

Proposed Response to BANES Local Plan Partial Update

Cllr Ben Walters

Proposal

That the following comments form the basis of the Freshford Parish Council response to the Local Plan Partial Update. That any councillors who have additional comments forward these to Cllr Walters for consideration as soon as possible. On this basis Cllrs Walters and Stevens prepare a final response and submit this to BANES by the consultation deadline on 18 February 2021.

Comments on the Local Plan Partial Update

Hopefully some of you may have found time to read some if not all of the BANES Local Plan Partial Update consultation documents already. Given the number of areas being consulted on I have tried to reduce it down to the areas I felt most relevant to Freshford. In an attempt to hopefully provide a more accessible route in for those that may be interested in the consultation but understandably lack sufficient time to go through it all. I appreciate I may have excluded some areas that other members would like to respond on, which could of course also be raised.

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.

There are a few policies where a number of options are offered for consideration, and a couple such as 'Green Belt' which may warrant wider discussion.

We might also wish to raise our own specific concerns, objections, thoughts, ideas, and proposals, related to the matters being consulted on. I have shown my proposed responses in Blue.

Sustainable Construction Policy

Reduction of Carbon emissions from new build homes. This will be either through the 'Future Homes Standard' if adopted by the Government or Minimal operational CO2 emissions reductions.

Consultation Reference: DM1 Net Zero Carbon Construction Policy:

New Build Residential Development (amending and updating/replacing Policy CP2 and SCR1 Residential Development)

Option 1 – If the Future Homes Standard is not implemented

- A minimum operational CO₂ emissions reduction of 10% through fabric performance from a baseline of Building Regulations Part L 2013
- A minimum operational CO₂ reduction of 35% through on-site renewable energy
- Then offset remaining operational emissions that can't be mitigated on site through a financial contribution.

Option 2 – If the Future Homes Standard is implemented as proposed

If the Future Homes Standard is brought forward then it is proposed that the new Part L requirements are used as a starting point for delivering net zero carbon construction. The policy would require the higher fabric standards set out in the Future Homes Standard 2025 with the remainder of the carbon emissions mitigated through renewable energy. Any remaining emissions that cannot be mitigated onsite could be offset through financial contributions to achieve net zero carbon in operation.

For both options, the Passivhaus Plus standard will be considered as an alternative route to policy compliance.

I propose we support this policy, and suggest additional policy is required to ensure the energy standards which are set are delivered. As it is well documented that house builders cut corners in areas such as insulation detailing and air tightness. This might be addressed with policy ensuring more extensive checks and testing are conducted of all new build homes, and not just a small percentage on sites of multiple homes, as is currently the case.

Greater accountability for those responsible for testing and inspecting homes might also be introduced to ensure they maintain standards.

Retrofitting Existing Buildings

2.20 The Council will seek to encourage and enable the sensitive retrofitting of energy efficiency measures and the appropriate use of micro-renewables in historic buildings (including listed buildings and buildings of solid wall or traditional construction) and in conservation areas, whilst safeguarding the special characteristics of these heritage assets for the future. Proposals will be considered against national planning policy.

Consultation Reference DM3

Amendments to Policy CP1

Option 1: Introduce a requirement that regulated carbon emissions are reduced by 10% from a baseline of Part L through use of renewable energy

Option 2: Introduce a requirement that regulated carbon emissions are reduced by 20% from a baseline of Part L through use of renewable energy

The above policies could continue to apply to proposals for existing buildings and the scale and type of proposal covered by the policy is being considered; currently it is for development of a medium scale or higher (5 dwellings or 500m²).

I would like to propose we support option 2, as in order to meet the essential carbon reduction targets we must be as ambitious as possible.

In addition, we might make the following suggestion - More guidance and flexibility in policy to allow for home energy efficiency measures for listed homes and those inside conservation areas, such as acceptable double glazing is required.

