

Bath & North East Somerset Council	
MEETING	Climate Emergency and Sustainability Policy Development & Scrutiny Panel
MEETING DATE:	21st September 2020
TITLE:	B&NES Local Plan Partial Update: Climate Emergency Policies
WARD:	All
AN OPEN PUBLIC ITEM	
List of attachments to this report: Annex 1: Note on maximising use of existing policies pending the Local Plan review	

1 THE ISSUE

- 1.1 This report provides an update on the review of the Council's planning policies relating to Climate and Nature Emergency as part of the Local Plan Partial Update. The Local Plan Partial Update will also consider policies to respond to the Nature Emergency, but these are not included part of this report.

2 RECOMMENDATION

- 2.1 **The Panel is asked to comment on the emerging options for amending the Local Plan policies which relate to the Climate Emergency, to be presented for public consultation in early 2021.**

3 THE REPORT

Background

- 3.1 As a result of the withdrawal of the Joint Spatial Plan and the need to address some urgent issues in B&NES a partial update of the Core Strategy and Placemaking Plan (together comprising the Local Plan) is being progressed.
- 3.2 In accordance with national guidance the partial update must be prepared within the context of and without amending the existing spatial priorities of the Core Strategy/Placemaking Plan. Therefore, the Local Plan partial update can only address a limited number of key issues. Otherwise a full Plan review is necessary, and this will need to wait for the WECA Spatial Development Strategy to progress. It is therefore advantageous that the cross-cutting objective of the Core

Strategy/Placemaking Plan is to 'pursue a low carbon and sustainable future in a changing climate'. The Partial Update will most likely cover the following issues:

- Climate emergency – updating and amending policies so that they best facilitate addressing the climate emergency
- Nature emergency – revising/updating policies on ecological enhancement (biodiversity net gain) and green infrastructure
- Housing supply – replenishing housing supply
- Reviewing and redefining parking standards
- Better enabling delivery of affordable housing & meeting other specific housing needs e.g. older persons, custom & self-build
- University accommodation – Revisiting the policy approach in addressing the future development of both Universities and the impact of student accommodation within the city
- Other issues e.g. review existing allocations; the approach to hotel provision; and employment supply, parking standards, 5G masts

3.3 This report provides an update on work on the Climate Emergency policies. The Panel's views are requested on the range of options to be presented for public consultation, not to select a preferred option for inclusion in the Local Plan Partial Update. That will happen at the next stage of the process.

3.4 The current preparation timetable is:

- Options consultation (Jan-Feb 2021)
- Draft Local Plan consultation (June-July 2021)
- Submit Draft Plan for Examination (Sept 2021)
- Examination hearings (Dec 2021)
- Council Adopt Plan (April 2022)

Climate Emergency policies to be addressed in the Local Plan Partial Update

Zero Carbon Construction

3.5 The Council's current planning policy (Placemaking Plan Policy SCR1) seeks to reduce carbon emissions in major development by at least 10% through the provision of on-site renewable energy and Policy CP2 sets out the council's policy on sustainable construction. The Sustainable Construction Checklist Supplementary Planning Document went further, setting a 19% carbon reduction as a benchmark. It is proposed to replace policies SCR1 and CP2 with the new zero carbon sustainable construction policy through the Partial Update.

3.6 It is worth noting that National Policy Guidance restricts the level of fabric performance a council can require. The Written Ministerial Statement on Plan Making (March 2015) sets out the government's expectation that such policies should not be used to set conditions on planning permissions with requirements above the equivalent of the energy efficiency (fabric improvement) requirement of Level 4 of the Code for Sustainable Homes (this is approximately 2019% above current Building Regulations across the build mix). The Government also launched

the Future Homes Standard Consultation at the end of 2019. It aims to require new build homes to be ‘future-proofed’ with low carbon heating and energy efficiency.

- 3.7 However, if introduced, the Future Homes Standard will not restrict further carbon savings being made through the provision of renewable energy and allowable solutions. The future homes standard will require fabric improvements through building regulations but won’t allow for local authorities to achieve any further carbon savings through fabric performance. This could inhibit our ambitions because improvements in technology makes easier to achieve carbon savings whilst the Future Homes Standard and update to Building Regulations Part L is expected in Autumn, if it is delayed beyond the release of the Partial Review Options consultation, the Options consultation in the New Year will need to consult on two options to achieve zero carbon development depending on the future homes standard along the lines set out below

