



Department for
Communities and
Local Government

Next steps to zero carbon homes - small sites exemption

Government response and summary of responses to the
consultation



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Government response

Introduction

1. The Government is committed to the implementation of a zero carbon standard for new homes from 2016. However, the Government recognises that it is not always technically feasible or economically viable to eliminate all carbon emissions from new homes just through on-site measures. Therefore in addition to setting a more stretching minimum on-site energy performance standard for new homes from 2016, the Government will also put in place a cost effective and flexible mechanism to allow house builders to meet the remainder of the zero carbon target – this mechanism is termed ‘allowable solutions’. Allowable solutions will enable house builders to offset any residual carbon emissions from new homes against carbon savings made on or off-site, in order to achieve net zero carbon emissions.
2. The Government needs to consider how to balance strong environmental protections alongside the need to ensure continued growth in the economy. Achieving the zero carbon standard will be particularly challenging for small builders, with research showing there has been a significant decline in small firms active in house building in recent years.
3. Small builders are concerned that the availability of small sites is declining and extra regulatory costs impact on the viability of development. The Government considers that if the costs of zero carbon lead to even fewer small sites being brought forward this will further hinder the prospects for small builders. Therefore, Government has decided that smaller housing sites in England will be exempt from the total cost burden of delivering zero carbon homes.
4. The consultation, ‘Next steps to zero carbon homes – small sites exemption’, explored how the exemption might work. We have carefully considered the responses to the consultation set out in this report and will take the steps outlined below to take forward the policy.

Sites or Developers

5. We intend to apply an exemption based on site size only. We consider this approach will mean that building control bodies will easily be able to check compliance and once site size is defined, there will be an easily understandable definition that can be applied nationally.
6. We agree with the views put forward that small sites can be disproportionately more costly to develop regardless of the size of house builder and so we do not think that basing the exemption on developer size is appropriate. In addition, a developer based approach does not take account of how much work is sub-contracted which would be

impractical to monitor. We also consider that determining the size of a company adds a new burden onto building control bodies. Overall we believe that an exemption based on site size will be more practical to administer and to check compliance, and will help reduce the financial burden on house builders when developing on small sites where economies of scale can be more limited and costs therefore higher.

The threshold for the exemption

7. We will apply a threshold of 10 units or fewer and an overall maximum size of 1000m² of floor space. This is consistent with the s106 affordable housing exemption (except in rural areas) and we believe is a small enough threshold to mitigate some of the risks of larger developments being artificially subdivided into a number of smaller sites.
8. We believe that applying a threshold for maximum floor space also ensures the exemption is limited to small sites and larger sites that are delivering a few bigger properties do not automatically benefit from the exemption.

Scope of the exemption

9. We will exempt small sites from the allowable solutions element of the zero carbon standard only. This will mean that all developers in England will be required to build to a minimum requirement set in the Building Regulations and all new housing in England will meet a consistently high level of energy efficiency and carbon reductions irrespective of the site size.

Time frame of exemption period

10. We intend to review the exemption after a period of 3 years. We consider that a 3 year review period is sufficient to cover the development cycle for small sites and will also enable the review of the exemption before the commencement of requirements for nearly zero energy buildings under the European Commission's Energy Performance of Buildings Directive.

Risks of any exemption

11. The Government acknowledges the concerns of those who objected to any form of exemption. A shortened review period will provide the opportunity to review both the positive and negative impact of the exemption. We also acknowledge concerns raised about potential artificial subdivision of sites. Powers already exist in the Building Act for building regulations to be made that will not only provide an exemption based on site size but also make provision to prevent the subdivision of larger sites in order to abuse the exemption. We intend to use those powers and we will consult on the draft legislation in due course.

About the consultation

12. The Department for Communities and Local Government (DCLG) issued the consultation 'Next steps to zero carbon homes – small sites exemption'¹ on 18 November 2014. The consultation closed on 7 January 2015. The scope of the consultation was to set out, seek views and gather further evidence on an exemption for smaller housing sites from the total cost burden of delivering zero carbon homes. The intention is to apply an exemption that will off-set some of the initial cost of delivering zero carbon homes but will ensure that all homes are all energy efficient.
13. This report provides a summary of responses to the consultation and is structured around the chapters set out in the consultation document which explore how an exemption might work. It includes a summary qualitative analysis of the views and comments submitted for each consultation question as well as tables showing how the different organisation types responded to the question.

