

SUSTAINABLE CONSTRUCTION AND DESIGN Guidance Note

for Developers and Planners

(To be read in conjunction with the
[‘Sustainable Construction and Design
Validation Certificate’](#))



June 2010

(Second revision February 2014)



1. What are we trying to achieve?

- 1.1 The evidence that the activities of humankind are changing the planet's climate is compelling. Adaptation to and mitigation of this climate change is one of the greatest challenges facing society today. If left unchecked, the effects of climate change have the potential to result in widespread environmental and economic harm. Everyone in society has the ability to make valuable contributions in reducing levels of carbon emissions and reducing harm and risks to the environment.
- 1.2 The government is committed to reducing emissions of carbon dioxide, and the planning system can play an important role in this. The UK has legally binding targets for 15% of its energy needs to be provided by renewable sources by 2020. The UK Renewable Energy Strategy (DECC 2009)¹ sets a target of 30% of electricity compared to 5.5% today, and 12% of heat generation to be provided by renewable sources by 2020. In addition to an increase in renewable energy production, the UK is also committed to lowering emissions of greenhouse gases such as carbon dioxide. The European Union Climate and Energy Package, formally agreed in 2009² commits the EU to achieving a reduction in EU greenhouse gas emissions of 20% by 2020 compared to 1990 levels.
- 1.3 Although these targets are ambitious, they are achievable and everyone can play their part in working towards them. As well as changes in behaviour and technology, it is particularly important for new development to make the most of the opportunities available to reduce its impact on the environment. A reduction in the amount of energy we consume is equally important, as is producing future energy from less environmentally harmful sources.
- 1.4 This leaflet provides guidance for landowners, developers, applicants, agents, council officers and elected members on how to adapt to and mitigate the effects of climate change, how policy EQ1 of the Harrogate District Local Development Framework should be applied to proposals for new development and how they should be complied with.

¹ The UK Renewable Energy Strategy. Department of Energy and Climate Change, July 2009.

² EU Climate and Energy Package 2008.



2. How can planning policy help?

- 2.1 Many policies at a national and local level refer to climate change. However there are three policies that deal specifically with this issue. These are currently:

Local Policy:

'Policy EQ1 - Reducing Risks to the Environment' of the Harrogate District Local Development Framework's [Core Strategy](#).

National Policy:

[National Planning Policy Framework](#)

Details of policy EQ1 is given in Appendix 1.

- 2.2 **Policy EQ1 of the Harrogate District Core Strategy.**
Part A of Policy EQ1 is a general 'steer' towards reducing risks to the environment posed by development, by encouraging new developments to minimise energy and water consumption, the use of natural non-renewable resources, travel by car, flood risk and waste. The delivery of Part A requires you to think more carefully about what you do and how you do it (See Section 6).
- 2.3 Part B of Policy EQ1 sets out standards to be met for certain proposed developments. Residential developments completed from 1.1.2011 are required to meet Level 4 of the [Code For Sustainable Homes](#). Other types of development are required to meet the 'very good' standard of the [Building Research Establishment Environmental Assessment Method](#) (BREEAM).
- 2.4 **New Dwellings.**
All new build residential proposals are required to meet Level 4 of the Code for Sustainable Homes if submitted prior to the end of 2015. If they are submitted from 2016 onwards, then they must meet Code Level 6. In order for an application for such development to be registered, the application must be accompanied by a 'pre-assessment estimator' completed by an accredited assessor (visit [Green Book Live](#) for details of accredited assessors) to show, up front, that the proposal can meet the required standard. A [Validation Certificate](#) will also need to be completed and submitted with the application.



2.5 **Other Development.**

New build development for detached non-residential buildings (including detached buildings within domestic curtilages) are required to meet the 'very good' standard of the [Building Research Establishment Environmental Assessment Method](#) (BREEAM). Again, a 'pre-assessment estimator' completed by an accredited assessor to show, up front, that the proposal can meet the required standard, must accompany the application. A [Validation Certificate](#) will also need to be completed.

2.6 Conversions or extensions for non-residential proposals with a gross external floor space of 500m² or more, must meet the 'very good' standard of the [Building Research Establishment Environmental Assessment Method](#) (BREEAM). Again, a 'pre-assessment estimator' completed by an accredited assessor (visit [Green Book Live](#) for details of accredited assessors) to show, up front, that the proposal can meet the required standard, must accompany the application. A [Validation Certificate](#) will also need to be completed.

