

## Bath & North East Somerset Council

MEETING/ DECISION MAKER:	<b>Cllr Tim Ball, Cabinet Member for Planning and Licensing</b>	
MEETING/ DECISION DATE:	<b>On or after 26<sup>th</sup> April 2022</b>	EXECUTIVE FORWARD PLAN REFERENCE:
		<b>E 3341</b>
TITLE:	<b>Sustainable Construction Checklist Planning Document (SPD) Review</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b> Appendix 1 draft Sustainable Construction Checklist Supplementary Planning Document		

### 1 THE ISSUE

- 1.1 The Local Plan Partial Update (LPPU) will introduce new policies on sustainable construction and embodied carbon for residential and non-residential new build properties. To accompany the new policies the Sustainable Construction Checklist Supplementary Planning Document (The Checklist SPD hereafter) will need to be revised to reflect the policy requirements. This will then be used by Development Management officers to assess policy compliance.

### 2 RECOMMENDATION

The Cabinet member is asked to agree that:

- 2.1 The amended draft Sustainable Construction Checklist Supplementary Planning Document (Appendix 1) is issued for statutory consultation under Regulation 12(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012; and
- 2.2 The Head of Planning has delegated authority to make any necessary editorial changes, in consultation with the Cabinet Member for Planning and Licensing, prior to consultation on the draft Sustainable Construction Checklist SPD.

### 3 THE REPORT

**Current Sustainable Construction Checklist SPD (adopted in Nov 2018 with minor amendments in Feb 2020)**

3.1 The current Checklist SPD requires information from applicants on carbon reduction to support the adopted Core Strategy and Placemaking Plan policies as below.

- CP1 Retrofitting Existing Buildings
- CP2 Sustainable Construction
- CP3 Renewable Energy
- SCR1 On-site Renewable Energy Requirement
- SCR5 Water Efficiency
- CP4 District Heating

3.2 The Checklist SPD uses values from building regulations assessments to calculate carbon reduction. The Checklist information supplied by applicants is then used to assess compliance with adopted sustainable construction policies.

**Key policy changes in the Local Plan Partial Update (LPPU)**

3.3 Once adopted the LPPU will introduce new policies on sustainable construction. The policies aim to facilitate new build development to have zero operational emissions by reducing heat and power demand and then supplying all energy demand through onsite renewables.

Policy SCR6 (replacing Policy CP2) Sustainable Construction Policy for New Build Residential Development	Sets requirements for Space Heating, Energy Use Intensity and Renewable Energy
Policy SCR7 (replacing Policy CP2) Sustainable Construction Policy for New Build Non-Residential Buildings	Requires Major non-residential buildings to demonstrate 100% carbon reduction from building regulations and this will include details of renewable energy use.
Policy SCR8 Embodied Carbon	Introduces a requirement for large scale development to submit an embodied carbon assessment.

3.4 In the case of major developments where the use of onsite renewables to match total energy consumption is demonstrated to be not technically feasible (for example with apartments) or economically viable, renewable energy generation should be maximised and the residual carbon must be offset by a financial contribution. The draft Planning Obligations SPD sets out further information and guidance for carbon offset fund. The updated draft Planning Obligations SPD will be subject to public consultation at the same time as this Checklist SPD following the Single Member Decision process (Ref: E 3342).

**Draft Sustainable Construction Checklist Supplementary Planning Document**

3.5 The current Checklist SPD will be revised to reflect the new policy requirements above. The revised Checklist SPD will include a section on each policy and its required values. As with the previous checklist the required information can be obtained from building regulations. This will include details of renewable energy

supply. The information provided through the Checklist SPD will then be used to assess compliance with the new policies.