Background

14. The Queen's Speech 2014² announced that the Infrastructure Bill would include provision to allow for the creation of the allowable solutions scheme. At the same time it was announced that there would be an exemption for small sites from the zero carbon homes requirement and there would be a consultation on the definition of a small site and how the exemption could work.
15. The consultation sought views on:
 - whether the exemption should be defined in terms of site size, developer size or both;
 - the threshold for the exemption – in terms of floor area or number of units for site size, and what criteria should apply for developer size exemption;
 - whether the exemption should be from allowable solutions scheme only or an additional exemption from Building Regulations requirements; and
 - the review period of the exemption.

¹ The consultation paper 'Next steps to zero carbon homes – small sites exemption' can be found at: <https://www.gov.uk/government/consultations/next-steps-to-zero-carbon-homes-small-sites-exemption>

² Details of the Queen Speech is at: <https://www.gov.uk/government/topical-events/queens-speech-2014>

Overview of Consultation Responses

16. The consultation received a total of 117 responses. The majority of responses were submitted via an online form through Survey Monkey but any responses received via email or hard copy were also taken into account.

17. Respondents were asked to assign themselves to one of ten broad organisational type categories. Table 1 below provides a breakdown of the 117 responses by organisational category.

	Builders/ Developers	Local Authority	Approved Inspector	Building Occupier	Designers/Engineers/Surveyors	Manufacturer/Supply Chain	Property Management	Specific Interest	Energy Sector	Fire & Rescue Authority	TOTAL
Total responses received	23	22	6	3	20	10	1	21	10	1	117
Percentage of total responses	20%	19%	5%	3%	17%	8%	1%	18%	8%	1%	100%

Table 1: Breakdown of respondents by broad organisational type

18. Builders/Developers were also asked to assign themselves to a further sub-category. Table 2 shows the categories of type of builder/developer respondents assigned themselves to. Of the 24 respondents that answered this question, the majority (63% - 15/24) were house builders, with 25% (6/24) being representative or trade bodies.

	Builder – main contractor	Builder – small builder	Installer/Specialist sub-contractor	Commercial Developer	House Builder	Representative or Trade Body	TOTAL
Total responses received	0	0	1	2	15	6	24
Percentage of total responses	0	0	4%	8%	63%	25%	100%

Table 2: Breakdown of respondents by type of builder/developer

19. This report is structured around the chapters set out in 'Next steps to zero carbon homes – small sites exemption'. Each chapter includes a summary qualitative analysis of the views and comments submitted for each consultation question as well as tables which provide quantitative analysis of responses, including how the different organisation types responded to the question. The question numbers used in this report are consistent with the question numbers on the Survey Monkey form.
20. It should be noted that none of the questions in the consultation received a 100% response. Every percentage given in the tables and text in this report is a percentage of the replies of those who answered the particular question, unless stated otherwise.

Chapter 2: Sites or Developers?

21. Chapter 2 considered whether the exemption should be defined in terms of site size or developer size. It also asked about the level that should be set if a site size exemption was chosen by the Government – in terms of floor area (square metres per dwelling) or number of units; and what criteria should apply if a developer size exemption was chosen – in terms of micro (0 to 9 employees) or small developers (10 to 49 employees).
22. The Government has considered the responses and intends to apply an exemption based on site size only. We consider that this approach will be more practical to administer and to check compliance, and will not add a new burden on building control bodies which an exemption based on developer size would. We also agree with views put forward that small sites can be disproportionately more costly to develop regardless of the size of house builder. We believe that a site size exemption will help reduce the financial burden on house builders to develop small sites where economies of scale can be more limited and costs therefore higher.
23. The site size threshold we intend to apply is 10 units or fewer and an overall maximum size of 1000m² of floor space. This is consistent with the s106 affordable housing exemption and we believe is small enough threshold to mitigate some of the risks of larger developments being artificially subdivided into a number of smaller sites. We consider that applying a threshold for maximum floor space also ensures the exemption is limited to small sites and larger sites that are delivering a few bigger properties do not automatically benefit from the exemption.
24. We also intend to use powers in the Building Act that not only enable building regulations to be made that will provide an exemption based on site size but also enable provision to prevent the subdivision of larger sites in order to abuse the exemption. We will consult on the draft legislation in due course.

