



Llywodraeth Cymru
Welsh Government

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'SUSTAINABLE BUILDINGS'

COMPLIANCE WITH BREEAM REQUIREMENTS AND THE EXCEPTION PROCESS

GUIDANCE NOTE DEFINING REQUIREMENTS FOR A RANGE OF BUILDING TYPES AND SIZES

Document issued January 2009

CURRENT REQUIREMENTS:

The Welsh Assembly Government has a duty to have a scheme setting out how it intends to promote sustainable development in the exercise of its functions i.e. in all of the activities it undertakes.

For all new buildings promoted or supported by the Welsh Assembly Government, whether directly procured, the subject of financial support, joint ventures or projects on land sold, leased or disposed of in any way for development. We will require

- ♦ Residential developments to achieve a minimum of Code for Sustainable Homes Level 3 ²
- ♦ Non-residential developments to achieve BREEAM (or equivalent) 'Excellent' ¹
- ♦ A minimum of 10% (by value) of recycled material to be used in all new buildings¹

These requirements are a starting point on the journey to the 'Zero Carbon' aspiration from 2011.

The BREEAM requirement does not apply to projects involving the refurbishment or extension of existing building but an energy efficient design solution is still required, and projects should attempt to achieve higher standards wherever possible.

¹ February 2007, Carwyn Jones, Minister for Environment, Planning and Countryside

² June 2008, Jane Davidson, Minister for Environment, Sustainability and Housing

There is a requirement to achieve annual carbon reduction-equivalent emissions reductions of **3% per year by 2011** in areas of devolved competence

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1.0 BACKGROUND

The Building Research Establishment Environmental Assessment Method (BREEAM) or equivalent is used to set the current standard for Welsh Assembly Government projects. The requirement is for all direct or assisted non-domestic projects to obtain a BREEAM 'excellent' rating. This requirement only relates to new buildings and excludes extensions, alterations and refurbishment schemes. However, even those projects should have an energy efficient design solution.

BRE train Independent Assessors who have to pass an examination to obtain the necessary accreditation before they are allowed to undertake assessment work under a licensing agreement. However, it is BRE who issued the actual Certificate after undertaking a quality check on the post completion assessment.

To achieve an 'excellent' rating a score of 70% or more is required against a set of defined criteria which are specific for the type of building project being undertaken.

It must be noted that if a development consists of several buildings having different uses, then separate BREEAM assessments will be required for each one.

AIMS OF BREEAM:

- To mitigate the impacts of buildings on the environment
- To enable buildings to be recognised according to their environmental benefits
- To provide a credible, environmental label for buildings
- To stimulate demand for sustainable buildings

OBJECTIVES OF BREEAM:

- To provide market recognition to low environmental impact buildings
- To ensure best environmental practice is incorporated in buildings
- To set criteria and standards surpassing those required by regulations and challenge the market to provide innovative solutions that minimise the environmental impact of buildings
- To raise awareness of owners, occupants, designers and operators of the benefits of buildings with a reduced impact on the environment
- To allow organisations to demonstrate progress towards corporate environmental objectives

BREEAM 2006 enabled the 70% threshold to be obtained through a variety of 'mix and match' criteria. However, BREEAM 2008 which came into force on 1st August 2008, requires credits to be obtained against a number of mandatory items. Failure to achieve the mandatory minimum would negate the process and 'excellent' cannot be obtained irrespective of credits being obtained against other sections.

BREEAM 2008 incorporates energy requirements within the mandatory section and this is consistent with the reduction in energy specified in the Code for Sustainable Homes and the requirement for Energy Performance Certificates (EPC's). Improvement in the environmental performance of a building and the internal environment for the occupants were key to the changes in the BREEAM scoring process.

2.0 ISSUES RELATING TO BREEAM

Concern has been expressed by individuals and organisations over the cost and capability of non-domestic building projects obtaining an 'excellent' rating and the following issues have been raised:

- Resistance owing to the view that excessive additional costs apply to BREEAM 'Excellent'.
- BREEAM is a 'scoring' system which does not suit all projects.
- Small schemes cannot achieve 'excellent' without additional and disproportionate costs for design, assessment and construction.
- Insufficient assessors in parts of Wales.
- No standard fee scale exists for standard assessment work and 'bespoke' assessments are costly.
- Lack of understanding of the BREEAM process and the mandatory requirements.
- Certain schemes simply cannot achieve 'excellent' because of location, use of building or due to the small amount of energy being consumed.
- Separate buildings require individual assessments

Further evaluation is being commissioned to be able to address the claims that additional costs are excessive and there are also proposals to encourage more firms and individuals in Wales to train as Assessors.

It must be noted that a Design Stage BREEAM assessment can only be undertaken at RIBA Stage D or even E at which time approximately 50% of the Professional Fees will have been spent. Avoidance of abortive costs is crucial especially on smaller projects as all costs become disproportionate.

This Guidance Note concentrates on providing clarification of the compliance procedure to be adopted by Assembly Departments for all activities involving the construction of new buildings of various types and sizes.

Departments need to keep records of the BREEAM ratings achieved or the reason/consent for an 'exception' for all building projects where there is or will be a financial involvement.

3.0 PROCEDURE TO BE ADOPTED

The provision of energy efficient buildings is included in the BREEAM process and new buildings are required to have an Energy Performance Certificate (EPC) as part of the Building Regulation consent.

