

Report to	Planning Committee
Date	13 August 2020
By	Director of Planning
Title of Report	Adoption of the Sustainable Construction Supplementary Planning Document (SPD)
Purpose of Report	To present the revised Sustainable Construction SPD for adoption

Recommendation: The Committee is recommended to:

- 1) Note the content of the Consultation Statement (Appendix 1 of this report); and**
- 2) Adopt the revised Sustainable Construction SPD (Appendix 2 of this report).**

I. Introduction

- I.1 In 2018 the United Nations' Intergovernmental Panel on Climate Change released a report describing what it would take to keep global temperatures from rising more than 1.5 degrees Celsius, a goal of the Paris climate agreement. The consensus among climate change scientists is that global heating beyond 1.5 degrees is likely to lead to harmful climate change. The report explained that countries would have to cut their anthropogenic carbon dioxide emissions, such as from power plants and vehicles, to net zero by around 2050. To reach that goal, it said, CO₂ emissions would have to start dropping "well before 2030" and be on a path to fall by about 45 percent by around 2030 (12 years away at that time).
- I.2 The UK Government Committee on Climate Change (CCC) set a UK target in 2019 for net-zero greenhouse gas emissions by 2050. To achieve the 2050 zero carbon target the CCC calculates that annual emission reductions will need to be 30% higher than the rate since 1990.
- I.3 Greenhouse gas emissions from buildings represent approximately 25% of all UK emissions. The SDNPA as a local planning authority has a key role in ensuring that emissions relating to the construction and operation of new development are minimised and that new buildings in the National Park do not subsequently have to implement relatively expensive retrofitted improvements to make them fit for a zero carbon future. The Vision & Circular for National Parks and the Broads states that National Parks have a role as exemplars of sustainability and renewable energy.
- I.4 While reducing emissions (mitigation of Climate Change) is a critical goal there has already been global heating of approximately 1 degree Celsius which the Government's 2018 UK Climate Projection document predicts will bring hotter, drier summers and milder and wetter winters together with more extreme weather events such as floods, storms and droughts. These changes are expected to bring negative impacts to both human health and wildlife. Adaptation to predicted climate change is therefore an important policy objective.
- I.5 The Sustainable Construction Supplementary Planning Document (SPD) (**Appendix 2**) is intended to interpret the South Downs Local Plan (SDLP) sustainable construction policies,

providing guidance to applicants seeking planning permission, to development management officers and to Members on what is expected from new development in terms of both mitigation and adaptation to climate change. The SPD will not apply to residential extensions but will apply to development of one new home and above. The SPD will also apply to non-residential extensions greater than 250 square metres in size.

- 1.6 The draft SPD was presented to Planning Committee in January 2020 where it was approved for public consultation subject to one principal amendment, namely that all development types in the draft SPD should be set the same target figure of 19% for CO₂ emissions reductions through increased energy efficiency. Officers had proposed a lower target of 10% for CO₂ emissions reductions for minor, non-residential development. This change was made prior to public consultation.

- 1.7 This SPD is one of a number of SPDs and technical advice notes that are being prepared by the Authority following the adoption of the Local Plan, which aim to assist with its implementation. The two rounds of consultation on this SPD have been carried out in line with the Authority's Statement of Community Involvement (Version 3, August 2017).

2. Policy Context

- 2.1 The National Park Authority (NPA) adopted the South Downs Local Plan (SDLP) on 02 July 2019. This includes a number of policies which set out the Authority's requirements for new development to mitigate and adapt to predicted climate change, including:

- 2.2 **Core Policy SD2 Ecosystems Services** encapsulates the ecosystem services that the natural environment contributes to people. It seeks to deliver all opportunities to improve the National Park's resilience to, and mitigation of, climate change.

- 2.3 **Policy SD48 Climate Change and Sustainable Use of Resources** sets out a requirement for all new development to incorporate proportionate sustainable construction measures for both Climate Change mitigation and adaptation. Residential development is required to meet minimum standards of energy efficiency and mains water consumption. Major non-residential development is required to meet BREEAM New Construction standards. New development is also required to reduce CO₂ emissions through the use of on-site zero/low carbon energy and through sustainable design, construction and the use of low carbon materials.

- 2.4 **Policy SD22 Parking Provision** requires new development to provide electric vehicle charging facilities where feasible.