Question 8: Should the exemption be targeted at site size, developer size, or a combination of both? Do you have any evidence to support the choice made?

25. Table 3 below provides the quantitative analysis of the responses to question 8. It shows that 47% (38/80) of all those who responded to the question were supportive of an exemption targeted at site size. Of the remaining responses 25% (20/80) supported an exemption based on developer size and 27% (22/80) a combination of both site size and developer size.
26. The proportion of those in the builder/developer category who agreed with a site size exemption was 59% (13/22) while the proportion of local authorities who agreed with this approach was 69% (11/16). Comments made in support of a site size exemption

included that it would be the most simple and practical in terms of building control compliance.

27. Some respondents who were supportive of an exemption based on developer size, considered that many small sites are undertaken by larger developers and they would be able to absorb any extra costs from allowable solutions. However, it was noted by others, including small house builders that small sites were disproportionately more costly to develop regardless of the size of house builder, eg lack of economies of scale, higher transaction costs. A few respondents also suggested an exemption based on developer size would help guard against abuse ie breaking up developments into lots of small 'sites'.
28. Comments from those who preferred an exemption based on a combination of both site and developer size included that any exemption should be as restrictive as possible and the combination approach would achieve this. Other comments included an opinion that it would protect small developers from the additional burden of the zero carbon homes policy and mitigate potential gaming. However, one small house builder commented that the likelihood of a larger developer gaming the system merely to evade zero carbon rules seems small compared to the number of small developers likely to benefit from any relaxation.
29. Although the consultation only sought views on how the exemption should be applied, 35% (41/117) of all those that responded to the consultation commented that they did not agree with an exemption being applied to any developer/site. Some respondents went on to answer other questions on the assumption that an exemption would be introduced. These answers have been included in the analysis.
30. Many of those who disagreed with the proposed exemption, commented that:
 - there is no effective way of showing that the exemption will benefit smaller house builders and the NHBC study referenced in the consultation states that the real issue is the availability of small sites
 - the risks of an exemption being abused and the potential for gaming;
 - the exemption could create two tiers of Building Regulations and that this could lead two standards of housing being built
 - the proposed exemption represents a weakening of the national strategy for achieving zero carbon homes from 2016
 - the allowable solutions mechanism was designed specifically to enable the costs of meeting the full zero carbon standard to be reduced for sites that are unfairly burdened due to physical constraints, such as size. It was considered counter-productive that these sites would now to be exempt from the part of the definition designed to ensure they can cost effectively comply.

Q8: Should the exemption be targeted at site size, developer size, or a combination of both? Do you have any evidence to support the choice made?												
	Total no. of responses	Builders/Developers	Local Authority	Approved Inspector	Building Occupier	Designers / Engineers/ Surveyors	Manufacturer/ Supply Chain	Property Management	Specific Interest	Energy Sector	Fire & Rescue Authority	
Site Size	38	13	11	3	0	4	1	1	3	2	0	
Developer Size	20	5	3	1	0	3	1	0	5	2	0	
Combination of Both	22	4	2	2	2	3	3	0	3	3	0	
Total	80	22	16	6	2	10	5	1	11	7	0	
Site size %	47%	59%	69%	50%	0%	40%	20%	100%	27%	29%	0%	
Developer Size %	25%	23%	19%	17%	0%	30%	20%	0%	45%	29%	0%	
Combination of Both %	27%	18%	13%	33%	100 %	30%	60%	0%	27%	43%	0%	

Table 3: Breakdown of organisational groups' preferences for site size, developer size or combination of both

Question 9: If you chose site size or both, do you think that site-size should be measured by floor area or by number of units or by a combination of both?

