump systems were not installed to the required standard.

Question 48: Do you think the additional information we intend to add to the Home User Guide template, outlined above, is sufficient to ensure home occupants can use their heat pumps efficiently?

49. No, we would recommend that professional bodies and Ombudsmen (as mentioned in question 45) should adopt procedures and requirements for professionals installing heat pumps to go through the User Guide to make sure that occupants understand the guidance. While this still does not guarantee that the guidance will be followed, it provides greater assurances that occupants will be aware of the guidance and will have been through it at least once with a professional.

Question 49: If you are a domestic developer, do you use, or are you planning to use, the Home User Guide template when building homes to the 2021 uplift? Please give reasons in your response.

50. Propertymark is not a domestic developer.

Question 50: Do you have a view on how Home User Guides could be made more useful and accessible for homeowners and occupants, including on the merits of requiring developers to make guides available digitally? Please provide evidence where possible.

51. Yes, as mentioned in question 48, we recommend that professionals carrying out work on homes go further than provide the User Guide but talk through the maintenance and other requirements so that homeowners can familiarise themselves with the Guide. This enables homeowners to iron out any potential misunderstandings with the guide with a professional, increasing the chance that the homeowner is able to carry out their maintenance requirements.

Question 51: Do you think that there are issues with compliance with Regulations 39, 40, 40A and 40B of the Building Regulations 2010? Please provide evidence with your answer.

52. Propertymark does not have direct evidence of any issues with compliance with Regulations 39, 40, 40A and 40B of the Building Regulations 2010.

Question 52: Do you think that local authorities should be required to ensure that information required under Regulations 39, 40, 40A and 40B of the Building Regulations 2010 has been given to the homeowners before issuing a completion certificate?

53. Propertymark has no evidence of a lack of compliance with the Regulations, therefore cannot answer this question. However, if there is a lack of compliance, requiring local authorities to ensure that the information is provided would go some way to increasing compliance.

Question 53. Do you agree that new homes and new non-domestic buildings should be permitted to connect to heat networks, if those networks can demonstrate they have sufficient low-carbon generation to supply the buildings' heat and hot water demand at the target CO2 levels for the Future Homes or Buildings Standard?

54. Propertymark agrees and we believe that heat networks will play a pivotal role in the UK achieving Net Zero. We have also engaged with Ofgem in their proposals to regulate heat networks to ensure that consumers and residents are treated fairly. Overall, however, we believe that heat networks are a proven, cost-effective way of providing reliable, efficient, low carbon heat at a fair price to consumers, while supporting local regeneration.

Question 54. Do you agree that newly constructed district heating networks (i.e., those built after the Future Homes and Buildings Standard comes into force) should also be able to connect to new buildings using the sleeving methodology.

55. We agree.

Question 55. Do you agree with the proposed guidance on sleeving outlined for Heat Networks included in Approved Document L, Volume 1: Dwellings and Approved Document L, Volume 2: Buildings other than dwellings?

56. We agree.

Question 56. Do you agree that heat networks' available capacity that does not meet a low carbon standard should not be able to supply heat to new buildings?

57. Yes, we agree. This should be part of OfGem's work on the regulation of heat networks to not only ensure that they are providing fairness to consumers, but they are also a sufficient standard in terms of low carbon standards.

Question 57. What are your views on how to ensure low-carbon heat is used in practice?

58. In order to ensure low carbon-heat is used in practice, the UK Government must do four things:

- Firstly, the UK Government needs to publish its Heat and Buildings Strategy to ensure that consumers and industry are clear on the UK Government's goals in increasing the take-up of low carbon heat within the framework of the government's Net Zero strategy. We also think that the government should start a national awareness campaign on the benefits of using low carbon heat and that this should be targeted at different tenures including private landlords and home owners.

- Secondly, the UK Government and Devolved Governments must prioritise bringing forward legislation on clear EPC targets to enable people to plan effectively. The current scrapping of Minimum Energy Efficiency Standards for the PRS has led to confusion that there is no requirement to decarbonise the PRS. As governments remains committed to Net Zero, we recommend that the UK Government adopts clear and achievable energy efficiency targets that are agreeable with the industry.

