

Banes Local Plan Partial Update August - October 2021 – Proposed responses

Hopefully some of you may have found time to read some if not all of the Banes Local Plan Partial Update and new SPDs consultation documents. Nick has helpfully, already provided a broad response, that he does not see any changes to the Local Plan that adversely affect or are in conflict with the Neighbourhood Plan. So given the density of the consultation and the PC's declaration of Climate and Ecological Emergencies, I felt this is where I should focus my attention.

Freshford resident Phillip Haile and member of the newly formed Freshford and Limpley Stoke Home Energy Group (FLHEG), has kindly provided the response he has worked on for Transition Bath (TB). Having discussed the TB response with John and Tania, we felt many of the points raised aligned with our own agenda and responses to the January to February 2021 consultation, so could be incorporated into the PC response in order to add more substance, which with the best will in the world isn't achievable when working in 'spare' time.

The implementation of the proposed policies is likely to have the most significant impact on Banes carbon emissions for the next few years. But landowners and developers will be making their own responses to push back against the proposed changes. So it is important the PC lends its weight to any policy change we would like to see.

In short, I would like to suggest we show our support for all the policies being formed to help address the Climate and Ecological Emergencies, as I consider them to be necessary, reasonable, and aligned with our own agenda to address the emergencies.

I have shown my proposed responses below. I appreciate I may have excluded some areas that other members would like to respond on, which could of course also be added.

Nature Conservation - Sites, Species and Habitats

1. To which part of the Local Plan does this representation relate?

Paragraph 2e Policy Number NE3

2. Do you consider that this part of the Local Plan is:

Legally compliant ✓ **Sound** x **Complies with Duty to cooperate** ✓

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply

with the duty to co-operate. Please be as precise as possible

Whilst we support all the measures listed under NE3 designed to conserve and increase the abundance and diversity of Bath and North East Somerset's wildlife habitats. This policy is not sound as it only applies where planning permission is required, but no protection is provided for vast areas of wildlife habitats which fall outside of the specifically protected areas listed. Sections of woodland, copse, orchards, hedge rows and meadows can all currently be removed without the need for planning approval.

The protection of our existing wildlife habitats is even more important than planting new, as new planting will often take a considerable time to establish and become as beneficial as that which already exists. Truly achieving Net Gain will also clearly be far more difficult whilst habitats are still being removed.

The interconnectedness of the ecosystems with our habitats, and the importance of Wildlife corridors, which these unprotected areas will form, is well established. All our wildlife habitats must therefore be considered as a whole, and so protected as a whole.

We propose a policy is needed to protect all our wildlife habitats not just specifically identified isolated pockets.

Sustainable Construction of Residential Buildings

4. To which part of the Local Plan does this representation relate?

Paragraph 107a Policy Number SCR6

5. Do you consider that this part of the Local Plan is:

Legally compliant Sound x Complies with Duty to cooperate

6. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply

with the duty to co-operate. Please be as precise as possible

Whilst the net zero element of the policy is sound, it should indicate an intention to go further to the full Passivhaus Standard. Thousands of buildings now meet this standard, ensuring an excellent level of occupant comfort plus almost no heating bills. In addition, the Overheating policy in SCR6 is unsound since it only applies to very large-scale development of 50 dwellings or more when the vast majority of development in the area is smaller scale. This means that most homes in the area could become a risk to health in the future climate,

with occupants either suffering health impact from overheating or having to install energy-intensive air conditioning which would make the net zero target harder to reach.

This section of the policy does not meet the test for soundness in the NPPF (para 35) to "meet the area's objectively assessed needs", since national projections show a temperature rise including in B&NES. This will cause overheating unless this risk is correctly assessed and mitigated.

We propose additional policy is required to ensure the energy standards set, are also delivered. It is well documented that house builders cut corners in areas such as insulation detailing and air tightness.

4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at above

To be sound, this policy should as a minimum apply to Major Developments of 10 dwellings or more, and indicate the intention to eventually move to the Passivhaus Standard.

