

**Brighton and Hove City Council  
City Planning**

**Local Development Framework**

**Draft Sustainable**

**Building Design**

**Supplementary Planning Document**

**Summary of responses to public consultation**

December 2007

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## 1 Introduction

This report provides a summary and analysis of responses received in relation to the public consultation on the Draft Sustainable Building Design SPD. The document was out for consultation between 26 October and 7 December 2007 and attracted 41 responses.

Responses were grouped by theme raised. The analysis is based on responses registered in term of their support or objection to SPD proposals, concerns raised and suggestions made regarding any particular theme. A list of respondents is provided at the end of the document.

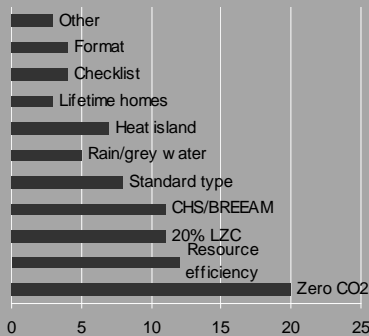
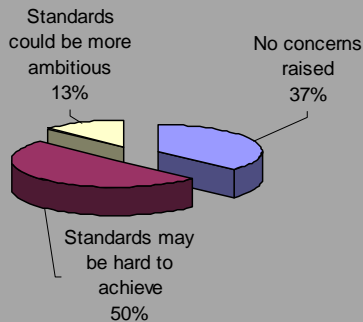
This report sets out the views of respondents, not the views of Local Authority itself.

In summary, there is broad support for the format, objectives and proposals set out in SPD. A significant number of detailed responses provide evidence and insight that will help local policy makers to refine and develop the document further.

The final version of this SPD is due to be submitted to Brighton & Hove City Council's Environment Committee for adoption in March 2008.

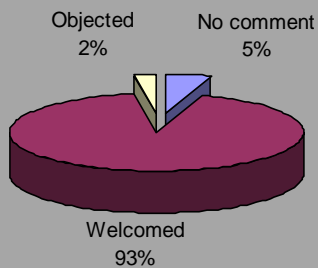
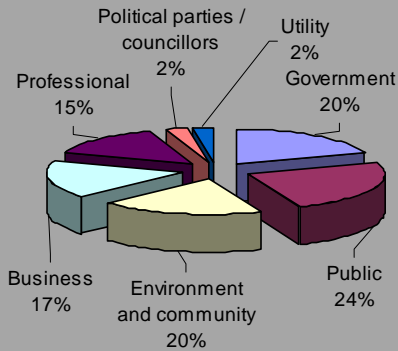
## 2

### Executive summary



- Overall 93% of respondents welcomed the document as a means of setting local standards for sustainable building design.
- As the graph on the left indicates, 37% of respondents registered no significant concerns over document content. Among those were two statutory consultees: the Environment Agency and Natural England.
- 63% of respondents raised various concerns over particular standards set out in the document. Some, mainly from the business and professional sector, felt the standards were too stringent or would be difficult to meet. Others, mainly from the public, political party and environment/community sectors, who felt standards could be more stringent.
- As the chart on the left indicates, issues attracting the highest number of comments were:
  - zero net annual CO<sub>2</sub> emissions from energy use (and off-setting via improvements to existing homes);
  - resource efficiency and climate change proofing;
  - 20% CO<sub>2</sub> emissions from onsite low and zero carbon (LZC) technologies; and
  - CSH/BREEAM minimum standards.
- As far as proposals for **zero net annual CO<sub>2</sub> emissions** from energy use is concerned half of respondents to this issue felt more clarity is needed with regards to the implementation details. Respondents from the business sector felt flexibility of approach to cater for site-specific constraints, financial viability and delivery of additional benefits needs to be built into the document.
- As far as **resource efficiency and climate change proofing** is concerned the majority of respondents welcomed requirements for more resource-efficient buildings. Suggestions were made to push the agenda further, particularly when it comes to climate change proofing in general and energy, water, water run-off and SUDS in particular.
- As far as **20% onsite low and zero carbon (LZC) technologies** are concerned the majority of those commenting on this issue, mostly from the business sector, felt the use of a pre-established minimum percentage for on-site provision as a blanket policy was not flexible enough to cater for site conditions and limits of low and zero carbon technologies.
- As far as **CSH/BREEAM** is concerned the majority of those commenting on this issue welcomed the use of minimum standards as proposed.

