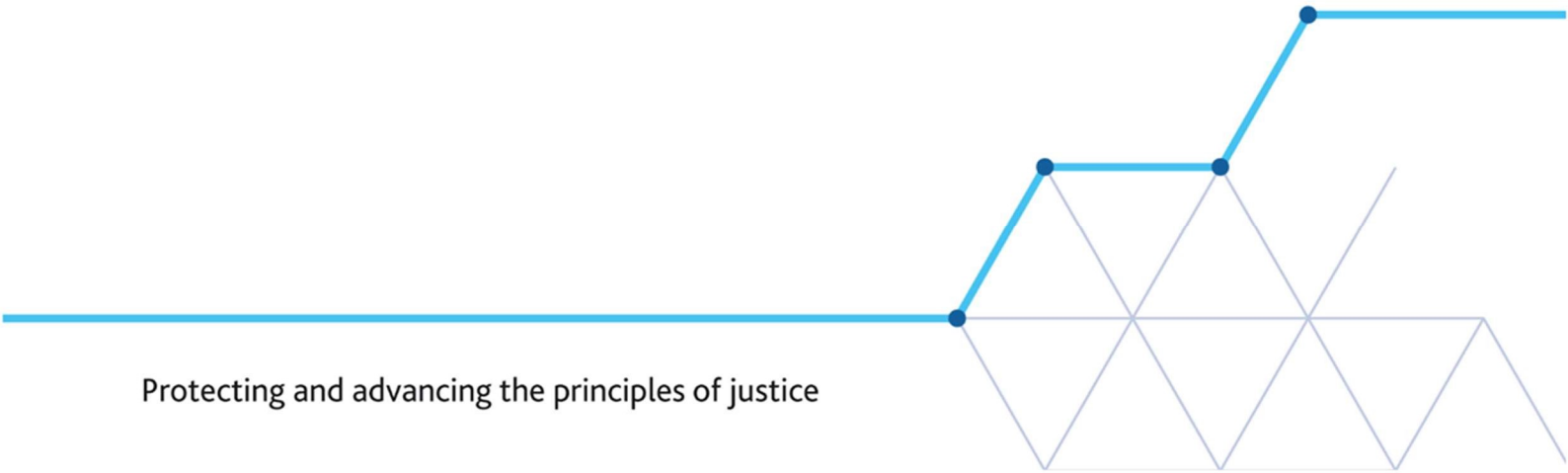
Ministry of Justice

# Property Directorate

## Sustainable Construction: BREEAM Policy

August 2021



Protecting and advancing the principles of justice

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## Sustainable Construction: BREEAM Policy

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| V0.1 A | 01/08/2017 | New |
| V0.2 CvR | 23/10/2017 | Amendments |
| V0.2 KD | 25/10/2017 | Updates |
| V1.0 JC | 3/11/2017 | Updates |
| V1.1 | 13/12/2017 | Final |
| V1.2 | 31/01/2019 | Draft update to add optional Outstanding rating requirement |
| V2.0 | 15/02/2019 | Final |
| V3.0 | 28/09/2021 | Update – confirmation of Outstanding as targeted expectation, inclusion of mandatory credits, RIBA stage checklist and derogation process |

# Contents

# 1. Vision

1.1 "*Our mission is to deliver a world-class justice system that works for everyone in society. Our sustainability objective is to embed environmental sustainability throughout our estate, operations and procurement activity."*

1.2 With the ambition to deliver a Net Zero Estate by 2050, Greening Government Commitment targets, considerations across the estate of impacts of Climate Change, circular economy principles, Biodiversity Net Gain requirements and Government Soft Landings. BREEAM and the use of mandatory credits demonstrates the Ministry of Justice's commitment to embedding sustainability across our estate and how we are delivering against our objectives and providing independent accreditation of our sustainability.

1.3 BREEAM challenges projects to deliver buildings that enhance the benefits for the local wildlife; are resource efficient, cost effective in operation; and create indoor and outdoor spaces that provide a positive experience for the people using them.

