



CLASP.

North West Responding to Climate Change Supported Learning Group

Planning and Building Control

18th May 2011

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CLASP.

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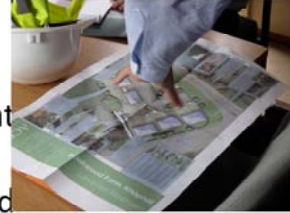




Two sides of the same coin

Planning and building control both:

- are essential to delivering development to the standard the nation requires
- share the same client/customer base – although the two services are often accessed at different points in the process
- have complex codes, standards, techniques and technologies for achieving sustainability, which are critical to reducing carbon consumption in building construction and management
- need to achieve efficiencies and improved customer service





Purpose

- Building Regulations exist principally to ensure the health, safety, welfare and convenience of people in and around buildings, and the water and energy efficiency of buildings
- Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development



Source: *DCLG*



How building control works

- Building control ensures compliance in standards of building construction and performance by reference to codes and regulations, which require interpretation and interpolation in order that a proposal can be 'deemed to satisfy' the Regulations.
- It is delivered to clients by a Building Control Body (BCB), which may be either a local authority building control service or a private sector Approved Inspector (AI)
- Certain types of building work can be self-certified as compliant with Building Regulations by a member of a Competent Persons Scheme (CPS) without the need to notify a BCB.
- As performance standards are raised to meet demanding construction, sustainability and low carbon targets the technical requirements of building control are developing rapidly.





How planning works

- Planning requires that proposals conform to plans, policies and standards; but also judges each case on its merits.
- It is delivered by both public and private sectors – although decisions on development proposals are only made by public sector authorities.
- Planning also involves considerable exercise of both judgement and interpretation, but operates within a policy context that is based less on technical performance standards, is more open to interpretation and is accompanied by more public debate and consultation.
- Traditionally it has an adversarial culture and well-established and frequently used mechanisms for appealing decisions.
- It is essentially a political process in which judgement of 'success' or 'failure' is often subjective





Towards zero carbon development

- In *Building a Greener Future: Towards Zero Carbon Development* the government set out the ambition to “move towards zero carbon development over time” by way of an initial transition to low carbon development, through measures that drive down carbon dioxide emissions from homes, buildings and other infrastructure; and ultimately to zero carbon, i.e. zero net carbon emissions from new development
- Three main policy levers were identified that can affect the energy performance of new development:
 - the planning system – which sets out the overall framework for development
 - the Code for Sustainable Homes – which provides the mechanism for developing and demonstrating higher environmental standards; and
 - Building Regulations – which ensure tougher energy/carbon standards for all developments, including new homes





The relationship

Government in 2006 envisaged:

- a complementary relationship between the planning system and Building Regulations/the Code
- In considering the location and design of new development, **planning** can reduce the need to travel and build in provision for low carbon or renewable sources of energy supply
- **Building Regulations and the Code** are focused on the performance of the buildings themselves
- Proposals for improving the energy performance requirements of Part L of the Building Regulations were proposed so that over time all new homes meet the energy/carbon standards set out in the Code





Lack of clarity

- On occasions there is a lack of clarity over the respective roles of planning and building control and a failure to ensure that links between the two services are made at appropriate points in the approval and development process to avoid duplication, overlap and conflict and improve service delivery
- It would be helpful if the two services identified their shared objectives – around sustainability and low carbon - and had better defined remits and responsibilities
- Source: *Improving the Connection*, NPF Sept 2010,
<http://www.natplanforum.org.uk/Improving%20the%20Connection%20-%20final%20draft%2013.08.10.pdf>





Clarifying the overlap 1

- PPS1 (para 30) states “Planning policies should not replicate, cut across, or detrimentally affect matters within the scope of other legislative requirement, such as those set out in building regulations for energy efficiency”

issues	planning	potential overlap /grey area	building regulation
Design and construction practice	PPS1	Construction site practices	
Carbon emissions	PPS1 PPS2: renewables, intentions for climate change PPS, orientation of building and layout, efficient supply e.g. CHP	Going above part L	Part F (ventilation) Part J (heat producing appliances) Part L (conservation of fuel and power)



Clarifying the overlap 2

issues	planning	potential overlap /grey area	building regulation
Water	PPS23: SuDS PPG25/PPS25: Flooding	Water efficiency	Part H (drainage and disposal) Intention to include water efficiency standards
Materials efficiency in construction	PPS1	Construction site waste management	
Household and commercial recycling	Waste collection	Recycling storage and facilities	Part H (drainage and waste disposal) – only provides guidance for recycling storage