### 3 Summary of findings



For the purpose of this analysis findings have been broken down into 7 respondent categories:

- Government (sections/departments of Brighton & Hove City Council, government agencies and regional organisations);
- Public (members of the public);
- Environment and community groups (includes amenity, voluntary sector and local groups);
- Businesses (landowners, developers and builders);
- Professional organisations (including planners, consultants and architects);
- Political parties; and
- Utility companies.

Of the 41 responses received, 8 have been received from government bodies, 10 from the public, 8 from environment and community groups, 7 from businesses, 6 from professional organisations, 1 from a political party and 1 from a utility company.

As the graph on the left shows, the majority of respondents (38) welcomed the production of the document, some providing detailed comments on SPD contents.

2 respondents (including one from the environment and community and government sectors) did not provide comments on SPD content.

### 3.1 Setting standards for Brighton & Hove

#### Objecting

One respondent from the business sector (House Builders Federation) felt there was no merit in pursuing local standards and that the document does not meet requirements set out in national policy in general and Planning Policy Statement 12 (Local Development Frameworks) in particular.

#### Supporting

Of the 38 respondents who provided comments, 27 (96%) from various sectors commended willingness to face up to the environmental challenges facing the city with 8 (29%) commending the leadership of the local authority, particularly in the area of climate change.

As the table below indicates, 14 (34%) of the 41 respondents raised no significant concerns over SPD content. Among those raising no concerns were the Environment Agency, Natural England and the South East England Regional Assembly (SEERA).

	Government	Public	Environment and community	Businesses	Professional	Political party	Utility	Total
No concerns raised	3	5	4	-	1		1	14
Concerns standards may be hard to achieve in some areas	3	3	3	6	5	-	-	19
Concerns standards could be more ambitious in some areas	1	2	-	-	-	1	-	5

### Concerns

24 (59%) of a total of 41 respondents raised concerns over some of the standards set out in the document. As the table above indicates, the majority felt certain standards and/or a combination of standards may be hard to achieve while 5 felt the standards could be more ambitious.

11 (58%) of the 24 respondents registering concerns over achievable standards were from the business and professional sectors. For most (9), potential adverse impact upon **cost, financial viability and affordability** of development schemes were at the heart of their concerns. Most felt rigid implementation of SPD requirements could compromise future development in the city. The other 2 respondents (one professional and one political party) felt cost impacts upon new build are determined by the overall market and not by sustainability standards. They suggested the tools are available for meeting standards and expertise and commitment is what is needed. They also felt the document could benefit from more ambitious standards.

One respondent from the business sector felt too much technical information/expertise will be required of planning applicants before planning approval can be granted with likely cost implications.

The respondent who suggested the document be dropped cited unrealistic targets and costs as justifications for doing so.

16 (40%) of a total of 41 respondents expressed concern over **implementation** issues. Of those 11 (69%) felt flexibility would be needed when implementing particular standards and or combination of standards. 7 (44%) felt monitoring and benchmarking would be instrumental in securing implementation.

2 respondents from professional organisations registered concern over the ability of in-house council planning staff to deal with the workload associated with the sustainability checklist and pre-application consultation demand within required deadlines.

### Suggestions

11 (58%) of the 24 respondents who registered concerns over achievable standards suggested **flexibility** should be built into the document to allow for negotiation over such as:

- site-specific conditions;
- economic viability and delivery of affordable housing and other community uses (such as schools);
- balance with other Section 106 (Planning Obligations) requirements;
- overall merits/nature of scheme (including conservation); and
- delivery of other benefits such as regeneration.

One developer suggested a phased approach to **rising standards over time** as a means of granting the construction industry time to absorb changing standards.

4 (10%) of a total of 41 respondents suggested **further research** is needed to assess the cost impact of sustainability measures.

1 respondent from the local government sector suggested the **baseline training** for all developers on SPD requirements be provided.

11 (27%) of a total of 41 respondents put forward suggestions for **re-wording** of particular segments of the document and 16 (39%) indicated **further clarification** was needed with regards to particular concepts, standard, targets and means of achieving requirements.

