

**Representations Statement
(Regulation 18)**



**BUILDING FOR TOMORROW TODAY: SUSTAINABLE DESIGN AND
CONSTRUCTION SPD**

Representations Statement

(relating to the main issues raised during the formal consultation period in accordance with Regulation 18(4)(b) of the Town and Country Planning (Local Development) (England) Regulations 2004).

BUILDING FOR TOMORROW TODAY: SUSTAINABLE DESIGN & CONSTRUCTION SPD

LCC Responses to comments received during Public Consultation 2010

Number of Supports: 09

Number of Objections: 01

No.	Representor (include agent)	Those Represented	Representor Comment*	LCC Initial Response*	Action*
01	Yorkshire Forward	Yorkshire Forward	Welcome the document as it will contribute to stimulating demand for environmental technologies and services within Leeds	Response noted	None required
			Supports the contribution the document will bring towards bringing forward lower carbon buildings	Response noted	None required
			Current advice from BRE is that the CSH is not appropriate for refurbished homes and the use of a policy note such as that used by Croydon Council for conversions and refurbishments may be better	Have considered the Croydon Council policy note (Residential Extensions and Alterations: SPD No2) and have concluded that the advice contained within Building for Tomorrow Today is consistent with the advice in the Croydon document in terms of providing advice and guidance	None required
			Helpful if the document could refer to the emerging BREEAM Domestic Refurbishment Standard	The BREEAM Domestic Refurbishment Standard is still underdevelopment	A reference to the emerging standard has been included in para 5.1
02	Coal Authority	Coal Authority	As the Core Strategy will not be adopted until late 2011, there will be no defined MSA or accompanying policy in place in the short term to formally protect the surface coal resource and encourage opportunities for prior extraction of the resource. We would therefore recommend the addition of a	This issue is being dealt with and responded to in the Natural Resources and Waste Development Plan Document	None required

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			<p>paragraph following on from paragraph 11.3 which acknowledges the presence of surface coal and encourages developers to consider prior extraction: <i>“Much of the coal resource across the southern half of Leeds is located at, or close to, the surface. New development above these areas of workable coal resource can lead to permanent sterilisation of the nation’s asset. Where new development is proposed in areas of surface coal resource, the Council would expect developers to give due consideration to the prior extraction of this valuable mineral resource.”</i></p>		
			<p>Supports the inclusion of “site stability and contaminated land” as part of the site appraisal process at para 7.3. The Coal Authority is currently engaged in sharing detailed coal mining information with all LPA and should prove useful in implementing par 7.3.</p>	Agree	Amendment to footnote to para 7.3 to this effect
03	Homes and Communities Agency	Homes and Communities Agency	<p>Document provides good coverage of the environmental sustainability issues. It is an engaging read and clear</p>	Response noted	None required
			<p>In Ch 8 ‘Design Considerations’ mention could be made of the Building for Life tool to be used on all HCA funded developments and is applicable to all housing schemes</p>	Response noted	Included at para 8.13
			<p>Should be explicit mention of external insulated render in Existing Buildings and when this might be applicable. It will be impossible to meet 2050 targets</p>	Response noted	The revised text will make it clear that external insulation does often require planning permission and must comply

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			without using this treatment and could be a solution for Leeds' back-to-backs and through terraces		with building regulations. Guidance in this area is developing and Leeds is leading a Yorkshire & Humber project that will result in advice that can be included in the final draft of the SPD. Further examples of schemes (including use of internal insulation) will be included as case studies in the document where possible
			Double page spread (pp39-40) storm porch should not be at expense of a canopy. Can both be shown?	Response noted	Diagram redrawn
			Cannot find much about Passivhaus principles and air permeability in Ch 9	Agree	Additional information on Passivhaus included in Chapter 9 and amendments made to para 9.41 and 9.70
			Climate change adaptation text on p44 starts with "However"	Agree	Correction made to para 9.43
			Does 9.55 make sense?	Agree	Para 9.55 reworded
			11.6 could be clearer that it means using thermal mass to avoid overheating and the need for cooling systems	Agree	Para 11.6 reworded
			Statistics need references: 9.16 25% of all car journeys are less than 2 miles long 11.11 Construction sector uses 60% of all softwood	Agree	References have been incorporated throughout the document and listed in section 19
			10% and 20% guidance on renewables and CO2 emissions may result in the wrong outcomes. Amend wording to take account of 'equivalent CO2 reducing measures'	The document has been clarified to refer to voluntary standards throughout. Therefore the standards in the SPD will be subject to negotiation. The substantive issue relating to the	None required