# 2. Introduction

2.1 The Ministry of Justice (MoJ) applies the Building Research Establishment Environmental Assessment Method (BREEAM) to its new construction and refurbishment projects to support the delivery of a fit-for purpose, sustainable estate with lower operating costs.

2.2 BREEAM is a third-party certification process which assesses a project's environmental, social and economic sustainability performance using a set of standards developed by BRE. This set of standards will support the MoJ and its Agencies and Arm's Length Bodies to deliver against our Net Zero Carbon ambition, our Greening Government Commitments, our Biodiversity Net Gain target and our wider aspirations to embed sustainability throughout our estate, operations and procurement activity. BREEAM spans the entire project lifecycle from the initial project brief through the design and construction phases, and to handover and close-out.

2.3 This document sets out MoJ's BREEAM policy in terms of required ratings and mandatory credits for both new build and refurbishment projects. It also sets out how BREEAM should be applied to each project and how assessment progress should be monitored and reported. All projects should engage with the Sustainability Team when developing the business case for advice and guidance. Further details and guidance on the application of this BREEAM policy can be found in **MoJ's BREEAM Guidance and Toolkit**.

2.4 This policy forms part of the MoJ Property Directorate's Project Management Controls and should be read in conjunction with the Department's relevant Standard Design and Construction guides. The requirements set out in this BREEAM policy shall be included in project specifications and be an enforceable part of the contract. Derogations to this policy will need to be signed off by MoJ's Director of Sustainability, with reference to, if required, the Head of Technical Standards. Decisions will be recorded by the Sustainability Team and reported to the Senior Sustainability Board.

2.5 All new build projects should be delivered to BREEAM Outstanding and major refurbishments to BREEAM Excellent unless proven to be technically or commercially not feasible. In such cases a derogation to Excellent and Very Good respectively may be granted.

2.6 Where the applicability of the policy is unclear, or a lower BREEAM rating requires approval, the decision will be referred via derogation and in consultation with the MoJ's Sustainability Team and Technical Standards and approved by the MoJ's Sustainability Director.

## 3. BREEAM Requirements

### New Build Requirements

3.1 All new build construction projects with a construction value ≥£500,000 must achieve a BREEAM Outstanding rating under the latest BREEAM UK New Construction assessment scheme (currently 2018).

3.2 If there is *sufficient justification* as to why this rating cannot be achieved, then the project must achieve a BREEAM Excellent rating as a minimum and a note to justify the shortfall should be prepared by the Project Sponsor supported by the project's BREEAM Assessor and submitted to, and approved by, the MoJ's Sustainability Team. A *sufficient justification* could include project viability and/or site-specific reasons outside the control of the project such as flood risk.

3.3 The MoJ has also set a series of mandatory credits which must be achieved on all BREEAM New Construction projects to ensure a high level of quality and consistency and to support wider MoJ sustainability policy objectives. Please see Table 1 over page and note that these are in addition to the minimum requirements set by BRE for each rating.