2.7 **Outline and Reserved Matters Applications.**

For applications for outline planning permission (both residential and non-residential), the level of accompanying information required depends on the matters that are being considered. For applications where appearance and layout are NOT being considered, the outline application will not need to be accompanied by a pre-assessment estimator, but a completed Validation Certificate is still required. Should outline permission be granted, it would be subject to a condition requiring the development to meet the relevant levels of the Code for Sustainable Homes or BREEAM. The subsequent reserved matters application would need to be accompanied by the appropriate pre-assessment estimator. Should outline planning permission be granted, the subsequent Reserved Matters application will also need to be accompanied by a pre-assessment estimator. It is anticipated that this could be same as that submitted with the original outline application if there has been no change in circumstances.

2.8 For applications for outline planning permission where either appearance and/or layout ARE being considered, a pre-assessment estimator and completed Validation Certificate are required. The



design and layout of a development are key factors when assessing a development with the Code for Sustainable Homes or BREEAM, and a failure to consider sustainable construction and design issues at the outline stage may preclude the final development from meeting the appropriate standards.

2.9 Exempt Development From the Code/BREEAM Standards.

- applications for conversions to form dwellings,
- applications for temporary buildings where a time limited consent is applied for,
- buildings for storage,
- agricultural buildings,
- unheated buildings,
- domestic outbuildings not used for offices or habitation buildings which people visit only intermittently and then only for the purpose of inspecting or maintaining fixed plant or machinery.

2.10 In addition, the following types of development are included in the guidance note and validation criteria as exemptions:

- Log cabins, mobile homes and caravan development: this type of development falls under the 1960 Caravan Sites and Control of Development Act and such applications are usually for the change of use of land for the siting of the caravan, mobile home or log cabin therefore it is difficult to apply the Code/BREEAM standards. These structures often already exist or are prefabricated so there are practical issues with requiring them to meet Code/BREEAM standards.
- Secondary domestic accommodation (such as garage/office/playroom/art studio): some of these buildings are quite large heated buildings containing several separate spaces but do not contain a kitchen or bathroom. If to comply with building regulations a building falls under Part L-1, and is therefore a domestic building, it cannot be assessed under the Code for Sustainable Homes as it is only part of a dwelling (an outbuilding). BREEAM cannot assess buildings in the UK which fall under Part L-1.



2.11 Exemptions from the requirements of Policies EQ1.

In exceptional circumstances, the need to comply with Part B of Policy EQ1 may be waived. However you must demonstrate clear and robust reasons why, having regard to the type of proposed development and its design, it is not viable or feasible to achieve the standards set out in the policies. These reasons must be explained in detail before the council would validate a planning application without the additional information usually required. You should be aware that reasons related to cost alone are unlikely to be considered sufficient justification to waive the requirements of the policies.

2.12 Should you consider that the minimum requirements of Policy EQ1 cannot be met for clear and robust reasons, further information is still required. A pre-assessment estimator carried out by an accredited assessor is still needed to show which level of the Code for sustainable Homes or BREEAM can be met.

2.13 Planning Conditions.

If development is granted planning permission, it is likely to be subject to a planning condition requiring further certificates to be submitted. Examples of the standard conditions are given in the Appendices at the end of this document. However, regardless of the type of development, the condition is likely to require the following:

- Prior to the commencement of the development, a 'Design Stage Certificate' shall be submitted to the Local Planning Authority.
- Prior to the occupation of the development, a 'Post Construction Certificate' shall be submitted to the Local Planning Authority.

Both the Design Stage and Post Construction certificates are issued by the Building Research Establishment (BRE), following a submission of an assessment by a BRE accredited assessor. STROMA can also issue certification for the Code for Sustainable Homes.

2.14 It is important for you to factor in sufficient time for the design stage certification to be issued prior to the commencement of the development. You are advised to contact BRE early in the process to determine the current timescales in which certificates are issued, and to liaise with your accredited assessor to ensure their design stage assessment is carried out and submitted to BRE is good time.



- 2.15 Similarly, time should also be factored in to ensure that the post construction certificate can be issued prior to the occupation of the development.