31. Table 4 below provides the quantitative analysis of the responses to question 9. The majority of respondents (52% - 34/65) chose a combination of both floor area *and* number of units as the preferred option. While 28% (18/65) chose number of units and 20% (13/65) chose floor area only.
32. The combination option was favoured by 69% of local authorities (9/13), 60% of the energy sector (3/5) and 67% of approved inspectors (4/6). The proportion of builders/developers supporting the combination approach was 38% (6/16), less than the overall proportion supporting this approach. Respondents comments included that combining the number of units with a floor space criterion would help ensure that the exemption was limited to small scale developments and developments of a few large properties would not benefit and would have to achieve zero carbon homes criteria.
33. Of the builder/developers who answered this question, 44% (7/16) preferred site-size to be measured by number of units. Similarly 44% (4/9) of the Designers/ Engineers/ Surveyors category preferred this measurement. Views were expressed that this was the most simple and practical approach as number of units is much easier to administer than floor area.
34. Of those who expressed a preference for measurement by floor area, some considered that measurement by number of units is too simplistic and could have the unintended

consequence of encouraging lower density development. Others considered that measurement by number of units only would mean very large dwellings would be exempt - measurement by floor space would stop developers creating fewer large homes to get around the regulations.

Q9: If you chose site size or both, do you think that site-size should be measured by floor area or by number of units or by a combination of both?

	Total no. of responses	Builders/ Developers	Local Authority	Approved Inspector	Building Occupier	Designers/Engineers/Surveyors	Manufacturer/Supply Chain	Property Management	Specific Interest	Energy Sector	Fire & Rescue Authority
Floor area	13	3	2	1	0	2	1	0	3	1	0
Number of units	18	7	2	1	0	4	1	1	1	1	0
Combination of Both	34	6	9	4	2	3	2	0	5	3	0
Total	65	16	13	6	2	9	4	1	9	5	0
Floor area %	20%	19%	15%	17%	0%	22%	25%	0%	33%	20%	0
Number of units %	28%	44%	15%	17%	0%	44%	25%	100%	11%	20%	0
Combination of Both %	52%	38%	69%	67%	100%	33%	50%	0%	56%	60%	0

Table 4: Breakdown of organisational groups' preferences for measurement of site size or both site/developer size – by floor area, number of units or combination of both

Question 10: If you chose floor area or both, what size floor area would be most appropriate?

35. Table 5 below provides the quantitative analysis of the responses to question 10. It shows that 51% (23/45) considered a floor space of less than 100 sq metres per dwelling appropriate. While 36% (16/45) considered 100 sq metres per dwelling appropriate and 13% (6/45) more than 100 sq metres per dwelling.

36. Respondents that preferred a floor space of less than 100 sq metres included: 60% (3/5) of approved inspectors; 67% (4/6) of designers/engineers/surveyors; 100% (4/4) of the energy sector.

37. In the builders/developers category, 38% (3/8) considered a floor space of 100 sq metres per dwelling was appropriate and an equal proportion considered more than 100 sq metres appropriate. Local authorities were equally split (4/8) between choosing less than 100 sq metres and 100 square metres. No local authorities considered more than 100 sq metres per dwelling appropriate.

38. Additional comments received in response to this question included that it may not be practical for dwellings with a floor space of less than 100 sq metres to achieve zero carbon status due to roof sizes. Another response suggested a unit of 80 sq metres or less would be appropriate as this would limit the exemption impact.