Computer software e.g. Simplified Building Energy Model (SBEM) is used to demonstrate compliance with Part L and the creation of the Certificate. In broad terms, a 'B' rating is equivalent to the energy requirements for 'excellent'. The requirement for an EPC is included in the proposed approval procedure for smaller buildings.

Firms, organisations or individuals seeking Assembly assistance for building projects could incur substantial additional costs due to the requirement for 'bespoke' or multiple BREEAM assessments. The Tables in this section attempt to reduce the risk of abortive work and address the fact that some projects due to either size or location would be unable to achieve an 'excellent' rating even with substantial addition expenditure.

Floor area of a building is under 50 sqm	
Types of buildings	Requirements
Examples: <ul style="list-style-type: none">• Small workshop unit (built in terraces)• Ancillary buildings e.g. security office, plant room, stores etc	<ul style="list-style-type: none">• Evidence of compliance with Planning and Building Regulations• BREEAM assessment not required

Automatic 'exception' if above requirements are met.

Floor area of a building is over 50 sqm and up to 250 sqm	
Types of buildings	Requirements
Examples: <ul style="list-style-type: none">• Small workshop unit (built in a terrace)• Offices and meeting rooms• Exhibition area	<ul style="list-style-type: none">• Compliance with Planning• EPC showing a rating that is above the Building Regulation Part L minimum i.e. a high 'B'• BREEAM assessment not required

Automatic 'exception' if above requirements are met.

Floor area of a building is over 250 sqm and up to 1000 sqm

Types of buildings	Requirements
<p>Examples:</p> <ul style="list-style-type: none"> • Workshops (semi-detached or in a terrace) • Industrial unit • Office block • Community Hall 	<ul style="list-style-type: none"> • Pre-assessment with advice from Technical personnel within the Economic Development Group located in DE&T or an external consultant • If 'excellent' cannot be obtained then 'very good' would be acceptable subject to the mandatory energy credits for 'excellent' being obtained. • If the rating for all sections (including energy) is only 'very good' an individual exception report will need to be produced and consent sought if the scheme is to be supported. <p>Note: Merely forcing additional items to be added and incurring cost penalties should not be considered.</p>

Automatic 'exception' only if energy credits for 'excellent' are being obtained.

Floor area of a building is over 1000 sqm

Types of buildings	Requirements
Any category	<ul style="list-style-type: none"> • Recommended that a pre-assessment is undertaken to identify credits which can/must be obtained • Contract/offer of assistance will require a Design Stage assessment • Post-Construction Stage assessment or BRE Certificate required

No automatic 'exceptions' for projects of over 1000 sqm.

It must be noted that obtaining an individual consent for an 'exception' to the BREEAM 'excellent' requirement is not required for buildings up to 250 sqm in area. However, if the building is part of a larger development complex then any other buildings may require BREEAM assessments.

BESPOKE ASSESSMENTS

If projects do not fall into one of the categories covered by the Standard Assessment Forms a 'bespoke' assessment may be required but this has cost and timing implications.

Technical personnel within the Economic Development Group in DE&T or an external consultant could be used to identify the issues prior to the firm or individual incurring substantial fees. If a 'bespoke' assessment is required the firm will have to appoint an Independent Assessor to produce the Form and obtain consent from BRE. However, if it is advantageous to have a Form which could be used for similar future projects, consideration should be given for a contribution to be made towards the cost by the Assembly.

INDIVIDUAL EXCEPTIONS

Where a project cannot or does not achieve the 'excellent' rating and is not covered by the exception categories listed in this document, then an individual exception report must be produced and approval sought if the project is to be supported.

Where the project had a Design Stage assessment which indicated that an 'excellent' rating could be achieved, but at Post-Construction Stage it is only 'very good' then:-

- If the failure is due to circumstances outside of the control of the developer/contractor but best endeavours have been used, then the situation should be recorded (using the standard form), but legally, there is no right to withhold title or payment of a grant.
- If the failure is due to a cost reduction exercise or simply did not proceed in the manner defined in the Design Stage assessment then the options are:
 - financial assistance can be reduced
 - firm is given the option of undertaking further work to rectify the situation
 - land value is adjusted to reflect only a 'very good' rating

A separate Guidance Note has been produced to cover this issue.

Where the Pre or Design assessment only produces a 'very good' rating due to location, land use or occupational factors but the project offers other sustainability, economic or community benefits then due consideration should be given. If the decision is taken to support the project then an individual exception report must be produced for approval to be obtained.

Along with the information on energy efficiency and consumption, the exception report should emphasise the other benefits which would accrue by supporting the scheme and the value of the project to the community and the economy. (Suggested format and content for the report is attached).

The completed exception report is initially to be provided to the Regional Director/Head of Department who will review the justification for the project to be treated as an exception.

If the Regional Director/Head of Department is satisfied with the submission then it will be submitted to the Director of the Department for approval. It is only after consent has been obtained that an offer of assistance can be made.

Copies of all documentation are to be kept on the individual project file and a record is to be maintained by the appropriate Head of Finance and Performance

APPENDIX



EXCEPTION REPORT

Project:

Location:

Reasons for Seeking Exception:

Proposed: (Project Manager)

Recommended: (Regional Director)

Director Approval obtained on

Background:

To include:-

Size of project:

Contractual Relationships:

Comments on Design and Energy implications

Financial implications to WAG and total investment

Outputs to be provided and benefits

Value to the Community and Economy

Timescale:

**(Supplementary information is to
be attached)**

Etc.