



ADUR DISTRICT COUNCIL

Adur Planning Committee
March 2024
Item 8

Ward(s) Affected: All

Sustainable Energy SPD Update 2024

Report by the Director for Place

Officer Contact Details

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Executive Summary

1. Purpose

- 1.1 This report presents an update of the Supplementary Planning Document (SPD) on Sustainable Energy following public consultation.

2. Recommendations

- 2.1 Members are asked to note the draft SPD prior to adoption. Any comments will be passed to the Executive Member for Regeneration and Strategic Planning to inform his decisions on whether to adopt the SPD as planning guidance.

3. Background

- 3.1 The Council adopted a Sustainable Energy SPD in 2019. This was intended to provide guidance to developers on meeting the energy policies set out in the adopted Adur Local Plan 2017 (Adur LP) and the Joint Area Action Plan (JAAP) for Shoreham Harbour. It should be noted that the SPD does not and

cannot set new policy; it advises how policy requirements in the adopted Adur LP 2017 and JAAP can be met.

3.2 Specifically, the draft Sustainable Energy SPD provides guidance on:

- Adur LP, Policy 19: Decentralised Energy, Stand-alone Energy Schemes and Renewable Energy; and
- Adur LP Policy 8: Shoreham Harbour Regeneration Area
- Shoreham Harbour JAAP Policy SH1: Climate change, energy and sustainable building

3.3 The energy policies in the above plans seek to ensure that development delivers secure, affordable, low carbon growth, increases future energy resilience, and helps to deliver the strategic objectives of the government's National Planning Policy Framework (NPPF).

3.4 At the time of writing the 2019 SPD, the Council was exploring the development of a Shoreham Heat Network. This would have supplied space heating and hot water to new developments at Shoreham Harbour and in Shoreham-by-Sea town centre.

3.5 Since the 2019 SPD was published, it has become apparent that delivery of the Shoreham Heat Network is not viable and the Council is not progressing this project. Several developments at the Western Harbour Arm have secured planning permission on the basis that they would connect to this network in future.

3.6 The fact that the Shoreham Heat Network is not being delivered is a material consideration when determining planning applications, and this justifies a deviation from the policies in the adopted plans. It is clearly not feasible to connect to a network which does not exist, and is unlikely to be delivered.

3.6 The 2019 SPD strongly encouraged development to achieve carbon emissions at least 20% lower than minimum Building Regulations standards at the time. Since June 2022, new Building Regulations have been in place. Permitted carbon emissions under the new regulations are around 31% lower for residential buildings and 27% lower for non-residential buildings.

3.7 Given the above, the council consulted on an updated SPD which removed references to the proposed heat network, and clarified references to the current Building Regulations.

4. Proposals

- 4.1 The SPD aims to clarify existing policy in Adur LP and Shoreham Harbour JAAP. It presents clear guidance on how applicants can comply with policy and submit information to the planning authority in a way which can easily be assessed by development management.
- 4.2 Training sessions will be offered to Development Management officers to help them review energy statements on adoption of the SPD.
- 4.3 The SPD sets out the national and local policy background, and the principles for meeting policy requirements on sustainable energy. It requires developers to submit an Energy Statement that includes the following:
 1. Baseline energy demand and Target Emission Rate (TER) for each proposed building.
 2. A description of the measures taken to reduce energy demand.
 3. A description of the measures taken to increase energy efficiency.
 4. Energy demand and Dwelling Emissions Rate (DER, for residential buildings) and/or Building Emission Rate (BER, for non-residential buildings) for each proposed building, **before onsite renewable, low and zero-carbon technologies are included.**
 5. A calculation of the minimum requirement for onsite renewable, low and zero-carbon energy generation (10% of total regulated energy demand at Step 4).
 6. A description of the proposed onsite renewable, low and zero-carbon energy generation technologies.
 7. Energy demand and Dwelling Emissions Rate (DER, for residential buildings) and/or Building Emission Rate (BER, for non-residential buildings) for each proposed building, **after onsite renewable, low and zero-carbon technologies are included.**
 8. A description of the measures proposed to avoid overheating.
 9. For non-residential buildings, a BREEAM design stage assessment.

