

**Tan 22:  
Planning for  
Sustainable  
Buildings**

**DLP BRIEFING NOTE 22**

Prepared by  
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## TAN22: Planning For Sustainable Buildings

On 4 June 2010 the Welsh Assembly Government (WAG) published their latest Technical Advice Note as part of their ongoing drive towards zero carbon homes and buildings.

TAN22 provides advice on planning for sustainable buildings. National Planning Policy Wales (PPW) already sets out standards for sustainable buildings and carbon emissions, with cross-reference to the Code for Sustainable Homes (CSH) for new-build dwellings and the Building Research Establishment Environmental Assessment Method (BREEAM) for non-residential buildings.

Although this TAN and PPW apply only to schemes above a certain threshold (after 1 September 2009 applications for 5 or more dwellings to meet CSH Level 3, and applications for non-residential development of 1000m<sup>2</sup> floorspace or 1ha site area to meet BREEAM Very Good standard; after 1 September 2010 applications for 1 or more dwellings to meet CSH Level 3) developers are encouraged to pay due regard to the TAN for other schemes, particularly as environmental sustainability is a material consideration as per TAN12: Design.

The TAN also reconfirms that Building Regulations will be devolved to WAG from 31 December 2011. This will help balance buildings legislation with planning policy in Wales, underlining WAG's determination to drive forward their zero carbon agenda ahead of Westminster's.

One useful aspect of TAN22, is that it clarifies how WAG expects the CSH to operate alongside the planning regime. PPW introduced the expectation to comply with CSH (in September 2009) and LPAs have interpreted the advice differently. Both CSH and BREEAM have two routes to certification; Route 1 involves an Interim Certificate, with a Final Certificate being issued post-construction. Route 2 omits the first stage with the whole assessment being undertaken post-construction.

The TAN confirms that planning applications are expected to follow Route 1:-

- Design Stage Assessment -> Interim Certificate -> Post-Construction Stage -> Final Certificate

The TAN reinforces the current zero carbon approach, namely to improve energy efficiency, then to reduce carbon emissions and finally to use allowable solutions (i.e. *"measures permitted for dealing with residual emissions after achieving the carbon compliance standard"*).

Following on from this, developments will be expected to consider the 'Energy / Carbon Implementation Map'. This asks whether the relevant standard can be met solely through reducing the energy demand and improving energy efficiency. If it cannot, then a Low and Zero Carbon (LZC) Energy Technologies Approach is required, involving a LZC Feasibility Study to ascertain the LZC solution(s) to be used.

It is explained that the Design and Access Statement (DAS) that must accompany a planning application may include:-

- **The approach towards reducing emissions via the energy hierarchy;**
- **Details and an explanation of how emissions will be reduced (e.g. through passive design or particular building fabrics);**
- **Evidence for any LZC (e.g. a Feasibility Study); and**
- **A statement on the CSH / BREEAM standard that is expected to be reached.**

A further element of the TAN is its advice as to what a developer can expect from the LPA and vice-versa. Firstly, applicants should show a “*realistic, considered and achievable approach*” to meeting the required minimum standard. LPAs should then consider the land-use planning implications of any design solutions proposed. They should also confirm, following the grant of planning permission, the minimum standard likely to be met (design stage) and actually met (post-construction stage). Developers are expected to provide clear evidence with a planning application (e.g. through the DAS) of compliance with national and local policies and standards, and explain their approach. If the information necessary to demonstrate expected compliance with the standards can be provided in the DAS, then LPAs should not require specific or standalone assessments of new developments.

Following on from this, the TAN provides a Policy Implementation Map that shows the process to be undertaken from the initial identification of a site through to occupation of buildings. It also advises on the roles that the LPA, developer and qualified assessors play through the process.

### ***Design, Pre-application and Application Stages***

The developer and LPA use pre-application discussions to prepare applications. The developer should consider the policy context and appraise the site and its opportunities and constraints. It is prudent to register the site (via an assessor) for the CSH / BREEAM at this stage as this means the current version of the Code is to be used rather than a later version.

A pre-assessment of the development should then feed into the DAS ahead of formally submitting the planning application. The LPA then determine the application and if acceptable, grant with three conditions- one overarching referring to the standard to be met, one pre-commencement referring to the Interim Certificate, and one pre-occupation referring to the Final Certificate (example conditions are included in Chapter 6 of the TAN).

### ***Prior to Construction***

The developer provides the assessor with evidence and details so that the assessor can conduct a Design Stage Assessment. If this report is found to be satisfactory, then an Interim Certificate can be issued. This is then submitted by the developer to the LPA, in order for the pre-commencement condition(s) to be discharged.

### **Post-Construction**

The developer provides the assessor with the necessary information for a Post-Construction Assessment to be undertaken. If satisfactory, a Final Certificate is issued, which is then once more submitted to the LPA for them to discharge the pre-occupation condition.

Although this advice is useful as it clarifies the process and individual roles, it does have potential implications for some developments, for example not all sites are eventually built out by the same developer as who applied for planning permission. Also, outline applications are only discussed insofar as *“for outline applications the amount of information required at outline application stage will be determined by the nature and circumstances of the development as well as what matters are reserved”*

It should also be noted that the TAN permits LPAs to exceed sustainable building standards on strategic sites (i.e. in their Local Development Plan) where local circumstances provide the opportunity to do so.

The standards are expected to be rigorously adhered to, however certain constraints might legitimately affect the capability of a development site to meet the expected standard (for example conservation designations); TAN22 does confirm that financial considerations alone do not constitute a technical constraint to achieving the requisite standard.

Should you wish to discuss the implications of TAN22 further, or indeed other aspects of CSH or BREEAM (for example their status in England), please do not hesitate to contact your local DLP office.

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