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				refinement of the relevant Core Strategy policy will be addressed in the consultation on the Core Strategy	
04	Turley Associates	Barratt Strategic	Inappropriate use of policy in a SPD. Document is contrary to govt. guidance and should be afforded no weight if it is not to be abandoned	Response noted and elaborated on in comments below	The document has been clarified to refer to voluntary standards throughout
			Govt guidance (PPS 12 para 6.1, PPS1 supplement para 33 & para 45, Circular 11/95 para 22, PPS 12 Plan Making Manual) is that SPDs should explain, elaborate and provide guidance on a DPD, should be consistent with national guidance, should not introduce new policy	Accept in the document the fact that the guidance in the Climate Change Supplement to PPS1 provides that any policy relating to local requirements for sustainable buildings should be set out in a DPD. The SPD responds to this by confirming that it should offer encouragement rather than set mandatory standards	The document has been clarified, particularly in Chapters 1 and 3 to show that SPD is supplementary to existing UDP policy pending adoption of Core Strategy and to refer to voluntary standards throughout.
			RSS now revoked. Other local documents quoted in SPD are not part of the statutory development plan system.	Response noted. The local documents quoted in the SPD do form part of the context for the SPD	References to RSS have been clarified to refer to the outstanding challenge to the Secretary of State's statement of 10 th November 2010, in which he set out his response to the judgment of the Administrative Court in the case of <i>R (Cala Homes (South Limited) v Secretary of State for Communities and Local Government</i> [2010] EWHC 2866 Admin. Essentially this advice concerned the Secretary of State urging local authorities to treat his intention to abolish regional strategies as a material consideration. The final judgement is not expected

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					before late January 2011 and the existence of the challenge has to be taken into account when assessing the weight to be afforded to the Secretary of State's statement of intention to abolish Regional Strategies. If possible the outcome of the final judgement will be reflected in the final text.
			Policy GP11 has been superseded by PPS1 Climate Change supplement and is too general to rely on as policy basis for SPD	Policy GP11 is one of the saved policies in the UDP and was endorsed by an inspector's report.	The document has been clarified, particularly in Chapters 1 and 3 to show that SPD is supplementary to existing UDP policy pending adoption of Core Strategy and to refer to voluntary standards throughout.
			SPD establishes policies (p8/9) which PPS1 supplement says should be set out in a DPD	Accept in the document the fact that the guidance in the Climate Change Supplement to PPS1 provides that any policy relating to local requirements for sustainable buildings should be set out in a DPD. The SPD responds to this by confirming that it should offer encouragement rather than set mandatory standards	The document has been clarified to refer to voluntary standards throughout
			The expectation that guidance may be the subject of planning conditions is in conflict with PPS1 supplement para 45 and Circular 11/95 para 22)	There is not a conflict as the SPD provides guidance on all of the issues in the Code for Sustainable Homes and BREEAM as well as site appraisal and design considerations which fall outside the scope of building regulations. Any planning conditions arising from the implementation of the SPD will therefore be complementary to building	None required

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				regulation requirements.	
			Govt commitment to achieve zero carbon homes by 2016 through changes in building regulations makes the requirements in the SPD questionable	Response noted. However while building regulations are to be tightened to achieve zero carbon homes, the aims and objectives for the SPD make it clear that it is concerned with more than tackling carbon emissions (para 1.6 "Reduced impact on the environment overall"). The SPD therefore provides guidance on a range of other environmental issues covered by the Code for Sustainable Homes and BREEAM as well as additional topics such as site appraisal and design considerations which are critical to the efficient achievement of higher standards of sustainable construction.	None required
			SPD is contrary to national guidance by introducing new policy not trailed in statutory development plan or national guidance	Accept in the document the fact that the guidance in the Climate Change Supplement to PPS1 provides that any policy relating to local requirements for sustainable buildings should be set out in a DPD. The SPD responds to this by confirming that it should offer encouragement rather than set mandatory standards	The document has been clarified, particularly in Chapters 1 and 3 to show that SPD is supplementary to existing UDP policy pending adoption of Core Strategy and to refer to voluntary standards throughout.
			SPD sets out requirements for proportions of scheme energy to come from renewable/decentralised sources when such requirements have not been examined in a DPD	Accept in the document the fact that the guidance in the Climate Change Supplement to PPS1 provides that any policy relating to local requirements for renewable/decentralised energy should be set out in a DPD. The SPD responds to this by confirming that it should offer encouragement rather than set mandatory standards	The document has been clarified to refer to voluntary standards throughout