- Thirdly, the UK Government must also improve the synergy between improving the energy efficiency of properties and the overall value of the property. Estate and letting agents have made it clear that investing in energy efficiency does not lead to higher house prices, and until this is the case alternative incentives such as vouchers to cover the costs of retrofit evaluations, loans and grants to pay for energy efficiency improvements, allow energy performance improvements to be offset against rental income or the ability to offset improvement costs against capital gains tax must be provided to support homeowners and landlords to take action.

- Fourthly, the UK Government must also investigate how a greater number of landlords and homeowners can invest in low carbon heat by reducing the upfront technology costs

for measures such as heat pumps. Such measures are considerably more expensive than replacement boilers which excludes large numbers of homeowners and landlords. Equally, energy tariffs also have a significant impact on the operating cost of a heat pump. Despite there being clear evidence of the UK Government introducing measures to make heat pumps more affordable with grants and the measures being VAT exempt, heat pumps and similar technology remains unaffordable to introduce for many households.

Question 58. Are there alternative arrangements for heat networks under the Future Homes and Building Standards that you believe would better support the expansion and decarbonisation of heat networks?

59. We have addressed this in our previous question.

Question 59. Do you agree that the draft guidance provides effective advice to support a successful smart meter installation in a new home, appropriate to an audience of developers and site managers?

60. We agree in principle with the guidance to support smart meter installation is appropriate to an audience of developers and site manager. However, we also think this guidance or similar guidance should be issued to estate agents to raise their awareness during the home buying and selling process. We would be very happy to support the UK Government further if they wanted to develop bespoke guidance for property agents.

Question 60. Do you agree that voluntary guidance referenced in draft Approved Document L, Volume 1: Dwellings is the best approach to encouraging smart meters to be fitted in all new domestic properties?

61. We disagree. If the UK Government are aiming towards 80% of homes in England, Scotland and Wales to have smart metres, the development of smart metres in new homes will be integral. Many of the barriers to installing a smart metre which were common barriers in the installation of SMETS 1 have been addressed in SMETS 2 such as the ability to retain functionality when switching energy provider.

Question 61. Do you agree that it should be possible for Regulation 26 (CO2 emission rates) to be relaxed or dispensed with if, following an application, the local authority or Building Safety Regulator concludes those standards are unreasonable in the circumstances?

62. We agree. We also think that there may not be an exhaustive list of dispensations for relaxation of the measures. Accordingly, grounds for relaxation of Regulation 26 should be down to the discretion of local authorities. However, these should be submitted for review by the Minister and to consider if the merit of relaxation is justifiable and to approve or disapprove accordingly. We believe that if it is permitted to allow relaxation of Regulation 26, the UK Government should provide local authority guidance of what may and may not be considered reasonable. This guidance should be published once the change to the stringency of Regulation 26 has been embedded over a period.

Question 62. [If yes to previous question], please share any examples of circumstances where you think it may be reasonable for a local authority to grant a relaxation or dispensation?

63. There are several reasons why a developer could apply for a relaxation of the measures and an exhaustive list would be difficult to quantify as it would range from the unique circumstances of the development. However, there may be justification if a development wishes to engage in trials of energy saving technology such as hydrogen heating trials or other aspects of emerging technology. It might also be reasonable to relax the measures on developments that are already going to be expensive to the developer to ensure that they are not deterred from developing where homes are needed. Where site development costs are high or the site is a long way from existing utility lines, then we believe the local authority may have grounds for relaxation providing they can also demonstrate the impact that not developing would have on their wider housing needs.

Question 63. Do you think that local authorities should be required to submit the applications they receive, the decisions they make and their reasoning if requested?

64. Yes. We have also previously stated that the Minister should have the power to challenge these decisions where the Minister does not agree.

Question 64. Are there any additional safeguards you think should be put in place to ensure consistent and proportionate use of this power?

65. We believe that decisions made by local authorities should be open to public scrutiny not just from the Minister, but from the wider public, and that decisions should be made transparent ensuring that local authorities must report on their decisions in an open and transparent way. This would ensure consistency in approve with other developers and improve the accountability of their decision making.

Question 65. Do you agree that Part L1 of Schedule 1 should be amended, as above, to require that reasonable provision be made for the conservation of energy and reducing carbon emissions?

