

Bath & North East Somerset Council

DECISION MAKER:	Cllr Bob Goodman, Cabinet Member for Development and Neighbourhoods	
DECISION DATE:	On or after 14/04/2018	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3034
TITLE:	Sustainable Construction Checklist Supplementary Planning Document	
WARD:	All wards	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Please list all the appendices here, clearly indicating any which are exempt and the reasons for exemption		
<ul style="list-style-type: none">• Sustainable Construction Checklist Supplementary Planning Document		

1 THE ISSUE

- 1.1. Tackling Climate Change is the cross cutting objective of the adopted Core Strategy/Placemaking Plan (PMP) and the policies within the “Responding to Climate Change” section of the PMP support this. The Sustainable Construction Checklist Supplementary Planning Document (SCC SPD) aims to ensure that these policies are properly implemented.
- 1.2. The existing Sustainable Construction Checklist, currently a registration requirement for planning applications, needs to be updated following the adoption of new policies in the PMP. There are also existing policies which lack benchmarks to assess whether an application has met the policy requirements or not. Lastly, a compliance methodology is needed to guide applicants on how to demonstrate compliance and to enable officers and members of the public commenting on applications to verify that compliance has been achieved.
- 1.3. The new SCC SPD addresses these needs. Since it sets new compliance benchmarks for existing policy, it requires SPD status. The SPD must be subject to public consultation as part of its preparation process.

2. RECOMMENDATION

- 2.1. That;
 - a) the draft Sustainable Construction Checklist SPD is agreed for public consultation; and that

- b) The Divisional Director for Place is granted delegated authority, in consultation with the Cabinet Member for Planning and Neighbourhoods, to make minor changes to the SPD for accuracy and to provide clarification

3. RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1. The costs of preparing, consulting on and publishing the SPD have been made available within existing budgets.
- 3.2. Following adoption, the SCC SPD will be implemented within existing staff resources. The SCC SPD has been designed to simplify, streamline and standardise the compliance procedure in order to minimise officer time required.
- 3.3. In terms of financial and property implications, the requirements in the SPD will apply to the Council's own development projects. This may result in a small cost uplift beyond the cost of building to the minimum legal requirements of Building Regulations, estimated at around 1.8%¹. However:
 - a. The performance benchmarks in the SPD are similar to long-standing policies at numerous other local authorities who, for example, require the Code for Sustainable Homes level 4 and BREEAM for non-domestic buildings.
 - b. The Council has had experience of delivering to a high standard at no extra cost. The Keynsham Civic Centre achieved an energy performance standard that exceeds the benchmarks in the SPD at no capital uplift.
 - c. The Council's studies suggest that it is viable to build to the benchmarks set by the SPD.

4. STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1. SPDs are a Local Development Document under the Planning and Compulsory Purchase Act 2004 and their preparation is regulated, primarily under the Town and Country Planning Regulations 2012
- 4.2. The SCC SPD is part of the Council's response to climate change and broader sustainability. It will facilitate the Council's commitment in the Environmental Sustainability & Climate Change Strategy to provide the leadership to reduce carbon emissions across the area by 45% by 2029. It will also help meet the target in the adopted Placemaking Plan to install 110MW of renewable electricity and 165MW of renewable heat by 2029.
- 4.3. It is not foreseen that the SCC SPD in itself will raise negative equality issues. By ensuring that new buildings are energy efficient and have a low lifetime cost, the SCC SPD will insulate residents against rising energy costs and future energy insecurity.

¹ Element Energy & Davis Langdon "Costs of building to the Code for Sustainable Homes" (2013)
http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Evidence-Base/Sustainability/code_for_sustainable_homes_costs_report.pdf

5. THE REPORT

The SCC SPD is attached and a brief summary of the key points is provided below.

Scope of SPD: The SCR SPD address the key policies in the “Responding to Climate Change” section of the Placemaking Plan. These policies, and the SCC SPD, require applicants to address a range of sustainability issues that are not captured elsewhere; water, materials, minimisation of waste and heat networks. Other aspects of sustainability such as transport, drainage and ecology are handled separately so are currently outside the scope, as are small applications on existing buildings e.g. for householder extensions. Relevant sections of the SCC will need to be completed for:

- All proposals for works on existing buildings that have 5 or more dwellings or 500m² or more of floor space to be created.
- All new build proposals

The SCC SPD accompanies the existing Sustainable Construction and Retrofitting SPD which contains detailed guidance. The most substantive sections of the SCR SPD address energy and overheating.

