

# ENVIRONMENT CABINET MEMBER MEETING

## Agenda Item 15

Brighton & Hove City Council

<b>Subject:</b>	<b>Sustainable Building Design Supplementary Planning Document (SPD)</b>		
<b>Date of Meeting:</b>	<b>5 June 2008</b>		
<b>REPORT OF:</b>	<b>Director of Environment</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Paula Goncalves</b>	<b>Tel: 29-2352</b>
	<b>E-mail:</b>	paula.goncalves@brighton-hove.gov.uk	
<b>Key Decision:</b>	<b>Yes</b>	Forward Plan No. – <i>Procedural Rule 16 complied with</i>	
<b>Wards Affected:</b>	All		

### FOR GENERAL RELEASE

The late inclusion of this item in the Forward Plan is due to the need for guidance to clarify which types of supplementary planning documents represent a key decision in terms of the forward plan. This guidance is now being prepared.

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The report sets out the results of consultation undertaken on the draft Sustainable Building Design SPD (Appendix 1) and seeks approval of the changes made as a result of these representations and in response to new Government guidance (Supplement to Planning Policy Statement 1: Planning and Climate Change). It recommends adoption of the Sustainable Building Design SPD (Appendices 2 and 3) and the new Brighton & Hove Sustainability Checklist to support the implementation of Policy SU2 of the Brighton & Hove Local Plan.

#### 2. RECOMMENDATIONS:

- (1) To note the results of the public consultation exercise (Appendix 2) and endorse the changes made to the draft Sustainable Building Design SPD.
- (2) To adopt the Sustainable Building Design SPD as part of the Local Development Framework, subject to any minor grammatical and non-material text and illustration alterations agreed by the Director of Environment in consultation with the Environment Cabinet Lead. The SPD and its annex document are attached as Appendices 3 and 4 respectively.
- (3) To agree that this SPD will be implemented on 1 July 2008 and will then supersede existing Supplementary Guidance Notes 16 (Energy Efficiency & Renewable Energy) and 21 (Sustainability Checklist).
- (4) To adopt the new Brighton & Hove Sustainability Checklist as part of the Sustainable Building Design SPD, subject to any minor non-material alterations agreed by the Director of Environment in consultation with the Environment Cabinet Lead.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 Early stakeholder consultation on Issues & Options took place in September 2006. Responses informed the format and content of the Draft SPD.
- 3.2 An officer supporting group was formed to support work on the Draft SPD. The group was consulted on earlier and intermediate versions of the document.
- 3.3 The draft SPD was approved by Environment Committee on 13 September 2007 for the purpose of formal public consultation for a period of six weeks from 26 October to 7 December 2007.
- 3.4 A consultation report containing a summary of responses was completed in late December 2007.
- 3.5 New Government guidance which requires policy setting local sustainability standards to be developed in a Development Plan Document (DPD) to allow for examination by an Inspector was published on 17 December 2007.
- 3.6 In response to consultation responses and publication of new Government Guidance the following amendments have been made to the draft SPD:
  - targets and standards in this SPD are now aspirational with former 'requirements' being now expressed as 'recommendations';
  - the SPD is more flexible in application as requested by respondents, while still providing clear guidance of what the council recommends for developments in the city in terms of sustainable building design standards;
  - recommendations for at least 20% of carbon savings from onsite low and zero carbon (LZC) technologies have been removed as the incorporation of such technologies is inherent to delivery of zero carbon development already contained in the SPD;
  - a list of criteria for assessing the achievement of recommended standards (site constraints, technical viability, financial viability and delivery of additional benefits) was incorporated into the SPD to support implementation;
  - format and content of the annex document, which contains supporting information on implementation issues regarding zero carbon development have been amended to make it clearer, more concise and user-friendly;
  - the glossary and document list have been updated and extended in response to specific representations to statutory consultation; and
  - where applicable, minor changes suggested by respondents with regards to wording, terminology and definition used were amended.
- 3.7 Additionally, a requirement was included for planning applications involving residential new build and conversions to submit a completed new Brighton & Hove Sustainability Checklist for the purposes of validation.

