

<b>Bath &amp; North East Somerset Council</b>		
MEETING:	<b>Cabinet</b>	
MEETING DATE:	<b>11th September 2013</b>	EXECUTIVE FORWARD PLAN REFERENCE:
		<b>E 2522</b>
TITLE:	<b>Energy Efficiency &amp; Renewal Energy Guidance for Listed Buildings and Undesignated Historic Buildings (appendix to Sustainable Construction &amp; Retrofitting SPD)</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<p><b>List of attachments to this report:</b></p> <p>Appendix A - Energy Efficiency &amp; Renewal Energy Guidance for Listed Buildings and Undesignated Historic Buildings</p> <p>Appendix B – Equalities Impact Assessment</p> <p>Appendix C – Consultation Report</p>		

## 1. THE ISSUE

- 1.1. The Council is committed to helping local people to reduce their energy consumption, costs and pollution and to providing access to affordable warmth wherever residents live, including in listed buildings. There are around 6000 listed buildings in our district, concentrated in the wards with the highest levels of fuel poverty (see map from 2011 Housing Stock Condition Survey). Around 700 of these listed buildings are home to social tenants and have significantly worse energy efficiency ratings than the non-listed social housing stock.
- 1.2. There has been a perception that it is currently difficult to obtain listed building consent for changes to listed buildings but in fact around 90% of listed building applications obtain consent. Those applications that are resisted are usually in clear conflict with the outstanding universal values and attributes pertaining to the World Heritage Site. The prestige of the WHS is, of course, a valued status that brings a heritage dividend resulting in a buoyant retail and tourist economy. The proposed guidance should go some way towards addressing misconceptions that may exist.
- 1.3. This Guidance is in the form of a Sustainable Construction and Retrofitting Supplementary Planning Document (SPD) and has been produced to accord with and respond to the issues of climate change and the emerging

energy deficit and the desire to improve the energy efficiency of new buildings and the existing building stock and to comply with the National Planning Policy Framework which recommends that Local Planning Authorities adopt proactive policies and strategies to mitigate and adapt to climate change.

1.4. The SPD was adopted on 13 February 2013. The Cabinet agreed to support the future adoption of local Energy Efficiency and Renewable Energy Guidance for listed buildings in the next 6 months, following a further review of the draft document with English Heritage and other stakeholders. It will also complement the work we are doing in relation to the World Heritage Site.

1.5. Also, running in parallel with this will be our offer of pre-application advice which can assist applicants when deciding on possible improvements to their properties.

## **2. RECOMMENDATION**

The Cabinet agrees that:

2.1. The Energy Efficiency & Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings (Appendix A) is adopted as an appendix to the Sustainable Construction & Retrofitting SPD.

2.2. The key next steps are to 1) Progress the work through the Sustainability Team and engagement with the key Stakeholders and other Authorities 2) Continue to liaise with Central Government on legislative requirements 3) Constantly review the guidance to ensure that it does reflect existing legislation at any given time.

## **3. FINANCIAL IMPLICATIONS**

3.1. Other than budgeted costs of printing, there are no direct financial implications for the Council in adopting the appendix. Any other costs arising would be absorbed into future budgets.

## **4. CORPORATE OBJECTIVES**

4.1. The Guidance intends to enable residents living in listed buildings to make their homes warmer and cheaper to heat, and to encourage those responsible for the maintenance and conservation of historic buildings to undertake measures that will benefit, rather than damage, sensitive historic places, buildings or have a detrimental effect on the health of their occupants. The Guidance serves the corporate objectives in the following ways:

a. *Promoting independence and positive lives for everyone:* Encouraging people to take advantage of Government incentives for insulation is part of ensuring

that "*Older people are supported to live independently*". ONS statistics for 2013 show that 30% of people over 60 are in fuel poverty. It is also important for ensuring that "*everyone has the opportunity to enjoy a healthy lifestyle*", since the respiratory, cardio vascular, mental health and other conditions created by cold homes are significant and cost our local NHS an estimated £3.8m per year in unnecessary medical treatment. *Creating neighbourhoods where people are proud to live*: Enabling energy efficiency in listed buildings helps to deliver the objective "Communities that have adapted to changes in our climate and are not dependent on high carbon energy". The Guidance will help steer those responsible for the maintenance and conservation of historic buildings away from the more damaging works that can cause harm to sensitive historic places, buildings and their occupants.

- b. *Building a stronger economy*: The Green Deal Scoping Study found that the retrofit market could be worth £10- £20m per year across B&NES. Supporting this market through a supportive planning and listed building framework is an important part of ensuring that it will grow. However care is needed to ensure that the authenticity and character of the Bath World Heritage Site, and economic benefits associated with the visitor numbers, are not undermined.

