

# **Sustainable Construction Checklist Supplementary Planning Document (SPD)**

**Consultation Statement  
December 2022**

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**Bath & North East  
Somerset Council**

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**Improving People's Lives**

## **1. Introduction**

- 1.1. This statement sets out the stakeholder engagement and consultation carried out during the update of Bath and North East Somerset Council's Sustainable Construction Checklist SPD (hereafter Checklist SPD).
- 1.2. The statement has been prepared in accordance with Regulation 12 of The Town and Country Planning (Local Planning) (England) Regulations 2012, which requires the Council to prepare a statement setting out the persons the local planning authority consulted when preparing the SPD, a summary of the main issues raised by those persons, and how those issues have been addressed.

## **2. Background to the Sustainable Construction Checklist SPD**

- 2.1. The revised Checklist SPD has followed on from and updated the previously adopted Checklist SPD, which currently includes information on current adopted Local Plan policies. The revised Checklist SPD has been amended to incorporate new policy requirements in the Local Plan Partial Update.
- 2.2. The revised Checklist SPD accompanies Local Plan Partial Update policies CP1/H2 on retrofitting, CP4 on district heating, SCR5 on water efficiency and SCR6-8 on sustainable construction.
- 2.3. Policies SCR6 - 8 set out Bath & North East Somerset Council's approach on sustainable construction for new development. Policies SCR6 and SCR7 introduce new net zero requirements, whilst Policy SCR8 introduces an embodied carbon requirement.
- 2.4. The SPD aims to provide the framework for rigorous monitoring and reporting of LPPU policy requirements, which will improve the energy efficiency of the housing stock within B&NES and subsequently contribute towards the Council meeting its climate emergency goals.
- 2.5. The SPD has been updated to incorporate the LPPU policies, alongside providing further guidance on sustainable construction measures and improving the ability to monitor and report developments that are required to comply with the policies associated with the Checklist SPD.
- 2.6. 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)

2.7. The primary updates consisted of:

- Incorporating new LPPU policies and replacing current policies
- Creating tables to account for new policy requirements
- Making it simpler, faster and easier for developers to fill out the Checklist SPD with clear signposting
- Improving clarity for both developers and Development Management
- Providing increased guidance for developers on how to best achieve the policy requirements
- Creating a strong framework to better assess Checklist SPD submissions against policy requirements

### **3. Consultation Approach**

3.1. The Council's approach to consultation for SPDs is set out in the Council's [Neighbourhood Planning Protocol](#) (Statement of Community Involvement). This approach requires:

- Stage 1 – Informal community involvement in the preparation of the Draft SPD.
- Stage 2 – Formal consultation on the Draft SPD, for a 6-week period
- Stage 3 – Notification of adoption to all those who made written comments during the consultation period.

3.2. The information set out in this Consultation Statement demonstrates compliance with the Neighbourhood Planning Protocol (Council's SCI) methods of community involvement. However, due to the disruption caused by COVID-19, and after careful consideration by the Council, all forms of consultation were held online.

### **4. Key Stakeholder Involvement**

4.1. As part of the process of preparing the draft SPD, engagement sessions were held with Development Management colleagues in order to gather their views on associated issues.

4.2. The aims of these sessions were:

- To share examples of the emerging content and receive feedback
- To discuss how the current SPDs might be combined and updated to create a more user-friendly document.
- To discuss how Development Management colleagues can most easily the Checklist SPD

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

4.4. A range of key stakeholders were consulted:

- 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
- Planning Agents
- 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.

4.5. All feedback gained from stakeholder engagement has been considered to inform further updates and amendments to the Draft SPD.

## **5. Formal Consultation on Draft Sustainable Construction Checklist SPD**

5.1. Formal consultation on the SPD ran for 6 weeks between 5<sup>th</sup> May and 16<sup>th</sup> June 2022. To maximise knowledge and access to the SPD consultation formats, the following were carried out:

- **Notification mailout** – Information about the consultation was issued prior to the start of the consultation period by email and post to all those on the Council’s mailing list, including statutory consultees and a range of other stakeholders.
- **Press releases** – These were to notify stakeholders when and how to set out their opinions on the proposed updates to the SPD.
- **Social media** – Posts on the Council’s various social media accounts
- **Dedicated webpage** – A webpage including all relevant documents and materials relating to the SPD was accessible from the Council’s Planning Policy webpage. This webpage set out the policy background, document overview and what the SPD and its consultation can provide to various users. The timeline towards the adoption of the SPD was set out, to ensure stakeholders are aware of the next steps. Instructions on how to respond to the consultation and links to the comment form were also provided.
- **Direct contact information** – An email address was provided on mailouts and press releases, in case any stakeholders wished to ask questions on the SPD or its consultation.

