Bath and North East Somerset Council Response to Inspector's Initial Matters, Issues and Questions (EXAM 4)

Matter 5: Other District Wide Development Management Policies

06 June 2022

(Questions 76 – 102)

Bath & North East Somerset Council

Improving People's Lives

Response to Inspector's Initial Matters, Issues and Questions (EXAM 4)

Please note: Where the Council is proposing modifications to policies or reasoned justifications in the submitted plan these are detailed in the responses as follows:
- **Additional and new text** proposed in **Bold**, Red and underlined
- ~~Deleted text~~ proposed in Red and ~~strike though~~

(Submitted LPPU changes are shown in **Bold**, underlined and ~~strike through~~ all in **black** text)

Matter 5: Other District Wide Development Management Policies

Issue: Are the individual policies clear, justified and consistent with national policy and will they be effective?

Table 1C – Designated Neighbourhood Areas Housing Requirement

Q.76 Is the Plan consistent with paragraph 66 of the NPPF which includes that strategic policies should set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations? What is the justification for the proposed housing requirements for the designated neighbourhood areas set out in Table 1C, and would these be effective?

B&NES Response:

76.1 The Council considers that the LPPU and specifically the addition of new paragraph 56a and the associated table setting a housing requirement for each of the designated areas within B&NES is consistent with paragraph 66 of the NPPF.

76.2 In B&NES there are a total of 18 designated neighbourhood areas for the purposes of neighbourhood planning. Those areas are all listed in the table in paragraph 56a and are at various stages of preparing a Neighbourhood Plan, with 11 having a made (or adopted) Neighbourhood Plan. As this is a partial update to an adopted Local Plan and given that we are over half-way through the plan-period the housing requirement is comprised of the total number of dwellings on site allocations without the benefit of planning permission (both those within the adopted Core Strategy and Placemaking Plan and additional allocations proposed in the partial update) for the remainder of the plan period. At the time of submission the remainder of the plan period was 2021-2029 and it is proposed to update these figures to a 1st April 2022 base date for the adopted plan (requirement relating to 2022-2029).

76.3 The allocations are the primary means by which the plan-led approach focusses and facilitates the delivery of housing in order to deliver the spatial strategy. As such the housing requirements set for the designated neighbourhood areas reflect the overall strategy for the pattern and scale of development over the remainder of the plan period. After directing development towards Bath (which is

not a designated neighbourhood area) the spatial strategy focusses development at Keynsham, as the next most sustainable location, the Somer Valley and then modest development in the rural areas primarily within the more sustainable villages. The reasoned justification or pre-amble in the LPPU preceding each site allocation also sets out the justification for those allocations and the proposed policy approach. All of the sites allocated are deliverable or developable in accordance with NPPF, paragraph 68. The distribution of the housing requirement for designated neighbourhood areas therefore reflects the pattern of development set out in the spatial strategy, is deliverable within the plan period, and is justified and effective.

76.4 In addition to the site allocations a modest amount of housing will come forward on small windfall sites across the District and some within the designated neighbourhood areas. This is not included within the proposed housing requirements for designated neighbourhood areas because it is limited in scale and the small windfall site allowances are not calculated on a village/settlement basis (see also response to Matter 3 questions and the housing delivery trajectory as part of Core document CD-HOU009).

76.5 The designated neighbourhood area housing requirements are currently proposed in the submitted LPPU to be included within the text supporting Policy DW1. However, it is now proposed to include them within Policy DW1, which establishes the overall housing requirements and spatial strategy, as part of a strategic policy, as referenced by NPPF paragraph 66.

Policy DW1
Following the second bullet point under Clause 2

The table below sets out the designated neighbourhood areas housing requirements.

Designated Neighbourhood Area	Allocations in adopted Core Strategy/ Placemaking Plan	Proposed LPPU allocations	Housing requirement
Bathampton	0	0	0
Batheaston	0	0	0
Chew Valley	0	0	0
Claverton	0	0	0
Clutton	0	0	0
Englishcombe	0	0	0
Freshford and Limpley Stoke	0	0	0

High Littleton and Hallatrow	0	0	0
Keynsham	0	336	336
Midsomer Norton	100	0	100
Paulton	0	80	80
Publow and Pensford	0	0	0
Radstock	10	0	10
Stanton Drew	0	0	0
Stowey Sutton	0	0	0
Timsbury	20	0	20
Westfield	0	0	0
Whitchurch	0	0	0

Policy CP1 Retrofitting existing buildings

Q.77 What is the justification for requiring Houses in Multiple Occupation to achieve an Energy Performance Certificate ''C'' rating and would this be effective?

B&NES Response:

77.1 The justification for requiring Houses in Multiple Occupation to achieve an Energy Performance Certificate (EPC) rating of C is set out in the HMO Topic Paper (CD-SD038) at paragraphs 3.1 – 3.11. The justification relates to the Council's response to the declaration of a climate emergency, and the need to bring the HMO housing stock in line with the general housing stock in terms of efficiency.

77.2 Since writing the Topic Paper, the cost of living has further increased nationally due to significant increases in the cost of energy, therefore intensifying the cost implications of heating less energy efficient homes. With HMOs providing important accommodation for lower income individuals and based on the evidence showing that the percentage of HMOs meeting EPC rating C is significantly lower than the general housing stock, it is now considered especially important to introduce now measures which target any new HMOs coming forward, to increase the efficiency of the district's HMO stock, and bring it in line with the general housing stock.

77.3 The policy requirement will be effective in requiring any new HMOs introduced into the Council's HMO stock to meet Energy Performance Certificate 'C'.

Policy CP3 Renewable Energy

Q.78 What is the current installed capacity of renewable energy and heat supplies available in the district?

B&NES Response:

Renewable Energy:

78.1 The latest data from Department for Business, Energy and Industrial Strategy (BEIS), dated September 2021 states 22.47 MW electricity and 19.13MW thermal of installed capacity within B&NES. The generation types/capacities are listed below:

Solar PV – 19.71MW

Wind – 0.11MW

Hydro – 0.19MW

Anaerobic Digestion – 2.45MW

Heat - 19.13MW (Provided by Regen)

Q.79 The Policy appears to identify where in principle wind and ground mounted solar PV energy developments of certain scales would be acceptable. Is the policy sufficiently clear that it is setting out a staged approach in respect of the acceptability of renewable energy development, and that further detailed site specific assessment is required at the application stage, and would it be effective?

B&NES Response:

NPPF/Planning Practice Guidance

79.1 The Planning Practice Guidance (PPG) states that the planning system has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. It reaffirms that, in the case of wind turbines, a planning application should not be approved unless the proposed development site is in an area identified as suitable for wind energy development and that suitable areas will need to have been allocated clearly in a Local Plan or Neighbourhood Plan. In identifying potentially suitable areas for wind energy development, the PPG states that there are no hard and fast rules about how suitable areas for renewable energy should be identified. In considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and, critically, the potential impacts on the local environment, including from cumulative impacts, as well as the views of local communities likely to be affected. Where Local Plans identify suitable areas, it is also important they set out the factors that will be

taken into account when considering individual proposals or planning applications within these areas.