- 2.5 **Policies SD4 Landscape Character, SD5 Design, SD9 Biodiversity and Geodiversity, SD45 Green Infrastructure, SD49 Flood Risk Management and SD50 Sustainable Drainage Systems** require green and blue infrastructure enhancements and Sustainable Drainage systems, all of which assist in adapting to predicted climate change.

- 2.6 **Policy SD3 Major Development** requires all major development (solely that defined as major development for the purposes of paragraph 172 of the National Planning Policy Framework) to meet 'One Planet Living' standards of sustainable performance which include:

- Zero Carbon
- Zero Waste
- Sustainable Transport
- Sustainable Materials
- Sustainable Water
- Land Use and Wildlife
- Culture and Community
- Health and Wellbeing

- 2.7 The Sustainable Construction SPD has been prepared to provide further guidance to support the implementation of the Local Plan policies. It covers:

Reducing CO₂ emissions

- through the energy efficiency of buildings

- through on-site low or zero carbon energy
- through passive house principles
- by encouraging the use of electric vehicles
- through more sustainable management of waste
- through the use of more sustainable building materials

Adapting to climate change through

- more sustainable water consumption
- multifunctional green infrastructure and sustainable drainage systems

2.8 In addition to supporting the implementation of the Local Plan the SPD supports the wider objectives of the SDNPA, including the following outcomes and policies from the [Partnership Management Plan](#):

- Outcome 1 (Landscape and Natural Beauty) in relation to creating green infrastructure
- Outcome 2 (Increasing Resilience) in relation to adapting to climate change
- Outcome 5 (Outstanding Experiences) in relation to encouraging sustainable transport
- Policy 23, improving the sustainability of water resources
- Policy 50, housing and other development should be to high energy efficiency standards
- Policy 56, supporting appropriate renewable energy schemes, sustainable resource management and energy efficiency in communities and businesses to meet Government climate change targets

3. Public Consultation

3.1 Public consultation on the draft SPD took place from 11 February to 24 March 2020. During the consultation period 25 responses were received, from a range of individuals and organisations including parish councils, district councils, statutory agencies, community groups and developers and agents. The Consultation Statement, forming **Appendix I** of this report, summarises and responds to the representations received during the consultation.

3.2 Of the 25 responses received on the draft SPD:

- 3 were negative and thought the requirements went too far in some aspects
- 5 were neutral
- 6 were positive
- 11 were positive but would like still more ambitious measures than those set out in the draft SPD

3.3 The key points made during the consultation can be summarised as follows:

Where respondents would like more ambitious targets

- Rain water and grey water re-use should be mandatory
- Passive house standard should be required for at least half of all new dwellings
- More sustainable transport measures including more EV charge points for non-residential are required
- Should go further in tackling climate change
- There should be a presumption in favour of solar panels and the use of ground source heat pumps
- Charging of Electric bikes should be covered
- There should be more stress on the embodied energy of materials and the use of local and recycled materials
- Should include retrofitting buildings

Where respondents would like less onerous targets

- Exclude the use of log burners
- Document should not require prescriptive BREEAM credits
- Many of the targets go too far as not contained in the Local Plan

