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DEFINING ZERO CARBON: A SITE-SPECIFIC POLICY

The consultation on the definition of zero carbon for the purposes of the Code for Sustainable Homes has now closed and the government is expected to publish its final proposals this summer.

Developers will be required to achieve a 44% improvement in the energy efficiency of dwellings compared to building regulation (Part L) requirements. The next threshold is intended to be set at 70% reduction in overall emissions. This must be achieved through a combination of energy efficiency and "carbon compliance" measures.

However, it is already clear that the Government does not intend to use the community energy fund proposed by the UK Green Building Council as a means to an aggregated solution to mitigate carbon emissions.

"This is a missed opportunity to use a relatively simple aggregated off-setting system and instead developers will have to implement complicated site-by-site carbon emissions solutions," says Chris Baker, partner and specialist in sustainable real estate development.

Instead, developers will be required to mitigate the balance of emissions through one or more allowable site-specific solutions. These consist of:

- achieving energy efficiency and carbon compliance standards above the minimum requirements;
- the use of building control systems that reduce anticipated energy demand from appliances (e.g. a smart system which turns off appliances if the house is unoccupied) and/or credits for energy efficiency appliance;
- credit for the export of low carbon or renewable heat or cooling from the development to properties previously heated or cooled by fossil fuels;

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- credit for planning gain paid by the developer through section 106 obligations towards low or zero carbon energy infrastructure;
- retrofitting buildings near to the development to improve energy efficiency;
- investment by the developer in low or zero carbon energy infrastructure (in the UK or UK waters) where the benefits of ownership are passed to the purchaser of the homes.

For more information see the Spring issue of *Insite*, a quarterly newsletter containing residential and planning news from Davies Arnold Cooper LLP.

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About Davies Arnold Cooper LLP

Davies Arnold Cooper is a commercial law firm that specialises in real estate and dispute resolution. Established more than 80 years ago, the firm has offices in the UK, Spain and Mexico.

Best known for its work in the insurance and real estate sectors, Davies Arnold Cooper also tops the independent league tables for its work in product liability and is particularly highly rated in commercial litigation, employment and construction.

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