79.2 The PPG goes on to give an example that landscape character areas could form the basis for considering which technologies at which scale may be appropriate in different types of location.

Landscape Sensitivity Assessment - broad areas for wind and solar PV

79.3 In the submitted LPPU a key proposed change to the approach of Adopted Policy CP3 is the integration of new supporting evidence in the form of a Landscape Sensitivity Assessment for Renewable Energy Development (CD-RCC004).

79.4 The Landscape Sensitivity Assessment (LSA) for Renewable Energy Development provides judgements on the landscape potential of different parts of the B&NES landscape to accommodate solar photovoltaic (PV) and wind energy development of differing scales in the future. The results of this study provide an indication of landscape sensitivity across the district, so that potential opportunities and constraints for siting such developments can be considered. This evidence identifies broad areas for renewable energy, in line with the National Planning Policy Framework (paragraph 151) and thus enabling wind energy proposals to be considered within the district - (under the current Development Plan/NPPF footnote 54 wind energy proposals would not be acceptable).

79.5 It is important to note that this assessment does not provide guidance on the wide range of other planning issues that need to be considered as part of the preparation and determination of planning applications for renewable energy developments; these are addressed to an extent within the policy criteria CP3, as well as the expectation that applicants and decision makers should read the plan as whole.

79.6 The LSA assesses the suitability of different scales of developments, based on bandings that reflect those that are most likely to be put forward by developers

Solar PV Development

- Band A ≤5ha
- Band B >5 to 10ha
- Band C >10 to 15ha
- Band D >15 to 30ha

Wind Energy Development Banding Turbine Height (to blade tip)

- Band A 18 – 25m
- Band B 26 – 60m

- Band C 61 – 99m
- Band D 100 – 120m
- Band E 121 – 150m

79.7 Once the landscape sensitivity criteria were assessed individually, the results were translated into overall categories of 'landscape potential':

5 (Low potential) Key characteristics and qualities of the landscape are highly vulnerable to change. New solar PV or wind energy developments are likely to result in a significant change in character. Therefore, there is low landscape potential for new development within the LCT/LCA.

4 (Low – Moderate potential) Key characteristics and qualities of the landscape are vulnerable to change from new solar PV or wind energy developments. There may be some very limited potential to accommodate developments without significantly changing landscape character. Great care would be needed in siting and design.

3 (Moderate potential) Some of the key characteristics and qualities of the landscape are vulnerable to change. Although the landscape may have some potential to accommodate new solar PV or wind energy development, it is likely to cause a degree of change in character. Care would be needed in siting and design.

2 (Moderate-High potential) Fewer of the key characteristics and qualities of the landscape are vulnerable to change. The landscape is likely to be able to accommodate new solar PV or wind energy development with limited change in character. Care is still needed when siting and designing schemes to avoid adversely affecting landscape character.

1 (High potential) Key characteristics and qualities of the landscape are robust in that they can withstand change from the introduction of new solar PV or wind energy developments. The landscape is likely to have high potential to accommodate such development without a significant change in character. Care is still needed when siting and designing these developments to ensure best fit with the landscape.

79.8 The LSA considers the landscape sensitivity and potential of B&NES' landscapes (broken down into landscape character types (LCTs) / landscape character areas (LCAs)) to different scales of wind and PV development. The results are presented as separate assessment profiles for each of the LCTs in B&NES. These detail:

- A summary description of the LCT against each of the assessment criteria, giving a landscape sensitivity assessment rating for both development types.
- Landscape potential 'scores' for new solar PV and wind energy development within each of the different bandings, using the five-point scale (listed above).

- An overall discussion on the landscape potential of the LCT to new solar PV and wind energy developments, referencing particular features, attributes or locations which may be more or less sensitive.
- Discussion on any variations to the overall LCT scores at the LCA level.
- Recommendations and guidance for accommodating future solar PV and wind energy developments in the landscape.

Policy Approach

79.9 The proposed policy approach in the LPPU is to combine adopted Policies CP3 and SCR3, as well as new policy wording for wind developments into a single policy covering the target for and provision of standalone renewable energy. The combined policy will upon adoption supersede adopted Policy CP3 and replace adopted Policy SCR3. The rationale for this approach is to provide a clear and positive approach for applicants and communities.

79.10 Part 1 of the policy applies to all types of renewable energy installations. In relation to both wind and ground mounted solar PV, further specific criteria have been added for each type of development under Part 2 and 3

- Criteria for wind energy proposals (Part 2):
    - The policy seeks to positively guide developments to the right locations. Wind energy development proposals will be supported where they lie within a landscape area identified as being potentially suitable for this type of development (high, moderate-high, moderate and low-moderate potential areas as set out in the LSA) and will be normally refused in areas of low landscape potential. In addition, the policy sets out other specific factors/criteria that need to be addressed/mitigated.
    - In line with the NPPF, applicants would need to demonstrate that, following consultation, the planning impacts identified by the affected local community have been fully addressed by the proposal. Additional wording will be provided to guide applicants on this issue.
- Criteria for ground mounted solar (Part 3):
    - This part of the policy seeks to positively guide development to the best locations in terms of landscape potential (high, moderate-high, moderate potential as set out in the LSA), however applications would be possible in all areas and not necessarily refused in areas of lower landscape potential, provided that applicants clearly demonstrate that adverse impacts on the landscape can be satisfactorily mitigated.
    - Specific factors relating to this kind of development to be addressed/mitigated are set out.

79.11 The integration of the LSA into the Policies Map provides a resource through which developers and communities can see the broad areas of landscape suitability for wind and solar PV and what scale types of development could be pursued, along with the recommendations and guidance within the LSA for accommodating potential developments in the landscape.

79.12 The Council considers that this approach to wind and solar PV is in line with the NPPF and PPG for renewable energy and, along with the additional criteria within the policy, would be an effective approach for informing proposals and determining applications for this type of development.

<u>To conclude:</u>

79.13 The policy sets out a set of criteria to be applied for all standalone renewable energy types (Part 1).

79.14 For wind energy, Part 2 of the policy clearly identifies those parts of the District where wind energy proposals of different scales are acceptable, or there would be a presumption against, in landscape terms. The policy also sets out other criteria to be assessed at the time of determining applications. This is considered to be in line with the approach suggested by the NPPF/PPG.

79.15 For ground-mounted solar energy, Part 3 of the policy does not identify areas where proposals will be acceptable/unacceptable, but it identifies those areas, from a landscape perspective, where proposals of different scales are more likely to be acceptable (to guide applicants to the areas of highest landscape potential) and for other areas with less landscape potential sets out what is required of the applicant. The policy also sets out other criteria to be assessed at the time of determining applications.

