

Report of the Director for City & Environmental Services

Promoting Sustainable Development in York

Summary

1. The publication of the National Planning Policy Framework in March places Sustainable Development at the heart of the planning debate.
2. The purpose of this paper is to consider York's current position / perspective and highlight where action can be taken to better promote sustainable development through the planning system across the City.
3. The report suggests specific actions to promote higher standards of sustainable design and construction in York to help the City create more sustainable developments and realise its ambition to be a leading environmentally friendly and sustainable city.

Background

What is Current picture for Sustainable design and construction in York?

4. The ambition articulated through the City's long term strategy (2011 – 2025), the Local Development Framework and the Climate Change Framework and Action Plan is for York to be a leading environmentally friendly City. Vital to achieving this ambition is the effective application and operation of the planning system. Examples of effective sustainable design and construction which are helping to meet this city ambition are highlighted below ;

5. The Council has led by example with developments such as the Eco depot (Hazel Court) and more recently the new council HQ at west offices which demonstrates that both in new build and re-use of existing historic buildings high standards of sustainable design and construction can be achieved. The new council office building is predicted to achieve a BREEAM excellent rating (against a requirement of very good) with overall energy demand being significantly lower than a typical equivalent building. The development also includes solar PV panels generating electricity (local renewable energy) and saving 20t of carbon per year.
6. Other sustainable developments in the City include:
 - Joseph Rowntree's Elm Tree Mews and Dormary Court developments.
 - JRH's Derwenthorpe housing development currently being built.
 - JRH's retrofit project on Temple Avenue to upgrade existing stock.
 - Eco homes such as the Discus Bungalows in St Ann's Court, Regent Street / Faber Street.
 - The eco business centre
7. However, these are still the exception rather than the norm. That is not to say that we are accepting poor development, but we must acknowledge that the planning system sets only minimum standards which must be met.
8. It should also be recognised that sustainable development is a broad discipline – it is not simply about highly energy efficient development. Effective re-use of existing buildings is inherently sustainable, because of the embodied energy in materials and the savings on new construction.

Planning Policy position

9. Before March 2012 the national planning policy position on sustainable development was covered by:
 - Planning Policy Statement 1 (2005) (PPS1)
 - Planning Policy 22 (2004) (elements relating to renewable energy only)

10. The current local planning policy position on sustainable design and construction is set out in the Interim Planning Statement (IPS) on Sustainable Design and Construction 2007. This was designed to help achieve the Council's objectives for Sustainable Development, as set out in policy GP4a of the City of York Draft Local Plan, incorporating the 4th Set of Changes (April 2005).
11. The IPS requires: for large scale developments a sustainability statement including; statements on how the development will achieve BREEAM Very Good Standard / Code for Sustainable Homes level 3 and the 10% on site renewable obligation. Full details are available at http://www.york.gov.uk/environment/Planning/guidance/Design_and_construct_draft_SPG/
12. The national Planning Policy position is now set out in the NPPF. However, debate about the definition of Sustainable Development did not begin with the consultation draft of the NPPF although this certainly intensified it and the specific clarification in the final version that it includes social and environmental factors is welcome.
13. In York the context now is the publication draft of the local development framework which sets a clear position for the City with policy CS21 setting out the requirement for development to meet high environmental standards.

Policy CS21: Sustainable Design and Construction

The LDF will play a key role in helping to deliver the Climate Change Framework and Action Plan through contributing to a reduction of York's carbon and eco-footprint and helping the City to adapt to, and mitigate against climate change. This will be achieved through the application of the Energy Hierarchy by ensuring York's renewable energy/low carbon potential is realised and high standards of sustainable design and construction are adopted, as set out below:

1. Renewable Energy

i. The LDF will ensure that the following renewable energy targets are exceeded through either on-site or off-site production:

- 38.7MW of installed renewable electricity capacity and 15.1MW of installed renewable heat capacity by the year 2020; and

- 39.8MW of installed renewable electricity and 18.0MW of installed renewable heat capacity by the year 2031.
- ii. All renewable energy proposals must be in accordance with the spatial principles SP1, SP2 and SP3.
- iii All major developments (more than 10 dwellings or 1000m² non-residential floorspace) must submit a Sustainable Energy Statement as part of the planning application process. Unless it can be demonstrated that it is not feasible or viable, proposals must:
 - incorporate onsite renewable energy/low carbon energy generation equipment to reduce predicted carbon emissions by at least 10%; and
 - as a part of that reduction, integrate CHP and district/block heating or cooling infrastructure.