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			Repeats national guidance unnecessarily	While the guidance in the SPD is clearly informed by the national schemes (CSH and BREEAM), it does not repeat the guidance in these schemes and does give locally relevant examples and case studies of how the requirements of these national regimes may be met in Leeds	None required
			Proposes to use guidance to apply conditions on schemes that may conflict with PPS1 supplement and circular 11/95	There is not a conflict as the SPD provides guidance on all of the issues in the Code for Sustainable Homes and BREEAM as well as site appraisal and design considerations which fall outside the scope of building regulations. Any planning conditions arising from the implementation of the SPD will therefore be complementary to building regulation requirements.	None required
			All references to the guidance constituting policy should be deleted	Response noted	The document has been clarified to refer to voluntary standards throughout
			References to requirements to meet CSH & BREEAM standards and renewable energy contributions should be removed and placed in policy in an appropriate DPD	Response noted	The document has been clarified to refer to voluntary standards throughout
			SPD should be recalled as informal guidance as core requirements will be secured through changes to building regulations	Response noted. However while building regulations are to be tightened to achieve zero carbon homes, the aims and objectives for the SPD make it clear that it is concerned with more than tackling carbon emissions (para 1.6 "Reduced impact on the environment overall"). The SPD therefore provides guidance on a range	None required

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				of other environmental issues covered by the Code for Sustainable Homes and BREEAM as well as additional topics such as site appraisal and design considerations which are critical to the efficient achievement of higher standards of sustainable construction.	
05	CB Richard Ellis Ltd	Hammerson UK Properties PLC	Keen to engage with LCC. Imperative that all LDF documents facilitate a strong environment that allows development to occur for the benefit of everyone	Response noted	None required
			P6 para 3.5: RSS has been abolished and no longer forms part of the statutory development plan. Suggest removal of section	Response noted	References to RSS have been clarified to refer to the outstanding challenge to the Secretary of State's statement of 10 th November 2010, in which he set out his response to the judgment of the Administrative Court in the case of <i>R (Cala Homes (South Limited) v Secretary of State for Communities and Local Government</i> [2010] EWHC 2866 Admin. Essentially this advice concerned the Secretary of State urging local authorities to treat his intention to abolish regional strategies as a material consideration. The final judgement is not expected before late January 2011 and the existence of the challenge has to be taken into account when assessing the weight to be afforded to the Secretary of

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					State's statement of intention to abolish Regional Strategies. If possible the outcome of the final judgement will be reflected in the final text.
			P9 Box 1: Provide separate targets for residential and non-residential developments to achieve zero carbon: 2016 for residential and 2019 for non-residential in accordance with the trajectory for carbon emission reductions for building regulations	The document has been clarified to refer to voluntary standards throughout. Therefore the standards in the SPD will be subject to negotiation. The substantive issue relating to the refinement of the relevant Core Strategy policy will be addressed in the consultation on the Core Strategy	None required
			Reword p9 Box 2 para 3 to provide greater definition in order that development can be planned effectively, to the effect of <i>"if it can be demonstrated that decentralised, renewable or low carbon technology is not practical on or near the proposed development, it may be acceptable to provide a contribution equivalent to the cost of providing the 10% which the Council will use towards an off-site renewable energy scheme. Such contributions will be calculated against the carbon emissions reduction required in order that the 10% target is achieved at a rate of £[x]/kgCO2 (or other rate as justified by an agreed alternative methodology) necessary to be saved"</i> . N.B. the methodology should be set out in the appropriate section of the SPD.	The issue of contributions towards off site schemes will be addressed as the Council's position on the proposals for the Community Infrastructure Levy (and its relationship with Allowable Solutions) develops and set out in the appropriate Development Plan Document. Future versions of this SPD may provide more detailed guidance on these DPD policies as appropriate	None required