The onsite delivery of the energy standards being set could be addressed with policy ensuring more extensive checks and testing are required and conducted on all new build homes, and not just a small percentage on sites of multiple homes. Along with greater accountability for those responsible for testing and inspecting homes might also be introduced to ensure standards are properly maintained

Embodied Carbon

1. To which part of the Local Plan does this representation relate?

Paragraph 107i Policy Number SCR8

2. Do you consider that this part of the Local Plan is:

Legally compliant Sound x Complies with Duty to cooperate

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply

with the duty to co-operate. Please be as precise as possible

Despite this, policy SCR8 is unsound since there is no stated intention to ratchet the policy further within the plan period if evidence supports it. Whilst SCR8 is a good starting place in addressing embodied energy, the climate crisis requires a swift move from the current SCR8 requirement which aims to familiarise industry with the issue, to a requirement to actually

bring down embodied carbon emissions more significantly. The requirement in SCR8 can be met with current new build practice, so is not in itself an incentive to retain and retrofit existing buildings instead of demolition and rebuild which is usually has a significantly higher lifecycle carbon impact.

Resultantly, this section of the policy does not meet the test for soundness in the NPPF (para 35) to 'meet the area's objectively assessed needs', since there is a strong need for the residents of B&NES to not suffer catastrophic climate change. According to the global scientific consensus this requires staying within 1.5 degrees of global heating. Unless embodied carbon in new buildings is brought down, this target will be missed.

The policy is also limited to developments greater than 5000 m2 or 50 dwellings. A lower minimum of 500 m2 and 10 dwellings should be set.

4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at above

The policy is limited to developments greater than 5000 m2 or 50 dwellings. A lower minimum of 500 m2 and 10 dwellings should be set. The policy should define a reduction in embodied carbon of developments over time, so higher standards are met as developers get gradually more used to the new standards.

Renewable Energy

1. To which part of the Local Plan does this representation relate?

Paragraph 97 Policy Number

2. Do you consider that this part of the Local Plan is:

Legally compliant Sound x Complies with Duty to cooperate

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply

with the duty to co-operate. Please be as precise as possible

Policy CP3 is Unsound

With regards to wind energy, CP3 is positively prepared, requiring a high quality of development whilst meeting the area's need to respond to the climate emergency. CP3 is deliverable over the plan period since wind energy site selection is already underway by community energy cooperatives. It is justified by the severe threat to the area posed by

climate change and the alternative, to have a weaker policy or one which provides smaller areas of search would not be commensurate with this challenge, as set out below:

CP3 is justified since it will meet the local and national climate emergency obligations to achieve net zero emissions by 2030 and 2050 respectively by enabling wind energy to come forward. Wind energy is the largest potential source of renewable power in B&NES and equally importantly, will support the grid to fully decarbonise by providing power at different times to solar electricity.

Whilst the approach to wind energy is sound, CP3 is unsound since it overly restricts solar energy. Solar is different from wind in that it can be easily hidden by local features whereas wind turbines which can be seen for far greater distances. An “areas of search” policy approach is unsuited for solar technology for this reason – the scale of the areas is not granular enough; decisions are best made on a site-by-site basis. Large solar farms which have the biggest potential to meet the renewable energy target require maximum latitude in terms of their ability to select sites. Very few sites will be acceptable, but might be found tucked behind a hill or a hedge anywhere in the district, not just in the areas of search. In addition, setting areas of search for large solar risks overloading the grid in that area or causing cumulative visual impacts – both of which will ultimately restrict capacity. Since CP3 restricts the ability to find optimal sites for large scale solar it does not fully meet the need for protecting B&NES residents against severe climate change.

4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at above

Greater flexibility is required in setting the requirements for solar farms.

Retrofitting Existing Buildings

1. To which part of the Local Plan does this representation relate? Paragraph Policy Number CP1 and Policy H2

2. Do you consider that this part of the Local Plan is:

Legally compliant Sound Complies with Duty to cooperate

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply

with the duty to co-operate. Please be as precise as possible

Policy CP1 is unsound

We support CP1, as it is deliverable over the plan period since achieving an EPC “C” rating is achievable by most buildings. It is justified by the severe threat to the area posed by climate change and also the threat of rising energy costs to the tenants of HMOs. The alternative, to have a weaker policy would not be commensurate with this challenge.

However, we believe the policy should go further in providing more flexibility for listed homes and those inside conservation areas, to make much needed energy saving improvements. In particular overly onerous policy will act as a barrier to homeowners reducing heat losses through their windows. We feel this policy is outdated by comparison with recent changes in government policy, and is incompatible with B&NES being able to meet its climate change targets

7. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at above

Where original windows exist, policy should encourage secondary glazing without the need for planning permission/listed building consent, where existing fabric won't suffer damage and the work can be reversed if necessary.

Slim-profile double glazed, standard depth double or triple glazed sash windows should be allowed on rear facades, with a preference for higher performance 12mm+ gas double/triple glazing - energy conservation should be prioritised