2. Sustainable Design and Construction

All new residential and non-residential developments including conversions and change of use must submit a Sustainability Statement (where appropriate incorporating a Sustainable Energy Statement) as part of the planning application process. The Sustainability Statement will need to demonstrate that the development will be a high standard of sustainable design and construction using techniques to ensure building design, including orientation and layout (for passive solar benefits), reduces energy consumption and construction material selection ensures sustainable use of resources.

For development proposals of 10 dwellings or more or non-residential schemes over 1000m² the following minimum standards will apply, unless it can be demonstrated that it is not feasible or viable:

- *Residential Developments*: Code for Sustainable Homes Level 3*** (or equivalent) up to and including 2013, Code for Sustainable Homes Level 4**** (or equivalent) from 2014 and zero carbon standard from 2016 onwards; and
- *Non-residential Developments*: 'very good' standard as set out in the Building Research Establishment, Environmental Assessment Method (BREEAM) up to and including 2014, 'excellent' standard as set out in BREEAM from 2015 and zero carbon from 2019 onwards.

14. However it must be recognised that these standards and the current and future building regulation standards are the minimum standards required and that higher standards can often be achieved.

15. The development of the Local Development Framework required a robust evidence base and a number of studies were undertaken to specifically inform the policies on sustainable development including;

Policy based

Climate Change Act 2008
Energy White Paper 2007
Planning Policy Statement 1 2005
Climate Change Framework and Action Plan 2010
Planning Policy Statement 22 2004
Building a greener Future Policy Statement 2007

Study based

Renewable Energy Strategic Viability Study 2010
Delivering Sustainable Energy in North Yorkshire 2005

16. The publication draft of the LDF represents the most robust position it was possible to justify in relation to the evidence base in 2010.
17. However in many cases it may be possible to secure higher standards by working with developers through the planning process, especially where more detailed and more specific area or site based studies are available.

Improving standards to create a leading environmentally friendly and sustainable City

18. It is important to recognise that sustainable development really requires a big picture approach and significant effort must continue to ensure that our large development sites are developed in the most sustainable way. The current work in drafting of a sustainable development framework for York Central is key to this and the supporting work by CO2 Sense on a Local Low Carbon Energy Investment Strategy and Commercial Review York Northwest Urban Eco – Settlement (2011)

19. Future development of the City is dependent on investment by developers, who need to make return. The economics of sustainable development was considered in a 2009 CBRE report (see annex A) Although the headline is that sustainable development makes good long term business sense it sets out some of the reasons why the development industry is not routinely delivering higher standards.
20. Achieving higher standards requires developers to go beyond the minimum standards required by the planning system and the report confirms that the property market does not necessarily 'value' this additional investment, although reporting some shift in attitudes.
21. Achieving higher standards does cost more – on average exceeding the minimum standards costs 2.5 – 12.5% more (according to the CBRE report).
22. Similar additional costs for achieving high code levels (under the Code for Sustainable Homes) beyond building regulations at an extra over cost are also detailed in the annex of CYC's Renewable Energy Strategic Viability Assessment.

How can CYC encourage higher standards of sustainable design and construction?

23. The key question for City of York is how best to secure higher standards:
24. The following current opportunities exist:
25. Yorkshire and Humber Climate Change Skills Fund – A planning and Climate Change Design Review Panel - to provide an independent, expert panel of professionals who can provide advice, review schemes and make recommended improvements;
26. Yorkshire and Humber Climate Change Skills Fund - Comprehensive Planning and Climate Change Training for Planning officers – this offers 10 free modules to planning officers to up-skill them on climate change and sustainable design and construction (this training began in February 2012 and will run till January 2013)

27. Yorkshire and Humber Climate Change Skills Fund - Comprehensive Planning and Climate Change training for Planning Committee Members (estimated date of commencement Autumn 2012)
28. Yorkshire and Humber Climate Change Skills Fund – Technical Support Service – to help planners incorporate low carbon energy strategies into major developments Working with developers through pre-app process to encourage higher standards.