5.1. **Energy:** The SCC SPD covers the key energy policies CP2 and SCR1, excerpted below:

Sustainable Construction Policy 1 (SCR1): On Site Renewable Energy: *“Developers of Major proposals above a threshold of 1,000 square metres or 10 dwellings, excluding Industrial B2 and B8 uses, will be required to provide sufficient renewable energy generation to reduce carbon emissions from anticipated (regulated) energy use in the building by at least 10%”.*

Core Policy 2 (CP2): Sustainable Construction: *“All planning applications should include evidence that the standards below will be addressed...Maximising energy efficiency and integrating the use of renewable and low-carbon energy”*

The SCC SPD will promote full compliance with these two policies by:

A. Setting benchmarks for compliance with CP2: CP2 requires that energy efficiency is “maximised” but does not set a benchmark to determine whether an applicant has achieved this. The SCC SPD redresses this by setting benchmark energy performance standards based on development type and scale, taking into account the national policy position. This will enable applicants, officers and commentators to quantify whether the policy requirement has been met.

B. A robust compliance methodology: Applicants will need to submit calculations and documentation from an energy assessment to show they have achieved compliance. This requires an energy assessment earlier in the design process than previously, however this is essential if energy performance is to be fully reflected in the design. Factors such as the orientation of the building and the size of windows have a strong bearing on energy performance and are designed prior to planning submission (exemptions are made for outline applications). To reduce complexity for

applicants and ensure reliability of the assessment process, applicants are to use the same calculation method as required by Building Regulations. Compliance with the energy standards will be conditioned. This is in line with practice at other local authorities.

- 5.2. **Overheating:** Global temperatures have already risen 1°C from a pre-industrial baseline. A 2°C rise in temperature, predicted by the 2030s, would provide temperatures roughly equivalent to the South of France. This is within the lifetime of buildings constructed today, however new buildings in the UK frequently do not reflect this. Unless action is taken, buildings may become expensive and carbon intensive to cool through retrofitted air conditioning, or may become uninhabitable, leading to future economic and wellbeing impacts.

Policy CP2 states that all proposals should have consideration of climate change adaptation and overheating is a major element of this. The benchmark for compliance with CP2 is proposed in the draft SCC SPD as below:

- A. All proposals are to explain how they have responded to overheating risk.
- B. Large Scale development of more than 50 dwellings or more than 5000m² of floor space are to achieve the overheating standard set by the Chartered Institute of Building Surveyors and Engineers (CIBSE). The CIBSE standard uses real weather data to predict a building's performance in hot events, and can also use modelled future data to gauge performance in 2050.

Applicants are to demonstrate that their building will not overheat in a normal current summer and also that they have a mitigation strategy if their building is shown to overheat in the future climate, without the use of air conditioning unless in exceptional circumstances.

This will require measures that affect a building's design, e.g. external shading, careful consideration of orientation, form, glazing and materials. By setting this benchmark we aim to prompt applicants to deliver buildings that will still be valuable assets for our district even in a changed climate.

6. RATIONALE

6.1. The SCC SPD will support the Council to:

- a) Meet the Environmental Sustainability & Climate Change Strategy target of a 45% cut in district wide CO₂ emissions by 2029. This is in line with the legally binding Climate Change Act 2008 that has been taken up into national Planning legislation and reflected in the National Planning Policy Framework.
- b) Realise the economic opportunities of the low carbon economy; the Government's Clean Growth Strategy 2017 cites the potential of this sector to grow at 11% per annum, compared with 4% for the UK economy as a whole – the sustainable construction sector is a key part of this.
- c) Build resilience by alleviating the impact of rising fossil-fuelled energy prices and providing greater local energy security.

7. OTHER OPTIONS CONSIDERED

- 7.1. **Keeping the SPD as a guidance document and a registration requirement**, as per the previous Sustainable Construction Checklist. However, the benchmarks for CP2 on energy and overheating are a significant advance in our ability to implement the policy, so warrant the extra weight afforded by an SPD.
- 7.2. **Allow applicants to submit their own bespoke assessments to demonstrate policy compliance**: This is the approach that has hitherto been taken and the majority of applications merely achieve compliance with national Building Regulations rather than maximising energy efficiency. Additionally, this approach leads applicants to frequently request clarity on what the Council deems policy compliant to reduce risk of planning failure.

8. CONSULTATION

- 8.1. Wide consultation has already taken place on the SCC SPD, with workshops at well-attended meetings of the Agent's Forum and Developer's Forum.
- 8.2. The document has also been reviewed by consultancies AECOM and Buro Happold.
- 8.3. The SPD will be subject to public consultation as required by the 2012 Regulations and the outcome of the consultation will be considered prior to adoption.

9. RISK MANAGEMENT

- 9.1. A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>Simon de Beer 01225 477616</i>
Background papers	<ul style="list-style-type: none">Sustainable Construction Checklist Supplementary Planning Document
Please contact the report author if you need to access this report in an alternative format	