



## CABINET

Tuesday, 05 April 2022

<b>Subject</b>	Sustainable Construction Supplementary Planning Document
<b>Report by</b>	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
<b>Supporting Officer</b>	Ruth Bishop Senior Planner (Policy and Delivery) <a href="mailto:Ruth.Bishop@eastsoffolk.gov.uk">Ruth.Bishop@eastsoffolk.gov.uk</a> 01502 523 028

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is <b>NOT</b> in the public interest to disclose the exempt information.	Not applicable.
<b>Wards Affected:</b>	All Wards

## Purpose and high-level overview

### **Purpose of Report:**

The purpose of this report is to recommend the adoption of the Sustainable Construction Supplementary Planning Document (SPD). The SPD supports the implementation of policies relating to sustainable construction in the East Suffolk Council – Suffolk Coastal Local Plan and East Suffolk Council – Waveney Local Plan. The SPD provides guidance on a range of topics including energy efficiency, renewable energy, water conservation, and use of materials.

### **Options:**

Adopt the Sustainable Construction SPD. This will mean the Council has an up-to-date SPD to guide the implementation of the sustainable construction planning policies.

An alternative option would be to not adopt the SPD and continue to implement the planning policies without the additional guidance. However, this would be a missed opportunity to provide further clarification on the requirements of the policies, and address some of the frequently raised matters that come about through the development management process, and so ultimately support effective implementation of the relevant Local Plan policies.

### **Recommendations:**

1. Cabinet adopts the Sustainable Construction Supplementary Planning Document
2. That the Head of Planning and Coastal Management, in consultation with the Cabinet Member for Planning and Coastal Management, is authorised to make any presentational or typographical amendments to the Sustainable Construction Supplementary Planning Document prior to it being published.

## Corporate Impact Assessment

### **Governance:**

No impacts.

### **ESC policies and strategies that directly apply to the proposal:**

The SPD primarily supports the implementation of policy SCLP9.2: Sustainable Construction in the East Suffolk Council – Suffolk Coastal Local Plans and WLP8.28: Sustainable Construction in the East Suffolk Council – Waveney Local Plan.

### **Environmental:**

The SPD supports the implementation of planning policies relating to sustainable construction, and therefore supporting the environment is central to the SPD. This includes reducing energy and water use, reducing the use of materials and the integration of nature into developments and provides guidance on how proposals can maximise their value for biodiversity through the inclusion of a range of features.

**Equalities and Diversity:**

An Equality Impact Assessment Screening Opinion was produced to accompany consultation on the SPD in October 2021 (Appendix C). The SPD was also subject to separate Equality Impact Analysis (ref: EQIA405334667) in March 2022. Both assessments concluded no differential negative impacts on those with protected characteristics.

**Financial:**

The production and adoption of the SPD is covered by the existing budget of the Planning Policy and Delivery Team. As an SPD, it cannot and does not introduce any additional financial requirements upon developers beyond the Local Plan policy requirements.

**Human Resources:**

No Impacts.

**ICT:**

No Impacts.

**Legal:**

The SPD has been produced in accordance with the Town and Country Planning (Local Plans) (England) Regulations 2012 (as amended).

An Equality Impact Assessment Screening opinion was produced to meet the requirements of the Equality Act 2010 (Appendix C). The SPD has been subject to a Strategic Environmental Assessment Screening Opinion in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (Appendix D). It has also been subject to a Habitats Regulation Assessment Screening Statement, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) (Appendix E).

**Risk:**

There are no risks envisaged in relation to the implementation of the recommendations.

<b>External Consultees:</b>	The Sustainable Construction SPD has been subject to consultation during its preparation in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The list of consultees, respondents and summaries of their comments can be found in the consultation statement which is appended to this report (Appendix B).
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## Strategic Plan Priorities

Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
<b>T01</b>	<b>Growing our Economy</b>		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>

P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
<b>T02</b>	<b>Enabling our Communities</b>		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
<b>T05</b>	<b>Caring for our Environment</b>		
P20	Lead by example	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>

**How does this proposal support the priorities selected?**

The Sustainable Construction SPD supports the delivery of Strategic Plan priority P20 by providing guidance to support the sustainable construction of developments. The SPD includes information and guidance on reducing waste, re-using buildings and materials, and different types of low carbon and renewable energy supporting the delivery of Strategic Plan priorities P21, P22 and P23.

