



# Consultation Response Bath Local Plan Partial Update: Climate policies

**Consultation ends: Friday 8 October 2021**

## **Why respond?**

In response to climate change B&NES Council are updating their Local Plan to make new homes to be built B&NES Net Zero Carbon, with better insulation, lower carbon building materials and lower carbon heating systems. B&NES already has some of the highest standards in the country requiring developments to build homes with at least 19% lower annual carbon emissions than built elsewhere. **Several of the policies B&NES is proposing would be the highest in the country**, and standards set in B&NES create a precedent and are often copied by other councils.

**The council needs your support as developers are responding to the Local Plan consultation by pleading poverty** (Persimmon's CEO received a £75 million annual bonus in 2018) claiming that they cannot afford the relatively small increase in costs despite recent record 25% profits. By responding positively to the council's proposals, you will help counteract the developers' arguments, providing evidence of strong community support which will hopefully persuade the planning inspector to pass this updated Local Plan against the developers' wishes.

Getting this policy through the planning inspectorate is **likely to have B&NES council's largest impact on local carbon emissions in the next few years**, so it is important we all support the council in their aspiration to make Bath as low carbon as possible, and to set a precedent for the rest of the country. 15 minutes of your time completing the consultation will be an important contribution to reducing the area's carbon emissions, mitigating climate change.



## What you can do

1. **Comment on the policy** – even if it is short. Write as much as you can but most importantly, write – it'll add to the numbers! See suggestions for comments below.
2. **Speak at the Hearing** – If you want to speak at the hearing in the Spring of 2022, you have to **object to the policies even if you want to support the proposal**. To object you can simply ask for even higher standards, we have made some suggested 'objections', asking for 'stretch' targets below. Transition Bath would be happy to provide further support for those prepared to speak nearer the time – please let us know if you would be prepared to speak: [consultation@transitionbath.org](mailto:consultation@transitionbath.org).

## Consultation webpages

Main Consultation Page: <https://beta.bathnes.gov.uk/current-planning-policy-consultations>

See the District Wide Policies document at the link here:

[https://beta.bathnes.gov.uk/sites/default/files/2021-08/1.%20Districtwide%20Post%20Council\\_formatted.pdf](https://beta.bathnes.gov.uk/sites/default/files/2021-08/1.%20Districtwide%20Post%20Council_formatted.pdf)

You can then submit comments here: <https://consultation.westofengland-ca.gov.uk/bath-north-east-somerset/lppu-draft/>

## How to complete the application

Click [here](#) and fill in your personal details, and then **for each policy you want to comment on** complete the following boxes:

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

Representations must be made on a specific policy or part of the Plan, please state the policy number, paragraph number, figure/table or Policies Map designation.

You do not need to fill in all 3 boxes

Paragraph number

Policy number

Policy map layer

▶ [More information](#)

	Yes	No
1. Legally compliant	<input type="radio"/>	<input type="radio"/>
2. Sound	<input type="radio"/>	<input type="radio"/>
3. Complies with the Duty to co-operate	<input type="radio"/>	<input type="radio"/>

The policies to respond to are:

Description	Paragraph Number	Policy Number
Sustainable Construction for Residential Buildings	107a	SCR6
Sustainable Construction Policy for New Build Non-Residential Buildings	107g	SCR7
Embodied Carbon	107i	SCR8



Renewable Energy	97	
Retrofitting Existing Buildings		CP1 and H2

We have laid out background information and [potential responses](#) to each of these below. **It would be better if you used your own words as it would demonstrate a diversity of support, however, if you are short of time, just cut and paste** our responses into the council's online consultation. You can object and ask for a higher standard, and if so, you can then optionally ask to speak about why you think a higher standard is necessary. We are actively looking for as many speakers as possible to demonstrate community support for this improvement in the Local Plan.