3 Renewable Energy and Low Carbon Technologies

- 3.1 The installation of renewable energy or low-carbon technologies in existing or proposed developments can play an important role in reducing the impacts of climate change and meeting the requirements of Policy EQ1. There is a wide range of technologies available that produce energy from either renewable or low-carbon sources. Not all of these are suitable for every site, and you should seek expert advice before considering their installation. The [Energy Saving Trust](#) has an advice centre which can be contacted on 0300 123 1234. For commercial developments [The Carbon Trust](#) is a useful source of information.
- 3.2 Renewable and low-carbon technologies can be split broadly into two categories: those that produce electricity, and those that produce heat. Heat producing technologies usually either produce heat directly, to be used in space heating, or provide hot water thus reducing the amount of energy needed for this purpose.

Electricity producing technologies include:

- Solar photovoltaic (PV) panels.
- Wind turbines
- Hydroelectric power.
- Combined heat and power systems.

Heat producing technologies include:

- Solar hot water collectors.
- Ground, air and water source heat pumps.
- Biomass (or similar) fuelled boilers or stoves.
- Combined heat and power systems.



The above lists are not exhaustive but represent the more widely available technologies. Other technologies exist, such as anaerobic digesters, but are of a more specialist nature. The Yorkshire and Humber Renewable Energy Toolkit outlines the pros and cons of many of the technologies available.

- 3.3 Each of the technologies has both benefits and limitations and not all technologies will be suitable for all sites. Site orientation, proximity to other structures, site size, fuel storage availability and other specific factors, such as heritage assets, will determine which technologies may be appropriate. Therefore, expert advice should be sought to help identify the most feasible solution. You are also encouraged to consider what impact the installation of a technology may have on other nearby residents and seek to minimise this as far as possible.
- 3.4 In order to get the maximum benefits from a renewable or low carbon technology you are strongly advised to also carry out energy efficiency improvement measures to your property (if required). For example, although using a biomass fuelled boiler will reduce carbon emissions its running costs will be greatly reduced and its benefits greatly increased if the property it serves is correctly insulated and draught-proofed.
- 3.5 Planning permission may be required should you wish to install renewable energy equipment to your property or premises. At the present time all installations in non-domestic settings (i.e. not within a domestic curtilage) require planning permission whereas some installations in domestic settings do not. For householders, the council offers a 'Householder Planning Check' service to confirm whether planning permission is required. The current fee for this service can be found at <http://www.harrogate.gov.uk/plan/Pages/New%20Plan/Can-I-have-pre-application-advice.aspx>. The government has recently completed a consultation exercise reviewing permitted development rights for small-scale renewable energy developments, so the situation may change. Please contact the Customer Service Centre on 01423 500600 for more details.



4. What funding is available?

- 4.1 The government is moving away from a system of grants to help with the capital cost of renewable and low carbon technologies. Instead, from 1.4.2010, the Feed-in Tariff has been introduced. This is a mechanism whereby owners of renewable technologies that produce electricity get paid for the energy they produce and receive additional payments if any excess energy is exported to the national grid. This can significantly reduce the 'pay-back' time which previously relied solely on savings in fuel bills.
- 4.2 The Feed-in Tariff applies to the renewable energy electricity producing technologies listed in the table below, along with level and length of tariff. These must have been installed after 15.7.2009, and can only produce up to a maximum of 5mW of energy.

Technology	Scale	Tariff level (pence/kWh)	Tariff life-time (years)
Solar electricity (PV)	≤4 kW (retro fit)	41.3	25
Solar electricity (PV)	≤4 kW (new build)	36.1	25
Wind	≤1.5 kW	34.5	20
Wind	1.5 - 15 kW	26.7	20
Micro CHP	≤2 kW	10.0	10
Hydroelectricity	≤15 kW	19.9	20

- 4.3 For further details regarding the Feed-in Tariff, you are advised to view [Energy Saving Trust's guide](#) online, or contact the [Department for Environment and Climate Change](#) (DECC). The government has also recently set up a [Renewable Heat Incentive](#), to provide a financial incentive to install renewable heating in place of fossil fuels.
- 4.4 Grants are still available for certain projects for renewable or low-carbon energy technologies however it is expected that these will diminish. Grants may still be available for other measures that help



with reducing our impacts on the environment such as increasing levels of insulation in your property. As the grants situation changes regularly, householders and businesses are advised to visit the website of the [Energy Saving Trust](#), and use their online grants calculator. For commercial businesses the [Carbon Trust](#) can also offer advice on what grants or assistance may be available. Your energy provider may also be able to offer grants or assistance for carbon emissions reduction measures.