## Table 1 - Mandatory Credits for BREEAM New Construction assessments

| Mandatory credits | Scores to achieve | RIBA stage |
|---|---|---|
| **Man 02 – Life cycle costing** | **4 of 4 credits** | |
| Elemental LCC | 2 of 2 | 2 |
| Component level LCC appraisal | 1 of 1 | 4 |
| Capital cost reporting | 1 of 1 | 4-6 |
| **Man 04 – Commissioning and handover** | **3 of 4 credits** | |
| Commissioning - testing schedule and responsibilities | 1 of 1 | 4-6 |
| Commissioning - design and preparation | 1 of 1 | 4-6 |
| Handover | 1 of 1 | 4-6 |
| **Man 05 – Aftercare** | **1 of 3 credits** | |
| Aftercare support | 1 of 1 | 5-6 |
| **Hea 04 – Thermal comfort** | **2 of 3 credits** | |
| Thermal modelling | 1 of 1 | 2 |
| Design for future thermal comfort | 1 of 1 | 4 |
| **Ene 01 – Reduction of energy use and carbon emissions** | **10 of 13 credits** | |
| Energy performance | 6 of 9 | 2 |
| Prediction of operational energy consumption | 4 of 4 | 4 |
| **Ene 04 – Low carbon design** | **2 of 3 credits** | |
| Passive design analysis | 1 of 1 | 2 |
| Low and zero carbon technologies | 1 of 1 | 2 |
| **Wat 01 – Water consumption** | **3 of 5 credits** | 4 |
| Mat 01 – Environmental impacts from construction products | **4 of 7 credits** | |
| Superstructure | 4 of 6 | 2 |
| Mat 06 – Material efficiency | **1 of 1 credit** | 2 |
| **Wst 01 – Construction waste management** | **4 of 5 credits** | |
| Pre-demolition audit (where applicable) | 1 of 1 | 2 |
| Construction resource efficiency | 2 of 3 | 4 |
| Diversion of resources from landfill | 1 of 1 | 5 |
| **Wst 05 – Adaptation to climate change** | **1 of 1 credit** | 2 |
| **Wst 06 – Design for disassembly and adaptability** | **1 of 2 credits** | |
| Recommendations | 1 of 1 | 2 |
| **LE 04 – Ecological change and enhancement** | **4 of 4 credits** | |
| Ecological enhancement | 1 of 1 | 4 |
| Change and enhancement of ecology | 3 of 3 | 4 |

3.4 For the purpose of this policy, 'new build' is defined as:

"*Development that results in a new standalone structure, or new extension to an existing structure, which will come into operation or use for the first time upon completion of the works.*"

## Major Refurbishment Requirements

3.5 All major refurbishment projects with a construction value ≥£500,000 must achieve a BREEAM Excellent rating under the latest BREEAM UK Non-domestic Refurbishment and Fit-out assessment scheme (currently 2014).

3.6 If there is *sufficient justification* as to why this rating cannot be achieved, then the project must achieve a BREEAM Very Good rating as a minimum and a note to justify the shortfall should be prepared by the Project Sponsor supported by the project's BREEAM Assessor and submitted to, and approved by, the MoJ's Sustainability Team. A *sufficient justification* could include project viability and/or site-specific reasons outside the control of the project such as flood risk.

3.7 BREEAM Non-domestic Refurbishment and Fit-out is divided into four parts:

- Part 1 – Fabric and Structure
- Part 2 – Core Services
- Part 3 – Local Services
- Part 4 – Interior Design

Projects should apply all parts relevant to the scope of the project.

3.8 The MoJ has also set a series of mandatory credits which must be achieved on all BREEAM Refurbishment and Fit-out projects to ensure a high level of quality and consistency and support wider MoJ sustainability policy objectives. Please see Table 2 below and note that these are in addition to the minimum requirements set by BRE for each rating.

### Table 2 - Mandatory Credits for BREEAM Refurbishment and Fit-out Assessments

| Mandatory credits | Scores to achieve | RIBA Stages |
|---|---|---|
| **Man 02 – Life cycle cost and service life planning** | **4 of 4 credits** | |
| Elemental LCC | 2 of 2 | 2 |
| Component level LCC | 1 of 1 | 4 |
| Capital cost reporting | 1 of 1 | 4-6 |
| **Man 04 – Commissioning and handover** | **3 of 4 credits** | |
| Commissioning and testing schedule and responsibilities | 1 of 1 | 4-6 |
| Commissioning building services (relevant to project scope) | 1 of 1 | 4-6 |
| Handover | 1 of 1 | 4-6 |
| **Man 05 – Aftercare** | **1 of 3 credits** | |
| Aftercare support | 1 of 1 | 5-6 |
| **Hea 04 – Thermal comfort** | **2 of 3 credits** | |
| Thermal modelling | 1 of 1 | 2 |
| Adaptability for a projected climate change scenario | 1 of 1 | 4 |