79.16 For solar energy the policy does not seek to define a rigid area of search, where projects would be expected to come forward. Instead, the approach taken through the LPPU has been to apply updated LSA evidence with some degree of flexibility to allow for the fact that on a case by case basis it may be possible to justify a proposal in lower landscape potential areas. This is recognition of the relatively high level of LSA analysis undertaken to inform the LPPU, which is based on broad LCTs and is proportionate to plan-making, rather than the site specific landscape evidence that would accompany a planning application.

79.17 Finally, the question asks whether it is sufficiently clear that the policy is setting out a ‘staged approach’ to the acceptability of renewable energy development. The Council assumes that ‘staged approach’ in the question refers to the policy firstly setting out criteria relating to all forms of renewable energy installation (part 1 of the policy); followed by the policy approach specifically to wind and ground-mounted solar energy (parts 2 & 3 respectively) based on an overall assessment of landscape sensitivity; and thirdly, the criteria for wind and solar

energy against which applications will be determined based on further detailed site-specific assessment. In this regard the staged approach is considered to be clear, although the Council would be amenable to adding further explanation or a diagrammatic representation of the stages in the supporting text of the LPPU if this is considered helpful.

Q.80 Is the submitted Plan clear and would it be effective in identifying within which areas wind and ground mounted solar energy developments would be acceptable in principle, or not?

B&NES Response:

80.1 The Landscape Sensitivity Assessment (LSA) for Renewable Energy Development provides informed judgements on the landscape potential of different parts of the B&NES landscape to accommodate solar photovoltaic (PV) and wind energy development of differing scales in the future. The results of this study provide an indication of landscape sensitivity across the district, so that potential opportunities and constraints for siting such developments can be considered. This evidence identifies broad areas for renewable energy, in line with the National Planning Policy Framework (paragraph 151).

80.2 It is important to note that this assessment does not provide guidance on the wide range of other planning issues that need to be considered as part of the preparation and determination of planning applications for renewable energy developments; these are addressed to an extent within the policy criteria CP3, as well as the expectation that applicants and decision makers should read the plan as whole.

80.3 As is outlined in the answer above (Q.79), the LSA considers the landscape sensitivity and potential of B&NES' landscapes (broken down into landscape character types (LCTs) / landscape character areas (LCAs)) to different scales of wind and PV development. The results are presented as separate assessment profiles for each of the LCTs in B&NES.

80.4 The integration of the LSA into the Policies Map provides a resource through which developers and communities can see the broad areas of landscape suitability for wind and solar PV and what scale types of development could be pursued, along with the recommendations and guidance within the LSA for accommodating potential developments in the landscape.

80.5 As set out in the answer to Q.79 above the landscape sensitivity evidence is used to identify those areas within which wind energy proposals would be acceptable (subject to meeting other policy criteria), whereas for ground-mounted solar energy a less prescriptive and more flexible approach is taken. The LSA is used to identify those areas with greater landscape potential where proposals are more likely to be acceptable and are therefore encouraged, as well as those areas with lower landscape potential where the applicant will need to clearly demonstrate

that adverse impacts to the landscape can be satisfactorily mitigated. The Council considers that this approach to wind and solar PV is clear, is in line with the NPPF and PPG for renewable energy and, along with the additional criteria within the policy, would be an effective approach for informing proposals and determining applications for this type of development.

Q.81 Having regard to the wind energy and solar PV development sizes typologies considered in the Landscape Sensitivity Assessment Renewable Energy Development report (CD-RCC004), is the Plan sufficiently clear and would it be effective in identifying what scale of renewable energy development would be acceptable in principle and where?

B&NES Response:

81.1 Please see the responses to Q79/80 above. The LSA considers the landscape sensitivity and potential of B&NES' landscapes (broken down into landscape character types (LCTs) / landscape character areas (LCAs)) to different scales of wind and PV development. The results are presented as separate assessment profiles for each of the LCTs in B&NES.

81.2 The integration of the LSA into the Policies Map provides a resource through which developers and communities can see the broad areas of landscape suitability for wind and solar PV and what scale types of development could be pursued, along with the recommendations and guidance within the LSA for accommodating potential developments in the landscape.

81.3 The Council considers that this approach to wind and solar PV is clear, in line with the NPPF and PPG for renewable energy and, along with the additional criteria within the policy, would be an effective approach for informing proposals and determining applications for this type of development.

Q.82 Would the Policy be effective in the consideration of wind and ground mounted solar PV energy proposals in the Green Belt where elements of many renewable energy projects will comprise inappropriate development?

B&NES Response:

82.1 Paragraph 99c. of the LPPU states that: *The revised Policy CP3 sets out the criteria for all stand-alone renewable energy projects, as well as specific criteria for wind energy and ground mounted solar (previous shown in Policy SCR3). Where generation types are proposed in the Green Belt, reference will also need to be made to relevant Green Belt policies. The Council has previously prepared a Guidance Note on renewable energy in the Green Belt* **(CD-RCC031)**.

82.2 The Guidance Note was prepared by the Council in collaboration with Regen SW and published in 2013. While the Guidance Note refers to the then extant 2012 NPPF, the paragraph listed (91) remains the same in content albeit under a

different paragraph number in the July 2021 NPPF (151). The Guidance Note is therefore still considered relevant and appropriate.

82.3 The Council considers that the supporting text to the policy sufficiently informs applicants/decision makers of the test that would have to be met regarding renewable energy development in the Green Belt. It is considered that this approach would be effective, particularly when applying the plan as a whole, as both applicants and decision makers would have regard to policy CP8 and the NPPF when considering the issue of inappropriate development in the Green Belt and whether very special circumstances have been demonstrated.

Q.83 Is the Policy consistent with national policy as set out in NPPF paragraph 117 and consistent with the statutory purposes of AONBs in regard to renewable energy development in an AONB?

B&NES Response:

83.1 Policy part 1b of CP3 states, *proposals for all renewable and low carbon energy-generating and distribution networks, will be supported in the context of sustainable development and climate change, where:*

1b) They will not result in significant adverse impacts on the local environment that cannot be satisfactorily mitigated or do not accord with national policy, including:

- *impacts to biodiversity;*
- *landscape and visual impacts including cumulative effects;*
- *impacts on the special qualities of all nationally important or protected landscapes; and*

83.2 In drafting the policy, the Council sought to balance the requirement to provide a positive strategy for energy from renewable sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily. The Council considers that CP3, through reference to according with national policy, is consistent with the NPPF and the statutory purposes of AONBs. By adding the reference to national policy within CP3 this will ensure relevant parts of the NPPF, including paragraph 177, are considered when determining renewable energy planning applications, given that the NPPF is material consideration to which significant weight is applied in planning decisions (paragraph 2).