Whole Life Carbon Assessments

Consultation Reference DM 4

New Policy Whole Life Cycle Carbon Assessment

The use of a performance threshold to demonstrate reduction in the Whole Life Cycle carbon emissions of new buildings is being considered

Option 1: For all large scale major developments. Large scale major developments are defined as more than 50 dwellings or 5,000m² or more of floor space.

Option 2: For all major development defined as 10 dwelling units or 1000m² or more of non-residential floor space.

Measures that can be taken by smaller scales of development are also being considered.

I would like to propose we support option 2, again in order to meet the essential carbon reduction targets we must be as ambitious as possible.

Renewable energy

Consultation Reference DM 5

Amendments to Policy CP3

POLICY CP3: Renewable Energy

Development should contribute to achieving the following minimum level of Renewable Electricity and Heat generation by 2029.

Capacity (Megawatt)

Electricity 110MWe (Megawatt Electricity)

Heat 165MWth (Megawatt Thermal)

Development should also contribute to the need to balance electricity demand and supply in order to assist the transition to 100% renewable electricity. Proposals for grid balancing plant will be expected to follow the hierarchy below:

1. Energy storage plant co-located with renewable energy generation plant.
2. Free standing energy storage plant.

Balancing plant that increases the district's carbon emissions, for example those that burn fossil fuels such as gas will not be acceptable.

I would like to suggest we support amendments to Policy CP3.

In addition, propose special allowances in policy regarding protected areas such as the Greenbelt, AONB, Conservation areas are made for Community Renewable Energy Generation Projects. Where community support can be demonstrated.

Harnessing wind Power

2.34 The suggested approach is to identify areas more suitable for wind energy development on the Local Plan Policies Map, based on the latest available landscape sensitivity analysis study and other landscape character and ecological evidence and supported by a comprehensive criteria-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. Proposals would also need to take in to account environmental constraints and sensitivity.

Consultation Reference DM6

New Policy Emerging policy approach for harnessing wind energy

It is proposed that the policy framework for wind energy development should cover and address the following considerations:

- Proposals for wind energy development must lie within an area identified as being potentially suitable for this type of development (see options below)*
- Community support for the scheme can be demonstrated and the material planning impacts identified by affected local communities can be adequately addressed

The proposal satisfactorily addresses impact on:

- Residential amenity resulting from noise, vibrations, shadow flicker or visual dominance

- Landscape character and visual impact including cumulative impacts
- Landscape and scenic beauty of the Cotswolds and Mendip Hills AONBs
- Historic environment including Bath World Heritage Site and its setting
- Biodiversity and ecology
- Highway safety and aviation

Wider environmental benefits outweigh any significant demonstrable harm to amenity
Applications for the replacement and re-powering of existing wind turbines within the district will be considered, in line with the guidance in the NPPF.

Consultation reference DM7

New Policy Harnessing wind energy

Option 1 Subject to assessment against the criteria set out in policy approach DM6 above allow wind turbines in moderate and less sensitive landscape areas: The study shows that by allowing turbines in landscape areas up to moderate impact would give the technical capacity for 209 MW of wind generated power (based on the analysis for medium size wind turbines).

Option 2: Subject to assessment against the criteria set out in policy approach DM6 above allow wind turbines in Moderate-high and less sensitive landscape areas: This allows increase in land available for wind energy projects and therefore an increased technical capacity/potential level of power generation allowing turbines up to Moderate-High areas would increase the technical potential capacity for 584 MW (based on the analysis for medium size wind turbines).

In both options individual schemes/applications would need to be assessed and determined against a criteria based policy as set out above (ref DM6).

