

Bath & North East Somerset Placemaking Plan

COUNCIL'S RESPONSE TO ID/3: MATTER 3 – RESPONDING TO CLIMATE CHANGE

Issue 1 – Whether the Sustainable Construction and Renewable Energy policies in the Placemaking Plan are positively prepared, justified, effective, and consistent with national policy on the context of the adopted CS

Q1 Are the proposed changes to CS policies CP2 and CP3 consistent with national policy?

1. The proposed change to Core Strategy policies CP2 and CP3 removes reference to “allowable solutions” mechanism in the delivery element of these policies, reflecting a change in national policy (see para 1.2 below). The policies are still implementable using the other delivery mechanisms listed.
2. This change to CP2 and CP3 was proposed in response to a statement issued by the UK Government, on 10th July 2015, the Plan entitled: *‘Fixing the foundations: creating a more prosperous nation’* stated that:

‘The government does not intend to proceed with the zero carbon Allowable Solutions carbon offsetting scheme, or the proposed 2016 increase in on-site energy efficiency standards, but will keep energy efficiency standards under review, recognising that existing measures to increase energy efficiency of new buildings should be allowed time to become established.’

Q2 Is there conflict between the terms reduction in energy use and reduction in carbon emissions in relation to policy SCR1 and the supporting text?

3. It is considered that there is an inconsistency between the term “carbon emissions” in the text of Policy SCR1 and the term “energy use” in the supporting text of Paragraph 108. A minor amendment is proposed to the supporting text to ensure consistency with the policy wording of SCR.1 (see paragraph 2.4 below).
4. As set out in the accompanying evidence base (Core Document CD/PMP/DM11) the term “carbon emissions” in the text of Policy SCR1 is correct and the term “energy use” in the supporting text is inconsistent. The supporting text has not been fully updated to reflect the final policy wording proposed; this is a drafting error. Carbon dioxide emissions were selected as the compliance metric for this policy since this is the metric used in the determination of compliance with Building Regulations Part L. By using a metric that developers are already required to produce it will be simpler for developers to demonstrate compliance with Policy SCR1. This approach is consistent with other effective Merton style policies already in operation elsewhere, for example, in

Cambridgeshire¹. Furthermore, this wording is also consistent with adjoining authorities, such as Bristol City Council (Core Strategy Policy BSC14² includes a 20% on-site renewables requirement).

5. The minor amendment proposed to Paragraph 108 will ensure consistency with Policy SCR.1 in relation to referring to carbon emissions and also to refer to the exemption within the policy in relation to industrial uses. The amendments proposed are as follows:
6. Under the sub-heading “On-site renewable energy requirement” on page 62 para 108, add the underlined text and delete the text which has a strike through:

“In order to support the delivery of Core Strategy Policy CP3, it is expected that major development, excluding industrial B2 and B8 uses, will provide sufficient renewable energy on-site to reduce anticipated (regulated) ~~energy use~~ carbon dioxide emissions in buildings by at least 10%”

Q3 Is Policy SCR1 consistent with national policy which supports the introduction of sustainable construction improvements through national described standards?

7. The Council considers that Policy SCR1 is consistent with national policy. A number of other authorities have adopted similar Merton style policies, some very recently. Section 1 of the *Planning & Energy Act 2008* as amended, states in relation to Energy policies that:

(1) A local planning authority in England may in their development plan documents, and a local planning authority in Wales may in their local development plan, include policies imposing reasonable requirements for—

(a) a proportion of energy used in development in their area to be energy from renewable sources in the locality of the development;

(b) a proportion of energy used in development in their area to be low carbon energy from sources in the locality of the development;

8. Following the Housing Standards Review in 2015, the ability to set energy performance targets through planning mechanisms was removed (Section 1c of the above 2008 Act was deleted through an amendment introduced under Section 43 of the Deregulation Act 2015). However, Sections 1a and b of the 2008 Act (which allow the use of Merton Rule policy) were retained.

¹ A review of ‘Merton Rule’ policies in four local planning authorities in Cambridgeshire, Climate Works (2012) [https://www.scams.gov.uk/sites/default/files/documents/Merton%20Rule%20Study%20\(June%202012\)_0.pdf](https://www.scams.gov.uk/sites/default/files/documents/Merton%20Rule%20Study%20(June%202012)_0.pdf)

² Bristol City Council Adopted Core Strategy p95

[https://www.bristol.gov.uk/documents/20182/34540/Core%20Strategy%20WEB%20PDF%20\(low%20res%20with%20links\)_0.pdf/f350d129-d39c-4d48-9451-1f84713a0ed8](https://www.bristol.gov.uk/documents/20182/34540/Core%20Strategy%20WEB%20PDF%20(low%20res%20with%20links)_0.pdf/f350d129-d39c-4d48-9451-1f84713a0ed8)

9. Paragraph 95 of the NPPF states that “when setting local requirements for a building’s sustainability”, local planning authorities should “do so in a way consistent with the Government’s zero carbon buildings policy and adopt nationally described standards”. The Planning & Energy Act 2008 is an important statement of the Government’s policy.
10. Other Local Planning Authorities, have recently taken similar policies with much more stretching targets successfully through examination, showing that there is no issue with consistency with national policy, in principle. For example Cornwall Council are implementing a 100% renewables policy for specific sites (West Carclaze and Baal – Policy 3) through their Local Plan and they are currently consulting on this policy, which has been retained following examination, amongst their post hearing changes.³ Similarly, the London Plan, which was also examined after the Housing Standards review (an Inspector’s Report was issued in December 2015⁴), requires a 35% CO2 cut in 2016 (over 2010 Building Regulations) in policy 5.2⁵.
11. It is worth reiterating that B&NES Council have been successfully implementing a similar 10% on-site renewables policy within its Bath Western Riverside regeneration area since 2008-9 (via a policy requirement in the Supplementary Planning Document which includes the Masterplan for this site), via a combination of District Heating connection and roof mounted solar PV installation.

³ Cornwall Council (July 2016) Local Plan Schedule of Post Hearing Changes and Submission Plan <https://www.cornwall.gov.uk/media/20384097/nsc61-schedule-of-post-hearing-changes-july-2016.pdf> and <https://www.cornwall.gov.uk/media/17155253/local-plan-combined-version-jan-2016-small.pdf>.

⁴ London Plan Inspector’s Report (Dec 2015) <https://www.london.gov.uk/file/576100/download?token=lecCfrDS>

⁵ Adopted London Plan <https://www.london.gov.uk/what-we-do/planning/london-plan/current-london-plan/london-plan-chapter-5#Stub-141801> and minor alterations where the impact of HSR was discussed