Scenario 1 – If the Future Homes Standard/Part L revision is not brought forward	<p>It would use an energy hierarchy to achieve zero carbon as follows:</p> <ul style="list-style-type: none"> • A minimum reduction of 10% through fabric performance. • A minimum reduction of 35% through on-site renewable energy. <p>Then offset what can’t be mitigated on site through financial contributions, at £95 per ton CO₂. The offset price has been calculated by the Centre for Sustainable Energy. It has been set at a level where it is most cost effective to focus on fabric improvements and renewable energy but will not make a project unviable.</p>
Scenario 2 – If the Future Homes Standard/Part L revision is brought forward as proposed	<p>It is proposed to set a policy which will still follow the energy hierarchy that fits within building regulations.</p> <p>Fabric improvements would be required by building regulations with the remainder of the carbon reduction required through renewable energy and allowable solutions to achieve zero carbon construction. It is not yet known what the percentage improvement required through building regulation will be.</p>

Whole Life Cycle Carbon Assessments

- 3.8 Whole Life-Cycle Carbon (WLC) emissions are those resulting from the materials, construction and the use of a building over its entire life, including its demolition and disposal. A Whole Life Cycle Carbon assessment provides a true picture of a building’s carbon impact on the environment. For example, it takes account of the embodied energy of the materials.
- 3.9 Whole Life Cycle Carbon Assessments have been introduced in the Greater London Plan and their policy requires a Whole Life Cycle Carbon Assessment for applications referred to the London Mayor, for development over 150 dwellings. Their policy currently only requires the assessment to be submitted, there is no required threshold

in terms of carbon emissions, however all development is still subject to their sustainable construction policies.

- 3.10 The Greater London Authority have Technical Energy Officers that review the submitted Whole Life Cycle Carbon Assessments, a resource that is not currently available within B&NES. If Whole Life Cycle Carbon Assessments were to be used to require a threshold then further evidence work and viability assessments will be required. Sustainability and Planning Policy Officers from the West of England are in the early stages of reviewing this.

Roof-mounted/ building integrated scale solar PV and Retrofitting Existing Buildings

- 3.11 Current Policy SCR2 encourages the retrofitting of existing buildings. It should be noted that many retrofitting measures such as solar panels and insulation do not require planning permission. The policy is supported by the Council's Sustainable Construction and Retrofitting SPD which is scheduled to be reviewed alongside the Local Plan review.
- 3.12 Many smaller scale micro generation projects do not require planning permission. The installation of solar panels is mostly permitted development, but there are restrictions within constrained land such as Conservation Areas, World Heritage Sites, Areas of Outstanding Natural Beauty). Any works to a listed building would require a separate application for listed building consent.
- 3.13 The council's Energy Efficiency and Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings provides more detailed guidance will be reviewed alongside the Local Plan Partial Update. The (Planning) Heritage and Design section of the council's website also links to guidance at local and national level with regards to retrofitting historic buildings.

District Heating

- 3.14 Work is progressing on a feasibility study into incorporating district heating into development in the Enterprise Zone in Bath. The Quays projects are 'conditioned' to feed into any future system and district heating has been installed at Bath Western Riverside.
- 3.15 The current policy proposes a district heating network at Keynsham Town Centre. As the majority of land allocated for development in Keynsham town Centre such as the Civic Centre has now been built out incorporating energy efficient buildings, it is unlikely district heating would be brought forward in Keynsham town centre and it is proposed that this part of the policy is removed. Instead, the policy wording will be broadened to allow future schemes to come forward throughout the district.

Renewable Energy Policy – Wind Energy

- 3.16 3.16 The Council is committed to increasing local renewable energy generation and Local Plan (Core Strategy) Policy CP3 sets generation targets to achieve 110 Mega Watt (MW) installed electricity capacity and 165 MW heat by 2029. Whilst this target cannot be reviewed to align with the Council's new Climate Emergency ambition until the full review of the Local Plan, monitoring shows that even this target is not being met as only 20.9 MW electricity and 7.4 MW heat have been available installed as of August 2018 in the district. The current installed capacity only amounts to just 19% of the electricity target and 4% of the heat target. A significant increase in the development of renewable energy is needed to achieve

the policy targets and this can and should be given weight in the determination of planning applications.