## Background and Justification for Recommendation

<b>1</b>	<b>Background facts</b>
1.1	The Council has two adopted Local Plans: the East Suffolk Council – Waveney Local Plan (March 2019) and the East Suffolk Council – Suffolk Coastal Local Plan (September 2020). These Local Plans both contain a number of policies relating to climate change and sustainable construction.
1.2	The current Renewable Energy and Sustainable Construction SPD (2013) is considered to be out of date in places in relation to adopted Local Plan policies, current Government policy contained within the National Planning Policy

	Framework (NPPF) and Building Regulations. In addition, that SPD only relates to the former Waveney area.
1.3	The current Renewable Energy and Sustainable Construction SPD also refers to policies in the now superseded Waveney Development Management Policies: Development Plan Document (2011).
1.4	There is no current SPD relating to sustainable construction for the former Suffolk Coastal area.
1.5	The SPD provides guidance on a range of topics including energy efficiency, renewable energy, water conservation, and use of materials. This SPD does not add new policies but rather seeks to provide guidance that will help with the implementation of relevant policies in the Suffolk Coastal and Waveney Local Plans.
1.6	The document has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
1.7	The preparation of the SPD has been undertaken through an officer steering group, which included officers from Planning Policy and Delivery, Development Management, Building Control and Environmental Protection and has been overseen by the Local Plan Working Group.
1.8	The Town and Country Planning (Local Plans) (England) Regulations 2012 (as amended) require the Council to undertake consultation to inform the production of the SPD and, as a minimum, requires that the draft document is published for four weeks and that during that time it is available on the Council's website and that hard copies are available for inspection in the Council's offices.
1.9	The SPD was subject to two rounds of consultation during its preparation. The first was an initial consultation to inform the scope and content of the SPD. The initial consultation was carried out between 15 <sup>th</sup> March and 26 <sup>th</sup> April 2021. In total 26 individuals and organisations responded to the consultation. Between them they made 75 comments. The responses received to the initial stage of consultation were used to inform preparation of a draft document which was subsequently subject to a public consultation.
1.10	The Draft Sustainable Construction SPD consultation ran from 1 <sup>st</sup> November and 13 <sup>th</sup> December 2021. The consultation was advertised on the Council's website, as well as on social media. 4,069 emails and 583 letters were sent out at the start of the consultation to the consultees on the planning policy mailing list which includes town and parish councils, individuals, and organisations including those who were previously contacted or responded to the informal stage of the consultation. In total 24 individuals and organisations responded to the consultation. Between them they made 52 comments.
1.11	The main themes of the comments received are summarised below; however, many of the comments covered very specific matters and it is not possible to summarise all of them here in a succinct manner. The full consultation responses have been published on the Council's consultation website (see - <a href="https://eastssuffolk.inconsult.uk/SUSCONSPDDRAFT/listResponses">https://eastssuffolk.inconsult.uk/SUSCONSPDDRAFT/listResponses</a> ) and summarised in the appended Consultation Statement (Appendix B).
1.12	The main issues raised through the consultation were: <ul style="list-style-type: none"> <li>• General support for the approach from Natural England and Historic England.</li> <li>• Natural England noted the SPD could incorporate more information on features beneficial to wildlife, enhancing the character and local distinctiveness of the surrounding natural and built environment,</li> </ul>

	<p>Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments.</p> <ul style="list-style-type: none"> <li>• The Broads Authority requested reference to dark skies and to impact on the setting of the Broads as well as the Broads landscape sensitivity study.</li> <li>• Felixstowe Town Council found the document to be very comprehensive but difficult to understand in conjunction with the Local Plans.</li> <li>• Some commented the SPD needs to be clear it is not setting new building standards and policy requirements.</li> <li>• Some commented the SPD needs to be clear about the role of Building Regulations.</li> <li>• Requests for the Council to require solar panels, air source heat pumps or other renewable or low carbon technologies are installed in homes.</li> <li>• Requests for the Council to require Whole Life Carbon Assessments of proposed developments.</li> <li>• Support for re-using existing buildings/ materials, recognition of the embodied energy in buildings, and requests for a requirement that buildings are retrofitted and not demolished.</li> <li>• Some requests for links to Historic England and Sustainable Traditional Building Alliance guidance on retrofitting.</li> <li>• Where Permitted Development Rights can be restricted, environmental and sustainable (Net Zero) requirements should be included where possible.</li> <li>• A recommendation to include references to CEEQUAL sustainability tools and assessments methods.</li> <li>• Various suggested amendments to the standard condition wording in Appendix C of the SPD.</li> <li>• Comment noting the need to be clear the Checklist in Appendix D of the SPD will not apply to all applications.</li> </ul>
1.13	<p>Changes have been made to address many of the comments received, including:</p> <ul style="list-style-type: none"> <li>• Additional references to RICS Whole Life Carbon assessment for the built environment made.</li> <li>• Additional references to the Future Home Standard and Building Regulation made through out, including the interim uplift that takes effect in June 2022.</li> <li>• Additional text has been added to chapter 4 Materials regarding lighting, concrete, paint and low carbon materials.</li> <li>• Additional text has been added to chapter 5 Waste to emphasise the importance of reusing buildings.</li> <li>• Chapter 6 amended to include reference to the Broads dark skies policy.</li> <li>• Links to Historic England’s guidance on renovating historic buildings and improving energy efficiency has been added into Chapter 7.</li> <li>• The text in Chapter 8 has been strengthened to give support for integrating bird boxes into buildings including for swifts.</li> <li>• A new section on CEEQUAL has been added to chapter 10.</li> <li>• Various amendments to the standard condition wording in Appendix C of the SPD.</li> </ul> <p>In addition, changes have been made to address typographical and grammatical errors, to provide clarity on certain elements of guidance and to factually update</p>