The land sensitivity map (shown on p.15) defines Freshford and Limpley Stoke as Moderate-High. Therefore, under option 1 it suggests the installation of wind turbines in our area is unlikely to be considered. Under Option 2 however Moderate-High areas could also be considered against the DM6 policy framework shown above. Bath and West Community Energy state the following in their response;

“We also believe that the references to the technical capacity of wind turbines in each option could be misleading. In any assessment the technical potential capacity is always many times larger than what is practically achievable. As a result, these figures, that imply the B&NES renewable electricity target will be easily met with wind turbines even if option 1 is selected, will in no way represent the much lower scale of development that will actually be seen if this policy is passed.”

On shore wind power undoubtedly has a crucial role to play in our transition to renewable energy in order to meet both Banes and Government carbon reduction targets. Whilst it is essential that where it might be located is given extensive consideration, it must go somewhere. I believe only supporting option 1 would essentially be adopting a nimby approach, which does not align with the PC agenda to help tackle the Climate and Ecological Emergencies.

I would like to propose we support option 2, whilst also stating we only support this option on the bases that demonstration of community support for a scheme must be an important consideration.

Electric Vehicle

2.40 Active charging provides a charger on site when a development is constructed. Passive charging provides the ducting and infrastructure 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 so allows for the latest technologies to be used. The cost of passive charging is much less than active charging.

Consultation Reference DM 8 New Policy Electric Vehicle Residential Development:

Minor Residential Development

Option 1a: For all dwellings with one or more dedicated parking space or garage passive infrastructure shall be installed to allow for the charging of electric vehicles.

Option 1b: For all dwellings with one or more dedicated parking space or garage an active charger for the charging of electric vehicles will be installed.

Major Residential Development

Option 2a: For major residential development at least 20% of parking spaces shall have active charging facilities, and passive provision for all remaining parking spaces with the layout of the car park ensuring that all spaces can be easily activated with minimal disruption as demand increases.

Option 2b: For major residential development 100% active charging shall be installed. Where off street parking is not provided and parking is provided on street within a development proposal, the design and layout of the development should incorporate infrastructure to enable the on-street charging of electric vehicles.

Non-residential development

In all non-residential developments providing 1 or more car parking bays, passive infrastructure shall be installed to enable provision of charging facilities for electric vehicles.

Option 3a: Where 10 or more car parking bays are provided, at least 20% of those bays to provide active charging facilities for electric vehicles, and passive provision for all remaining bays.

Option 3b: In non-residential development where parking bays are provided, 100% active charging shall be installed.

Grid Capacity

Where an applicant is seeking to argue that local grid infrastructure cannot accommodate additional charging the applicant must submit evidence from Western Power Distribution to demonstrate that this is the case

I would like to propose we support the allowance for EV charging. Regarding whether the Active or Passive option is best, I'm unsure. There are pros and cons given above for either option to consider.

Environmental Quality (Ecological Emergency)

2.47 It is proposed within the Local Plan Partial Update to include updates to biodiversity and green infrastructure policies to support the climate and ecological emergency and introduce new policy as relates to the requirement for biodiversity net gain within new development.

I would like to propose we support this policy.

In addition, proposing policy is formed to safeguard habitat outside of protected areas that do not currently require planning to remove. Such as, sections of woodland, and Hedge rows.

Ecological: Sites, Species and habitats

2.48 Policy NE3: Sites, Species and Habitats within the current Local Plan sets out the policy approach to development affecting internationally or nationally protected species and habitats, species, habitats or features of biodiversity/geodiversity importance or value and in all other cases. It is proposed to revise this policy through the partial update to reflect

Consultation Reference DM 9

Amendments to Policy NE3: Sites, Species and Habitats

1 Development that would adversely affect, directly or indirectly, internationally or nationally protected species and/or their habitats irreplaceable habitats, will not be permitted.

2 Development that would adversely affect, directly or indirectly, Internationally or Nationally Important Sites or Species and/or their habitats will not be permitted except in exceptional circumstances where:

a there is no alternative solution; and,

b there are imperative reasons of overriding public interest for the development; and

c mitigation measures can be secured to prevent any significant adverse effect on the site, including retention of existing habitat and vegetation in situ; replacement habitat creation and bespoke measures.