83.3 However, it is accepted the policy wording is slightly ambiguous and capable of misinterpretation. Therefore, as a point of clarification, the Council proposes the following minor amendment in relation to criteria 1b) to read as:

Policy CP3

1) Proposals for all renewable and low carbon energy-generating and distribution networks, will be supported in the context of sustainable development and climate change, where:

1a) no change proposed to submitted LPPU

1b) They will not result in significant adverse impacts on the local environment that cannot be satisfactorily mitigated ~~or do not~~ and they accord with national policy, including:

- **impacts to biodiversity;**
- **landscape and visual impacts including cumulative effects;**
- **impacts on the special qualities of all nationally important or protected landscapes, which must be conserved or enhanced;**

Q.84 What is the justification for the requirements for community benefit, and an option of 5% community ownership in commercial led energy schemes with a capacity of over 5MW, in wind energy criterion 1f)? Is this a land use planning matter and is it consistent with the tests for planning obligations as set out in NPPF paragraph 57 and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010?

B&NES Response:

84.1 In drafting the policy the Council has considered the issue of community support in relation to renewable energy. This is particularly relevant in relation to wind energy following the written ministerial statement (WMS) made on 18 June 2015 and the subsequent footnote to paragraph 158 of the NPPF. Both the WMS and NPPF require that, for the proposal to be acceptable, it must have the backing of the affected local community.

84.2 In addition, paragraph 156 of the NPPF states that local planning authorities should support community-led initiatives for renewable and low carbon energy. This is also included within the PPG.

84.3 Central Government have produced guidance on Community engagement and benefits from onshore wind developments: good practice guidance for England (first published in 2014 and updated in December 2021). In addition, the onshore wind industry (through RenewableUK) maintains a community benefits protocol which commits to ensuring that these benefits schemes are realised within local host communities. The community benefits protocol states that:

Community benefit can take a number of forms. Examples are: community funds which receive either a one-off lump sum or regular payments; benefits in kind where a developer may provide for a community facility or local environmental

improvements; or the facilitation of profit sharing or shared ownership with the community. However, there are many other examples where a developer or owner and the local community agree a different approach.

84.4 In criterion 1f), as drafted in the LPPU, the Council has sought to ensure the capture of benefits from renewable energy projects locally within B&NES, in line with government guidance and industry bodies.

84.5 In preparing the responses to the Inspector's Matters, Issues and Questions, the approach set out in criterion 1f) has been reviewed in light of reference to NPPF paragraph 57 and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and it has been concluded that the policy, as currently worded, would not meet the tests set out in these documents. Key to informing the change in this approach are the High Court's ruling in Good Energy Generation Limited v Secretary of State (Lang J, 25 May 2018) and the earlier ruling of the Court of Appeal in R (Wright) v Forest of Dean District Council (Court of Appeal, 14 December 2017), and upheld by the Supreme Court. Both cases highlight that community benefit schemes are not necessary to make a scheme acceptable in planning terms and therefore not material to planning decisions.

84.6 Section 155 of the Housing and Planning Act 2016 places a duty on local authorities to consider the potential financial benefits of development proposals when considering whether to grant planning permission. In complying with this duty decision reports should list any financial benefits (whether or not material to the application) if a proposed development is carried out. Therefore, it is considered that maintaining a criterion on community benefit in relation to renewable energy would be appropriate. A proposed amendment to the policy is set out below:

Policy CP3
Clause 1f)
~~**They**~~ **Proposals that provide for a community benefit in terms of either profit sharing or proportion of community ownership or deliver local social and community benefits are encouraged but this will not be a material consideration in the determination of applications**. ~~**Commercial-led energy schemes with a capacity over 5MW shall provide an option to communities to own at least 5% of the scheme**~~

Reason: To clarify that the Council encourages community benefit schemes within B&NES but also to highlight that they are not material considerations in determining whether planning permission should be given.

Q.85 Would wind energy criterion 2c) be effective in:

• safeguarding the living conditions of residents from the potential effects of wind energy development?

• safeguarding telecommunications services/microwave transmissions?

• Regard to construction impacts, including access, sourcing of aggregates and concrete batching and grid connection infrastructure in so far as it falls within the land use planning regime?

B&NES Response:

Safeguarding the living conditions of residents

85.1 The LPPU should be read as a whole. Policy D6 addresses residential amenity more generally, but details are also listed in Policy CP3 2c to ensure that potential effects, unique to wind turbines, are considered when determining applications (e.g. shadow flicker).

85.2 As a point of clarification and to ensure the policy is effective in safeguarding the living conditions of residents, the Council proposes the following minor amendment in relation to criteria 2c) to read as:

Policy CP3

Clause 2c)

Avoid or adequately mitigate shadow flicker~~,~~ and noise for nearby residents, and adverse impact on air traffic operations, radar and air navigational installations; and

Reason: the previous wording was unintentionally and ambiguous and capable of incorrect interpretation.

Safeguarding telecommunications services/microwave transmissions

85.3 Wind turbines can potentially affect electromagnetic transmissions (e.g. radio, television and phone signals). Specialist organisations responsible for the operation of electromagnetic links typically require 100m clearance either side of a 'line of sight' link from the swept area of turbine blades. Ofcom acts as a central point of contact for identifying specific consultees relevant to a site. In the process of site selection and site design, developers should identify any links that cross or constrain a potential site before bringing a proposal to the planning application stage.

85.4 In terms of land use planning/determining applications, the requirement for LPAs to safeguard telecommunications and microwave links are listed within the NPPF, paragraph 116b, regarding consideration of the possibility of the construction of new buildings or other structures interfering with broadcast and electronic

communications services. It is not considered necessary to include this within the policy wording for CP3.

Construction impacts

85.5 Construction impacts, including access and grid connection infrastructure, would not solely apply to wind turbines, therefore criterion 2c would not be the appropriate place for such consideration.

85.6 With regard to the land use planning regime the Council has an adopted Local List which identifies the information that the Council would normally require to be able to register, assess and determine planning applications. The level of information required depends on the size and type of the application.

85.7 Applications for wind energy are likely to be a Schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ((i) The development involves the installation of more than 2 turbines; or (ii) the hub height of any turbine or height of any other structure exceeds 15 metres.) and thus trigger the need for an Environmental Impact Assessment (EIA) to be submitted alongside any planning application.

85.8 All EIAs should include the following:

- Details of the proposed development: site, design, size and relevant features
- Details of the likely significant effects of the proposed development on the environment
- Ways in which you propose to avoid or limit the impact on the environment
- Reasons for choosing this type and nature of development
- Details of the experts who have prepared the assessment, and their qualifications

85.9 EIA is an effective process for the consideration of any construction impacts, including access, sourcing of aggregates and concrete batching, and grid connection infrastructure through the development management process.