Q10: If you chose floor area or both, what size floor area would be most appropriate?											
	Total no. of responses	Builders/ Developers	Local Authority	Approved Inspector	Building Occupier	Designers/Engineers/Surveyors	Manufacturer/Supply Chain	Property Management	Specific Interest	Energy Sector	Fire & Rescue Authority
Less than 100 sq metres per dwelling	23	2	4	3	1	4	1	0	4	4	0
100 sq metres per dwelling	16	3	4	2	0	1	1	0	5	0	0
More than 100 sq metres per dwelling	6	3	0	0	1	1	1	0	0	0	0
Total	45	8	8	5	2	6	3	0	9	4	0
Less than 100 sq metres per dwelling %	51%	25%	50%	60%	50%	67%	33%	0	44%	100%	0
100 sq metres per dwelling%	36%	38%	50%	40%	0%	17%	33%	0	56%	0%	0
More than 100 sq metres per dwelling %	13%	38%	0%	0%	50%	17%	33%	0	0%	0%	0

Table 5: Breakdown of organisational groups' preferences for size of floor area

39. The consultation also sought views on an appropriate unit threshold for the exemption.

Question 11: If you chose number of units or both, how many units would be the most appropriate threshold?

40. Table 6 below provides the quantitative analysis of the responses to question 11. Just under half (47% - 29/61) of responses to this question considered the option of less than 10 units to be an appropriate threshold for the exemption. This compares with 39% (24/61) of respondents who thought 10 units was an appropriate threshold and 13% (8/61) who considered the threshold should be more than 10 units.

41. The organisational groups with the highest proportion agreeing with a threshold of less than 10 units, were local authorities (69% - 9/13), designers/engineers/surveyors (63% - 5/8), those with a specific interest (63% - 5/8) and the energy sector (80% - 4/5).

42. In the builder/developer category, 53% (8/15) thought a 10 unit threshold was an appropriate threshold and 33% (5/15) thought more than 10 units appropriate.

43. Comments received from those who chose less than 10 units included that developments of 5 or fewer dwellings would be a more accurate description of a small housing site and that a large proportion of sites are less than 10 units, meaning the exemption would apply widely. One respondent commented that they were concerned that ‘capturing’ a larger proportion of applications will create a bureaucratic and burdensome system to operate. Another comment suggested that any limit for the number of units will encourage development at, or slightly under that threshold which could have the unintended consequence of under developing sites.

44. Of those who chose a 10 unit threshold, some commented that the approach provided consistency with the planning system and its definition of minor residential developments and this would minimise any further burden or confusion for developers. In addition, one respondent mentioned this option ties in with the threshold for the provision of affordable homes.

45. A respondent who preferred a threshold of more than 10 units suggested that the drop off in costs associated with a development of 10 units and a development of slightly more could become very steep. Another comment highlighted that schemes comprised of 20 units are unlikely to be picked up by volume house builders. However, they considered that, for the small developer, build out costs for a 20 unit scheme will still necessitate substantial borrowing.

Q11: If you chose number of units or both, how many units would be the most appropriate threshold?											
	Total no. of responses	Builders/ Developers	Local Authority	Approved Inspector	Building Occupier	Designers/Engineers/Surveyors	Manufacturer/Supply Chain	Property Management	Specific Interest	Energy Sector	Fire & Rescue Authority
10 units	24	8	4	3	0	3	3	0	3	0	0
More than 10 units	8	5	0	0	1	0	0	1	0	1	0
Less than 10 units	29	2	9	3	1	5	0	0	5	4	0
Total	61	15	13	6	2	8	3	1	8	5	0
10 units %	39%	53%	31%	50%	0%	38%	100%	0%	38%	0%	0
More than 10 units %	13%	33%	0%	0%	50%	0%	0%	100%	0%	20%	0
Less than 10 units %	47%	13%	69%	50%	50%	63%	0%	0%	63%	80%	0

Table 6: Breakdown of organisational groups’ preferences for threshold of number of units

Question 12: If the Government chose a developer size exemption, what criteria should it apply and why?