- 3.17 Policy CP3 sets out the approach for assessing proposals for low carbon and renewable energy infrastructure, including large-scale freestanding installations. The policy requires that proposals are assessed under national policies and against the following: a potential social and economic benefits, b community benefits, c the need for secure and reliable energy generation capacity d environmental impact.
- 3.18 Changes to national policy have occurred since Policy CP3 was adopted. In particular relating to wind energy, the NPPF states that: *“wind energy development involving one or more wind turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing”*.
- 3.19 The Local Plan could be revised to take a more proactive approach by identifying areas suitable for wind energy development on the Local Plan Policies Map supported by a criterion-based policy. This would give greater certainty as to where such development will be acceptable provided the impacts identified in the policy can be successfully mitigated. This would also need to take in to account environmental sensitivity. This approach would accord with national policy (NPPF)..
- 3.20 Options for wind energy development to present for consultation include;

Scenario 1 – Allow wind turbines in Moderate-high landscape areas	<ul style="list-style-type: none">- Greater level (Moderate-high) of landscape harm potentially acceptable- Increase in technical capacity/potential level of power generation- Criteria based policy to allow issues to be addressed at a scheme level/through the development management process.
Scenario 2 – Allow wind turbines in Moderate landscape areas	<ul style="list-style-type: none">- Moderate level of landscape harm potentially acceptable- Impact on technical capacity/potential level of power generation- Criteria based policy to allow issues to be addressed at a scheme level/through the development management process.

- 3.21 Renewable energy projects, including wind turbines, are restricted under national Green Belt policy and proposals need to demonstrate very special circumstances if to proceed in the Green Belt. Very special circumstances may include the climate emergency declaration and wider environmental benefits associated with increased production of energy from renewable sources. The Council has already published an Informal Guidance Note on renewable energy in the Green Belt to provide greater clarity on this issue

Electric Vehicle Infrastructure

- 3.22 Local Plan Policy ST7 encourages facilities for charging plug-in and other ultra-low emission vehicles in the case of new development proposals. Electric vehicle chargers can be installed under permitted development. Part 2, class C allows for

the installation of a charging unit within a parking area, subject to certain conditions. It does not currently make provision for on street chargers, though it is noted that as technology advances street furniture such as lamp posts can be utilised.

- 3.23 There is an option to provide active or passive charging. Active charging provides a charger on site when a development is constructed. Passive charging provides the ducting that can easily be connected to a charger when it is required. The advantage of providing 100% active charging means that EV charging is available upon completion of development. However, the passive charging allows for charging to be activated as demand increases and also allows for the latest technologies to be used. The cost of passive charging is much less than active charging.

Option 1 – residential development	Require 100% active charging in development
Option 2 – residential development	Require 20% active charging and 80% passive charging in new development

- 3.24 It is likely that these proposals will be subject to grid capacity and would need to be installed in consultation with Western Power Distribution. Western Power Distribution have an online network capacity map on their website which can be used to estimate potential grid capacity. Anyone wishing to install a new charger has to make an application to Western Power Distribution.

Parking Standards

- 3.25 A review of the parking standards is critical in meeting the Climate Emergency objectives and it is proposed to remove them from the Local Plan and include them in a Supplementary Planning Document which provides the flexibility to keep them under review.

Other

- 3.26 Other issues include ensuring space for local food growing, reducing the risk of flooding and facilitating sustainable urban drainage systems.

Approach pending the Partial Update

- 3.27 Pending the Local Plan Partial Update, the Council will ensure that maximum use is made of existing Climate Emergency policies in considering planning proposals. The approach is set out in Annex 1.

4 STATUTORY CONSIDERATIONS

- 4.1 The Climate Change Act 2008 It sets out emission reduction targets that the UK must comply with legally. The preparation and review of Local Plans is statutory process governed by regulations. The Local Plan Partial Update is likely to be completed before the new Planning reforms are introduced.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 The Partial Review of the Local Plan is funded from the LDF Budget.

6 RISK MANAGEMENT

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

7 EQUALITIES

- 7.1 The Local Plan Partial Update will entail a bespoke Equalities Impact Assessment, facilitated by public engagement in accordance with the Statement of Community Engagement.

8 CLIMATE CHANGE

- 8.1 This is the substance of this report, see section 3 above

9 OTHER OPTIONS CONSIDERED

- 9.1 The Council could delay updating its planning policies until the full review of the Local Plan is undertaken in 2022/23 but this would prejudice the Council's ability to respond to the Climate and Nature Emergencies.

10 CONSULTATION

- 10.1 The revised planning policies will be subject to a statutory consultation, in accordance with the Council's Statement of Community Engagement, and public examination.