Q.86 What is the justification for the requirement for applications for energy plant utilising virgin plant feedstocks to robustly demonstrate that the feedstock will be sourced sustainably? Would this be effective?

B&NES Response:

86.1 The UK Bioenergy Strategy (2012) states that sustainably sourced biomass refers to biomass feedstocks that have not been sourced from high carbon stock land (e.g. peat land or virgin forest) or land that is required for competing uses (e.g. food). In addition, guidance is provided by BEIS and Ofgen regarding the sustainability standards for electricity generation from biomass (2013). This guidance sets out a commitment to making sure that biomass used for energy is sustainable, in that it:

- delivers real greenhouse gas (GHG) savings

- is produced in a way that does not give rise to deforestation or degradation of habitats or loss of biodiversity
- is cost effective and that its production and use does not give rise to unintended consequences

86.2 As part of the Councils commitment to the Climate and Nature emergency, it is vital that biomass/fuel electricity generators are committed to sustainable sources for fuels at the planning stage and that such sources are utilised once the energy plant is operational. If such plants do not use sustainable sources clearly this undermines the benefits of this source of energy and its contribution to responding to the climate emergency, contrary to the 2008 Act.

Policy SCR6 Sustainable Construction Policy for New Build Residential Development

Q.87 What is the justification for the requirement for new residential dwellings to demonstrate a space heating demand less than 30kWh/m2/annum, total energy use less than 40kWh/m2/annum, and on-site renewable energy generation to match the total energy use, with a preference for roof mounted solar PV?

B&NES Response:

87.1 As a result of the Climate Emergency declaration in 2019, the Council has a commitment to tackle climate change rapidly, in order to achieve the target of net zero by 2030. The Balanced Pathway to Net Zero (CD-RCC027 - Climate Change Committee Sixth Carbon Budget (Sector Summary: Buildings), which represents a scenario that places the UK in the best and most realistic position to achieve net zero by 2050, states that all new builds will need to be net zero by 2025 at the latest (page 40). Given the national target of net zero by 2050, this evidence suggests that local authority policies must lead the way in aiming to achieve net zero new buildings by 2025.

87.2 All buildings in B&NES account for 64% of district level emissions, whilst residential buildings account for 38% of overall district emissions (CD-RCC019; page 6). This reveals the imminent need to reduce emissions in buildings and ensure that new buildings are built fit for the future. Less than 2% of new buildings achieved an EPC rating 'A', which means the remaining 98% of buildings will require retrofitting costs of up to £25,000 in order to achieve the net zero target by 2030 (CD-RCC025; page 4). Introducing planning policies, such as SCR6, will significantly reduce further financial costs being introduced because new build homes constructed under SCR6 requirements are far less likely to require future retrofitting than if they were built to current standards. Implementing these policies now will also help to ensure that there is a range of available suppliers who can construct buildings that achieve the energy performance required following the implementation of the Future Homes Standard and Future Buildings Standard. The Climate Change Committee (CD-RCC018; page 40) state that the government's plans (i.e. UK Net Zero Strategy and minimum EPC C rating by 2035) represent a step towards addressing supply and upskilling challenges, which

exploits the need to rapidly develop capacity to build operationally net zero buildings. The adoption of Policy SCR6 will significantly contribute to resolving these issues, particularly in the surrounding region.

87.3 The latest data from the Department for Business, Energy and Industrial Strategy (*Sub-regional fuel poverty data 2022; https://www.gov.uk/government/statistics/sub-regional-fuel-poverty-data-2022*) shows that 11.2% of B&NES households are in fuel poverty, which is only expected to increase due to the ongoing, unpredictable fuel crisis that will continue to challenge those affected by accelerating the severity of the current cost of living crisis. Setting higher energy standards in new residential buildings now will reduce the need for infrastructure to be built in the future, which will be required in a future zero-carbon energy system. Retrofitting a home in the future to reach standards that should be implemented and tested now costs 3-5 times as much as it would to design a building to these standards during its construction (CD-RCC030 *Cost and Benefits of Tighter Standards for New Buildings*; page 77; paragraph 4). It is essential that new residential builds do not further contribute to this issue, particularly as there are no current Government-led mechanisms that allocate costs or stimulate market action on improving existing home efficiency for the 60% of existing homes that are owner-occupied and not fuel poor (CD-RCC018). Without such action, which SCR6 would positively influence, the cost of living crisis will affect an increasing number of householders and the neglection of resolving supply issues for home energy efficiency improvements will persist. This provides a clear justification for the introduction of high energy efficiency targets for new residential buildings, which will significantly reduce household bills.

Table 83-1. – Comparison of total energy use and space heating targets.

	Total energy use (kWh/m²/year)	**Space heating (kWh/m²/year)**
B&NES LPPU SCR6	40	30
CD-RCC011 Cornwall Council Climate Emergency DPD Energy Review and Modelling	40	30
CD-RCC0017 LETI Net Zero Operational Energy	35	15
Greater Cambridgeshire Draft Plan	35	15-20
Central Lincolnshire Draft Plan	35	15-20
West Oxfordshire District Council AAP	35	15-20
Committee on Climate Change	n/a	15-20

87.4 The targets for SCR6 are derived from recommendations in the following evidence studies: *Cornwall Council Climate Emergency DPD Energy Review and Modelling Report* (CD-RCC011; page 10), *Net Zero Buildings, Evidence and Guidance to Guide Planning Policy* (CD-RCC025; page 9) and *Net Zero Operational Energy* (CD-RCC017). According to Table 1, it is clear that the combination of the evidence studies, and Draft Plans of other local authorities and external organisations, suggests that the targets set out in Policy SCR6 are achievable. The targets set out in SCR6 are less stringent than many recommendations made. The targets in SCR6 could therefore be seen as a step change to other higher recommended standards, which will be considered in the new Local Plan.

87.5 The requirement of on-site renewable energy generation is to ensure that new residential buildings are operationally net zero and do not further contribute to emissions from buildings. On-site renewable energy also reduces the reliance for grid decarbonisation, since a new residential development is able to supply enough energy through renewables to match the energy demand (CD-RCC025). There is a preference for roof-mounted solar PV since it is the cheapest and best technology to match the total energy demand, whilst also being the least visually intrusive technology. It has also been shown that, for small scale residential developments, 100% of the energy demand can be met by solar PV (CD-SD040). Maximising solar PV on-site ensures that roof space does not go unnecessarily unused, whilst roof installed panels on new residential buildings also reduces the need for solar farms on greenfield sites (CD-RCC024; paragraph 4; page 5). However, the policy does not exclude any other appropriate technologies.

Q.88 Are the cost assumptions arising from Policy SCR6 in the viability assessment for the Plan robust, realistic and justified? What, if any, effect would the requirements of Policy SCR6 have on meeting the other policy requirements of the Plan, such as affordable housing? What would the effect of the Policy be on the deliverability of new homes?

