**B&NES LPPU Public Consultation – Districtwide Policies & Placemaking Plan**

**Bath Preservation Trust**

**October 2021**

**Executive Summary**

Bath Preservation Trust broadly welcomes the published commitments of B&NES in its recent Planning policy consultations. In particular, we recognise and agree with the obligation for developers to submit proposals which must be demonstrably informed by an understanding of the Outstanding Universal Value of the World Heritage Site, its authenticity and integrity. We also welcome the commitments and policy instruments to achieve net zero carbon emissions, and the raft of measures to actively respond to the climate and nature emergency.

Whilst we recognise the approach of B&NES Council is amongst the most forward-thinking of local Planning Authorities in the country, we also feel the proposed policies fall short of providing the context for Bath to become an international exemplar of integrated sustainable design and city planning.

In short, the historic architecture, Georgian city planning, and the character of Bath is unparalleled internationally. As such it deserves contemporary and future development of the public realm which positively enhances and respects its unique character.

We believe there is the opportunity to do much more and the Council should aspire to and state the requirement for all new developments, irrespective of size, to achieve the highest Passivhaus standards of construction whilst implementing biodiversity net gain and city greening. Individuals should be provided with incentives to reduce their carbon emissions through housing and to value the retention of historic buildings. All policies and their subsequent application should focus on the holistic and long-term view to ensure positive and sustainable outcomes for people and the environment which will in turn maintain the vibrancy and economy of Bath.

There are inconsistencies in approach across the four areas of policy being consulted on which should be addressed, to ensure construction and future development of the public realm prioritises the health and wellbeing of people in the face of significant and accelerating climate change. Many statements are covered in one policy document but not consistently elsewhere. Polices across all four areas should be strengthened to ensure that:

* The Green Belt is actively protected. Measures should be taken for existing Park and Ride sites to be sustainably enhanced as nature corridors and locations for renewable energy and recycling, without being removed from the Green Belt.
* Green transport modes are prioritised with end-to-end solutions with carbon emitting transport options disincentivised.
* Brownfield developments are of the highest quality of sustainable net zero carbon architecture which enhance the character of Bath.
* Community and sectoral engagement and consultation is actively promoted and resourced as a viable method which puts local people at the heart of decision making and positive development.
* Incentives to encourage sustainable modification of existing buildings is prioritised ahead of new-build.
* Fully independent and transparent carbon auditing (including embodied carbon) provides a strong and verifiable means of evaluating development or modification proposals. This should be included as an evaluation criterion which will influence decision making.
* Overheating is addressed as significant risk for the future and obligations to respond to this should apply to all developments, irrespective of size.
* End use of sites are considered in consultation with local communities with the objective of limiting any adverse impact to those communities.

Detailed and specific responses relating to each of the four policy consultations below have been submitted.

* Local Plan Partial Update Publication (regulation 19) consultation
* Transport and Developments SPD consultation
* Houses in Multiple Occupation (HMOs) SPD consultation
* Energy Efficiency, Retrofitting and Sustainable Construction SPD consultation

**Summary of response to LPPU**

BPT welcomes and supports the primacy of the Climate and Ecological Emergencies and efforts to mitigate. Many climate, nature, transport-related, policies and others are beneficially changed and/or strengthened and mainly welcomed. We understand that B&NES is likely to be the first to the first Council (to Examination) to propose true net zero and we fully support Policies that will achieve this. A positive outcome for the LPPU at B&NES will positively influence and determine what other Councils can do (including Wiltshire, the West of England, Cambridge, Cornwall who all are developing a similar approach).

While we generally support the direction of the LPPU we believe that many Polices could go further to achieve a low carbon future for B&NES. Our comments in relation to the update are set out below, with more details set out in our Part B responses to each Policy.

Bath Preservation Trust has taken-into-account the responses shared for public use by Transition Bath, and the Bath Alliance for Transport and Public Realm in preparing this response and submission.