5 What else can you do?

- 5.1 Installing renewable energy technologies is far from being the only way that you can help to 'do your bit' to reduce the effects of climate change. Small, and often inexpensive changes to your property or your everyday lifestyle, such as not leaving electrical appliances on stand-by can also make a big difference.
- 5.2 Improving the energy efficiency of your property is a good place to start. Increasing the levels of insulation in your buildings, using low-energy light bulbs, or thermostatic radiator valves are all examples of relatively cheap and easy ways to do this. Grants may also be available for home energy efficiency measures (see paragraph 5.4 for further information).
- 5.3 Reducing the amount of time spent in a car can also help. Harrogate district has extensive [bus services](#), and there is a regular [train service](#) from Harrogate to both Leeds and York. There is also a [car share scheme](#) operating in the district, whereby you can be put in touch with others who may make a similar journey to you and try to share a lift. Cycling (your employer may be in a [cycle to work scheme](#)) is also a good way to reduce car travel and it keeps you fit as, of course, does walking.



- 5.4 There is an enormous amount of information on the internet and a web search for “energy saving” or “energy efficiency” will return millions of results. Below is a brief list of some of the main websites however this is far from exhaustive:
- Energy Saving Trust - <http://www.energysavingtrust.org.uk/>
Energy saving guidance and tips and information on grants.
 - The Carbon Trust - <http://www.carbontrust.co.uk>
Guidance on reducing carbon emissions. Mainly for commercial premises.
 - Centre for Alternative Technology (CAT) - <http://www.cat.org.uk>
Independent centre offering advice on all things green.
 - BRE Environmental Assessment Method - <http://www.breeam.org>
 - Green Book Live - <http://www.greenbooklive.com/>
BREEAM assessments, information on renewables.
 - Warm Front - <http://www.warmfront.co.uk/>
Grants for energy efficiency savings.
 - Low Carbon Buildings - <http://www.lowcarbonbuildings.org.uk/>
Government initiative. Advice on reducing carbon emissions and information on available grants.

A1 Appendix 1:

What does planning policy say?

A1.1 National government policy on planning and renewable energy is set out in the National Planning Policy Framework (NPPF). Section 10 provides guidance on meeting the challenge of climate change. Contributing to protecting and enhancing our natural, built and historic environment and, as part of this helping to mitigate and adapt to climate change is seen as a key environmental role of the NPPF.

A1.2 The Harrogate District Local Development Framework's core Strategy sets out the specific requirements for new development in the Harrogate district in Policy EQ1: Reducing Risks to the Environment. This states:

"In partnership with the community, the development industry and other organisations, the level of energy and water consumption, waste production and car use within the district, and the consequential risks for climate change and environmental damage will be reduced through the following:

- a) *The planning, design, construction and subsequent operation of all new development should seek to minimise:*
- *energy and water consumption;*
 - *the use of natural non-renewable resources;*
 - *travel by car;*
 - *flood risk;*
 - *waste;*

- b) *Until a higher national standard is required, all new development requiring planning permission should:*

For residential development (excluding extensions):