Clarifying the overlap 3

issues	planning	potential overlap /grey area	building regulation
Environmental protection and enhancement	PPS1, PPS7, PPS9, PPS23	Building integrated biodiversity Construction site related issues	
Adaptation to climate change	PPS1 Intention for climate change PPS (?)	Flexible building performance	Part F (ventilation)

Source: *planning policies for sustainable buildings*, LGA, POS, WRAP, PAS Oct 2006,
<http://www.lga.gov.uk/lga/aio/179453>



Going beyond building regulations 1

- North Devon's SPD deals with expected changes in building regulations, particularly in regard to energy efficiency
- gives the SPD flexibility as national requirements change
- Table shows where the changes in part L of building regulations link with the Code for Sustainable Homes

Date	2010	2013	2016
Carbon improvement over Part L 2006	25%	44%	Carbon zero
Equivalent energy standard in the Code	Code level 3	Code level 4	Code level 6

Source: Sustainable Design & Construction SPD, North Devon DC, January 2010
http://www.northdevon.gov.uk/sustainable_design_construction_spd.pdf



Going beyond building regulations 2

- Brighton & Hove's SPD includes a carbon neutral standard for new residential development of 3 or more units where new build should emit zero net annual CO2 emissions from energy use (regulated and unregulated emissions)
- Where carbon neutrality NOT delivered on site, 2 options for off-setting onsite CO2 emissions:
 - Via financial contribution (£1/kg CO2/annum) to council's energy efficiency and renewable energy grants for householders, or
 - Via improvements to existing stock delivered by the developer

Source: *Sustainable Building Design*, BHCC June 2008 http://www.brighton-hove.gov.uk/downloads/bhcc/ldf/adopted_Sustainable_Building_Design_SPD_8.pdf





Going beyond building regulations 3

- American Express office redevelopment in Brighton proposed BREEAM 'excellent' including 60% in BREEAM energy section and 40% carbon reduction target against a Part L compliant development
- This fell short of the Council's expected standards so through negotiations AmEx opted for
 - S106 contributions to reduce carbon emissions in the school neighbouring the site (carbon savings predicted of 22 Ctonnes p.a.)
 - Offset emissions to level of 40% reduction using different financial value for carbon offset lower than BHCC uses
- BHCC see this as:
 - a significant success in the application of an approach to mitigate carbon impacts of development in the city
 - a test case demonstrating how the policy can be applied, even to non-residential development



Source: *BHCC carbon neutral standard – implementation test case*, BREEAM Nov 2009
http://www.breeam.org/filelibrary/Brighton_Hove's_Case_Study.pdf





Relaxing building regulations

- The Building Act 1984 gives the power to a local authority to relax or dispense with a particular requirement in Schedule 1 to the Building Regulations
- The requirements are expressed in broad, functional terms and relate to what is 'reasonable', 'adequate' or 'appropriate'. They are referred to as 'functional requirements' and are grouped under thirteen 'parts'
- Requests for either a relaxation or a dispensation must clearly set out the case
- In seeking a relaxation the reasons should be stated why a requirement is too onerous and why the developer should not comply with a particular aspect of it
- In seeking a dispensation the developer will need to justify clearly why the whole of a requirement is inappropriate, or unreasonable, in the particular circumstances of the plans or building works





Using an Approved Inspector

- Role of approval and inspection was solely the domain of local authorities until deregulated
- An Approved Inspector is required by regulation 11 of the Building (Approved Inspectors etc.) Regulations 2000 (as amended) to take such steps as are reasonable, within the limits of professional skill and care, to ensure that regulations are met. What constitutes 'reasonable steps' is not specified
- Approved Inspectors are required to use professional skill and judgement in their selection of priorities for inspection and avoid unnecessary inspections of low-risk stages
- At present local authorities are not required to carry out any inspection at all, but the Government is encouraging all building control bodies to adopt this 'risk-based approach'



Source: Association of Consultant Approved Inspectors
<http://approvedinspectors.org.uk/about-approved-inspectors/>

- Benefits of using an Approved Inspector:
 - Solving your problems, and saving money
 - Working with you, not against you
 - Avoidance of unnecessary bureaucracy
 - Qualified advice