- 3.6 The Checklist SPD will sit alongside the Energy Efficiency, Retrofitting and Sustainable Construction SPD which provides information on sustainable construction measures. Applicants are required to provide details of the proposed sustainable construction measures including renewable energy supply. It is intended that the section on sustainable construction measures within the Checklist SPD will follow a similar structure to the Energy Efficiency SPD to make it more user friendly to customers.
- 3.7 In addition to the changes to the sustainable construction policies, Policy SCR8 introduces a requirement for an embodied carbon assessment. The checklist will also provide guidance on preparing and submitting embodied carbon assessments and includes a summary table of benchmark values for different building typologies.
- 3.8 The requirements for water, overheating, existing buildings and district heating will be maintained and carried over the revised Checklist SPD.
- 3.9 In summary, the Checklist SPD sets out the requirements for:
  - Heating and energy supply for residential developments
  - Carbon reduction for non-residential developments
  - Carbon reduction from existing development
  - Embodied carbon assessments
  - Efficient use of water (no change from the current SPD)
  - Addressing overheating (no change from the current SPD)
  - A connection to a district heating network(no change from the current SPD)

### **Next Steps**

- 3.10 Following public consultation, the issues raised in comments on the Draft Checklist SPD will be carefully considered (and set out in a consultation statement) prior to adopting the final version of the SPD alongside the LPPU adoption. Until such time as the revised Checklist SPD is adopted alongside the LPPU the existing SPD remains in force.

## **4 STATUTORY CONSIDERATIONS**

- 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.

## **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 5.1 The preparation of the amendments to the Checklist SPD for consultation and consideration of the issues raised will be undertaken by the Planning Policy Team and the costs covered within the existing salary budget and the Council's LDF budget.

- 5.2 Following adoption, the Checklist SPD will be implemented within existing staff resources. The Checklist SPD has been designed to simplify, streamline and standardise the compliance procedure in order to minimise officer time required.
- 5.3 The new LPPU policies require new development to be energy efficient by reducing heating demand and total operational energy demand and facilitate on-site renewable energy generation to meet the energy demand. The Checklist SPD sets out the information that an applicant needs to provide in order to show that they are complying with carbon reduction policies.
- 5.4 In some cases, it is not possible to meet all energy requirements by on-site renewable sources and the policy allows to mitigate with a new carbon offset fund which will be agreed in the form of Planning Obligations (s.106 agreements). The draft Planning Obligations SPD (which is also currently subject to the Single Member Decision for public consultation) will set out the detail how the carbon offset fund would be calculated and collected through the legal agreements. The Checklist SPD will be technical evidence supporting the carbon offset fund if and when it is required.
- 5.5 It is anticipated that further guidance on the Carbon Offset Fund to reduce carbon emissions in the district will be prepared by the Planning Policy Team supported by the Sustainability Team and the costs will be covered within the existing salary budget and the Council's 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 Pursuant to the public sector equality duty, an Equality Impact Assessment (EqIA) has been carried out for the Sustainable Construction Checklist SPD.
- 7.2 The technical nature of the document may present some difficulties for some people. However the information required is included in the Standard Method Procedure which is part of the Building Regulations which will be prepared by a specialist. Therefore it is not foreseen that the Checklist SPD in itself will raise negative equality issues
- 7.3 By ensuring that new buildings are energy efficient and have a low lifetime cost, the Checklist SPD will help to insulate residents against rising energy costs and future energy insecurity.

## **8 CLIMATE CHANGE**

- 8.1 One of the main reasons for partially updating the Local Plan is to ensure that the Council's planning policies are amended to contribute better toward achieving carbon neutrality by 2030 in response to the declaration of a Climate Emergency. 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. The Checklist SPD provides detail on the implementation of the Sustainable Construction policies and will help to deliver the policy objectives.

## 9 OTHER OPTIONS CONSIDERED

9.1 None.

9.2 The SPD mainly provides guidance on development plan policy requirements and national policy and does not create policy.

## 10 CONSULTATION

10.1 The preparation of the SPD was undertaken in consultation with Council Services, particularly with the Sustainability, Development Management and Building Control teams.

10.2 This report recommends approval to undertake statutory public consultation under Regulation 12 (b) of the Town and Country Planning (Local Planning) (England) Regulations 2012 for 6 weeks between (5<sup>th</sup> May and 16<sup>th</sup> May). A consultation statement will then be prepared setting out the details of the consultation, a summary of the responses received, and Council comments on each of the key issues raised.

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<b>Background papers</b>	Equalities Impact Assessment Strategic Environmental Assessment Screening Report
<b>Please contact the report author if you need to access this report in an alternative format</b>	