These as well as other comments and suggestions regarding particular requirements are detailed later in this document.

4 (10%) of a total of 41 respondents registered comments regarding the proposed document format.

### Supporting

All 4 respondents (3 from the government sector) welcomed the proposed format (written statement detailing requirements and dedicated webpages containing supporting information and advice).

## 3.2 Format

### 3.3 Standards by development type

#### **Suggestions**

One respondent suggested that an e-learning specialist company be appointed to develop and manage both website and learning package to deliver interactive and positive learning experience. Another that the main document should be more target-based and provide more clarity on how performance can be measured and practical guidance on how to achieve targets. Another felt that practical examples could be incorporated to make document easier to understand. Another that the policy section should be expanded in main document and technical segments shifted to annex.

8 (20%) of a total of 41 respondents registered comments regarding this issue.

#### **Supporting**

7 respondents from various sectors (government, member of the public, business, environment and community groups and utility company) welcomed this approach as acknowledging the role economies of scale play in the development process.

6 respondents welcomed the inclusion of minimum standards for householder and small-scale developments and/or measures targeting the existing stock.

#### **Concerns**

2 members of the public felt standards could be raised for the householder/small development category, while 2 others, from local government and a local professional organisation, felt proposed standards could be difficult to achieve for those within this as well as the medium-scale category.

### 3.4 Zero net annual CO2 emissions from energy use

20 (49%) of a total of 41 respondents registered comments regarding no net annual CO2 emissions from energy use and/or off-site off-setting of residual onsite CO2 emissions.

#### **Objecting**

One respondent from the business sector objected to the establishment of local standards for CO2 reduction.

#### **Supporting**

7 respondents supported in principle the proposal for carbon emissions reduction. 4 of those felt the proposals do not go far enough suggesting that a percentage reduction be set for smaller development sizes. The remaining 3 felt flexibility in the application of this principle

would be important to safeguard implementation.

### Concerns

7 respondents suggested the no net annual carbon emissions requirement accompanied by off-setting measures to improve the environmental performance of existing homes could be contrary to the provisions of Circular 05/05 (this circular provides guidance on the use of planning obligations in England under section 106 of the Town and Country Planning Act 1990 as substituted by the Planning and Compensation Act 1991).

A few commentators felt using contributions to upgrade the council's own stock and/or 'taxing' new homes would be inappropriate within the framework of Circular 05/05.

### Suggestions

10 respondents felt more clarity is needed with regards to:

- building flexibility into the zero carbon definition;
- how no net annual emissions from energy use fares against the Code for Sustainable Homes Level 6;
- how the carbon calculator works (including more detail on baselines and base values used);
- how to meet targets;
- how contributions to off-set CO<sub>2</sub> emissions will be used and how it fits into the framework of Circular 05/05; and
- whether other sources of funding for improving the existing stock would be pursued.

7 respondents suggested a legal opinion be taken to assess whether this standard is Circular 05/05 compliant.

2 respondents suggested examples of zero carbon development in Brighton be incorporated into the SPD.

One respondent suggested that instead of requesting a commuted sum the local authority should put in place financial incentives for developers such as fast tracking complying planning applications.

Another suggested a 'notional' Part L compliant building could be used as a baseline for setting targets for carbon reduction.

11 (27%) of a total of 41 respondents registered comments regarding proposed standards for low and zero carbon technologies (LZC) technologies.

### Objecting

One respondent, from the business sector, opposed the use



of a pre-established minimum percentage for on-site provision.

### **Supporting**

2 respondents agreed in principle with this proposal, particularly the fact that no specific technology is required.

One respondent from a political party suggested more grants need to be put in place to support energy efficiency improvement in existing stock and/or the use of LZC technologies, particularly roof and cavity wall insulation and solar heating.

### **Concerns**

7 respondents, mostly from the business sector, felt the use of a pre-established minimum percentage for on-site provision as a blanket policy was not flexible enough. They felt the choice of technologies available and on-site limitations does not allow for such a target to be met in every situation.

One respondent from the government sector considered 20% for medium-scale developments too high.

Another respondent felt 20% was too low.