Comments

* Primary legislation: Section 19(1A) of the Planning and Compulsory Purchase Act 2004 provides that: ‘Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change.
* National Planning Policy Framework 2021 (NPPF): Chapter 14 states that: ‘The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions… In line with the objectives and provisions of the Climate Change Act 2008’.
* We therefore welcome all CP and SCR policies (responding to climate change) augmented by the new SPD. We welcome expanded sustainable construction SPD - now split between residential and non-residential.
* The SCR policies are positively prepared and is justified by the threats posed by climate change, since it will meet the local and national climate emergency obligations to achieve net zero emissions by 2030 and 2050 respectively.
* Policy SCR6, Sustainable Construction for Residential Buildings, is supported and justified since it removes future cost burdens on home owners, both to run and to retrofit their homes. National Building Regulations do not propose to achieve net zero regulated emissions. Without SCR6, brand new homes would need to be retrofitted to achieve net zero or to not overheat within 20 years of being built, at far greater expense either to the Government or the householder. SCR6 will stimulate the construction sector to develop the skills and supply chains to build to a higher standard, reducing the cost of doing so through economies of scale.
* Whilst the net zero element of the SCR6 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.
* SCR6 – we broadly support the overheating policy in SCR6. It is line with It is in line with NPPF para 153 ‘Plans should take a proactive approach to mitigating and adapting to climate change, taking into account…. the risk of overheating from rising temperatures’. However, 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.
* SCR7 Sustainable Construction for New Buildings and Non Residential Buildings, is based on a costed study and viability test which together meet the requirements of the 2004 Planning Act for a ‘robust assessment of the potential for local policy to achieve local emissions reductions over the plan period, taking into account the UK’s net zero commitment under the Climate Change Act’. The resultant policy SCR7 has been set based on being in accordance with that assessment of potential.
* Policy SCR7 is legally compliant and consistent with Government policy and legislation which make climate mitigation and adaptation central principles of plan-making as set out in the NPPF “The planning system should … help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions” (NPPF Chapter 14)
* SCR7 will require net zero emissions from regulated sources which is a big improvement on the requirements of current Building Regulations and those proposed through the Future Building Standard. Without this robust approach, non-residential buildings will have energy costs which are higher for the occupants, draining money form the local economy especially with recent energy price spikes, and which will need expensive and disruptive retrofitting to achieve net zero in the future. The BREEAM standard will ensure a balanced approach to sustainability is taken.
* Policy SCR7 would deliver a radical reduction in emissions compared to current or Building Regulations or those proposed through the Future Building Standard, whilst being viable as shown in the viability assessment produced by the Council.
* Whilst the net zero approach to SCR7 is sound, the policy is unsound overall as it should indicate an intention to go further to require the full Passivhaus Standard. Thousands of buildings now meet this standard, ensuring an excellent level of occupant comfort plus almost no heating bills.
* Overall policy SCR7 is unsound since there is no overheating requirement as there is for residential development, as required in NPPF para 153 ‘Plans should take a proactive approach to mitigating and adapting to climate change, taking into account…. the risk of overheating from rising temperatures’.
* SCR8 - From a historic environment angle, the ratcheted up embodied carbon policy is strongly supported, as it it will prioritise retention rather than demolition of existing buildings, which is the big "elephant in the room" for decarbonisation. However, we call for this policy to go further if evidence supports it.
* The SCR8 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.
* Climate change polices should be strengthened with the inclusion of a net zero regulated emissions policy (e.g. Reading)
* We welcome the approach to Renewable Energy (paragraph 97/CP3). We welcome and continue to call for increased cross-border collaboration on large scale renewables (wind and solar) and transport strategies to meet the needs of B&NES, and meet net zero emissions, while protecting designated landscapes.
* Whilst it is commendable that Policy CP1 (and H2) sets an EPC standard for HMOs for the first time, it does not go far enough. The national Minimum Energy Efficiency Standard for rented domestic properties (MEES) will require an EPC C by 2027 and B by 2030. B&NES has the opportunity to bring the 2030 EPC B standard in within the plan period. Provision should be made in Policy CP1 to increase EPC requirement during the plan period when evidence supports it.
* There is no mention of a policy framework to limit or license the growth of short-term holiday lets including Air BnB. This should form an essential component of plan-based delivery of housing since the use of properties for this purpose – especially when managed as multi-property lettings and/or as a substantive business – remove dwellings from the housing market and moreover threaten the hospitality industry because of the lack of ‘level playing field’ in relation to licensing and safety. There should be a clear licensing arrangement and limits on short term holiday let density, similar to HMO policies.
* D5 – requires improved wording to design out nesting/roosting areas for gulls and to design lighting to protect wildlife habitats (D8)
* CP7 Green Infrastructure includes new Bath River Line which is welcomed.
* NE3/NE3a - New Policy NE3a expands BNG (introducing ahead of Govt) which is welcomed. E.g. "*Harm to biodiversity must always first be avoided and minimised…… Biodiversity Net Gain (BNG) will be delivered and managed in perpetuity (minimum of 30 years) through the appropriate means e.g. a legal agreement*”
* NE5 – promotion of Nature Recovery Networks required by all new development is welcomed.
* NE6 – protection for ancient and veteran trees (as well as woodlands) is welcomed.
* The emphasis of POLICY H2 HMOs (p138) now ‘refuse unless’ is welcomed.

