

The future of building

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Construction is a major contributor to carbon emissions – buildings consume 36% of energy produced globally and are responsible for 39% of carbon emissions. It is not therefore surprising that November 11th at COP26 will focus on Cities, Regions and the Built Environment. Considering the built environment alongside a focus on what cities and regions can contribute highlights the importance of the relationship between the construction industry and local government in tackling climate change.

The Building Regulations are the way local government control the specification of buildings. There has been confusion about whether local authorities can require an energy performance which goes beyond requirements in the Buildings Regulations since at least 2015, when a Written Ministerial Statement stated that local authorities should not set technical standards which went beyond those set out in the Code for Sustainable Homes Level 4, and referenced the imminent enactment of provisions within the Planning and Energy Act 2008 which would make it unlawful to do so.

The relevant provisions were never enacted and so arguably it has always been lawful for local authorities to require more. However, comments in the Government's response to consultation on the Future Homes Standard published in early 2021 have confirmed that new planning reforms will clarify the longer-term role of local planning authorities in determining energy efficiency standards; and "to provide some certainty in the immediate term", also confirmed that the Government will not amend the Planning and Energy Act 2008 which means that local authorities retain powers to set local energy efficiency standards for new homes.

In light of this statement, the New Homes Policy Playbook published by the UK Green Building Council encourages local authorities to require a 31% reduction on the Dwelling Emission Rate against the Target Emission Rate based on the current requirements in the 2010 Building Regulations (Part L) as a minimum. This is on the basis that the Government have confirmed that the 31% uplift will come into force as a new minimum requirement from 2022. The Playbook also encourages local authorities to go further and introduce energy use intensity targets.

What does this mean for the industry? When viewed in the context of the Government's objective of delivering all homes zero-carbon ready from 2025 arguably any locally imposed requirement to deliver beyond the standards set out in the Building Regulations should be embraced. Dealing with different requirements in different local authority areas is something the industry is used to as a result of different approaches to design within the planning process. But these rational arguments ignore challenges with availability of alternative materials which can be produced without such an impact on the environment (if concrete were a country it would be the third largest emitter of carbon dioxide in the world); and around availability of workforce (a recent report by the Institute of Public Policy Research identified a potential skills gap in construction which could impact net zero targets).

The world is changing, and construction must play its part in that. On 11th November, COP26 provides local government and the industry the chance to start a collaborative relationship delivering a radically different built environment.

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Laura Hughes

Partner

laura.hughes@brownejacobson.com

+44 (0)115 976 6582

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