Source: <http://www.approvedinspectorsltd.co.uk/benefits.shtml>





Code for Sustainable Homes

- CSH: Guidance - sets out the current assessment process and the performance standards required for the Code: [The Code for Sustainable Homes: Setting the Sustainability Standards for new homes](#) published on 27 February 2008.
- CSH: Technical guide sets out the requirements for the Code, and the process by which a Code assessment is reached. It aims to make gaining a Code assessment as simple, transparent and rigorous as possible.
 - The latest version is the '2010' Technical Guidance which comes into effect from the 11 November 2010. It replaces the 'May 2009 Version 2' of the Code Technical Guidance
 - A summary of the main changes made to the Code are provided in [The Code for Sustainable Homes: Summary of the changes to the Technical Guidance - 2010](#)
- The previous or the new version of the Code may apply, see [The Code for Sustainable Homes: Transitional Arrangements](#)
- The CSH now also uses the '[Water Efficiency Calculator for New Dwellings](#)' as the Assessment Methodology for WAT1





Changes to the 2010 update to CSH 1

Aligning the Code with zero carbon policy

- Aligning the Code with Part L 2010. Code level 4 continues to be a 44 per cent improvement above Part L 2006 (25 per cent above Part L 2010).
- Adopting the Fabric Energy Efficiency Standard which replaces Heat Loss Parameter in ENE2.
- Moving credits from ENE1 to ENE2 to incentivise a 'fabric first approach'.
- Allowing fractions of credits in ENE1 and 2 (NB. if this proves successful the Government may consider rolling it out to other areas as appropriate).
- Removing credits for internal lighting and replacing it with a new Energy Display category.
- Requiring evidence to be provided by house builders on the energy efficiency of appliances provided as optional extras if they choose to gain the 1 credit for leaflet provision.
- Introducing a requirement for certification under the Microgeneration Certification Scheme or assurance under the CHPQA, in issue Ene7.



Code for Sustainable Homes
Technical Guide
November 2010





Changes to the 2010 update to CSH 2

Streamlining the Code

- Postponing the introduction of Lifetime Homes as a mandatory requirement at Code level 4 and 5
- Introducing an exemption on steeply sloping sites for the external Lifetime Homes requirements, and award three out of the four available points
- Changing the technical guide criteria in order to better reflect current thinking and standards on accessibility.
- Removing the mandatory requirement for Site Waste Management Plans, and replacing this with voluntary credits for minimising or diverting waste to landfill



Code for Sustainable Homes
Technical Guide
November 2010



Resolving problems that have arisen in use

- Adopting the revised standards for Surface Water Management in SUR1, subject to amendments by the Environment Agency and other experts. However this will be removed once the National Standards for SUDS are introduced

Source: *Summary of changes to the Code for Sustainable Homes technical guidance*,
DCLG, Nov 2010

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/17/>





CSH implementation programme

- LPAs should be targeting achievement of code levels 4 - 6 dwellings in current applications for large developments with phased implementation
- Should policies be seeking better than code level 6 for the post-2016 period?



Source: *Greener Homes for the Future*, DCLG, May 2008

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/803784.pdf>



What is zero carbon?

- RICS said it is 'not realistic' to achieve zero carbon by 2016 : <http://www.propertyweek.com/news/2016-zero-carbon-targets-not-realistic-rics-warns-government/3136678.article#ixzz1JUK6Tii3>
- FMB says "definition of 'Zero Carbon' homes needs to be realistic and not idealistic if we are to have a real chance of creating greener, more energy efficient homes ": <http://www.housingexcellence.co.uk/news/fmb-calls-definition-zero-carbon%E2%80%99-homes-be-more-realistic-349113>
- Government redefines zero as it abandons green homes commitment: <http://www.guardian.co.uk/environment/georgemonbiot/2010/nov/26/zero-carbon-homes>
- Budget has removed the unregulated emissions from the definition of zero carbon : <http://www.novamedia1999.co.uk/zerocarbonhub/march2011/>





Merging support functions

- **Advantages**
 - Customer focus
 - Learning from each other
 - Working together
 - Cost savings
- **Top Tips**
 - Proper staff involvement
 - Co-Location,
 - Clear objectives and good communication
- **Examples** include: Barnsley Metropolitan Borough Council, Bolton Council, Gloucester City Council, South Gloucestershire Council and Wigan Metropolitan Borough Council
- Source: Merging support functions for planning and building control, PAS <http://www.pas.gov.uk/pas/core/page.do?pageId=1042858#contents-5>



Proper staff involvement

“Speak to your staff about the changes in roles and service provision – working with them to design the service – they have come up with good ideas which have been implemented”

Co-Location,

“Get everyone to be sitting together”

Clear objectives and good communication

“Making sure everyone is focused on outcomes required”



Further information

- Building Regulations 2010
<http://www.legislation.gov.uk/uksi/2010/2214/contents/made>
- Local Authority Building Control
<http://www.labc.uk.com>