66. We agree with the amendments to Part L1 of Schedule 1.

Question 66. Do you agree that regulations 25A and 25B will be redundant following the introduction of the Future Homes and Buildings Standards and can be repealed?

67. We agree. The introduction of the Future Homes and Buildings Standards will result in buildings being zero carbon ready and ultimately this will mean that regulations 25A and 25B will be duplicitous.

Question 67. Do you agree that the Home Energy Model should be adopted as the approved calculation methodology to demonstrate compliance of new homes with the Future Homes Standard?

68. We do not have any comments to make on the Home Energy Model itself. This falls outside of the technical expertise and scope of Propertymark as a professional membership body of property agents. Our main concerns regarding the Future Homes and Buildings Standards cover the implementation of the Standards, ensuring that they do not lead to a reduction in the supply of new homes, that a one-size-fits-all model for how the Standards can be met is avoided and that it takes into account recent legislative requirements such as remediation following the Building Safety Act 2022.

Question 68. Please provide any comments on the parameters in the notional building.

69. We have no further comments to make at this stage.

Question 69. Minimum standards already state that heat pumps should have weather compensation and we would like to understand if stakeholders think this is enough to ensure efficiency of heat pumps under the varying weather conditions across England. Should the notional building use local weather?

70. Yes, the notional building should use local weather in order to accommodate for the impact that local weather will have on the energy efficiency of a property. Adjustments should be made to expected standards so that properties can continue to be built in areas where local weather conditions would make it more difficult for these properties to be built to a strict expected standard.

Question 70. Do you agree with the revised guidance in The Future Homes Standard 2025: dwelling notional buildings for consultation no longer includes the average compliance approach for terraced houses?

71. No, we do not agree that the average compliance approach should be removed for terraced houses. As mentioned previously, the flexibility of the average compliance approach ensures the focus remains on the overall energy efficiency of a building, allowing for new standards to be met in a wider variety of ways. For example, where a building might receive less sunlight, leading to a decrease in solar generation, it may struggle to meet new standards. This can be prevented by an increase in more efficient fabric and more efficient internal heating systems if the average compliance approach is maintained. The negative consequence of not using the average compliance approach is that it may be more difficult to construct homes in certain parts of the UK, leading to difficulties in meeting the housing needs of the country.

Question 71. Do you agree with the revised guidance in Approved Document L, Volume 1: Dwellings which states that you should not provide a chimney or flue when no secondary heating appliance is installed?

72. We have no issues with this revision.

Question 72. Do you agree with the proposed approach to determine U-values of windows and doors in new dwellings?

73. Yes, we have no concerns or issues with the proposed approach to determine U-values of windows and doors in new dwellings.

Question 73. Do you agree with the proposal to remove the default y-value for assessing thermal bridges in new dwellings?

74. No, before the UK Government proceeds with removing the default y-value for assessing thermal bridges in new dwellings, they will need to conduct a survey of the industry to understand the percentage of companies and individuals who still use this method and the difficulties associated with no longer being able to use it.

Question 74. Do you have any information you would like to provide on the homes built to the Future Homes Standard using curtain walling?

75. This question falls outside of Propertymark's expertise.

Question 75. Do you agree with the methodology outlined in the NCM modelling guide for the Future Buildings Standard?

76. Yes, we have no concerns or issues with the methodology outlined in the NMC modelling guide for the Future Buildings Standard.

Question 76. Please provide any further comments on the cSBEM tool which demonstrates an implementation of the NCM methodology.

77. We have no further comments to make at this time.

Question 77. Please provide any further comments on the research documents provided alongside the cSBEM tool and which support the development of the NCM methodology, SBEM and iSBEM.

78. We have no further comments to make at this time.

Question 78. Which option describing transitional arrangements for the Future Homes and Buildings Standard do you prefer? Please use the space provided to provide further information and/or alternative arrangements.

79. We would recommend at least a full 12 months between the laying date of the Future Homes and Building Standard regulations and publication of the full technical specification, and the regulation coming into force. This would enable more organisations to be prepared for the new Standards, including an opportunity to raise further concerns if issues arose, while there would still be time to amend the Standards.

Question 79. Will the changes to Building Regulations proposed in this consultation lead to the need to amend existing planning permissions? If so, what amendments might be needed and how can the planning regime be most supportive of such amendments?