### **Suggestions**

All those from the business sector that expressed concern over a blanket approach suggested flexibility needs to be built into implementation.

4 respondents suggested that further information on LZC technologies their pros and cons needs to be incorporated into the document as well as (including biodiesel from recycled oils) reference to the council's Microgeneration Planning Advice Note (PAN).

One respondent from a political party suggested more clarity was needed with regards to LZC baseline used to judge CO2 emissions reduction against. This respondent also suggested that:

- among the options considered from meeting the 20% requirement there should be no 'buy in' of green electricity;
- onsite provision be clearly favoured as opposed to off-site options;
- when off-site provision is incorporated, only new generating capacity be factored in;
- solar thermal be made a requirement for all development;
- all non-residential uses should be subject to LZC requirement (10%-20%).

### 3.6 CHS/BREEAM standards

11 (27%) of a total of 41 respondents registered comments regarding the use of Code for Sustainable Homes (CSH) and BREEAM standards.

#### **Objecting**

One respondent from the business sector objected to the use of CSH levels locally. It was felt these should be set at the national level and guided by raising standards in Building Regulation up to the Government's 2016 zero carbon target.

3 respondents objected to higher standards set for Greenfield sites.

#### **Supporting**

5 respondents welcomed the use of proposed standards, including EcoHomes for refurbishment, for the various development sizes. 2 respondents highlighted the potential these give for progression over time of such standards.

#### **Concerns**

3 of the 5 respondents supporting proposed standards, mostly from the government sector, suggested standards could be higher for some or all development sizes.

One respondent felt insulation standards within the Code for Sustainable Homes were too low and that minimum U values should be specified instead.

#### **Suggestions**

One respondent from the business sector suggested CSH Level 3 could be required for major developments with aspiration to move to L4 in as future policy objective until the impact of delivering Level 3 is properly assessed.

One respondent from a political party suggested a phased progression to higher CSH levels could be incorporated into the SPD (one level up from those currently proposed by 2011) or that a statement be added indicating that current levels will be reviewed in 3 years.

One respondent from a professional organisation suggested insulation standards be guided by specification of minimum U values rather than CSH L3 and that good practice examples for higher insulation levels be provided.

### 3.7 Resource efficiency and climate change proofing

12 (29%) of a total of 41 respondents registered comments regarding the resource efficiency and climate change proofing.

#### Supporting

Overall these respondents welcomed proposals to require developers to demonstrate higher levels of resource efficiency in buildings, particularly when it comes to water, water run-off, SUDS, energy and standards for existing buildings.

#### Concerns

Respondents felt more could be incorporated into the document with regards to:

- water neutrality
- efficient and sustainable water supply and wastewater infrastructure;
- the use of green roofs and walls;
- SUDS and flooding;
- climate proofing, particularly natural cooling and ventilation; and
- materials.

#### Suggestions

On energy:

- consider using wording of Uttlesford Council policy for extensions with improvements to existing building;
- consider introducing planning restrictions on the use of outside patio heaters;
- make chimney in living room mandatory as a way of facilitating alternative methods of heating; and
- consider ban on retail outlets open door use which rely on hot air blowers (no draught lobbies).

On water:

- encourage suppliers to provide more highly efficiency water appliances and double glazing;
- make reference to good practice examples (Making Space for Water – Uckfield, Water neutrality in Thames Gateway report, Progression to higher CSH levels (Horsham - SPD for West Horsham); and
- Southern Water suggested that in order to comply with PPS 1 paragraph 36, the local authority makes sure:
  - onsite and off-site sewers are constructed to 'Sewers for Adoption' standards (major developments)
  - surface water is separated from foul sewers;
  - pre-construction agreements are put in place at large and/or for mixed ownership sites to coordinate whole-site approach to water resources.

On water-run off and SUDS:

- provide good practice examples of block paving as part

### 3.8. Rainwater harvesting/grey water recycling systems

of SUDS proposals and chalk sub-strata and potential for use as soakaway.

Additionally, one respondent suggested the incorporation of good practice examples of green roofs, particularly those that do not rely on use sprinklers for maintenance.

5 (12%) of a total of 41 respondents registered comments regarding the rainwater harvesting and/or grey water recycling systems.

