

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Cllr Tim Ball, Cabinet Member for Planning and Licensing	
MEETING/ DECISION DATE:	On or after 5th January 2023	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3398
TITLE:	Sustainable Construction Checklist Planning Document (SPD) Review	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1 – Sustainable Construction Checklist Supplementary Planning Document Appendix 2 – Consultation Statement relating to statutory consultation on the Draft SPD		

1 THE ISSUE

- 1.1 Upon its adoption 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) has been amended to reflect the policy requirements. This will then be used by Development Management to assess whether planning applications comply with the policy.
- 1.2 Following the recent consultation on the Draft Checklist SPD, a number of changes and additions have been suggested by respondents. Some of these changes and additions, where appropriate, have been incorporated into the SPD. The Council has also identified elements of the SPD that would benefit from further guidance and information, which have also been incorporated into the final SPD.

2 RECOMMENDATION

The Cabinet Member is asked to agree that:

- 2.1 The Checklist SPD is adopted
- 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 the publication of the adoption of the Checklist SPD; and

- 2.3 Upon adoption of the LPPU the Head of Planning has delegated authority to remove text in the SPD, which will be superseded on the adoption of the LPPU. The text in question will make clear that the policy requirements associated with the LPPU policies (SCR6, SCR7 and SCR8) will only be applied to applications determined on or after the date of the adoption of the LPPU.

3 THE REPORT

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

- 3.1 The current adopted 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 current 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 (>1000m ²) 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 It should be noted that the LPPU policy requirements included in and supplemented by the Checklist SPD will only apply to applications that are determined following adoption of the LPPU. The Council has received the Inspector's Final Report for the LPPU and the policies (subject to Main

Modifications) have been found sound. Adoption of the LPPU is due to be considered by a meeting of full Council in January 2023.

- 3.5 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 (E 3399) sets out further information and guidance for the carbon offset contribution. The updated draft Planning Obligations SPD has been subject to public consultation and is proposed to be adopted at the same time as this Checklist SPD following the Single Member Decision process.

Draft Sustainable Construction Checklist Supplementary Planning Document

- 3.6 The current adopted Checklist SPD is being revised to reflect the new policy requirements above. The revised Checklist SPD will include a section on each policy and its required values. The information provided through the Checklist SPD will then be used to assess compliance with the new policies.
- 3.7 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.
- 3.8 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.
- 3.9 The requirements for water, overheating, existing buildings and district heating will be maintained and carried over into the revised Checklist SPD.
- 3.10 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)
- 3.10 The above revisions to the current adopted Checklist SPD were incorporated into the Draft SPD which has been subject to public consultation in May-June this year.

Post-consultation

- 3.11 Following consultation on the Draft Checklist SPD a number of changes and additions have been incorporated into final version. These changes result from

further work by the Council and in response to issues raised during the . These changes are set out below:

- Additional guidance on how to accurately undertake an embodied carbon assessment (relevant for SCR8 – embodied carbon)
- Additional guidance for SCR6 (new build residential development) on how to achieve the total energy use and space heating targets
Change/substitution of tables 1.1, 1.2, 2.1 & 2.2 with an Excel spreadsheet to more easily assess development compliance with SCR6
- General small changes and additional text to reflect suggestions made by respondents throughout the consultation period

4 STATUTORY CONSIDERATIONS

- 4.1 SPDs are a Local Development Document under the Planning and Compulsory Purchase Act 2004 and their preparation is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. The revised SPD will be a material consideration in determining planning applications and will acquire the status of a Local Development Document.
- 4.2 Town and Country Planning (Local Planning) (England) Regulations 2012 Regulations 11 to 16 set out the requirements for preparing Supplementary Planning Documents. The Checklist SPD has been prepared in accordance with these Regulations and it does not conflict with policies in the adopted Development Plan. Accordingly, both this Single Member Decision Report and the Sustainable Construction Checklist SPD (2022 review) itself make it clear which elements of the SPD apply or come into force upon adoption of the SPD and those elements which only apply or come into force in respect of applications determined following the adoption of the LPPU.

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 this through a financial contribution to a new carbon offset fund which will be established through the Planning Obligations (s.106 agreements). The Planning Obligations SPD (which is also subject to a separate Single Member Decision to adopt it) will set out the detail how the carbon offset contribution would be calculated and collected

through the legal agreements. The Checklist SPD will be technical evidence supporting the carbon offset contribution if and when it is required.

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 There is no other legislative mechanism to make SPDs and to not adopt the Checklist SPD will leave standing policy requirements absent of detail on the way they will be implemented.
- 9.2 The SPD provides detail on development plan policy requirements and national policy and does not create new or additional policy requirements.

10 CONSULTATION

- 10.1 The statutory public consultation period under Regulation 12 (b) of the Town and Country Planning (Local Planning) (England) Regulations 2012 was carried out for 6 weeks between 5th May and 16th June. The Council has followed its Statement of Community Involvement. A consultation statement has been prepared setting out the details of the consultation, a summary of the responses received, and Council comments on each of the key issues raised.
- 10.2 The preparation of the SPD was undertaken in consultation with Council Services, particularly with the Sustainability, Development Management and Building Control teams.

10.3 External stakeholders consulted consisted of:

- Ward Councillors from across B&NES
- Parish and Town Councils across B&NES
- Councillors on the Planning Committee, B&NES Council
- Development Management Officers, B&NES Council
- Housing Officers, B&NES Council
- Sustainability Officers, B&NES Council
- Historic England
- Bath Preservation Trust
- Transition Bath
- The University of Bath
- Bath Spa University
- Bath College
- Local Resident Associations
- Various other stakeholders and stakeholder groups who have knowledge in the fields of heritage conservation and/or sustainable construction, retrofitting, and climate change.

Contact person	Alex McCann, Climate Policy Officer/Richard Daone, Deputy Head of Planning
Background papers	Equality Impact Assessment of SPD SEA Screening Report of SPD
Please contact the report author if you need to access this report in an alternative format	