80. Yes, while this falls outside of Propertymark's scope, we would recommend including a clause that would enable works that have received planning permission to go ahead to previous standards established at the time when the works had received planning permission or when planning permission was submitted. This would prevent delays in the construction of new buildings where a developer may not have the expertise or funding to adjust the buildings to the new standard.

Question 80. Do you agree that the 2010 and 2013 energy efficiency transitional arrangements should be closed down, meaning all new buildings that do not meet the requirements of the 2025 transitional arrangements would need to be built to the Future Homes and Buildings Standards?

81. Yes, we agree that all new buildings from the time that the 2025 transitional arrangements have been put in place must meet the Future Homes and Building Standards, subject to our proposed amendments to the Standards within this consultation. This will help improve the Standard of buildings quickly. This should not however be extended to buildings that are awaiting planning permission or that have received planning permission but are not yet built. Per the reasons mentioned in question 79, developers may not have the ability to construct these buildings to the new standards which would cause further delays in the construction of new buildings.

Question 81. What are your views on the proposals above and do you have any additional evidence to help us reach a final view on the closing of historical transitional arrangements?

82. We have no further comments to make at this time.

Question 82. Part O does not apply when there is a material change of use. Should it apply?

83. Yes, we agree that Part O should apply when there is a material change of use that leads to the creation of at least one dwelling within the building. In addition to improving energy efficiency, reducing the risk of overheating provides additional comfort to residents and we see no reason why a residential unit should not benefit from overheating standards, simply due to the fact it was created through a change of material use.

Question 83. Apart from material change of use, is there anything missing from the current scope of Part O?

84. No, we are unaware of anything else missing from the current scope of Part O.

Question 84. Can you provide evidence on how the addition of extensions or conservatories to domestic buildings can impact overheating risk on an existing building?

85. No, this falls outside of Propertymark's expertise.

Question 85. We are currently reviewing Part O and the statutory guidance in Approved Document O. Do you consider there to be omissions or issues concerning the statutory guidance on the simplified method for demonstrating compliance with requirement O1, for buildings within the scope of requirement O1?

86. No, we are unaware of any omissions or issues concerning the statutory guidance on the simplified method for demonstrating compliance with requirement O1.

Question 86. Do you consider there to be omissions or issues concerning the statutory guidance on the dynamic thermal modelling method for demonstrating compliance with requirement O1 for all residential buildings?

87. No, we are unaware of any omissions or issues concerning the statutory guidance on the dynamic thermal modelling method for demonstrating compliance with requirement O1.

Question 87. Do you consider there to be omissions or issues concerning the statutory guidance on ensuring the overheating mitigation strategy is usable for buildings within the scope of requirement O1?

88. No, we are unaware of any omissions or issues concerning the statutory guidance on ensuring the overheating mitigation strategy is usable for buildings within the scope of requirement O1.

Question 88. Do you consider there to be omissions or issues concerning the statutory guidance on protection from falling?

89. No, we are unaware of any omissions or issues concerning the statutory guidance on protection from falling.

Question 89. Are you aware of ways that Approved Document O could be improved, particularly for smaller housebuilders?

90. No, we are not aware of any ways that Approved Document O could be improved.

Question 90. Does Regulation 40B require revision?

91. No, however we would recommend that further guidance from the UK Government be issued so that persons carrying out the work if the new Standard impacted any aspect of Regulation 40B so that no information provided is outdated.

Question 91. Do you consider there to be omissions or issues concerning the statutory guidance on providing information?

92. We are unaware of any issues regarding providing information.

Question 92. Are there any improvements that you recommend making to the information provided about overheating in the Home User Guide template?

93. We are unaware of any required improvements for the information provided in the Home User Guide template.

Question 93. Are there any omissions or issues not covered above with the statutory guidance in Approved Document O that we should be aware of?

94. We are unaware of any omissions or issues not covered above.

Question 94. Please provide any feedback you have on the potential impact of the proposals outlined in this consultation document on persons who have a protected characteristic. If possible, please provide evidence to support your comments.

95. This falls outside of Propertymark's expertise. The UK Government should consult with organisations that specialise in supporting groups with protected characteristics.