BPT regrets proximity to schools not specifically mentioned as contra-indicator (community hubs). Also, that seems impossible to distinguish between cash-strapped workers and students as HMO clients - community tax and full 12-month occupancy of former. The policy is unsound and needs strengthening to include radius to primary schools.

* We doubt/hope new POLICY H2A (PBSA) is strong enough. *Won’t (i) let Unis off hook re campus provision?* The policy should be strengthened to only allow off campus provision when the university can demonstrate need and has a link to the offsite campus provision. Any offsite PBSA needs to be evidence based and this needs to be included in planning policy.
* New eco requirements for artificial pitches (p163) is welcomed.
* POLICY ED2B: NON-STRATEGIC INDUSTRIAL PREMISES – requires stronger evidence for failure to sell on site before any change of use.
* Retention of sustainable transport link from Newbridge to city centre (via new Quays bridge?) is welcomed.
* Sustainable Travel (ST policies) all welcomed – specifically Healthy Streets, Safeguarded and Active Travel routes (including River Line), Infrastructure (with WECA & Wilts), Traffic Management (including Our Liveable Neighbourhoods Strategy)
* POLICY ST7 must provide genuine choice of alternative travel mode and convenient parking for cars and cycles. There is huge need to reduce car dependency and travel, and achieve modal shift from private cars. However, the LPPU and SPD the fails to set out measures to discourage private car use to discourage private cars from coming into the city, or traffic management to reduce through traffic both in the central area and the city as a whole.
* Reducing traffic coming into and through the historic core is vital, but this will require a comprehensive traffic management plan to reduce overall traffic volumes in the city and avoid simply displacing traffic elsewhere
* Parking standards (634-657) transferred to SPD - includes cycles. “659*.* ***Safe and accessible*** *cycle parking* ***at appropriate levels, that is prioritised over vehicle parking******must*** *~~should~~ be incorporated into the design of all developments* ***from the outset*** *(new, extensions or change of use)”.* The prioritisation of cycles is welcomed.

**Placemaking Plan**

Our comments in relation to the Placemaking Plan update are set out below, with detailed comments set out in our Part B responses to each Policy.