- *attain the following levels of the Code For Sustainable Homes³:*

up to 2010	Code Level 3
2011 to 2015	Code Level 4
2016 onwards	Code Level 6

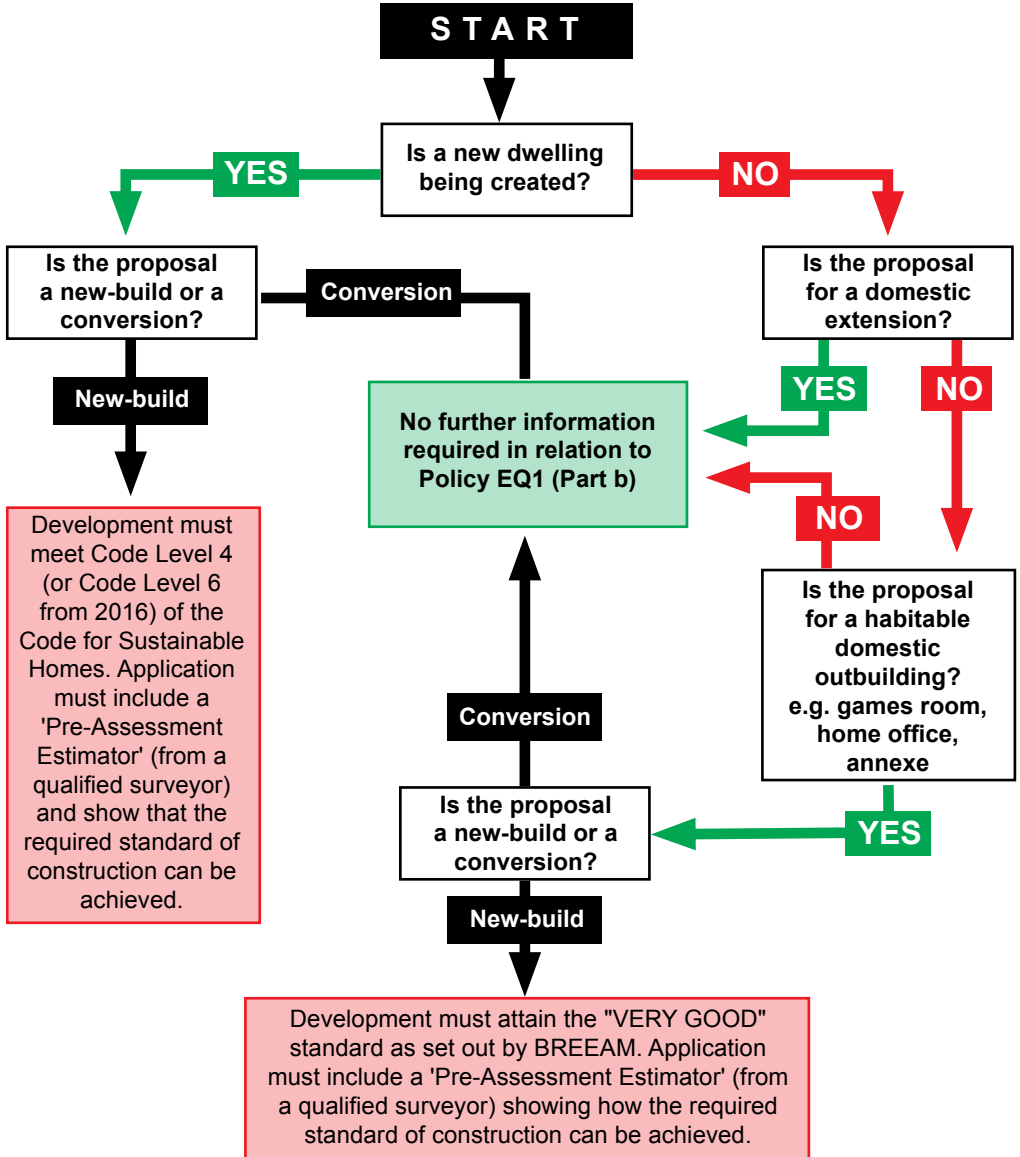
For other types of development:

- *attain 'very good' standards as set out in the Building research Establishment Assessment Method (BREEAM);*
- c) *Proposals for renewable energy projects will be encouraged, providing any harm caused to the environment and amenity is minimised and clearly outweighed by the need and the benefits of the development.*