B&NES Response:

88.1 The Viability Assessment (VA) (CD-VIA001) tests the ability of a number of residential development typologies and specific allocations to accommodate LPPU policies, alongside plan policies in the adopted Plan and prevailing rates of Community Infrastructure Levy ('CIL')

88.2 The VA tested a number of options for cost uplifts taking into account the additional cost to achieve higher sustainability standards, and states "*The Council has confirmed that net zero carbon can be achieved in residential developments through Option A at a cost equivalent to 3% of build costs*." (paragraph 4.30)

88.3 CD-RCC025 "Net Zero New Buildings: Evidence and guidance to inform planning policy" by the West of England Combined Authority confirms that the cost uplift will be no more than 3% for residential development and sets out the justification.

88.4 The VA concludes that based on an uplift in costs of 3% residential based build costs to take into account the costs of policy SCR6, the impact on residual value is relatively modest (paragraph 6.19) "*In the main, the impact is relatively modest, at circa 6%. This reduction is unlikely to have any significant impact on the deliverability of developments*."

88.5 The cumulative impact tables, which indicate the residual value taking into account adopted Policy costs; together with LPPU policy costs - EV, Housing Accessibility, and Biodiversity Net Gain, is shown in Tables 6.24.1 to Table 6.242.9.

88.6 It should also be noted that the costs of achieving the policy requirements is very likely to decrease over time, as improvements in technology emerge as a result of research and development by the housebuilding industry. In addition, it is likely that homes powered by renewable sources, and with high energy efficiency standards, will demand a premium, have relatively higher sales values than average, particularly given the current energy crisis, which will also assist in viability going forward.

88.8 Given the Climate Emergency, it is important not to set the policy and resulting costs at the lowest common denominator, so that schemes that could have viably delivered higher standards would no longer be required to do so.

Q.89 How do the proposed energy use requirements compare to the (transitional) requirements as currently set out in Part L of the Building Regulations?

B&NES Response:

89.1 It should first be noted that local authorities are able to set local targets on energy use and carbon reduction (Topic Paper: Zero Carbon Construction CD-SD040; paragraph 2.3). This was confirmed by the government in response to the Future Homes Standards Consultation in January. The proposed energy use requirements in Policy SCR6 go further than those currently set out in Part L of the Building Regulations, since a development that complies with the requirements of SCR6 will be a net zero development operationally. The targets required for SCR6 are inclusive of unregulated energy, whereas Part L standards only account for regulated energy. The transitional requirement for Part L, to be introduced in June 2022, will require a 31% CO_2 emissions reduction from Part L 2013. This is insufficient to achieve net zero new buildings by 2025, which is stated as essential by the Committee on Climate Change (CD-RCC027- Climate Change Committee Sixth Carbon Budget (Sector Summary: Buildings); page 40). In summary, Policy SCR6 is the equivalent of a 100% CO_2 reduction for both regulated and unregulated energy, in comparison to Part L 2022, which requires a 31% CO_2 reduction for regulated energy only.

Q.90 What is the justification for seeking a financial contribution where the use of onsite renewables to match total energy consumption is demonstrated to be not technically feasible or economically viable? Is this element of the Policy consistent with paragraph 57 of the NPPF and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, and would it be effective?

B&NES Response:

90.1 The justification for seeking a financial contribution is to ensure that energy/carbon savings still occur when a development does not meet the energy targets of Policy SCR6. This provides an incentive for developers to meet the energy targets through the energy efficiency design of the building. This is because the offsetting price (£/tCO_2) is set at a level sufficient to promote on-site action. However, there may be instances where it would be cheaper for developers to offset residual energy/carbon and as such the fabric-first energy hierarchy is essential, as it means offsetting is only acceptable as a last resort once energy efficiency and renewable energy measures have been maximised on-site. Carbon/energy offsetting such as this is a widely accepted method of ensuring that building design is prioritised, to gain the best energy performance from a building. This same offsetting mechanism has already been adopted in the London Plan and by numerous other local authorities such as: Camden, Kensington and Chelsea, Tower Hamlets, Milton Keynes and Southampton.

90.2 The reference to technical feasibility and economic viability of on-site renewable energy matching total energy consumption relates to the feasibility and viability of installing renewables, as opposed to the overall viability of the scheme. For example, in an apartment block, it is more likely that the required amount of renewable energy (to match total consumption) will not be feasible or viable to install due to limited roof space, in which case renewable energy generation would need to be maximised and the residual generation offset.

90.3 As set out above, offsetting (i.e. the financial contribution) is considered a last resort, which is only acceptable when it is demonstrated that meeting the energy requirements of SCR6 is not technically feasible or economically viable. This element of the policy would be effective because the offsetting funds will be in the control of the Council and spent on projects that seek to achieve the same energy/carbon savings that were not achieved by the development on-site. To further ensure the effectiveness of this policy, supplementary guidance on the mechanisms for offsetting is provided in the draft Sustainable Construction Checklist SPD and the draft Planning Obligations SPD, which are currently subject to public consultation, with the intention of adopting them alongside adoption of the LPPU.

90.4 The offsetting element of SCR6 and SCR7 is consistent with paragraph 57 of the NPPF and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, since offsetting is necessary to make the development acceptable in

planning terms, when energy/carbon targets have not been met. Offsetting is directly related to the development since it is the responsibility of the specific developer whether the energy/carbon targets are met and subsequently whether offsetting is required. The selected mechanism for offsetting is fairly and reasonably related in scale and kind to the development because the price for offsetting is determined by tonnes of CO_2.

Q.91 The Written Ministerial Statement of 15 December 2021 sets out that the new overheating standard is a part of the Building Regulations and is therefore mandatory and there will be no need for policies in development plans to duplicate this. In this context, what is the justification for the requirement for applications for 50 dwellings or more to demonstrate that the CIBSE TM59 overheating target has been met in the current climate, and a strategy submitted to show how overheating can be mitigated in the future climate, and is this consistent with national policy?

B&NES Response:

91.1 The primary difference between overheating in Building Regulations and Policy SCR6 is that Building Regulations will be assessed through the simplified method of overheating modelling for Part O. However, Policy SCR6 requires more accurate and representative modelling through the dynamic method using CIBSE TM59. Dynamic modelling using CIBSE TM59 is able to run simulations on internal temperature conditions that determine whether discomfort thresholds will be apparent in the building, which subsequently allows more flexibility for potential overheating mitigation approaches. The simplified method is instead based on maximum allowable window area and a minimum area of those windows which can be opened, which results in lower resolution and less specific indicators to base mitigation strategies on.