	the SPD in relation to forthcoming changes to the national Building Regulations that were announced in December 2021.
1.14	Under the Environmental Assessment of Plans and Programmes Regulations 2004 screening was carried out on the draft SPD to determine whether a full Strategic Environmental Assessment would be required. The screening concluded that this was not required. The final Strategic Environmental Assessment Screening Opinion is appended to this report (Appendix C).
1.15	Habitat Regulations Assessment screening was also undertaken which concluded that implementation of the SPD would not lead to likely significant effects on protected Habitat sites and that it is therefore not considered necessary to undertake an Appropriate Assessment. The final Habitat Regulations Assessment Screening Statement is appended to this report (Appendix E).

## 2 Current position

2.1	<p>Existing planning policy on sustainable construction issues is set out in the adopted Local Plans. Guidance is also provided for the former Waveney area in the Renewable Energy and Sustainable Construction SPD (2013).</p> <p>The two adopted local plans are the East Suffolk Council – Suffolk Coastal Local Plan (September 2020) and the East Suffolk Council – Waveney Local Plan (March 2019).</p> <p>The current guidance in the Waveney Renewable Energy and Sustainable Construction SPD is considered to be out of date in places in relation to adopted Local Plan policies and current Government policy contained within the National Planning Policy Framework (NPPF). The SPD refers to policies in the now superseded Development Management Policies: Development Plan Document (2011). The SPD does not respond to current issues and matters that have evolved over time such as new materials and technologies, and changes to Building Regulations. There is no SPD adopted for the former Suffolk Coastal area.</p> <p>The Council adopted an Environmental Guidance Note in November 2020. Whilst the guidance provides assistance to those seeking to mitigate the impact of construction on climate change by offering support and advice on a range of key environmental issues, its guidance is broader than the Local Plan policies and does not have the statutory weight of an SPD. The Environmental Guidance Note will also remain in place as a broader guidance document.</p>
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## 3 How to address current situation

3.1	The Sustainable Construction SPD contains comprehensive planning guidance on sustainable construction issues within a single document. It has been prepared to support the implementation of policies contained in the adopted Local Plans, as well as being consistent with Government policy, principally that contained within the National Planning Policy Framework. The new SPD also responds to the introduction of the Future Home Standard and planned future changes to national Building Regulations.
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3.2	On adoption the Sustainable Construction SPD will be a material consideration in the determination of planning applications.
3.3	Once adopted, the Sustainable Construction SPD will replace the following SPD: <ul style="list-style-type: none"> <li>Renewable Energy and Sustainable Construction (2013) (for the former Waveney area)</li> </ul>

#### 4 Reason/s for recommendation

4.1	Adoption of the Sustainable Construction SPD will provide up to date guidance to assist with the implementation of the Council's Local Plan policies which relate to sustainable construction.
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## Appendices

### Appendices:

<b>Appendix A</b>	Sustainable Construction Supplementary Planning Document
<b>Appendix B</b>	Consultation Statement (March 2022)
<b>Appendix C</b>	Equality Impact Assessment Screening Opinion (October 2021) (produced to accompany consultation on Draft SPD)
<b>Appendix D</b>	Strategic Environmental Assessment Screening Opinion (October 2021, updated March 2022) (produced to accompany consultation on Draft SPD, and updated in March 2022)
<b>Appendix E</b>	Habitat Regulations Assessment Screening Statement (October 2021) (produced to accompany consultation on Draft SPD)

### Background reference papers:

Date	Type	Available From
March 2019	East Suffolk Council- Waveney Local Plan	<a href="https://www.eastsuffolk.gov.uk/planning/planning-policy-and-local-plans/local-plans/">https://www.eastsuffolk.gov.uk/planning/planning-policy-and-local-plans/local-plans/</a>
September 2020	East Suffolk Council- Suffolk Coastal Local Plan	<a href="https://www.eastsuffolk.gov.uk/planning/planning-policy-and-local-plans/local-plans/">https://www.eastsuffolk.gov.uk/planning/planning-policy-and-local-plans/local-plans/</a>