| Mandatory credits | Scores to achieve | RIBA Stages |
|---|---|---|
| **Ene 01 – Reduction of energy use and carbon emissions**<br>Whole building energy model (option 1)<br>Elemental level energy model (option 2) | **10 of 15 credits**<br>10 of 15<br>60% of available credits | 2 |
| **Ene 04 – Low carbon design (parts 1, 2 & 3)**<br>Passive design analysis<br>Low and zero carbon feasibility study | **2 of 3 credits**<br>1 of 1<br>1 of 1 | <br>2<br>2 |
| **Wat 01 – Water consumption** | **3 of 5 credits** | 4 |
| **Mat 01 – Environmental impact of materials**<br>Project lifecycle assessment study (option 1) | **4 of 6 credits**<br>4 of 6 | 2 |
| **Mat 06 – Material efficiency** | **1 of 1 credit** | 2 |
| **Wst 01 – Project waste management**<br>Pre-refurbishment audit<br>Resource efficiency<br>Diversion of resources from landfill | **3 of 7 credits**<br>1 of 1<br>1 of 3<br>1 of 1 | <br>2<br>4<br>5 |
| **Wst 05 – Adaptation to climate change** | **1 of 1 credit** | 2 |
| **Wst 06 – Functional adaptability** | **1 of 1 credit** | 2 |
| **LE 04 – Enhancing site ecology (part 1 projects only)**<br>Ecologist's report and recommendations | **1 of 1 credit**<br>1 of 1 | <br>4 |

3.9 For the purpose of this policy, 'major refurbishment' is defined as:

"*Construction that results in the fundamental remodelling or adaptation of existing elements of the building envelope, structure and renewal of key building services. And where, on completion of the work, such remodelling/renewal will materially impact on the performance of the building."*

3.10 This means that work to both a) and b) below must take place for the project to be considered a "major refurbishment":

a) Structural/building envelope elements include walls (including glazing), roofs (including rooflights) and floors.

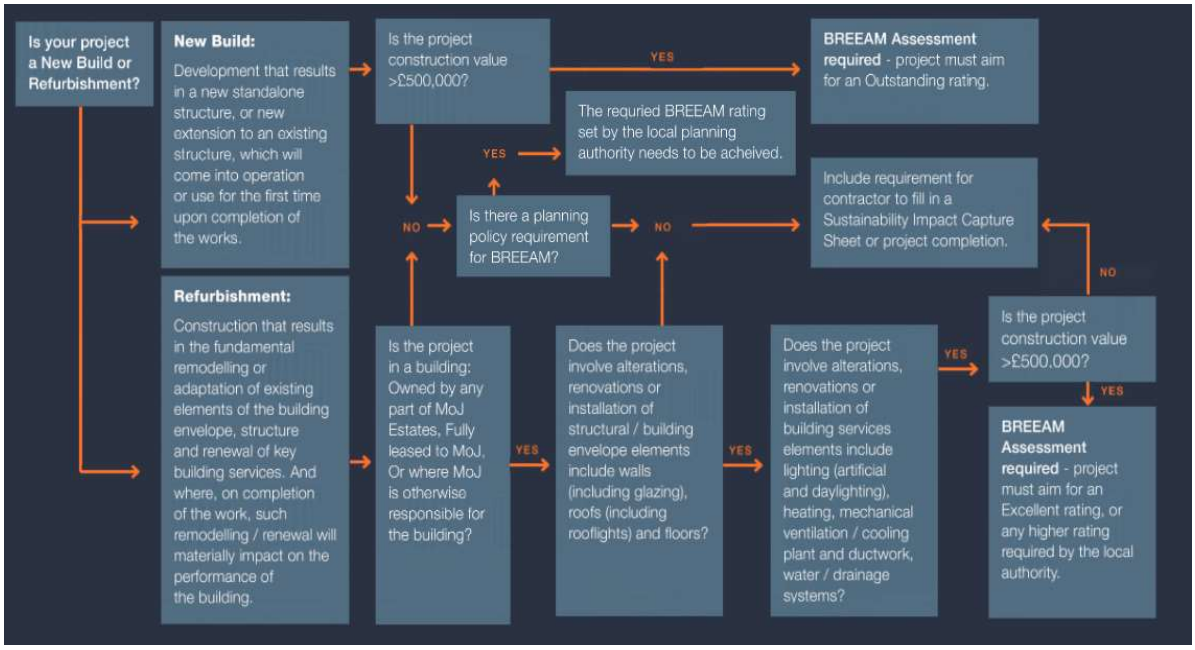
b) Building services elements include lighting (artificial and daylighting), heating, mechanical ventilation/cooling plant and ductwork, water/drainage systems.