#### **Supporting**

One respondent from the government sector (Environment Agency) welcomed the request of a feasibility study. The remaining 4 felt this requirement could be extended to all development and for major developments to make it a requirement rather than a request for feasibility study.

#### **Suggestions**

One respondent from a political party suggested that the onus should be on the developer to demonstrate these systems are not appropriate. Also it was suggested that the document indicates what are valid reasons for not incorporating such systems as, for instance, excessively high carbon emissions.

### 3.9 Off-site tree planting

7 (17%) of a total of 41 respondents registered comments regarding the off-site tree planting.

#### **Supporting**

2 respondents, one of which was Natural England, welcomed this proposal as it not only helps to minimise heat island effect but enhances biodiversity and contributes to the green infrastructure of the city.

#### **Concerns**

1 respondent queried how off-site contribution to tree planting would off-set the heat island effect of particular buildings.

#### **Suggestions**

3 respondents from the business and professional sectors felt more clarity is needed with regards to how on-site provision of tree planting will be used and how it would fare against off-site tree planting in vicinity of the site.

Natural England recommended that the most appropriate species be used such as wildlife native species of local provenance.

### 3.10 Lifetime home standards

3 (7%) of a total of 41 respondents registered comments with regards to the Lifetime home standards.

#### **Objecting**

One respondent from the business sector objected to this proposal as a blanket policy.

#### **Supporting**

Two respondents, one from the business sector and one from the government sector welcomed the use of such standards.

### 3.11 Sustainability checklist

4 (10%) of a total of 41 respondents registered comments with regards to the sustainability checklist.

#### **Supporting**

Two respondents from a political party and government sector welcomed the proposed checklist.

#### **Concerns**

One respondent from the professional sector felt the proposed householder/small-scale checklist was too complex (not suitable for applicants within this threshold), that the online tool for planning applications could disenfranchise the computer-illiterate and that for those using the Energy Saving Trust report there could be a risk of being subject to identity fraud (as EST keeps info on applicants to the report).

Two respondents from a political party and government sector suggested the requirement for submission of the checklist could be extended to other types of development.

#### **Suggestion**

One respondent from the professional sector suggested more information be provided for householders with regards to what would be expected of applicants that have done all that could be done to improve the performance of existing buildings at a reasonable cost. This respondent also suggested more information on checklist status when it comes to planning appraisal of application is provided and that selected questions from householder checklist could be removed to make it shorter.

One respondent from a political party suggested guidance be given on what counts as an acceptably completed checklist for each development size.

### 3.12

#### **Supporting**

**Other issues**

3 (7%) of a total of 41 respondents from the business and government sectors welcomed the inclusion of commitment to Considerate Constructors Scheme.

**Concerns**

One member of the public felt the document did not deal with the sustainable transport satisfactorily.

**4**

**List of respondents**

Adamson, Catherine  
Brighton & Hove City Council's Architecture & Design  
Brighton & Hove City Council's Conservation & Design  
Brighton & Hove City Council's Cultural Services  
Brighton & Hove Economic Partnership  
Brighton & Hove Housing Partnership  
Buildings Group and Hub Group Transition Brighton and Hove  
Cathedral Group plc  
Chowns, Jonny  
Commission for Architecture and the Built Environment (CABE)  
Creedy, Michael  
Derwent, Stuart  
Duff, Stephen  
Ecosys Environmental Management & Education  
Edmond-Smith, Joyce  
Environment Agency  
Explore Living / Laing O'Rourke  
Fairview New Homes  
Green Party group of Councillors  
House Builders Federation  
Ken Neal and Associates, Building Design and Environmental Consultants  
Kuchler, Wolfgang  
Miller Bourne Architects  
Mott MacDonald Group  
Natural England  
Parker Dann  
Peterkin, Craig  
Pollack, Brenda  
Rottingdean Preservation Society  
Royal Institute of British Architects (RIBA), Sussex branch  
RPS Group



Sainsbury's Supermarkets  
South East England Regional Assembly (SEERA)  
Southern Water  
St James Investments  
Sussex Wildlife Trust  
The Brighton Society  
The Round Hill Society  
The Theatres Trust  
Unique to Brighton  
Waldbaum, Hanna