91.2 The overheating element in Part O is applicable to all new dwellings and other residential types, whereas SCR6 only requires a CIBSE TM59 assessment for applications that contain at least 50 dwellings. Therefore, for such large applications subject to SCR6, a more comprehensive analysis will be provided due to the dynamic modelling method. In such applications that contain more than 50 dwellings, there is a greater need to gain more detailed information through CIBSE TM59 compared to the Part O simplified method. In summary, requiring both Building Regulations and SCR6 results in the maximisation of benefits in reducing overheating issues for all applications.

Policy SCR7 Sustainable Construction Policy for New Build Non-Residential Buildings

Q.92 What is the justification for major development achieving a 100% regulated operational carbon emissions reduction from Building Regulations Part L 2013?

B&NES Response:

92.1 The Balanced Pathway to Net Zero (CD-RCC027 - Climate Change Committee Sixth Carbon Budget (Sector Summary: Buildings), which represents a scenario that

places the UK in the best and most realistic position to achieve net zero by 2050, states that all new builds will need to be net zero by 2025 at the latest (page 40). Given the national target of net zero by 2050, this evidence suggests that local authority policies must lead the way in aiming to achieve net zero new buildings by 2025.

92.2 The requirement to achieve a 100% regulated operational carbon emissions reduction from Building Regulations Part L 2013 for major development (as set out in SCR7) was set out as a policy target to be implemented from 2019 in the 2016 London Plan (CD-RCC020; page 180). This policy target remains today and is also set out in the 2021 London Plan (CD-RCC021; page 342). The London Plan policy requires an on-site 35% carbon reduction, 15% of which must be achieved through energy efficiency measures, whilst any residual emissions to reach a 100% reduction must be offset. Policy SCR7 however does not have specific requirements on how the 100% reduction is met, which gives developers flexibility to meet the requirements. This could be achieved through energy efficiency measures or renewable energy generation, with the remaining emissions achieved through offsetting once the former two reduction mechanisms have been maximised and/or are considered not to be feasible or viable. Developments must follow a fabric first energy hierarchy approach, whereby carbon reductions must first be achieved by maximising all reduction opportunities through energy efficiency measures.

92.3 The requirements for policy SCR7 should also act as a driving factor towards upskilling construction workers ready in time for the introduction of the Future Buildings Standard (FBS) in 2025. Since performance-based targets will be the focus of the FBS, it is highly unlikely that new buildings will be able to achieve the FBS targets without low carbon heating and widespread, effective energy efficiency measures (CD-RCC025; page 5). It is paramount that local policies are introduced now to begin the transition to net zero and ensure that there is a sufficient workforce in place to deliver buildings subject to the FBS in 2025.

92.4 Net zero buildings are rapidly required to reduce the burden on continuously increasing carbon emissions. Since SCR7 requires a 100% reduction to regulated emissions only, this policy could be seen as a stepping-stone towards a full net zero requirement, which would include unregulated energy reductions. Incorporating unregulated energy into the non-residential new build policy will be reviewed as part of preparing the new Local Plan.

Q.93 How does the Policy requirements compare to the (transitional) requirements as currently set out in Part L of the Building Regulations?

B&NES Response:

93.1 The policy requirements of SCR7 exceed those set out for the interim requirements of Part L, which will be introduced in June 2022. The requirement of SCR7 is a 100% reduction to regulated CO_2 operational emissions from Part L

2013, whereas the 2022 Part L standards require a 27% reduction to regulated CO_2 operational emissions from Part L. There is no requirement for renewable energy generation for the requirements of either policy. SCR7 may require offsetting to achieve the requirement, whereas Part L 2022 does not offer offsetting as a mechanism to achieve the requirements.

Q.94 Are the cost assumptions arising from Policy SCR7 in the viability assessment for the Plan robust, realistic and justified? What would the effect of the Policy be on the deliverability of non-residential buildings?

B&NES Response:

94.1 The Viability Assessment (VA) (CD-VIA001) tests the ability of Retail, Office and Industrial developments in Bath & North East Somerset to accommodate policies in the emerging LPPU, alongside plan policies in the adopted Plan and prevailing rates of Community Infrastructure Levy ('CIL'). The VA tests three uplift options however states that the " *The Council has confirmed that net zero carbon can be achieved on non-residential developments at a cost equivalent to 4% of build costs*". The West of England Combined Authority document "Net Zero New Buildings: Evidence and guidance to inform planning policy" (CD-RCC025) confirms this and sets out the justification.

94.2 The cumulative impact tables show the impact of 4% uplift. In all cases, including for the retail, office and industrial, developments are shown to be viable, taking into account existing policy requirements (costs) and the additional LPPU policy costs.

Q.95 Are the references to BREEAM in the explanatory text paragraphs 107g and i justified?

B&NES Response:

95.1 Reference to BREEAM was mistakenly left in the explanatory text after the rewording of Policy SCR7. Therefore, it is proposed to be deleted as set out below. The removal of this text from the explanatory text does not affect the policy approach.

95.2 The following paragraphs 107g and 107i are proposed to be deleted:

~~**107g.The government is consulting on Buildings Regulations Part L for non-domestic buildings. This is called the Future Buildings Standard. The outcome of this consultation is not yet known. As it is currently uncertain what the new non-domestic Part L will be it is proposed to require non-residential buildings to demonstrate BREEAM excellent plus net zero carbon.**~~

~~**107i.BREEAM (Building Research Establishment Environmental Assessment Method) is a tool for assessing the environmental sustainability of a development. The BREEAM standards will be applied to major non-residential developments**~~

Policy SCR8 Embodied Carbon

Q.96 What is the justification for the size thresholds for the application of the Policy, and the requirement that an Embodied Carbon Assessment that demonstrates a score of less than 900kg/sqm of carbon can be achieved within the development for the substructure, superstructure and finishes?

B&NES Response:

96.1 As operational emissions in buildings continue to decrease, the proportion of total emissions made up of embodied carbon emissions in new builds will increase. Therefore, there is equally a need to introduce embodied carbon policy targets to ensure that embodied carbon emissions are reduced simultaneously with operational emissions. A larger embodied carbon impact will arise from the construction of larger buildings, therefore the size threshold has been selected to minimise the impacts of such large buildings in this first introduction of the policy target. At the next review of policy through the preparation of the new Local Plan, the Council may seek to apply an embodied carbon target for all development types and sizes. This first iteration of the policy is therefore viewed as a stepping-stone towards applying embodied carbon targets for all development.

96.2 Achieving a value of less than 900 $kgCO_2/m^2$ is considerably less strict than standards set out by RIBA and LETI (CD-RCC008; table 3.1; page 16). This requirement should therefore be achievable and can be seen as a stepping-stone policy towards eventually achieving the more stringent targets at the next review of the policy through the preparation of the new Local Plan. Additionally, Policy SCR8 only requires an embodied carbon assessment for RIBA stages A1 – A5 and does not require the B and C stages to be accounted for. This approach for SCR8 is therefore considered reasonable as the proposed target is achievable, due to there being no cost uplift, as shown below in the response to Q.97.