3.11 Where only individual elements of the structural/building envelope element (e.g. windows or doors) or individual services elements (e.g. a boiler, heating system or lighting installation) are being replaced, remodelled or upgraded, the project will not be classed as major refurbishment. However, as the MoJ policy is not to replace 'like for like', this should be considered as an opportunity to upgrade to the lowest carbon alternative that is technically feasible.

3.12 It should be noted that all major refurbishment projects will reuse the majority of the building's existing supporting sub and superstructure and it is likely that in many cases the building's facade will be retained, albeit with some remediation or renovation.

3.13 The MoJ BREEAM Policy Decision Tree (Figure 1 below) should be used to determine the appropriate BREEAM assessment scope to be applied. This document is included in the BREEAM Guidance and Toolkit.

**Figure 1 – BREEAM Policy Decision Tree**




## 4. Applying the BREEAM Policy

4.1 All projects should consider BREEAM from the outset of the business case planning and ensure costs and reports are considered in the business case for Keyholder and Estates Investment Board submission.

4.2 BREEAM should be implemented from the feasibility stage (RIBA Stage 1).

4.3 A priority is for costs to be minimised and environmental benefits to be maximised by embedding BREEAM principles in the project process as early as possible. The Project Sponsor will apply the following early steps will help to achieve this:

- Appoint a BREEAM Accredited Professional (BREEAM AP) at RIBA Stage 1 to advise on the most suitable strategy and approach to achieving the required BREEAM rating.
- Ensure the project is registered under the latest and most appropriate BREEAM assessment scheme.
- Ensure a BREEAM Pre Assessment is developed during RIBA Stage 1 using the Tracker+ system (or approved equivalent) by a licensed BREEAM Assessor. This will need to incorporate MoJ's mandatory credits (see Table 1 or 2 above).
- Consider targeting credits with the lowest cost, where relevant and beneficial to the project, and where it does not compromise the fundamental and beneficial environmental outcomes to the project.
- Review the timeline for each of the individual credits and ensure that issues that require early action (i.e. prior to the end of RIBA Stage 2) are considered and implemented.
- Review credits at each RIBA Stage as part of the Sustainability Review and inform the Sustainability Team of progress and provide an early warning of any credits that may be at risk in terms of deliverability.

4.4 For more detailed guidance on how to apply the BREEAM Policy please refer to the BREEAM Guidance and Toolkit on Viewpoint for Projects. This guidance includes checklists and actions for each of the RIBA stages.

4.5 For clarification on the applicability of this policy to inflight projects, please contact the Sustainability Team for further advice.

4.6 Some projects that incorporate new build and refurbishment elements may benefit from adopting a BREEAM Bespoke Assessment. This should be discussed with the BREEAM assessor and AP as to the benefits and costs and approved by the Sustainability Team.

## 5. Monitoring and Reporting

5.1 The following documents must be completed and formally signed off by the MoJ's Sustainability team (and/or a delegated authority) for each BREEAM assessment:

- **Pre-Assessment** – This should be completed at RIBA Stage 1 to set the project's strategy for achieving the required BREEAM rating.

- **RIBA 2 Review** – This document should include a review of all of the early BREEAM credits to be completed (see BREEAM RIBA 2 Concept Design Credit Checklist in Table 3 below and included in MoJ's BREEAM Guidance and Toolkit).
- **Interim Certificate** – The design stage assessment will need to be submitted to the BRE at RIBA Stage 4.
- **Final Certificate** – Upon completion of the project, the post construction stage assessment will need to be submitted to BRE for final certification.