## **4. CONSULTATION**

- 4.1 Statutory public consultation on the draft SPD was undertaken for 6 weeks in October-November 2007. Among those who contributed were Government agencies and organisations; Brighton & Hove City Council officers; members of the public; environment and community groups; businesses; professional organisations; political parties; and utility companies.
- 4.2 The draft SPD was sent to more than 880 organisations, groups and/or individuals and publicised on the council's website and in the Brighton & Hove Argus. A total of 41 representations were received (details in Appendix 2).
- 4.3 In summary, 38 respondents welcomed the SPD as a means of setting local standards for sustainable building design. The Home Builders Federation was the only respondent to request that the document not proceed. 14 respondents registered no significant concerns over content including 2 statutory consultees: the Environment Agency and Natural England. Overall, respondents welcomed aspirations for more resource-efficient buildings and the use of minimum levels/ratings for the Code for Sustainable Homes and/or BREEAM standards.
- 4.4 24 respondents raised various concerns over particular standards set out in the document. Some suggested flexibility in application of standards should be built into the document to cater for site-specific constraints, financial viability and delivery of additional benefits by developments. Others felt more clarity was needed with regards to implementation details.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 Officer training will be undertaken by council staff and will not incur any additional cost. Funding has been secured from SEERA and SEEDA for software development in respect of the associated sustainability checklist. From July 2008 onwards the council will be responsible for maintenance and technical support of the software amounting to £3,500 per year. City Planning and the Sustainability Team will share these costs, which will be met from existing budgets.

*Finance Officer consulted: Derek Mansfield. Date: 29 April 2008*

### Legal Implications:

- 5.2 The formal consultation on the draft SPD complied with regulations 17 and 18 of the Town and Country Planning (Local Development) (England) Regulations 2004. The Sustainability Appraisal complies with Section 39 of the Planning and Compulsory Purchase Act 2004. No human rights implications have been identified as arising from the report. The adopted SPD will be a material planning consideration in the determination of relevant planning applications.

*Lawyer consulted: Hilary Woodward. Date: 29 April 2008.*

### Equalities Implications:

- 5.3 Local Development Framework Core Strategy Equality Impact Assessment (EQIA) issues relevant to this SPD have been considered. Monitoring and implementation measures have been put in place to evaluate the impact of this SPD as a result.

Sustainability Implications:

- 5.4 Sustainability issues are the fundamental purpose of the SPD and it is subject to a Sustainability Appraisal.

Crime & Disorder Implications:

- 5.5 None identified.

Risk and Opportunity Management Implications:

- 5.6 None identified.

Corporate / Citywide Implications:

- 5.7 None identified.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 As part as the SPD development process, alternative options were discussed with stakeholders at the early consultation phase. The Sustainability Appraisal tested the possibility of 'doing nothing' and looked at other options for delivery. As a result of this process, the written document containing minimum standards is accompanied by web-based supporting information and tools.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 To ensure there is detailed, up to date, clear advice to all those with an interest in the development process on relevant sustainable design policies.
- 7.2 To improve the environmental performance of the city's new build and existing buildings and make sure all developments achieve the highest possible standards of sustainable building design.
- 7.3 To ensure development in the city mitigates against and adapts to climate change.
- 7.4 To meet Government guidance.
- 7.5 To deliver more effective implementation of sustainable building policies and improved monitoring.
- 7.6 To enable the local planning authority to prepare for implementation of the SPD and local planning applicants/agents to familiarise themselves with its contents.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Draft Sustainable Building Design SPD, Summary of responses to public consultation, December 2007.
2. Sustainable Building Design SPD.
3. Sustainable Building Design SPD – annex document.

### **Documents in Members' Rooms**

1. Draft Sustainable Building Design SPD, Summary of responses to public consultation, December 2007.
2. Sustainable Building Design SPD.
3. Sustainable Building Design SPD – annex document.
4. Sustainability Appraisal.

### **Background Documents**

1. Minutes Environment Committee of 13 September 2007 (item 58 on agenda).
2. Consultation Statement.
3. Sustainability Appraisal.
4. Supplement to Planning Policy Statement 1 (Planning and Climate Change).