46. Table 7 below provides the quantitative analysis of the responses to question 12. The majority of respondents (75% - 33/44) considered that if the Government chose a developer size exemption then a micro-sized developer (0-9 employees) criteria should apply. This compares with 25% (11/44) who thought a developer size exemption should be based on a small developer (10 to 49 employees) criteria.
47. The majority of all categories of respondents, except builders/developers, thought micro-sized developers should be the exemption criteria. Only 38% (3/8) of builders chose this option.
48. Responses from those who thought the micro-sized developer criteria should apply included comments that many large developers may find loopholes to set up companies for 10-49 employees. Another common view was that exemptions should be limited and therefore the tightest possible criteria should be applied.
49. One comment from a builder/developer suggested that even firms of up to 49 employees would struggle to maintain the in-house expertise required to achieve carbon zero in the most cost effective manner. Another respondent said that some smaller firms would directly employ many tradespeople and therefore be classified as 'small', whereas some larger firms will have less than 9 staff and subcontract all labour and therefore be 'micro'.
50. Several respondents offered alternative approaches. There were suggestions of using company turnover and profit so as not to restrict the level of employment and the amount of housing delivered. Another suggestion was that output measure (units per year) would be the best measure of firm size – a threshold of 100 units or less built in the last calendar year. This would mean larger developers building on small sites, with more financial capacity to absorb extra costs, would be captured by higher standards.

Q12: If the Government chose a developer size exemption, what criteria should it apply and why?											
	Total no. of responses	Builders/ Developers	Local Authority	Approved Inspector	Building Occupier	Designers/Engineers/Surveyors	Manufacturer/Supply Chain	Property Management	Specific Interest	Energy Sector	Fire & Rescue Authority
Micro – 0 to 9 employees	33	3	5	2	2	7	3	0	7	4	0
Small – 10 to 49 employees	11	5	2	1	0	1	1	0	0	1	0
Total	44	8	7	3	2	8	4	0	7	5	0
Micro – 0 to 9 employees %	75%	38%	71%	67%	100%	88%	75%	0	100%	80%	0
Small – 10 to 49 employees %	25%	63%	29%	33%	0	13%	25%	0	0	20%	0

Table 7: Breakdown of organisational groups' choice of criteria for developer size exemption

Chapter 3: Scope of the exemption

51. Chapter 3 sought views on whether the exemption should be from:

- allowable solutions scheme only
- an additional exemption from Building Regulations requirements

52. The Government has considered the responses and remains committed to its preferred option set out in the consultation that the exemption should apply to the allowable solutions element only. This will mean all developers in England will be required to build to a minimum requirement the Building Regulations and all new housing in England will meet a consistently high level of energy efficiency and carbon reductions irrespective of the site size.

Question 13: What do you think the scope of the exemption should cover? An exemption from the allowable solutions scheme only, or an additional exemption from the Building Regulations requirements? Do you have any extra evidence to support the choice between these options?

53. Table 8 below provides the quantitative analysis of the responses to question 13. This shows there was significant support (89% - 70/79) for the approach of only exempting small sites from the allowable solutions element of the zero carbon standard.

54. Comments from respondents who preferred an allowable solutions only exemption, included that there is a risk that any further exemption for small developers from Building Regulations requirements will undermine the policy intent of zero carbon homes. It was considered that an exemption from both allowable solutions *and* the additional Building Regulations requirement would result in lower on-site standard for homes built on small sites. It was also considered that it could lead to confusion for consumers, higher energy bills, and could effectively result in 2-tiers in the quality of new housing being built. Some respondents also commented that the increase in the 2016 Building Regulations requirements will improve the sustainability and quality of design in new build properties for the benefit of residents and these baseline standards should not be 'watered down'.

Q13: What do you think the scope of the exemption should cover? An exemption from the allowable solutions scheme only, or an additional exemption from the Building Regulations requirements? Do you have any extra evidence to support the choice between these options?											
	Total no. of responses	Builders/ Developers	Local Authority	Approved Inspector	Building Occupier	Designers/Engineers/Surveyors	Manufacturer/Supply Chain	Property Management	Specific Interest	Energy Sector	Fire & Rescue Authority
An exemption from the allowable solutions scheme only	70	14	13	5	1	10	7	0	12	7	1
An exemption from allowable solutions AND the 2016 increase in Building Regulations Requirements	9	4	1	0	1	1	0	1	0	1	0
Total	79	18	14	5	2	11	7	1	12	8	1
An exemption from the allowable solutions scheme only %	89%	78%	93%	100%	50%	91%	100%	0%	100%	88%	100%
An exemption from allowable solutions AND the 2016 increase in Building Regulations Requirements%	11%	22%	7%	0%	50%	9%	0%	100%	0%	13%	0%

