

# Development Management Update



## Information Note: Sustainable Buildings

### Energy and water standards for residential developments

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**An FAQ section is attached to the bottom of this note**

#### Introduction

This note sets out the Local Planning Authority's approach to sustainable building standards following the release of a Written Ministerial Statement (WMS) on 25 March 2015 and the publication of the Productivity Plan: 'Fixing the foundations: creating a more prosperous nation' published 10 July 2015. These represent changes to national planning policy. An extract from each is reproduced below.

As part of the changes, government intends to introduce a new approach to technical standards and to withdraw the Code for Sustainable Homes but allows the continuing use of the Code for 'legacy' cases. The WMS sets out that Planning Authorities may continue to set and apply standards of energy efficiency above Building Regulations, equivalent to a Code level 4 standard. This approach can be maintained until the amendment of the Planning and Energy Act (2008).

The new system for technical standards includes new 'optional' Building Regulations standard for water.

The Productivity Plan indicates an intention not to proceed with the allowable solutions approach nor to introduce the increased energy efficiency standard, and to keep energy efficiency standards under review.

In line with the Written Ministerial Statement the City Council is applying sustainable building standards in accordance with:

- (saved) policy SU2 in the adopted Brighton & Hove Local Plan requiring planning proposals to demonstrate a high standard of efficiency in the use of energy, water and materials; and
- Submission City Plan policy CP8 (Proposed Further Modifications September 2015).

#### New Approach

The Local Planning Authority's response is to maintain a positive, proactive approach to delivering sustainable development, a core planning principle of the National Planning Policy Framework. Some FAQ's are attached to this document which may be useful.

The new energy and water efficiency standards required to be met by the Planning Authority for new housing and to be secured by condition are as follows:

Standards for new build residential development	
Energy	<ul style="list-style-type: none"> <li>• 19% reduction in CO2 emissions over Part L Building Regulations requirements (2013)</li> </ul> <p>This is equivalent to:</p> <ul style="list-style-type: none"> <li>• Level 4 energy performance from outgoing Code for Sustainable Homes; and</li> <li>• 25% improvement against 2010 Part L requirements.</li> </ul>
Water	<ul style="list-style-type: none"> <li>• 'optional' water standards: 110 litres/person/day</li> </ul>

**Extract from the [Written Ministers Statement](#) (March 2015):**

*For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the [Planning and Energy Act 2008](#) in the Deregulation Bill 2015.*

*Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code level 4 equivalent. This statement does not modify the National Planning Policy Framework policy allowing the connection of new housing development to low carbon infrastructure such as district heating networks and infrastructure such as district heating networks.*

**Extract from the ['Fixing the foundations: creating a more prosperous nation'](#) (July 2015):**

*The government does not intend to proceed with the zero carbon Allowable Solutions carbon offsetting scheme, or the proposed 2016 increase in on-site energy efficiency standards, but will keep energy efficiency standards under review, recognizing that existing measures to increase energy efficiency of new buildings should be allowed time to become established (page 45).*

**Local success with Code for Sustainable Homes 5 (CSH5)**

In the meantime the Brighton & Hove construction sector continues to achieve great success working with the construction industry. Recent successful schemes that have achieved CSH Level 5 in 2015 include:

- Thirteen new Code Level 5 dwellings, delivered at Gatton Park Lane to the rear of Redhill Close, Withdean by Bellway Homes. Details of these can be seen on the [Planning Register](#) under 'Land West of Redhill Close Brighton'.
- New detached Code Level 5 house built to the rear of Grantham Road, Brighton. Details of these can be seen on the [Eco Open Houses website](#)

## FAQ's

### Will Brighton & Hove Planning Authority still expect new dwellings to achieve Code for Sustainable Homes level 4?

- No, certification under the Code will no longer be required when permission is granted for new dwellings.
- Instead, new dwellings will be expected to meet minimum energy and water standards:
  - 19% reduction in CO2 emissions over Building Regulations requirements (2013)
  - 110 litres per person per day

### How am I expected to demonstrate water and energy efficiency standards have been achieved?

- Applicants will be asked to commit to the relevant standard when they complete and submit the online 'Sustainability Checklist'.
- These standards will be subject to planning conditions to secure these standards.
- The informative included with the condition explains how this can be achieved.

### Why is the authority asking for 110 litres per person per day?

- The Planning Practice Guidance: Housing- Optional Technical Standards, Water efficiency standards, DCLG, March 2015 states that:

*All new homes already have to meet the mandatory national standard set out in the Building Regulations (of 125 litres/person/day). Where there is a clear local need, local planning authorities can set out Local Plan policies requiring new dwellings to meet the tighter Building Regulations optional requirement of 110 litres/person/day.*

### I have a planning permission with a condition attached requiring me to get a Code for Sustainable Homes certificate. Do I still need to get the certificate?

- Yes. There is no change. Conditions attached to planning permission are valid and need to be discharged (i.e. agreed by the Local Planning Authority).
- The licensing bodies for the Code for Sustainable Homes (BRE and STROMA) are still registering new sites, and have not been asked by government to cease operating.
- Applicants are entitled to submit an application to remove or vary a condition.

### What is the governments' stated timetable for making changes to energy efficiency standards?

- The WMS indicated that the amendment to the Planning and Energy Act (2008) is expected to commence late 2016 at which point energy standards are expected to transfer solely into Building Regulations.

### What did the WMS say about the Code for Sustainable Homes and energy standards?

- The WMS states that *local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations.*
- The WMS goes on to state: *we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code level 4 equivalent.*
- The WMS states: *the government has now withdrawn the code, aside from the management of legacy cases.* However, the licensing bodies for the Code for Sustainable Homes (BRE and STROMA) are still registering new sites, and have not been asked by government to cease operating.

### What does this mean for Brighton & Hove's local standards?

- All 'legacy' Code for Sustainable Homes conditions applied to permissions are lawful and need to be met.
- All new dwellings will be expected to meet the water and energy efficiency standards, but conditions to meet the Code for Sustainable Homes standards will no longer be attached to permissions for new dwellings.
- BREEAM standards for non-residential and commercial development remain the same.

- BREEAM Domestic Refurbishment standards for conversions will no longer be applied. This reflects the Government approach as set out in the WMS and the Proposed Further Modifications of City Plan Policy CP8 (September 2015).

**What does this mean for local standards in future?**

- Energy standards are in a transitional period prior to amendments to the Planning and Energy Act (2008).
- Government intend to make a 'commencement order' to amend the Planning and Energy Act (2008). This will remove local authority power to require energy standards higher than Building Regulations.

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