

REGULATION AND STANDARDS

Towards a UK future homes standard

Earlier this year, the government published its response to its 2019 consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the *Building Regulations* – confirming uplifted standards to improve the energy efficiency of new homes. The government's response confirms that it will implement an interim change from June 2022 which requires new homes to deliver carbon dioxide (CO₂) savings of 31% compared to current standards through a combination of low-carbon heating and increased fabric standards.

This is a significant step-change for new-build developments and paves the way for the more ambitious requirements of the Future Homes Standard 2025 – which is set to require new homes to produce 75%–80% fewer carbon emissions compared to current standards.

Zero-carbon ready homes by 2025

The government is set to introduce the new Future Homes Standard in 2025 which will require CO₂ emissions produced by new homes to be 75%–80% lower than those built to current requirements. This forms part of the government's strategy to improve energy efficiency in buildings – which is required in order to meet the net zero target.

Although the technical detail of the Future Homes Standard is not yet certain, it is clear that, from 2025, new homes will be required to be future-proofed with low-carbon heating and world-leading levels of energy efficiency. Homes will need to be 'zero-carbon ready', meaning that no retrofit work will be necessary to enable them to become zero-carbon as the electricity grid continues to decarbonise. That means no home built under the Future Homes Standard will be reliant on fossil fuels.

A full technical consultation is planned for spring 2023, which will develop the draft building specification set out in the consultation and provide further technical detail, draft guidance and an impact assessment for implementation.

The UK government has started to indicate steps to be taken on the way to a comprehensive new standard for the energy performance of homes. Here, energy lawyer Megan Coulton looks at upcoming changes to Building Regulations to deliver zero-carbon ready homes by 2025.



Image: iStock

'Fabric plus technology' from 2022

In the mean time, and to ease the step up to the Future Homes Standard, the government is introducing an interim uplift in standards from 2022 (the 2021 *Part L Uplift*) which will mean new homes will go some way to meeting the expected 2025 standard. This does mean that further refurbishment will be required in order for those homes to be zero-carbon ready but, notionally, new homes built from 2022 will be better equipped to make the transition.

The consultation identified two options for the interim uplift: Option 1 (Future Homes Fabric) proposed a 20% reduction in carbon emissions compared to current standards and Option 2 (Fabric plus technology) proposed a 31% reduction in carbon emissions compared to current standards.

The consultation response confirms that the 2021 *Part L Uplift* will introduce Option 2 as a stepping-stone to the Future Homes Standard. This is the preferred option because it represents a

meaningful and achievable interim increase to the energy efficiency standards of new homes. It has also been designed to encourage the use of low-carbon heating in new homes (rather than fossil fuels) in order for the market to develop the supply chains and skills that will be necessary to deliver the more radical Future Homes Standard.

The government recognises that there is unlikely to be a one-size-fits-all solution to the implementation of low-carbon heating technologies, but it has identified that heat pumps are likely to become the primary source of heating for new homes under the Future Homes Standard.

There is also an important role for heat networks – which are expected to be utilised for new buildings in towns and cities in order to capitalise on large-scale renewable and recovered heat sources. The challenge for the heat network industry is navigating the technical and financial implications of decarbonising existing networks led by gas or CHP in time so that new buildings can be connected and meet the new energy efficiency levels.

The government has also decided on a revised package of performance metrics which will ensure a 'fabric first' approach. The driver for this is that the Future Homes Standard cannot rely on grid decarbonisation to achieve a reduction in emissions and that improving airtightness and reducing building consumption are key. The new four-part performance metrics are:

- primary energy target;
- CO₂ emissions target;
- fabric energy efficiency target; and
- minimum standards for fabric and fixed building services.

That means that CO₂ emissions will no longer be used as the primary performance metric for new homes. This is because in recent years the UK's electricity grid has decarbonised and so CO₂ emissions have and will become a less effective measure of the energy performance of buildings (because it will be unclear whether a home performs well under this metric because it is energy efficient or because the grid has decarbonised).

The primary energy metric will instead provide a measure of energy use in dwellings and take account of the upstream energy uses (in order

to ensure energy efficiency but also that the nation's resources are being utilised effectively).

As part of the four-part performance metric, the Fabric Energy Efficiency Standard (FEES) has been retained – which is likely to be a relief to many that raised concerns about its proposed removal. That means that the government will continue to set minimum U-values for the thermal elements within the Approved Document.

The government's consultation document further puts carbon reductions into perspective by setting out that the target for a typical semi-detached home built to the indicative Future Homes Standard is 3.6 kgCO₂/m²/year, compared to 16 kg under the current standards and 11 kg under the 2021 Part L Uplift.

No change to local planning authority powers (yet)

The Planning and Energy Act 2008 currently allows planning authorities to require energy efficiency standards for new homes that exceed the requirements of the Building Regulations. While this has allowed some planning authorities to push more ambitious targets, the government proposed that these rights are removed, in order to

provide a more consistent approach.

The government has confirmed that new planning reforms will clarify the longer-term roles of local planning authorities but to provide certainty for now, it will not amend the Planning and Energy Act 2008. This means that local authorities will retain powers to set local energy efficiency standards for new homes.

Transitional arrangements

The government's response confirms that the 2021 Part L Uplift will apply to individual buildings (not across development sites as was the case previously) and that transitional arrangements will apply only for a 12 month period.

For transitional arrangements to apply to an individual building, developers will need to both submit a building/initial notice or deposited plans by June 2022; and commence work on each individual building by June 2023.

The impact of this is that housebuilders cannot lock-in building regulations at the point of commencement of an entire development (which has been the case up until now). Save for where transitional arrangements apply, individual buildings will be subject to the new regulations at the time work commences. This creates new

Although the technical detail is not yet certain, it is clear that, from 2025, new homes will be required to be future-proofed with low-carbon heating and world-leading levels of energy efficiency

issues for phased developments, as different building regulations may apply over the build programme – but ensures that homes built as part of large-scale development meet the energy efficiency requirements in force at the time they are built.

Timeline for implementation

The government has indicated that the new Part L and F will be published in December 2021 and will come into force in June 2022. Following that, a full technical specification for the Future Homes Standard will be consulted on in 2023 and legislation tabled in 2024, ahead of full implementation in 2025.

The government has also published the second part to this consultation – The Future Buildings Standard – which focuses on changes to Parts L and F of the Building Regulations for non-domestic buildings, new standards to address overheating in new residential properties, and new standards for renovations. Part two of the interim consultation closed on 13 April this year. ●

Megan Coulton is an Associate at Trowers & Hamlin LLP



Middle East HSE and Sustainability Week

21 - 23 November 2021, Virtual Conference

This week will bring two conferences focusing on HSE and sustainability, to deliver essential learning, sharing of international good practice to organisations across the energy industry, drawing on the century-long expertise of the Energy Institute.

Presented by:



More information at www.energy-inst.org/middle-east-forum

<p>Host Partner:</p> 	<p>The HSE Forum is endorsed by:</p> <p style="font-size: 0.6em;">KINGDOM OF SAUDI ARABIA</p> 	<p>The Sustainability Forum is endorsed by:</p> 	<p>EI Knowledge Partner:</p> 	<p>Regional Associate Partner:</p> 
<p>Silver Sponsor:</p> 	<p>Silver Sponsor:</p> 	<p>Silver Sponsor:</p> 	<p>Silver Sponsor:</p> 	