3 Development which that would adversely affect, directly or indirectly, other species, habitats or features of biodiversity/ geodiversity importance or value will not be permitted unless only be permitted in the following cases:

a for Sites of Special Scientific Interest, where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

b a for Sites of Nature Conservation Importance; Local Nature Reserves, Regionally Important Geological/ Geomorphological Sites and other sites of equivalent nature conservation value, where material considerations are sufficient to outweigh the local biological geological / geomorphological and community/amenity value of the site;

where impacts have been minimised; where there are opportunities to replace and/or offset the loss; and where the test of 'No Satisfactory Alternative (including do- nothing) have been met;

c b for UK Priority Species and UK Priority Habitats, where the importance of the development and its need for that particular location is sufficient to override the value of the species or habitat and where impacts have been minimised; where it can be demonstrated that it is possible to replace and/or offset the loss to at least equivalent

updates to the NPPF 2019, legislation, the emerging Environment Bill, B&NES Council's Ecological Emergency declaration, and to provide clarity to applicants/developers as follows:

[I would like to propose we support this policy. In addition to proposing stronger policy provision to reduce light pollution from commercial property, newbuilds and extensions.](#)

Ecological Network

2.49 The NPPF 2019 sets out that planning policies and decisions should contribute to and enhance the natural and local environment by '*establishing coherent ecological networks that are more resilient to current and future pressures.*'

2.50 Under the Environment Bill it is proposed to require the development of Local Nature Strategies across England. B&NES Council is part of the West of England Nature Partnership (WENP), the designated Local Nature Partnership (LNP) for the West of England which is working in partnership to restore the natural environment in the West of England through embedding the value of nature in decision making across spatial planning, public health and economic development.

2.51 It is proposed to update Policy NE5 to support ecological networks and nature recovery as follows:

Consultation Reference DM 10

Policy NE5: Ecological Networks and Nature Recovery

Development proposals will be expected to demonstrate that a positive contribution will be made to ecological networks Nature Recovery Networks as shown on the

[I would like to propose we support this policy.](#)

Biodiversity Net Gain

Consultation Reference DM 11

New Policy for Biodiversity Net Gain

It is proposed to introduce a new policy requiring biodiversity net gain within development. It is proposed to consult on the policy options set out below (subject to viability testing). The application of these requirement options to different types of development (e.g. major and minor development proposals, brownfield sites etc) will be considered further in preparing the Draft Plan in light of government guidance.

Option 1: Development will only be permitted where a Biodiversity Net Gain of at least 10% is demonstrated and secured in perpetuity (at least 30 years) *subject to other requirements as set out below.*

Option 2: Development will only be permitted where a Biodiversity Net Gain of 15% is demonstrated and secured in perpetuity (at least 30 years) *subject to other requirements as set out below.*

Further policy requirements applying to both options for consultation under this policy are proposed as follows:

- a) The latest DEFRA metric or agreed equivalent is used to quantify the baseline and post-development biodiversity value of the development site and off-site areas proposed for habitat creation
- b) That the assessment be undertaken by a suitably qualified and/or experienced ecologist and is submitted together with baseline and proposed habitat mapping in a digital format with the application
- c) A 30 year management plan is submitted detailing how the post-development biodiversity values of the site and any supporting off-site mitigation will be achieved
- d) any off-site habitats created are well located to maximise opportunities for local nature recovery.

Option 3

Subject to government guidance consider introducing bespoke local Biodiversity Net Gain requirements for brownfield sites and householder applications.

I would like to propose we support option 2 and 3, again in order to meet the essential carbon reduction targets we must be as ambitious as possible.