Table 8: Breakdown of organisational groups' preference for scope of exemption

Chapter 4: Time frame of the exemption

55. Chapter 4 asked respondents for their views on the proposed review period of the exemption.

56. The Government has considered the responses to the consultation and is now of the view that 3 years is an appropriate time frame to review the exemption. We consider this will provide a sufficient period to enable the completion of the development cycle of small sites. A 3 year period would also enable the review of the exemption before the commencement of requirements for nearly zero energy buildings under the European Commission's Energy Performance of Buildings Directive.

Question 14: Do you agree that 5 years is an appropriate time-frame for reviewing the exemption?

57. Table 9 below provides the quantitative analysis of the responses to question 14. The majority of respondents (59% - 57/96) favoured a review time-frame of less than 5 years frame for the exemption, 30% (29/96) agreed with the 5-year time frame and 10% (10/96) thought 5 years was too short.

58. In the builder/developer category 48% (10/21) agreed with the 5 year time frame, 19% (4/21) considered it was too short and 33% (7/21) too long. A third of local authorities (6/18) also agreed with the 5-year time frame, compared with 61% who thought it too long.

59. A 3 or 4 year time frame was suggested by many of those who opted for a shorter time frame. Comments included that 3 years would be more than sufficient to cover the development cycle of a small site and to monitor any impacts on the industry from the proposed exemption. Another respondent commented that the exemption should only be on a temporary basis and subject to a full review after maximum of 3 years.

60. Some responses highlighted the 31 December 2020 implementation date of the EC's Energy Performance of Building Directive for 'nearly zero energy' requirements for all buildings by 2020. Some then commented that an intermediate review point earlier than this date would enable the Government to assess the effectiveness of the policy and would give smaller developers who had been operating under the exemption time to transition to the European requirements.

61. Another respondent who preferred a 2 year time frame suggested that existing permissions under the current Part L should have been completed by this time and the costs of developing zero carbon homes have the potential to reduce as the standards become mainstream.

Q14: Do you agree that 5 years is an appropriate time-frame for reviewing the exemption?												
	Total no. of responses	Builders/ Developers	Local Authority	Approved Inspector	Building Occupier	Designers/Engineers/Surveyors	Manufacturer/Supply Chain	Property Management	Specific Interest	Energy Sector	Fire & Rescue Authority	
Yes	29	10	6	3	0	2	3	1	2	2	0	
No – too short	10	4	1	0	1	1	0	0	1	1	1	
No – too long	57	7	11	3	1	10	7	0	13	5	0	
Total	96	21	18	6	2	13	10	1	16	8	1	
Yes %	30%	48%	33%	50%	0%	15%	30%	100%	13%	25%	0%	
No – too short %	10%	19%	6%	0%	50%	8%	0%	0%	6%	13%	100%	
No – too long %	59%	33%	61%	50%	50%	77%	70%	0%	81%	63%	0%	

Table 9: Breakdown of organisational groups' preference for time-frame of exemption

Chapter 5: Implementation

62. This chapter outlined that the Government's Infrastructure Bill introduced an amendment to the Building Act to enable Building Regulations to implement allowable solutions. It also noted that any exemption would also need to be set out in changes to the Building Regulations, which will be the subject to further consultation. The chapter was for information only and there were no consultation questions asked on implementation.

Chapter 6: Impacts

63. Respondents were asked for further evidence to inform the impact assessment which will accompany the proposed Building Regulations which will implement the exemption.

Question 15: Do you have any further evidence that would help inform the impact assessment?

64. Just over half of respondents (51% - 60/117) answered this question (including 'no' and 'n/a') with few respondents providing evidence to help inform the impact assessment. Some respondents used this question to reiterate their concerns about having an exemption at all or other points made in responding to earlier questions in the consultation.

65. Data submitted in response to this question will be used to inform an impact assessment.