Specific recommendations for next 9-12 months.

29. Undertake to organise at least 2 specific events, in the form of seminars / workshops to promote higher standards of sustainable development in the City.
30. One of these will involve working with colleagues in Development Management (DM), to arrange a targeted developers forum. This session will need to include external expert speakers to illustrate best practice and to make a compelling economic business case, illustrating the economic benefits of low carbon construction.
31. The developers forum will investigate what local builders and developers would find useful and beneficial to help them design more sustainably and assess any skills gaps that might exist (this could be linked to Green Job creation / up-skilling training opportunities)
32. The second to be in the form of a talk / lecture format to a wider audience; suggestions include Craig White of White Design – the Architect of our Eco Depot and director of a design practice committed to sustainable development, although maximising local expertise is also important and could provide smaller scale examples which are more relevant to York from the domestic and non-domestic sector.
33. The feasibility and potential benefits of undertaking an audit of schemes approved following the introduction of the 2007 IPS will be investigated. The purpose would be to establish how many exceed the minimum standards and to provide a baseline for recent development against which to assess any future improvement.

34. Additional skills training and design review will take place through the various regional climate change skills funding available to promote higher standards for schemes coming forward.
35. Additional training in relation to the Nation Planning policy Framework can also augment this.
36. A further report will be prepared to more specifically address the city's challenging carbon and renewable energy targets. The process of setting the LDF policy targets specifically highlighted conundrum around viability which needs further exploration.

Options

37. Option 1 to rely on the existing measures in place to deliver the City's aspirations in relation to sustainable development
38. Option 2 – to undertake specific targeted actions as set out above to improve the chances of delivering the City's aspirations in relation to sustainable development.

Analysis

39. Sustainable development encompasses many aspects and cannot be considered solely as low energy development. The standards required for new development are rigorous, but there is still scope for improvement. Some will come through national legislative framework including Building Regulations, however there is scope to achieve further improvement through highlighting compelling businesses cases for such work, and by influencing and encouraging through best practice demonstration.
40. The Council can assist in this by undertaking the additional actions / activity as set out above (and recommended at option 2) to promote events aimed at developers in addition to the existing pre- application process and partnership working.

Recommendation

41. The cabinet member is asked to agree option 2
42. REASON: to improve the chances of delivering the City's aspirations in relation to sustainable development.

Council Plan

43. This will help meet the Protecting the Environment priority of the Council Plan

Implications

- **Financial** *there are no direct financial implications*
- **Human Resources (HR)** *There are no HR implications*
- **Equalities** *higher standards of sustainable benefit all.*
- **Legal** *the national / local planning policy position is not changed*
- **Crime and Disorder** no implications
- **Information Technology (IT)** there are no IT implications
- **Property** the council should seek to lead by example with respect to its own property proposals
- **Other –Sustainability – this measures outlined in the report should assist in delivering more sustainable development across the city in accordance with the council plan.**

Risk Management

44. This will be an additional workload for the Sustainability Team and there is some risk to overall objectives across the 9 – 12month period proposed. The team will have to reprioritise work plans to ensure this work can be undertaken and this may effect their ability to deliver other current programmes.

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Specialist Implications Officer(s) *List information for all*
Implication ie Financial *Implication ie Legal*
Name *Name*
Title *Title*
Tel No. *Tel No.*

Wards Affected: *List wards or tick box to indicate all* **AI** *tick*

For further information please contact the author of the report

Background Papers:

City of York draft local plan policies
Interim Planning statement on sustainable design and construction 2007
National Planning Policy Framework
Publication draft of Local development framework policy CS 21

Annexes

Annex 1 – CBRE report