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			Policy should acknowledge financial viability as a consideration in determining what proportion of renewable energy is required for a particular scheme through addition of a paragraph stating <i>"In determining the required provision of on-site renewable or low carbon technologies, the financial viability of the proposed development will be a material consideration"</i>	The document has been clarified to refer to voluntary standards throughout. Therefore the standards in the SPD will be subject to negotiation. The substantive issue relating to the refinement of the relevant Core Strategy policy will be addressed in the consultation on the Core Strategy	None required
			Alternatively the Council should seek to co-ordinate the development of a low-carbon or renewable energy heating and cooling network throughout the city which is spatially planned to allow for effective and efficient development	This issue is addressed in the Natural Resources and Waste DPD and developing Core Strategy	None required
			P9 Box 2 para 4 Reword to avoid phasing implications and the risk of unsuitable technologies to state <i>"The renewable or low-carbon technologies must be operational before any new or converted buildings are occupied, where the planning application comprises the development of a stand-alone building. On phased sites, the operation of renewable or low-carbon technologies are to be agreed as part of a phasing plan."</i>	The document has been clarified to refer to voluntary standards throughout. Therefore the standards in the SPD will be subject to negotiation. The substantive issue relating to the refinement of the relevant Core Strategy policy will be addressed in the consultation on the Core Strategy	None required
			P11 para 4.2: HIPs have now been abolished. Suggest removal of reference to HIPs	Response noted	Section 4 and glossary have been amended
			P21-31 Sections 7 and 8: Neither section refers to the importance of urban grain, density and scale in	Response noted	Clearer reference made in Section 8 to 'Neighbourhoods for Living' which covers these

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			scheme design as outlined in the Building Research Institute's 'A Sustainability Checklist for Developers'		issues
			P71-74 Section 13 does not offer much guidance on waste minimisation or reducing construction waste. This section should set out the waste hierarchy as a general guide for waste management. Should set out the WRAP halving waste to landfill scheme.	Response noted. Section 13.9 does offer guidance on reducing construction waste	Section 13 has been amended to include reference to the waste hierarchy, more guidance on waste minimisation and reference to the Council's Business Waste Handbook. A case study has been included on the Council's participation in the WRAP halving waste to landfill scheme
			P75-80 Section 14 focuses on air pollution only and fails to consider other pollutants such as noise and ground/water contamination	Response noted. These issues are dealt with elsewhere in the document	Amendments made to Section 14 to signpost readers to other parts of the document that deal with other types of pollution.
			Sustainable design includes the careful consideration of social and economic factors as well as environmental.	Response noted. Section 3 provides the context for the document and its contribution to sustainable development	None required
06	Barwick-in-Elmet & Scholes Parish Council	Barwick-in-Elmet & Scholes Parish Council	Support for the principle of the SPD and its objectives	Response noted	None required
			Every planning application must be considered on its merits and flexibility will be required in meeting the aspirations set out in the SPD	The document provides a menu of guidance that can be tailored to meet the requirements as appropriate of major development applications (See para 2.3, 6.1-6.4)	None required
			RSS has been revoked (Ch 3) and RDA abolished (3.8.2)	Response noted	References to RSS have been clarified to refer to the outstanding challenge to the Secretary of State's statement of 10 th November 2010, in which

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					<p>he set out his response to the judgment of the Administrative Court in the case of <i>R (Cala Homes (South Limited) v Secretary of State for Communities and Local Government</i> [2010] EWHC 2866 Admin. Essentially this advice concerned the Secretary of State urging local authorities to treat his intention to abolish regional strategies as a material consideration. The final judgement is not expected before late January 2011 and the existence of the challenge has to be taken into account when assessing the weight to be afforded to the Secretary of State's statement of intention to abolish Regional Strategies. If possible the outcome of the final judgement will be reflected in the final text.</p>
			<p>A policy comparable with RSS ENV 5 should be incorporated in the Core Strategy</p>	<p>This issue will be addressed in the Core Strategy</p>	<p>None required</p>
			<p>Value of SPD is diminished if it is not applied to all development</p>	<p>Response noted however the Council considers that by targeting major development the policy will be directed at schemes where higher levels of the CSH and BREEAM are more likely to be viable (See para 6.8 – 6.11)</p>	<p>None required</p>
			<p>Council should consider employing qualified staff to monitor good practice</p>	<p>Response noted</p>	<p>Reference to the service offered by Leeds City Council has been</p>