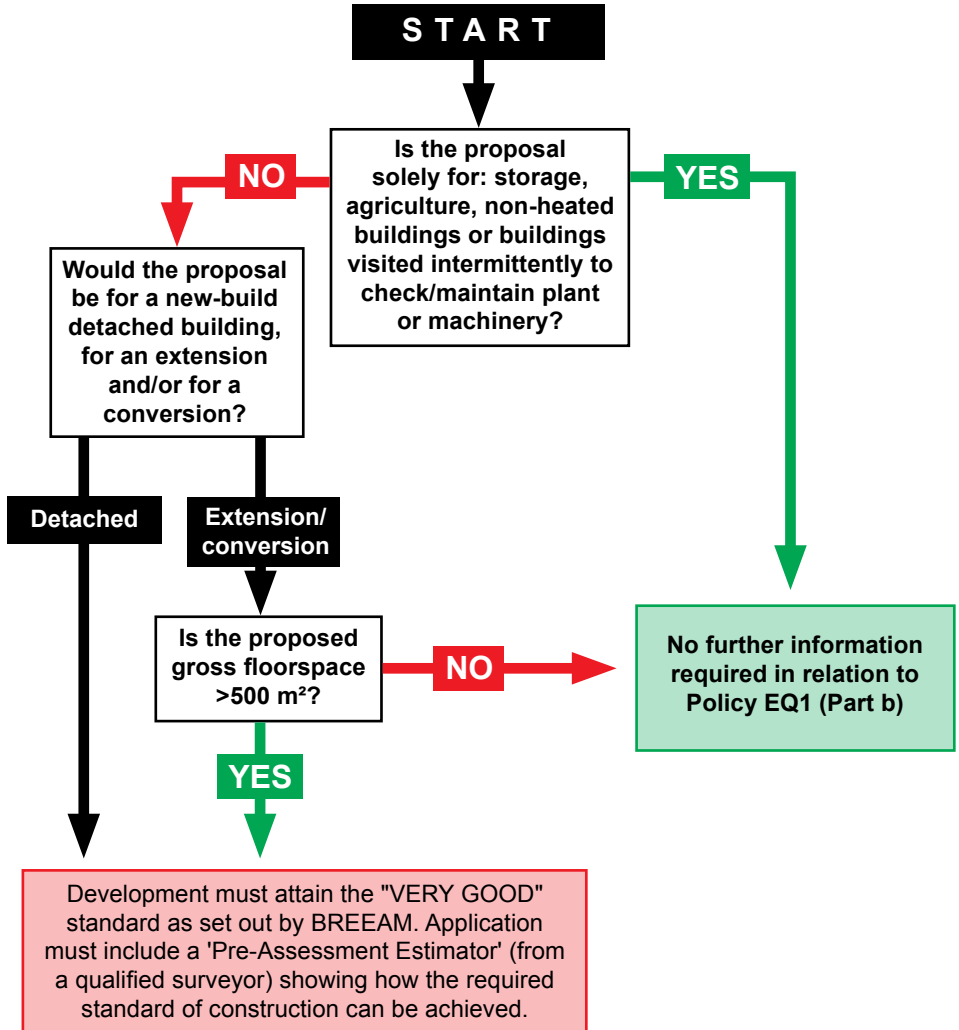
³ The Code for Sustainable Homes, Department of Communities and Local Government, 2006.
See <http://www.communities.gov.uk/planningandbuilding/buildingregulations/legislation/codesustainable/>

A2 Appendix 2:

Requirements of Core Strategy Policy EQ1(Part b) Residential or Domestic Development



Non-Residential or Non-Domestic Development



A3 Appendix 3:

Examples of Standard Conditions.

A3.1 **Condition:**

No development of the dwelling hereby permitted shall take place until a Design Stage Code for Sustainable Homes Certificate issued by BRE or STROMA has been submitted to and approved in writing by the Local Planning Authority. The Code Level to be achieved to be a minimum of Code Level 4.

A3.2 **Reason:**

To safeguard the environment and mitigate climate change in accordance with Harrogate District Core Strategy policy EQ1.

A3.3 **Condition:**

A Post Construction Stage Certificate shall be provided to the Local Planning Authority in writing confirming that Code Level 4 has been met, prior to the first occupation of the dwelling comprised in the development to which the certificate relates.

A3.4 **Reason:**

To safeguard the environment and mitigate climate change in accordance with Harrogate District Core Strategy policy EQ1.

A3.5 **Condition:**

No development shall take place until the applicant has provided for the approval of the Local Planning Authority a Design Stage Certificate provided by an accredited BREEAM assessor that achieves BREEAM 'very good' or higher. Development shall be carried out in accordance with the approved details.

A3.6 **Reason:**

To safeguard the environment and mitigate climate change in accordance with Harrogate District Core Strategy policy EQ1.

A3.7 **Condition:**

A certified BREEAM Post Construction Certificate shall be provided to the Local Planning Authority in writing to confirm that BREEAM 'very good' has been met prior to the first occupation of the development.