**Table 3 – BREEAM RIBA 2 Concept Design Credit Checklist**

| BREEAM ISSUE | RESPONSIBILITY | EARLY STAGE ACTION REQUIRED (BEFORE RIBA 1 & 2) |
|---|---|---|
| CONTRACTOR REQUIREMENTS | Client & Project Manager | Ensure that contractor requirements relating to individual BREEAM issues are included in tender documents. |
| Man 01 – Project Delivery Planning | Project Manager | Project team met and defined roles and responsibilities during RIBA Stage 2. |
| Man 01 – Stakeholder Consultation (Interested Parties) | Client/Architect/PM | Client/ Architect to advise wither a third party consultation process can be evidenced, including all minimum consultation content required under this issue. |
| Man 01 – BREEAM Advisory Professional (AP) – Concept Design | Client & Project Manager | Client to provide letter of appointment confirming that BREEAM AP has been involved since RIBA 1/B and will be involved in the design process (letter template available). Ensure that BREEAM is an item on all DTM agendas/ minutes and that the BREEAM AP is invited to attend key meetings. |
| Man 02 – Life cycle cost (LCC) and service life planning | Client / LCC Specialist | Elemental LCC to be carried-out and evidenced before the end of RIBA Stage 2. |
| Hea 05 – Acoustic Performance | Acoustician | Early involvement of an acoustician is required to ensure that the design meets acoustic performance standards and testing requirements detailed in building-specific tables in the BREEAM manual. |
| Hea 06 – Safety & Security (Security of Site & Building) | Architect | Security Specialist consulted by the end of RIBA Stage 2. |
| Ene 01 – Energy Performance | MEP Designer | BRUKL output- Multiple credits to gain here, beneficial to get this provided early on in the project. |
| Ene 01 – Prediction of Operational Energy Consumption | PM / MEP Designer | Recommended that prior to end of RIBA Stage 2, relevant members of the design team hold a preliminary design workshop focusing on operational energy performance. |
| Ene 04 – Low Carbon Design (Passive Design) | MEP Designer | Project team analyse proposed building design and development during RIBA Stage 2 to identify opportunities for implementation of passive design measures. |
| Ene 04 – Low Carbon Design (LZC Technology Feasibility) | Designer MEP | Ensure feasibility study is completed by RIBA 2 and compliant with detailed BREEAM requirements CO2 reduction calculations. |
| Tra 01 – Travel Plan | Client & Architect | Travel Plan – Recommended this is produced prior to end of RIBA Stage 2. Based on site-specific travel assessment or statement. Must adhere to BREEAM criteria. |
| Mat 01 – Life Cycle Impacts | Architect | Operational appraisal during RIBA Stage 2. Will be updated during Technical Design stage to maximise credits awarded. |
| Mat 03 – Enabling Sustainable Procurement | PM / Contractor | Sustainable Procurement Plan to be in place before RIBA Stage 2. |
| Mat 06 – Material efficiency process | Architect/Services Engineer | Identify opportunities (with appropriate measures investigated and implemented) to optimise the use of materials in building design, procurement, construction, maintenance and end of life. This needs to occur at every RIBA stage. |
| Wst 01 – Pre-Demolition Audit | QS | If demolition occurring, pre-demolition audit must be carried-out during RIBA Stage 2. |
| Wst 05 – Adaptation to climate change | Client | Requires a climate change adaptation strategy, including hazard and risk analysis, during RIBA Stage 2. |
| Wst 06 – Design for Disassembly and Adaptability | Architect | A building-specific functional adaptation strategy study, which includes recommendations for measures to be incorporated to facilitate future adaptation by end of RIBA Stage 2. |
| LE 02, 03 & 04 – Mitigating Ecological Impact | Ecologist | Involvement of a suitably qualified ecologist is essential to maximise credits in the Land Use & Ecology section. Ecologist must be commissioned as early as possible to consider and report on BREEAM requirements specifically (ecology reports commissioned purely for planning purposes are unlikely to comply). Route 2 mandatory. |

5.2 All BREEAM Assessors must use the Tracker+ V2 system (or approved equivalent) to support their BREEAM assessments. Tracker+ holds all the project data in one place and can be used to generate various reports to track the progress of the assessment. The system provides live and accurate scoring where credit responsibilities and due dates can be assigned to individual team members. Assessment evidence can also be uploaded for the Assessor to review.