- 4.4 The baseline energy demand and Target Emissions Rate are calculated using the current Building Control methodology. These refer to a notional building and describe the minimum permitted standard.
- 4.5 Applicants are required to submit descriptive information on the measures taken to reduce energy demand. This includes passive design measures such as site and building orientation and layout, solar gain, thermal mass and storage, natural ventilation and landscaping.
- 4.6 Applicants are required to submit descriptive information on the measures taken to increase energy efficiency. This includes the building fabric, insulation, air-tightness, thermal bridging and energy efficient fittings and appliances.
- 4.7 Applicants must then provide a calculation of the energy demand and emissions for the designed building, **before** including onsite renewable, low and zero-carbon energy. This will be calculated using the current Building Control methodology. Adur LP Policy 19 requires a minimum of ten percent of energy demand to be met from onsite renewable, low and zero carbon energy. Applicants are asked to provide information on the proposed energy technologies.
- 4.8 Applicants must then provide a calculation of the energy demand and emissions for the designed building, **after** including onsite renewable, low and zero-carbon energy. This will be calculated using the current Building Control methodology. This will enable developers to demonstrate that they have met the minimum requirement for onsite renewable, low and zero-carbon energy. It will also demonstrate any improvement over building control standards.
- 4.9 Developers are also asked to provide descriptive information on the proposed measures to reduce overheating. This is an increasingly significant issue in development, and likely to worsen with climate change.
- 4.10 For non-residential development, developers are asked to provide a BREEAM design stage assessment to demonstrate compliance with the following standards:
- **Excellent** for non-residential development in the Shoreham Harbour Regeneration Area
 - **Very good** for non-residential development elsewhere in the Adur Local Plan area.

- 4.11 The draft SPD was subject to public consultation for a period of four weeks, in accordance with regulations and the Council's Statement of Community Involvement. Just one representation was received.
- 4.12 The representation received by the council proposed a number of changes to the policy wording, which is directly quoted from the Adur LP and Shoreham Harbour JAAP. An SPD cannot amend the policies in an adopted local plan. Therefore no changes have been made in light of this representation.

5 Financial Implications

- 5.1 The document was part of the Planning Policy team's general work programme. Any expenditure that has been incurred to date has been contained within existing budget resources.

6 Legal Implications

- 6.1 The content of the SPD reflects the following legislation: Planning and Compulsory Purchase Act 2004, Climate Change Act 2008, Planning and Energy Act 2008. It also reflects the National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG).
- 4.2 The NPPF confirms that SPDs should only be used where justified and where they can help applicants make successful applications. Part 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012 sets out statutory requirements for the preparation of SPDs, which includes an obligation to consult.

Background Papers

- Draft Sustainable Energy Supplementary Planning Document

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Schedule of Other Matters

1.0 Council Priority

- 1.1 The SPD provides guidance on meeting the policy requirements set out in the adopted local plans.

2.0 Specific Action Plans

- 2.1 Matter considered and no issues identified

3.0 Sustainability Issues

- 3.1 Matter considered and no issues identified

4.0 Equality Issues

- 4.1 Matter considered and no issues identified

5.0 Community Safety Issues (Section 17)

- 5.1 Matter considered and no issues identified

6.0 Human Rights Issues

- 6.1 Matter considered and no issues identified

7.0 Reputation

- 7.1 Matter considered and no issues identified

8.0 Consultations

- 8.1 The draft SPD was subject to public consultation in accordance with regulations and the Statement of Community Involvement

9.0 Risk Assessment

- 9.1 Matter considered and no issues identified

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

12.0 Partnership Working

12.1 Matter considered and no issues identified