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Background papers	<u>Climate Emergency Progress Report October 2019</u> <u>Planning consultation: Local Plan partial update April 2020</u>
Please contact the report author if you need to access this report in an alternative format	

ANNEX 1: MAXIMISING THE USE OF EXISTING POLICIES PENDING THE LOCAL PLAN PARTIAL UPDATE

1. Introduction

- 1.1. The Council declared a Climate Emergency in March 2019 and pledged to provide the leadership to enable carbon neutrality in the district by 2030. B&NES Climate Emergency Action Plan (Oct 2019) identifies the priority areas for action:
 - energy efficiency improvement of the majority of existing buildings (domestic and non-domestic) and zero carbon new build;
 - a major shift to mass transport, walking and cycling to reduce transport emissions;
 - a rapid and large-scale increase in local renewable energy generation.
- 1.2. The Council is reviewing its planning policy to facilitate delivery of these objectives. In the meantime, the Council is seeking to ensure that appropriate consideration is given to responding to the Climate Emergency in considering planning proposals. This Note sets out the current provisions within the Local Plan aimed at addressing the climate change challenges and to ensure that these are given appropriate weight which reflects the legal and national policy position on Climate Change, including the new national statutory carbon reduction target introduced since the adoption of the Local Plan in 2014 and council's declaration of a climate emergency.
- 1.3. The National Planning Policy Framework (NPPF) states that the planning system should support the transition to a low carbon future in a changing climate (para 148). Timely progress on the Local Plan update will enable us to prepare new policies which are able to achieve the most positive impact and change, however existing policies of the Local Plan should be implemented as effectively as possible.

2. Background

- 2.1. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. As confirmed by the Courts in recent cases, Climate Change (and air quality) is a material consideration in planning decisions.
- 2.2. The Climate Change Act 2008 was amended in June 2019 to set out a pathway to achieve a reduction in carbon emissions of at least 100% by 2050 compared to 1990 levels. This statutory target was amended from the previous target which sought an 80% reduction in the same time period. It is important to note that the Core Strategy and Placemaking Plan were adopted in the context of the previous target. The current policies need to be applied in the context of the new national target.
- 2.3. Local Authorities have a crucial role to play in helping to achieve carbon neutrality. Through the Declaration, this Council pledged to provide the leadership to make the

district carbon neutral by 2030. As part of this, we have a responsibility through our planning functions to ensure that future growth and development in our district is managed in a way which significantly reduces both production and consumption emissions, especially as new buildings/infrastructure permitted and built now will be likely to still exist when the zero carbon deadline in 2030 in the district and 2050 in the UK is reached.

- 2.4. The National Planning Policy Framework is clear that the planning system should ensure that places are shaped in ways which “*contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure*” (paragraph 148). Para 150 states that new development should be planned for in ways which reduce vulnerability to the impacts of climate change and reduce greenhouse gas emissions.

3. Core Strategy and Placemaking Plan

- 3.1. The current Development Plan - Core Strategy and Placemaking Plan (2011-2029) recognises the challenges of climate change and includes a cross cutting objective to pursue a low carbon and sustainable future to address climate change and sets out various policies which require new developments to reduce their carbon emissions. There is therefore much that can be done within the provisions of our current Local Plan to contribute to reductions in carbon emissions.

- 3.2. Vision, Objective and key overarching policies

Core Strategy and Placemaking Plan
Vision New jobs and housing will be supported by necessary infrastructure and provided in ways that mitigate the causes and effects of climate change, adapt to unavoidable climatic changes, are resilient to future fossil fuel scarcity and help the District have a low carbon economy.
Plan Objective 1: Cross cutting objective: Pursue a low carbon and sustainable future in a changing climate
DW1 (5) District-wide Spatial Strategy: The overarching strategy for B&NES is to promote sustainable development by requiring development to be designed in a way that is resilient to the impacts of climate change
SD1 Presumption in Favour of Sustainable Development When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

- 3.3 There are a number of specific Development Management policies in relation to tackling climate change which implement the vision, spatial objectives and Policy DW1(5) Spatial Strategy.

Development Plan Policies

Policy CP1 (Retrofitting existing buildings), Policy CP2 (Sustainable Construction), POLICY CP3:Renewable Energy Targets, POLICY SCR1 (On-site Renewable Energy Requirement), POLICY SCR2(Roof-mounted/ Building integrated Scale Solar PV), POLICY SCR3 (Ground-mounted Solar Arrays), POLICY SCR4 (Community Renewable Energy Schemes), POLICY SCR5 (Water Efficiency), POLICY CP4 (District Heating), POLICY CP5(Flood Risk Management), POLICY SU1(Sustainable Drainage)

Sept 2020 Update

Evidence prepared following the declaration of the Climate Emergency estimates that 66% of Bath & North East Somerset's carbon emissions come from energy use in existing buildings (38% domestic and 28% non-domestic)¹, so improving the energy efficiency of existing buildings is a priority. The Council's Sustainable Construction and Retrofitting Supplementary Planning Document provides further guidance on improving existing buildings. For new buildings, the B&NES Sustainable Construction Checklist and Sustainability Statements are used to assess the approach taken to sustainable construction through the planning application process. It is expected that there will be a 19% CO² overall emissions reduction from energy efficiency or renewables. As new buildings are likely to be still in operation when carbon neutrality needs to be achieved by 2030 in the district and nationally by 2050, appropriate weight should be given to the nature of building construction in determining planning applications.