## 6. Summary of Responses to the Consultation and Council Response to Key Issues Raised

- 6.1. 7 respondents made comments as a result of the Sustainable Construction Checklist SPD consultation; 5 other statutory organisations responded without comment. A summary of the key issues raised and responses is seen below, with subsequent changes to the SPD stated where relevant.

The issues set out in the table below are not assigned to particular question asked, as the majority of respondents provided more extensive and varied answers to more open-ended questions.

- 6.2. Direct responses to the closed-ended questions can be seen in the appendices.

Summary of Issues/Points Raised	Response
<p>Numerous concerns raised that the policy requirements are too strict.</p>	<p>The Sustainable Construction Checklist (SCC) Supplementary Planning Document (SPD) sets out the framework for reporting and monitoring on sustainable construction policies in the LPPU. The policy requirements are established through the LPPU and the policies supplemented by the SCC SPD have been tested at examination and have been found sound subject to Main Modifications by the Inspector in the final report. Therefore, comments relating to the policy requirements/standards are outside the scope of the SCC SPD consultation.</p> <p>However, the requirements of the LPPU sustainable construction policies have been viability tested, alongside other policy requirements. They have been found to be viable for most development typologies.</p>
<p>Query on why the residential energy-based approach has not been employed for non-residential development.</p>	<p>There is currently insufficient evidence to follow the same energy-based policy approach for non-residential new builds. This is due to large variance in energy use among non-residential building typologies. At the next policy review, the Council will consider applying this policy approach for non-residential new builds.</p>
<p>Issue raised that the overheating requirement of Policy SCR6 should be extended to all development.</p>	<p>The Inspector for the LPPU examination has requested a main modification to Policy SCR6 to remove the overheating element due to new Building Regulations requirements. Whilst the CIBSE TM59 assessment requirement has been removed from the policy, it remains encouraged by the Council for all development types.</p>
<p>Concerns raised on the cost of offsetting.</p>	<p>As set out in the evidence study, the cost to the developer now is the equivalent to when the £95 price was first proposed for the Greater London Authority and the price has been adjusted according to decreasing carbon factors. The £95 price was not intended to remain constant, since the carbon factors used to calculate the appropriate cost of carbon initially are drastically</p>

	different today. The £373 price is derived from the BEIS Green Book carbon prices, which is the exact same methodology used to determine the £95 price.
Concerns that the district heating element in the required hierarchy to achieve policy compliance may result in carbon-intensive heat provision.	As a result of the LPPU examination, Policy CP4 and references to district heating in SCR6 and SCR7 have been amended to ensure that low- or zero-carbon technologies are used in the case of district heating developments and connections.
Concerns on verification, enforcement and planning compliance.	Third-party verifications mechanisms will be employed to ensure accuracy of submission. Training for Development Management colleagues has already taken place and will continue, in order to wholly understand policy compliance and identify inaccurate submissions, whilst the Planning Policy Team will assess submissions in more detail where appropriate.
Query on what happens with the data following submission.	Rigorous monitoring/reporting is highly important to maximise the impact of the new sustainable construction policies. In terms of monitoring, the base level will be to monitor overall compliance against the primary policy targets. Collating more detailed data on where the most energy/CO <sub>2</sub> savings are being made, alongside what building elements/installed measures are most effective will provide an evidence base for how developers can more easily achieve the policy requirements in the future. This will allow us to eventually report on and compare what measures are being implemented to achieve the well-designed buildings that will be developed according to the new policies. Good and bad practice demonstration can then be exhibited using this data.

6.3. As can be seen in the table above, the Council is responding positively to the majority of key issues raised.

6.4. The main points raised consisted of:

- Issues relating to the policies, which are outside the scope of consideration through the SPD as the policies are established through the LPPU examination, which has led to the policies being found sound subject to Main Modifications.
- Queries on the mechanisms employed for the delivery of the policies and subsequent monitoring of policy compliance.
- Queries on why certain elements of policies have not been extended to other policies and/or all scales of development.

## **7. Appendices**

1. What is the basis of your interest in sustainable construction in Bath and North East Somerset?

- 5 developers/architects/built environment professionals
- 1 Parish Council
- 1 Ward Councillor

2. Do you find the SPD easy to navigate?

- 100% - yes

3. Is it clear which tables need to be completed for each type of application?

- 100% - yes

4. Is it clear what needs to be included in each table?

- 100% - yes

5. Is the level of technical detail in the SPD appropriate?

- 100% - yes



6. Have you identified any incorrect technical information?

- 75% - no
- 25% - yes

8. Does our guidance and instruction allow you to confidently fill in the tables?

- 100% - yes

8. Is the formatting of the tables easy to follow?

- 100% - yes