5.3 At the start of the project, the MoJ's Sustainability Team and Project Sponsor should be added as a Project Team Member on each Tracker+ V2 project to allow them to have full oversight of BREEAM projects across MoJ's portfolio. All Tracker+ V2 projects must be named using the following format:

- Programme Name – Site Name – Building Project Reference Number (BPRN)
- e.g. New Prisons Programme – Full Sutton – 664015
- For further information, please refer to the Tracker+ training videos in **MoJ's BREEAM Guidance and Toolkit**.

5.4 Individual project teams should arrange regular meetings with their BREEAM Assessor to report on assessment progress. This should be communicated to the Sustainability Team.

5.5 Individual project teams should also review BREEAM credits and their status at each RIBA stage to ensure all credits are completed at the correct stage.

5.6 The MoJ's Sustainability Team will monitor reports and receipt of certificates and compliance with this policy.

5.7 BREEAM Assessors and AP's should demonstrate their experience in delivering the required BREEAM ratings of Excellent and Outstanding prior to working on projects.

5.8 All BREEAM requirements should be clearly communicated to the Contractor.

## 6. Sustainability Impacts Capture Sheet

6.1 New build and refurbishment projects that are below the financial thresholds for a BREEAM assessments must still complete a Sustainability Impact Capture sheet, this can be found on Viewpoint. These must be submitted to the Sustainability Team for review.

# 7. Links with other MoJ Sustainability Requirements

7.1 This BREEAM policy, which helps demonstrate compliance with Greening Government Commitments, should be applied alongside MoJ's other sustainability targets and commitments including:

- **Net Zero Carbon** (BREEAM Ene 01 – 08)
- **10% Biodiversity Net Gain** (BREEAM Le 01 – 05)
- **Water Efficiency** (BREEAM Man 03 during construction and Wat 01 – 04 in operation)
- **Waste Efficiency** (BREEAM Man 03 during construction and Wst 01 – 06 in operation)
- **Government Soft Landings** (BREEAM Man 04 – 05)
- **Climate Change Adaptation** (BREEAM Wst 05)

7.2 In addition, all new build and refurbishment projects undertaken by the MoJ, and by the MoJ's Property Directorate, will apply the Government Buying Standards (GBS) to ensure that each project incorporates sustainability within its design and delivery.

7.3 The management of noise in buildings is important for health and wellbeing and as such it is recommended that projects that include accommodation consider setting acoustic standards using the credit BREEAM Hea 05 Acoustic performance.

# 8. References and Further Information

8.1 Please refer to the MoJ's BREEAM Guidance and Toolkit on Viewpoint for:

- Introduction to BREEAM
- BREEAM Process
- Mandatory Requirements
- Value of BREEAM
- Sustainability Impact Capture Sheet
- RIBA Stage Checklists and Tasks
- Introduction to Tracker+
- Tracker+ V2 Training Videos

8.2 The BREEAM website provides all current technical manuals:
**http://www.breeam.com/technical-standards**

8.3 The latest versions are as follows:

- BREEAM UK New Construction (2018): **http://www.breeam.com/NC2018/**
- BREEAM UK Refurbishment and Fit-Out (2014): **http://www.breeam.com/ndrefurb2014manual/**

8.4 If you require any additional information, please contact the MoJ's Sustainability Team **sdenquiries@justice.gov.uk**

Alternative format versions of this report are available on request from sdenquiries@justice.gov.uk