Q.97 What effect would policy SCR8 have on the delivery of new buildings?

B&NES Response:

97.1 Policy SCR8 will have no effect on the delivery of new buildings. Policy SCR8 facilitates buildings with less embodied carbon and allows for a stronger consideration of low-carbon materials used. The quality of the development will be enhanced, particularly in future-proofing a building, since less carbon will be produced from large development.

97.2 In terms of viability, the findings in CD-RCC008 show that band C of embodied carbon can be achieved without any cost uplift for all four building typologies (page 41). Of the four typologies, three are non-residential typologies (office, education and retail). The embodied carbon values for band C of these typologies are respectively <600 $kgCO_2/m^2$, <500 $kgCO_2/m^2$ and <550 $kgCO_2/m^2$. It is therefore clear that the 900 $kgCO_2/m^2$ will result in no cost uplift and therefore, should have no effect on the delivery of new buildings. According to CD-RCC008,

there are no major supply chain concerns to achieve this target, other than specifically for low carbon facades using a mass timber framed structure. This is, however, not considered to be a major issue in reaching the 900kgCO_2/m^2 requirement.

Policy CP4 District Heating

Q.98 Would the requirement in Policy CP4 that development will be expected to incorporate infrastructure for district heating, and will be expected to connect to existing systems where and when this is available, unless demonstrated that this would render development unviable, be effective in reducing carbon emissions, and is the requirement justified in the context of the aims of the Plan?

B&NES Response:

98.1 The requirements and policy approach in Policy CP4 have been tested and found sound at examination. It now forms part of the adopted Local Plan (Core Strategy and Placemaking Plan). The only amendment proposed through the LPPU is to remove Keynsham High Street as a district heating priority area and instead list it as a district heating opportunity area. This is because the majority of development sites in Keynsham High Street have been built on, so it is no longer a priority area, therefore there is less scope for district heating to be introduced in this area.

New Policy SCR9 Electric vehicles charging infrastructure

Q.99 The approved document supporting Part S of Schedule 1 to the Building Regulations 2010 takes effect on 15 June 2022. Given the changes to the Building Regulations does the Policy serve a clear purpose and would it be effective?

B&NES Response:

99.1 Requiring the provision of electric or ultra-low emissions vehicle charging infrastructure is important in helping to address the Council's climate emergency declaration and inclusion of a policy in the Development Plan also helps to ensure the LPPU secures that the development and use of land contribute to the mitigation of, and adaptation to, climate change in accordance with Section 19(1A) of the Act. It is also considered prudent to retain the policy in the LPPU in case the scope of Building Regulations changes in the future (fundamental given that planning applications are determined in accordance with the Development Plan).

99.2 The Transport and Development SPD sets out further guidance to supplement and support the policy. It provides guidance on the form charging infrastructure should take. Whilst it is still in draft form it will be amended to make explicit reference to the Building Regulations, as well as LPPU Policy SCR9.

Q.100 Is the requirement for the provision of on-street charging of electric vehicles where off-street parking is not provided justified, and would it be effective?

B&NES Response:

100.1 Policy SCR9 relates to and only requires the provision of charging infrastructure for parking spaces provided as a result of new development. In some forms of development parking spaces are provided on street (rather than a driveway or other off-street arrangements) and in these circumstances it is considered both reasonable and important that infrastructure to enable on-street charging of electric vehicles is provided. This is especially important given the cost and inconvenience of doing this retrospectively, once the proposed development has been completed. It is also worth noting that Part S of the Building Regulations requires that a new residential building with associated parking (not solely off-street) must have access to electric vehicle charging points.

Q.101 Is it intended that the Transport and Development Supplementary Planning Document will set out land use policy for parking standards? If so, why are these not set out in this Plan consistent with paragraph 107 of the NPPF?

B&NES Response:

101.1 Paragraph 107 of the NPPF sets out the items or issues that policies should take into account, "***IF*** *setting local parking standards*" (author's emphasis), this includes 'the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.' The NPPF, or any other national policy, does not require Local Planning Authorities to set parking standards, and nor does it contain any requirement as to whether they should be included within the development plan, a SPD, or indeed any other instrument.

101.2 The Transport and Developments SPD provides detailed explanation on approach to parking standards, which meets the requirements of paragraph 107 of the NPPF.

101.3 The LPPU proposes to remove parking standards from the development plan, and move it to a SPD. As demonstrated above, this does not conflict with national policy, but it is a strategic change in approach which warrants further comment. B&NES Council declared a Climate Emergency in March 2019, setting a clear corporate priority to achieve net zero by 2030. Transport policy is a key lever in achieving this. Transport is also a fast moving sector (including in relation to Electric or Ultra-Low Emission vehicles), with significant changes and trends occurring rapidly and often in manners difficult to forecast accurately. Major transport projects are being delivered across the West of England region, and further trends such as increases in shared ownership models, reductions in travel overall, changes in travel patterns, and changes in working practices, not least due to the Covid-19 pandemic, are significantly changing the way our transport network operates. The Council needs to be agile to these changes, to ensure that

policy and guidance (including parking standards) keeps pace with the transport sector and the accessibility of our network.

101.4 To improve the Council's agility, it has taken the strategic decision to move parking standards (including those for Electric or Ultra-Low Emission vehicles) to a SPD, which can be reviewed and updated more regularly, more expediently, and in a more targeted manner than the development plan itself. The Council recognises that this change also results in the parking standards being afforded less weight in the decision making process as they are no longer part of the development plan. However, the parking standards in an SPD will still carry significant weight in the planning balance as they are clear and evidenced guidance on how the policies of the development plan should be applied, and they have been through consultation and will be formally adopted by the Council (alongside and at the same time as adoption of the LPPU). It should also be noted that it is a common approach across the West of England and nationwide for parking standards to be included in a SPD, rather than the development plan, and thus this mechanism has been well established as being in accordance with national policy. The Council therefore considers that moving parking standards to a SPD is both consistent with national policy, and represents the optimal strategic choice to support our Climate Emergency declaration and progress towards Net Zero by 2030.

Q.102 What is meant by an abnormally high local electric grid infrastructure connection cost?

B&NES Response:

102.1 This is set out in paragraph 5.9.7 of the draft Transport and Development SPD which states as follows;

A minimum 7 kW active and passive charging provision for residential buildings is required. Where costs for grid connections of 7kW minimum active and passive charging can be evidenced to exceed £3,600 (per dwelling), an exemption to a supply of slow charge, 16amp 3.7 kW, single phase power supply active and passive charging may be applicable. Further exemptions may also apply for grid connections for 3.7 kW active and passive charging costing more than £3,600 for (per dwelling).

102.3 This cap is also applied in the new Building Regulations part S.