A3.8 **Reason:**

To safeguard the environment and mitigate climate change in accordance with Harrogate District Core Strategy policy EQ1.

A4 Appendix 4:

Example Validation Certificate *(reduced from A4 size).*

VALIDATION CERTIFICATE

App No.....

Sustainable Construction and Design

Policy EQ1 of the Harrogate District Core Strategy.

Please read the certificate and Guidance Note carefully before completion. Complete the 'Details' section below, and then please complete and sign **either** Certificate A **or** Certificate B (overleaf) and submit this form with your application.

Details

Description and address of proposal:

.....

Name of accredited BREEAM/Code Assessor (please print):.....

Accreditation Number:

Name and address of company:.....

.....

Telephone No:..... Email Address:

Certificate A

In order to comply with the requirements of Part B of Policy EQ1: (Please tick **each** of the boxes that apply).

- 1. The proposal is for new build dwelling(s) (including outline applications where appearance and /or layout is considered, and reserved matters applications) and will achieve at least Code Level 4 of the Code for Sustainable Homes. A pre-assessment estimator completed by an accredited assessor is included showing that the development is likely to reach the required Code Level.
- 2. The proposal is for new build detached non-residential development (including outline applications where appearance and /or layout is considered and reserved matters applications) and will meet at least the 'very good' standard as set out in the Building Research Establishment Environmental Assessment Method (BREEAM). A pre-assessment estimator (or equivalent for BREEAM Bespoke) completed by an accredited assessor is included, demonstrating that the development is likely to reach the required standard. (NB- some development is exempt, please see Guidance Note).
- 3. The proposal is for a non-residential conversion or extension of 500m² or more of gross floor area and will meet at least the 'very good' standard as set out in the Building Research Establishment Environmental Assessment Method (BREEAM). A pre-assessment estimator (or equivalent for BREEAM Bespoke) completed by an accredited assessor is included, demonstrating that the development is likely to reach the required standard. (NB- some development is exempt – please see Guidance Note).
- 4. The proposal is for Outline Planning permission with no appearance or layout matters being considered. I understand that should permission be granted, the decision will be subject a condition that requires:
 - o Non-residential development to achieved the 'very good' rating of BREEAM.
 - o Residential development to achieve Code Level 4 of the Code for Sustainable Homes if submitted prior to the end of 2015, and Code Level 6 if submitted from 2016 onwards.

Declaration: I confirm that the above information is correct.

Signed.....

Date.....

Please be aware that should permission be granted, it is likely to be subject a condition requiring the relevant sustainable construction and design standards are met. For details of standard wording of conditions, please refer to the Guidance Note appendices.

In **exceptional** circumstances, the need to comply with Part B of Policy EQ1 may be waived. However very clear and robust reasons must be given why, having regard to the type of proposed development and its design, it is not viable or feasible to achieve the standards set out in the Policy. These reasons must be explained in writing before the Council would validate a planning application without the additional information usually required. You should be aware that reasons related to cost alone are unlikely to be considered sufficient justification to waive the requirements of the Policy.

For proposals relating to Policy EQ1, a pre-assessment estimator demonstrating what level of the Code for Sustainable Homes or BREEAM can be achieved should still accompany the application, even if it is considered that the minimum requirements cannot be met.

Certificate B

Only complete this certificate if you consider that there are exceptional circumstances that justify why the minimum requirements of the policies cannot be met. In order for the application to be registered these claims will need to be substantiated by the Local Planning Authority, and countersigned by the relevant Council Officer.

I confirm that the attached Pre Assessment Estimator (or equivalent for BREEAM Bespoke) demonstrates what standard of sustainable construction and design is likely to be attained for the proposed development. The information submitted gives clear and robust reasons why, having regard to the type of development involved and its design, the minimum standards set out in the policy are unlikely to be feasible or viable.

Signed.....(applicant) Date.....

Countersigned.....(HBC) Date.....

Please be aware that should permission be granted, it is likely to be subject a condition requiring the relevant sustainable construction and design standards are met. For details of standard wording of conditions, please refer to the Guidance Note appendices.



If you have a query on this, or for more information, please contact the Local Development Framework team at planningpolicy@harrogate.gov.uk or visit the [Planning Policy pages](#) of our website.