Sustainable Transport

2.106 The approach of the Core Strategy and Placemaking Plan transport policies is focussed on making travel more sustainable by reducing car dependency and working towards making walking, cycling and use of public transport, the more attractive options for travel. This approach is embodied in the strategic objectives of the Core Strategy; the place-based strategy and policies of the Placemaking Plan; as well as the District-wide transport policies. This approach is also in line with national policy and has a number of benefits, including reducing carbon emissions, helping to improve air quality, helping to improve health and wellbeing, and creating more attractive, healthy and successful places to live, work and visit.

I would like to propose we support this policy.

Promoting Sustainable Travel

Consultation reference DM29

ST1: Promoting Sustainable Travel

It is proposed to strengthen this policy by adding the elements outlined below: Requirement for development to be **located** where there are opportunities to travel by alternatives to private car usage, and with opportunities to reduce travel distance.

Requirement for development **design** to support sustainable travel. This aims to enable schemes to be refused on the basis of poor transport design creating car dependency, rather than just not meeting highways design standards.

Sustainable transport opportunities to be available for first occupiers – **early delivery**.

Mitigation must maximise opportunities for mode shift before increasing traffic capacity.

Opportunities for low-carbon, last mile goods **deliveries** – dependent on scale/location of development

I would like to propose we support this policy.

In addition, proposing policy provision for; Community electric vehicle car share. Providing incentives for sustainable forms of travel. Prioritising the movement of people, rather than cars

To help achieve this we might suggest cheaper parking, and / or discouraging private car use through road pricing and restrictions.

Green Belt

2.114 Within villages washed over by the Green Belt Placemaking Plan Policy GB2 (Development in Green Belt Villages) allows residential development if it is limited to infill within the defined Housing Development Boundary (HDB). This approach broadly reflects the NPPF. However, the NPPF simply references infill development as not being inappropriate development in the Green Belt and also refers to the redevelopment of previously developed land (as long as there is no greater impact on openness) or replacement of dwellings (as long they are not materially larger than the existing dwelling) as not being inappropriate. Court judgements have concluded that whether a residential proposal is infill and as such lies within the extent of the village is to be judged and

determined on an individual scheme basis. A village boundary defined in a Local Plan can be useful in informing this assessment and judgement, but it is not determinative.

Consultation reference DM 36

Policy GB2: Development in Green Belt Villages

Amend Policy GB2 by adding reference to residential development being permitted where it is limited to infill or a replacement dwelling (subject to it not being materially larger than the dwelling to be replaced) or redevelopment of previously developed land (subject to no greater impact on openness). In relation to infill development and reference to HDBs:

Option 1

Amend the policy to make it clear that infill development is acceptable and that infill boundaries are defined on the Policies Map to provide a strong indication as to those parts of the village where development is capable of being considered to be infill in nature (and that outside the infill boundaries a scheme is unlikely to be regarded as infill). Housing Development Boundaries need to be assessed and redefined as 'infill boundaries' and 'infill boundaries' need to be defined for all villages within the Green Belt.

Option 2

Remove Housing Development Boundaries defined for the Green Belt villages from the Policies Map and reference to them in the Policy so that it just refers to residential development being acceptable where it is limited to infill (or the redevelopment of previously developed land or replacement of dwellings).

My feeling is the PC will retain greater control of the extent of development under this option 1.

On the other hand, the Neighbourhood plans highlights a need for more 'Affordable' types of housing, and 1 to 2 bed houses for older members of the community to downsize in to, freeing up larger houses for families. Which may be more easily provided for under option 2. This might though be addressed, if we wish, when the Neighbourhood Plan is updated.

It is also unclear how this policy takes into account existing Neighbourhood Plans. Although councils have a duty to cooperate, as discussed on page 3 of the consultation document, this doesn't appear to be our experience when it comes to 'infill'. Where Baner and Wiltshire planners appear to have adopted different interpretations of what qualifies as infill.

I would like to propose that we comment on the lack of explanation as to how policy changes will take in to account existing Neighbourhood plans, and propose clearer policy be formed to address the circumstance of one community straddling a county border.