

Bath & North East Somerset Council

DECISION MAKER:	Cllr Bob Goodman, Cabinet Member for Development and Neighbourhoods	
DECISION DATE:	On or after 13 October 2018	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3096
TITLE:	Sustainable Construction Checklist Supplementary Planning Document: Adoption	
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 (SPD)• Sustainable Construction Checklist SPD Consultation Report		

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) sets out a robust methodology by which applicants can demonstrate policy compliance and also sets benchmarks for policies by which to assess compliance. The draft SPD has now been through public consultation and has been amended accordingly (see Consultation Report attached). It is now proposed for adoption.

2. RECOMMENDATION

- a) That the Cabinet Member for Development and Neighbourhoods approve adoption of the draft Sustainable Construction Checklist SPD.

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.

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:

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

- 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 benchmarks for energy performance based on development type and scale taking into account the state of the market, viability and the national policy position. This will enable applicants, officers and commentators to better assess whether the policy requirement has been met. This is in line with the National Planning Policy Guidance (NPPG) which states that SPDs should build upon and provide more detailed advice or guidance on the policies in the Local Plan but not add unnecessarily to the financial burdens on development

B. A robust compliance methodology: Applicants will need to submit calculations and documentation from an energy assessment to their performance against the benchmarks. 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:** Climate change is already causing overheating and this is expected to worsen considerably over the lifetime of buildings constructed today. 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. For Large Scale development of more than 50 dwellings or more than 5000m² of floor space, a performance benchmark has been set for whether overheating has been addressed, in the form of the overheating standards set by the Chartered Institute of Building Surveyors and Engineers (CIBSE). The CIBSE standards use 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. The SCC SPD has been extensively consulted on with a focus on the local construction sector, as below.
- A. First round of public consultation: This took place in November 2017 when the draft Checklist was presented to the B&NES Agents' Forum and Developers' Forum and circulated to the membership for comment. At this stage, the Checklist was intended to replace the previous Sustainable Construction Checklist which has the status of guidance rather than a full SPD. 8 responses were received.
- B. Second round of public consultation: This took place in July 2018 when the decision was taken to convert the Checklist into an SPD to provide further planning weight. This was undertaken in line with the statutory requirements in The Town and Country Planning (Local Planning) (England) Regulations 2012 for SPDs. 11 responses were received.
- C. Expert consultees: AECOM was commissioned to review the technical elements of the Checklist.
- 8.2. Following consultation, the draft SCC SPD has been revised to improve the points of technical detail and formatting to improve legibility of the document. Please see the attached Consultation Report for a summary of comments, responses and actions.

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.

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Background papers	<ul style="list-style-type: none"> • Sustainable Construction Checklist Supplementary Planning Document (SPD) • Sustainable Construction Checklist SPD Consultation Report
Please contact the report author if you need to access this report in an alternative format	