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			and compliance with the guidance		included in 4.13
07	English Heritage	English Heritage	Welcome the guidance particularly the aspect which relates to the benefits of the reuse of existing buildings and the need to have regard to designated historic assets	Response noted	None required
			P28 para 8.18 add to final bullet point <i>“English Heritage has published a series of guidance documents which look at a range of improvements that can be made to improve the energy performance of existing buildings and how renewable energy technologies might be used on historic properties. These documents can be downloaded from www.helm.org.uk”</i>	Agree	Amendment made to para 8.18
			P57 para 11.4 add to the section where it deals with stone <i>“For the repair of historic buildings and for developments within Conservation Areas, the use of locally-sourced materials is not only a more sustainable option in terms of transport emissions, but it is often more appropriate in terms of the character of the building or area itself.”</i>	Agree	Amendment made to para 11.4
08	Natural England	Natural England	Considers that the guidance will be a valuable tool to guide developers to consider sustainable design and construction issues as part of all major developments	Response noted	None required
			Welcome the commitment to achieving carbon reduction at a rate of 20% less than the Building Regulations target rate. Also welcome the commitment to ensure major developments derive at	Response noted	None required

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			least 10% of energy from renewable sources.		
			Welcome guidance on site appraisal	Response noted	None required
			Pleased that the design of external spaces is recognised as a key component in any major development	Response noted	None required
			Pleased to see the importance of energy efficiency/carbon emissions is recognised. Welcome guidelines for the use of renewable energy, the need to curb light pollution and recognition of growing popularity of car clubs.	Response noted	None required
			Not clear how 9.46 Green Roofs are encouraged sits with Core Strategy (preferred options) policy GR1. Advise that a greater level of guidance on the design of green roofs would be beneficial to developers. Also recommend that reference is made to emerging standards for green roof design such as the Biodiversity Benchmark for Green Roofs	The Core Strategy policy GR1 is currently being reviewed. The SPD does not set out to provide detailed design advice. Reference to emerging standards has been included.	Amendments made to include reference to Biodiversity Benchmark in Chapter 17
			Welcome the requirement for ecological assessments of development sites. The example measures are helpful and the protection of ecological features guidance is also welcomed	Response noted	None required
			Recommend reference at 17.24 to specific guidance on 'Lighting and Bats' produced by Bat Conservation Trust and Institute of Lighting Engineers	Agree	Reference included at paras 9.70 and 17.24
09	British Waterways	British Waterways	Para 9.18: BW supports the use of the towing path as sustainable transport routes for walking and cycling. It is	Response noted. This issue would be negotiated on individual planning applications as appropriate	None required

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			important that policies are framed to support the imposition of conditions or the requirements for planning obligations to mitigate the impact on the waterway infrastructure		
			Para 9.51: The canal network can contribute to the regional and local renewable energy targets through onshore hydro electric power and the use of canal water for heating and cooling buildings	Agree	Amendments made to relevant bullet points in para 9.55
10	Highways Agency	Highways Agency	Support in principle the measures intended to reduce the need to travel and increase the use of sustainable modes (Ch 7 and 9). Welcome the intention to encourage the provision of infrastructure in new development. No obvious example in the case studies that addresses travel need and connectivity.	Response noted	Additional case studies included
			SPD does not appear to address minimising the need for travel through either the design of buildings to facilitate home-working or the spatial planning need for residential development, sources of employment and shopping facilities to be in close proximity.	Disagree. See section 9.66 Home Office which provides guidance on design of buildings to facilitate home working. The document does not cover the spatial issues of sustainable development (see para 1.2)	None required
			Agency attaches great importance to the development of effective travel plans and will make a positive contribution if and when there is a further round of consultation on the forthcoming SPD on Travel Plans and Developer Contributions	Response noted	None required

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			Measures to minimise short distance use of Strategic Road network will be supported. Using rail stations as local hubs has potential but research suggests rail capacity is at or approaching capacity on most corridors.	Response noted	None required
			No apparent reference to public transport infrastructure in the SPD. The need for local distributor roads for local bus services to ensure acceptable maximum walking distances needs to be covered in the Core Strategy	The document does not cover the spatial issues of sustainable development (see para 1.2)	None required
			More explicit guidance needed on <ul style="list-style-type: none"> • Provision of pedestrian and cycle links to bus stops and the provision of local distributor road access for buses • Need to take account of the relationship between residential, employment and local facilities in mixed use developments • The need for a travel plan with clear targets 	Clearer reference made in Section 9 to Core Strategy, existing and forthcoming SPDs that will cover these issues	Amendment made to para 9.18
			Ch 13 appears to be consistent with NRWDPD so no need to repeat comments in relation to minimising the movement of construction waste	Response noted	None required
			Will continue to comment on distribution of housing in Core Strategy and Site Allocations DPD to avoid the risk of designating further AQMAs (Ch 14) as result of new development	Response noted	None required

* paragraph numbers refer to Consultation Draft document (June 2010). Paragraphs may be renumbered in the adopted version.