- iv) Occasional EV charging on street may attract crime
 - v) Should spell out that measures are subject to viability
- 3.4 In response to this public consultation a revised SPD was prepared. A summary of the changes made is as follows:
- i) New reference to pragmatic approach to applying measures where there are demonstrated technical reasons or significant viability consequences.
 - ii) New reference to underfloor heating and advice that individual and programmable thermostats should be used.
 - iii) New reference to retrofitting of existing buildings where possible within the scope of the document (significant refurbishments or extensions which require planning permission)
 - iv) Additional text explains that solar collection is less feasible where there is overshadowing and that biomass is less feasible where access and storage are constrained.
 - v) Text amended to clarify that on street EV charging least favoured option after on plot and communal car parking locations.
 - vi) Additional reference to encouraging use of locally-sourced materials, including local timber.
 - vii) Some additional text on the need for good ventilation when air tightness levels are improved and advice on the CO2 cost of running mechanical ventilation and heat recovery systems
 - viii) Some amendments made to clarify the requirement for a minimum quantity of construction waste to be diverted from landfill.
- 3.5 The Town and Country Planning (Local Planning) (England) Regulations 2012 (As Amended) legally require local planning authorities, prior to adopting a SPD, to publish the Consultation Statement and revised SPD for comment for a minimum four week period. This consultation took place for six weeks from 19 May to 30 June 2020. A further twelve representations were received during this period and these are also detailed in the Consultation Statement, which forms **Appendix 1** of this report. The representations largely concerned matters of detail and some minor changes to the SPD are set out in response to these in the Consultation Statement and included in the revised SPD, which forms **Appendix 2** of this report.
- 4. Next steps**
- 4.1 The recommendation is that Members note the content of the Consultation Statement and adopt the revised Sustainable Construction SPD.
- 4.2 Once adopted, the SPD will be a material consideration in the determination of planning applications. As such, it will help to improve the sustainability credentials of new development in relation to both mitigation of, and adaptation to, predicted climate change.
- 4.3 The SDNPA is preparing a suite of SPDs on Parking, Trees, Design and Biodiversity Net Gain, which will be presented to Planning Committee over the coming months before they go out to consultation; they all support the implementation of the South Downs Local Plan. It is proposed all new SPDs will be formatted and designed into a common style. As this will not change the content of the Sustainable Construction SPD, the formatting and design work can occur following adoption of the SPD.
- 5. Sustainability Appraisal and Habitats Regulations Assessment screening**
- 5.1 There is no legal requirement for Supplementary Planning Documents to be accompanied by a Sustainability Appraisal, and this is reinforced in National Planning Practice Guidance (reference 11-008-20140306). However, as per this guidance there may be, in exceptional circumstances, a requirement for SPDs to undertake Strategic Environmental Assessment (SEA) where it is felt they may have a likely significant effect on the environment that has not already been assessed during the preparation of the Local Plan. The requirements of the draft SPD build directly on the local plan policies which have already been subject to recent sustainability appraisal and officers therefore do not consider that a further such appraisal is required here.

- 5.2 However, where the Authority determines that an SEA is not required the Authority must prepare a statement setting out reasons for this determination. The Authority therefore produced a draft Screening Statement for consultation with the three applicable statutory bodies; the Environment Agency, Natural England and Historic England which took place in January and February 2020. The Environment Agency stated that as the SPD is expanding on Local Plan policy that has already been subject to SEA they considered that no SEA is required for the SPD. Historic England also stated that a SEA is not required in this instance. No response was received from Natural England. The determination therefore concludes that the Sustainable Construction SPD is not likely to have any significant environmental effects, and therefore does not require an SEA. Where environmental effects are identified they will be positive.
- 5.3 As required by Habitats Regulations Assessment (HRA), the SDNPA has also assessed whether the SPD will have any significant impacts on Natura 2000 sites, thereby necessitating an Appropriate Assessment to consider the impact on the integrity of any such sites. The HRA Screening Statement concludes that the SPD does not set the principle of development, nor does it direct development to a specific location. Therefore, there are no linking impact pathways present and there are no HRA implications.
- 5.4 The combined SEA Screening Statement and HRA Screening Statement is presented as **Appendix 3** to this report.

6. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	No.
Does the proposal raise any Resource implications?	The SPD has been produced using existing internal resources. Some specialist consultant advice on energy and sustainability matters will be required to support decision making on relevant planning applications by both the Authority's planning team and that of the host authorities. This cost will be met within existing budgets. The costs of further formatting and design production of the SPD will also be met within existing budgets.
Has due regard been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	The Sustainable Construction SPD will lead to more energy and water efficient new dwellings with corresponding lower utility bills. This will have a particularly beneficial effect for those occupants on low incomes. The need for mitigating and adapting to predicted climate change is of particular relevance to low income residents as these groups are likely to be disproportionately affected by the extreme weather effects of climate change.
Are there any Human Rights implications arising from the proposal?	None.
Are there any Crime & Disorder implications arising from the proposal?	None.
Are there any Health & Safety implications arising from the proposal?	None.

Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy?	The whole rationale of the Sustainable Construction SPD supports the principles of the SDNPA Sustainability Strategy.
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7. Risks Associated with the Proposed Decision

7.1 A risk assessment is provided in the table below.

Risk	Likelihood	Impact	Mitigation
If adopted: Third party challenge to the principle of the SPD or the guidance contained within. A challenge can be made within a six week period following adoption.	Possible	Moderate	The SPD has been prepared in compliance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (As Amended).
If not adopted: limited guidance is provided by the Authority in respect of sustainable construction.	Possible	Moderate	Adopt the SPD.

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Appendices

1. Consultation Statement
2. Revised Sustainable Construction Supplementary Planning Document
3. SEA Screening Statement and HRA Screening Statement Determination Statement

SDNPA Consultees Legal Services; Chief Finance Officer; Monitoring Officer; Director of Planning

External Consultees None