The Council is committed to increase local renewable energy generation and Policy CP3 sets generation targets to achieve 110 Mega Watt electricity and 165 Mega Watt heat by 2029. However, the latest monitoring shows only 20.9 Mega Watt electricity and 7.4 Mega Watt heat are available as of August 2018 in the district. The current installed capacity only amounts to just 19% of the electricity target and 4% of the heat target. A significant increase in the development of renewable energy is needed to achieve the policy targets and this can and should be given weight in the determination of planning applications.

POLICY NE3 (Sites, Species and Habitats), NE4 (Ecosystem Services) and NE5 (Ecological Networks), Policy NE6 (Trees and Woodlands), Policy CP7 (Green Infrastructure) and NE1 (Development and GI)

Sept 2020 Update

National Planning Policy Framework (para 170d) and the draft Environment Bill require net gains for biodiversity. The draft Environment Bill supplements existing legislation and policy on protected sites and species and introduces new incentives, actions and planning tools to drive further improvements for nature. It introduces a mandatory requirement for 10% biodiversity net gain and lays the foundation for the Nature Recovery Network. The draft Environment Bill will be discussed at the Public Bill Committee in Parliament on 25th June and could receive royal assent relatively quickly. This mandatory

¹ [the Climate Emergency Study](#) (Oct 2019)

net gain for new development will be demonstrated and agreed through the planning application process, therefore this needs to be communicated with applicants as early as possible and should already form part of pre-application advice.

B&NES is part of the West of England Nature Partnership (WENP) who have produced the WoE Nature Recovery Network. In response B&NES will introduce a BNG SPD in advance of the Local Plan update.

POLICY PCS1: Pollution and Nuisance, POLICY PCS3: Air Quality, POLICY PCS5: Contamination

Sept 2020 Update

Overarching Policy Aims include:

- Minimise use of non-renewable resources and promote the reuse of existing structures and materials
- Minimise land contamination and soil degradation - Minimise/mitigate against effects of pollution (e.g. Air quality, noise, land contamination, light, groundwater)
- Protect and enhance the quality of the underlying groundwater or surface water

Policy PCS1 embodies the 'precautionary principle'. This requires that where there is significant risk of harm to the environment, pollution controls will take into account the need to prevent or limit harm, even where scientific knowledge is not conclusive. Even though the social and health benefits of artificial sports pitches are well known, there are some concerns on the use of artificial sport pitches including their impact on users' health and environment such as water pollution and plastic waste at the end of life. Therefore applications for artificial pitches should be accompanied by a Management Plan explaining the materials used, management arrangement setting out measures to avoid infill materials getting into the drainage and end of the life treatments.

POLICY ST1: Promoting Sustainable Travel

Sept 2020 Update

29 % of Bath & North East Somerset's carbon emissions come from the transport sector. The Core Strategy and Placemaking Plan already seek to firmly resist housing development in unsustainable locations that is likely to give rise to travel by private car. The Accessibility Questionnaire helps to reduce parking requirements for more sustainable locations. Through the Local Plan Partial Update, it is proposed that the parking standards are set in a Supplemental Planning Document rather than in a Development Plan to enable more flexibility in applying parking standards. The Council is also preparing a Walking and Cycling Supplemental Planning Document.

4. Implications

- 4.1. The Council is reviewing and updating the Core Strategy and Placemaking Plan through the Local Plan Partial Update and subsequently Full Review, however until new policies are adopted, it is considered that the most practical course of action within the local planning process is to take steps to give appropriate weight to the relevant Local Plan policies, taking into account national policy and the government's legally binding zero carbon target by 2050. Pending the Local Plan

partial update, the Council will also (subject to resources) prepare SPDs which will develop and complement existing Local Plan policies.

- 4.2. The Council's declaration of a climate and nature emergency means that the policies listed above are key, and the progress in delivering the targets contained in them will have implications for the weight afforded to them in the consideration of planning applications. It must be emphasised that they are not the only important local plan policies for the achievement of sustainable development, but the weight to be attached to them should reflect the sense of urgency to tackle climate change in line with national law and policy and reflected in the council's own climate emergency declaration.
- 4.3 It should be noted that requiring higher sustainability standards and reduced carbon emissions were not part of the viability assessment underpinning the formulation of the Local plan and therefore may lead to applicants raising points about viability in the determination of planning applications.