## 5. THE REPORT

- 5.1. Since the adoption of the SPD earlier this year officers from Planning Services and the Sustainability team met with English Heritage and put a number of questions to them about the Guidance. A draft version of the Guidance was also considered by the Development Control Committee on 31st July 2013. The Committee supported its contents and noted that it was to be considered by the Cabinet.
- 5.2. A written reply to the questions was received from English Heritage shortly after the July meeting. English Heritage indicate that in their opinion the Guidance is broadly in line with national policy, particularly the significance of the historic environment should be maintained and enhanced, and less harmful measures should be considered first when it is proposed to alter designated assets. A number of detailed amendments have also been recommended and these will be incorporated within the draft to be considered by cabinet.
- 5.3. The Guidance in the appendix sets out the Council's approach to the retrofitting of listed buildings and undesignated historic buildings and is in-line with central government guidance set out in the National Planning Policy Framework. The Framework puts particular emphasis on the need to assess the significance of buildings on a case by case basis. The proposed appendix must respect and be consistent with this approach. However the Guidance attempts to give a greater clarity that strikes a balance between energy efficiency and the need to respect the requirements of the Planning (Listed Buildings & Conservation Areas) Act 1990, Section 12 of the NPPF 'Conserving and enhancing the historic environment', and the associated Historic Environment Planning Practice Guide, where there is a presumption in favour of the preservation and enhancement of heritage

assets and their setting as well as a requirement for LPAs to adopt policies to tackle climate change.

- 5.4. The Guidance will provide owners of heritage assets and architectural professionals with the information they need to make informed decisions regarding how best to alter historic buildings to improve energy efficiency consistent with architectural conservation best practice whilst at the same time valuing the energy already embodied within built structures, and seeking to avoid harm to their architectural and historic interest.
- 5.5. At present, however, our ability to take a more permissive stance is constrained by the current national legislation and guidance which takes priority over any locally made guidance. As a result, the local Guidance being presented for adoption may not go as far as Members and residents have requested in order to enable listed buildings to become more energy efficient.
- 5.6. To seek a remedy for this, in February the Cabinet agreed for “*discussions to be held with other Local Authorities (and other interested parties) with a specific interest in approving energy efficiency and renewable energy measures in listed buildings, together with the relevant Government departments (DCMS and DCLG), with a view to identifying conservation and building regulations policy constraints and ways to overcome them*”.
- 5.7. It has now been agreed that the Sustainability team will lead this initiative with involvement from Planning Services. Initial discussions have begun with key stakeholders in order, firstly, to articulate the gap between where the Council wants to be on energy efficiency and the current national position and secondly, to press for the changes that are needed in order to enable the full range of energy efficiency measures to be installed sensitively in traditional and listed buildings.

## **6. RISK MANAGEMENT**

- 6.1. The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

## **7. EQUALITIES**

- 7.1. An Equalities Impact Assessment has been completed on the Guidance (Appendix B) and no adverse or other significant issues were found.
- 7.2. Overall the provision of the Guidance is considered to have a positive impact on all equalities groups (in particular age, religion/belief, race and disability) as the Guidance advises on measures which may reduce the running costs and thermal comfort of buildings. The Guidance also offers simple and clear guidance available free of charge to the public.

## **8. RATIONALE**

8.1. It is recommended that the Guidance (Appendix A) is adopted to provide information regarding how best to alter historic buildings to improve energy efficiency consistent with architectural conservation best practice without harming or compromising their architectural and historic interest.

## **9. OTHER OPTIONS CONSIDERED**

9.1. An option was to issue no guidance, however there has been strong demand for guidance such as this from the public and stakeholder organisations including Bath Preservation Trust, Curo Group and Transition Bath.

9.2. It should be recognised that the retrofitting of listed buildings is a developing area and the Guidance is considered to be an important first step in an on-going process. The Guidance would therefore benefit from periodic review as the result of on-going specialist research emerges. There will remain a need to be cautious until new technologies are proven. The planning department will continue to work with other Council departments and English Heritage to review and amend the Guidance as necessary.

9.3 There might also be further opportunities to act at a local level, through the wide-ranging Enterprise and Regulatory Reform Act. This received Royal Assent in May this year and brought forward a number of the provisions previously outlined in the stalled Heritage Bill of 2008. This includes the possibility of introducing national and local listed building consent orders. The exact details of how this might work in practice are not known, as the regulations and secondary legislation have not been prepared. It is likely however to facilitate the grant of consent up front, even before it is applied for. This may be of some relevance although will have resourcing implications for Planning Services. Furthermore, it should be noted that English Heritage advised at a meeting held 28th June 2013 that they did not think it would be wise to commence any testing or trialling in areas of obvious sensitivity and international importance such as a World Heritage Site. Cabinet may wish to consider if monitoring how the emerging system works in practice at other locations will be a more effective alternative to time and effort committed on a separate campaign.

9.4 The key next steps are to 1) Progress the work through the Sustainability Team and engagement with the key Stakeholders and other Authorities 2) Continue to liaise with Central Government on legislative requirements 3) Constantly review the guidance to ensure that it does reflect existing legislation at any given time.

## **10. CONSULTATION**

10.1. The main consultation phase took place as part of the adoption of the Sustainable Construction and Retrofitting SPD. Further consultations have taken place as outlined in 5.1 above. A full summary is given in Appendix C.

## 11. ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 *Customer Focus; Sustainability; Property; Conservation of the Historic Environment and protection of the World Heritage Site*

## 12 ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

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<b>Sponsoring Cabinet Member</b>	Councillor Tim Ball (Cabinet Member for Homes and Planning)
<b>Background papers</b>	Dedicated website to sustainable construction and retrofitting contains the main Supplementary Planning Document - <a href="http://www.bathnes.gov.uk/greenbuild">www.bathnes.gov.uk/greenbuild</a>
<b>Please contact the report author if you need to access this report in an alternative format</b>	