* We suggest adding new information regarding the new Great Spas WHS inscription (p12).
* We encourage adding notes on SB sites which have extant planning permissions (date) or u/c or partially completed – though recognise the need retention for flexibility.
* We welcome addition of p11, para32: *”development must be demonstrably informed by an understanding of the Outstanding Universal Value of the World Heritage Site, its authenticity and integrity. Design that fails to conserve or take the opportunity to enhance the Outstanding Universal Value World Heritage Site will be rejected.…” also p13, para38a: “For these allocated sites the plan must also be read as a whole as districtwide development management policies also apply to their development, including (but not limited to) policies relating to sustainable construction, biodiversity net gain, affordable housing and sustainable transport.”*
* **Milsom Quarter.** The master planning areaneeds to include shops on Paragon, also the area between Bartlett Quarter and Lansdown Rd, and extend to cover Cornmarket & Cattlemarket – latter two listed on p35 as part of Milsom Quarter but also in separate **SB1** Walcot St/Cattlemarket (p37) – relationship between SB1 & Milsom Quarter not 100% clear.
* **SB8 Bath Riverside –** after deletion of BWR phase1 area – we note retention of sustainable transport route (p76,g), also “Proposals for Purpose Built Student Accommodation shall not be permitted*”* (p75,1*). ‘* Shall’? We suggest changing emphasis to ‘will’ not.
* **SB17 S of Englishcombe lane** – we question whether this site really suitable for housing? At least reconsider numbers to prevent over development**.**
* **SB18 RUH – we** welcome Green Infrastructure plan, and content re provision of own ‘key-worker’ housing.– Housing capacity needs to be set in light of Manor House eg 150dw providing setting uncompromised.
* Amended **Policy B5** (off campus student accommodation) is supported as it provides grounds to refuse PBSA in the Central Area, and Enterprise Zone where it would adversely impact the realisation of other uses. The policy is unsound. It is not strong enough given there is no criteria for the assessment and measure of adverse impact. Furthermore, the policy should be strengthened to only allow off campus provision when the university can demonstrate need and has a link to the off-site campus provision. Any offsite PBSA needs to be evidence based and this needs to be included in planning policy.
* **BSB19 Uni of Bath** – **Claverton Campus.** We support the commitment in the UoB Masterplan to house a greater than current percentage of students by building above the extensive air space over the current car parks, which offers significant potential for student accommodation onsite.
* **SB22.**We believe Weston Island is an opportunity to reclaim the island for the city of Bath and to fulfil its potential as a landmark destination linking Twerton to the city and connecting with the cycle routes and river experiences. However, we have concerns regarding the clarity of policies for Locksbrook Arts Campus/ Locksbrook Creative Industry Hub*.* The constrained area of site and existing permitted uses on all but very small corner seems unlikely that the Development Requirements will be achieved. The existing building occupies majority of site (and that to S of river) mitigates against any building of more than 4-storeys’ total height on the part of site N of Locksbrook Rd. Given these constraints this policy not deliverable and the development requirements require greater clarity to better reflect the site.
* **SB23 Weston Island** – new – dependent on Bus depot relocation. The presemys an uneasy(?) mix of relocated heavy depot uses and enriched existing natural habitats.
* **p100 GI plan** in wrong place (amid local centres) refers to paras on p102
* **p101 Table 1** unchanged but columns still wrongly registered.
* **SB24 Sion Hill**. We note the increase to‘100 apartments’ following draft ‘60 dwellings’. There is scope for in-site pedestrian route along Winifred’s Lane (levels/planting at S end) – better to slow traffic on Lane.We welcome Lansdown Rd crossing nr Sion Rd.
* **SB25 St Martin’s Hospital** comprehensive policies for remaining site. Hopefully will preclude further speculative attempts at apartments on Frome House site.
* **SB26 P&R sites in GB.** We do not think Green Belt constraints will limit the development of household waste and solar energy generation if appropriately designed, whereas removal from the Green belt would threaten those sites with unconstrained development in the setting of the WHS. The proposed policy is unsound as it needs to have greater clarity regarding defined/fixed uses and restricted scopes and design values compatible with the objectives of the Green Belt, AONB and World Heritage Site Setting.
* The implications for the Green Belt and whether the environmental benefits of specific revised uses and ‘transport interchanges’ contribute to exceptional circumstances to remove the sites from the Green Belt MUST be more rigorously explored and evidenced.