## Sustainable Construction for Residential Buildings

**Paragraph:** 107a      **Policy number:** SCR6

- Zero operational emissions from new homes
- Onsite renewable energy
- Designed to deal with future overheating from Climate Change

### Support:

To support the council, complete the following boxes:

If you want to support the council, but not speak:

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

Paragraph [107a](#)      Policy Number [SCR6](#)

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

Legally compliant       Sound       Complies with Duty to cooperate

#### 3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible

##### Short response:

**Policy SCR6 is legally compliant and consistent with Government policy and legislation** which make climate mitigation and adaptation central principles of plan-making and in particular the requirement that *'The planning system should ... help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions'* (NPPF Chapter 14)

SCR6 is justified since it will meet the local and national climate emergency obligations to achieve net zero emissions by 2030 and 2050 respectively. SCR6 will require net zero emissions both from regulated sources within the scope of building regulations and unregulated emissions from plug in appliances. Without this robust approach, unregulated emissions will increase the carbon emissions of the district, making the net zero target



harder. SCR6 will also ensure that homes are lower cost to run, and importantly, won't need to costly retrofitting later to achieve net zero, unlike homes that are only built to achieve the new Building Regulations.

**OR**

**Longer response:**

**Policy SCR6 is legally compliant and consistent with national policy:**

- **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.'* Policy SCR6 meets the requirements of the 2004 Act since it is based on a costed study and viability test which together meet the requirements 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'*. Policy SCR6 has set based on being in accordance with that assessment of potential.
- **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'*.
- **Future Homes Standard (FHS) Consultation Response (2019)** Addressing confusion over whether councils could set energy standards for new homes, the consultation response clearly stated that: *'To provide some certainty in the immediate term, we will not amend the Planning and Energy Act 2008, which means that local authorities will retain powers to set local energy efficiency standards for new homes'*.

**OR:**

**Object: To object, ask for a higher standard, and potentially have the opportunity to speak at the hearing:**

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

Paragraph [107a](#) Policy Number [SCR6](#)

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

Legally compliant  Sound  Complies with Duty to cooperate

**3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible**

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

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

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

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

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

**5. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

I would like to explain in more detail why a higher standard is necessary

## Background Information

It is **positively prepared**, requiring a high quality of development whilst meeting the area's need to reduce the severity of the climate emergency. It is **deliverable over the plan period** as shown in the viability test and evidence base. It is **justified** by the severe threat to the area posed by climate change. The alternative would be to have a weaker policy, but this would not achieve the rapid emissions reductions required, as set out below:

1. **SCR6 is justified since it will meet the local and national climate emergency obligations to achieve net zero emissions by 2030 and 2050 respectively.** SCR6 will require net zero emissions both from regulated sources within the scope of building regulations and unregulated emissions from plug in appliances. Without this robust approach, unregulated emissions will increase the carbon emissions of the district, making the net zero target harder.
2. **SCR6 is further justified since it removes 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. This was demonstrated by the former Code for Sustainable Homes standard which was required by councils where it was viable to do so, creating exemplar areas. Successive studies showed the costs fell as industry became familiar with the standard. Net zero homes have lower energy bills which is especially important in light of recent energy price spikes. Government projections suggest energy costs will continue to rise so these savings will grow over the life of the building.
3. **The Overheating policy** in SCR6 is also justified since the Government's own climate change predictions show summers getting far hotter, increasing the risk of health impacts or the installation of energy intensive air conditioning if new homes are not designed to cope with this. 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*'.



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

Paragraph: 107g      Policy Number: SCR7

- Minimum energy use
- Maximum renewable energy

### Support:

To support the council, complete the following boxes:

If you want to support the council, but not speak:

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

Paragraph [107g](#)      Policy Number [SCR7](#)

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

Legally compliant       Sound       Complies with Duty to cooperate

#### 3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible

#### Short response

**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 is justified** since it will help meet the local and national climate emergency obligations to achieve net zero emissions by 2030 and 2050 respectively. 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 from 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.

OR

#### Longer response

**Policy SCR7 is legally compliant and consistent with national policy:**

- **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.'* SCR7 It is based on a costed study and viability test which together meet the requirements of the 2004 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.

- **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'. 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.

**OR:**

**Object: To object, ask for a higher standard, and potentially have the opportunity to speak at the hearing:**

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

Paragraph 107g      Policy Number      SCR7

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

Legally compliant      ✓      Sound      ✗      Complies with Duty to cooperate      ✓

- 3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible**

#### **Policy SCR7 Unsound**

Whilst the net zero approach is sound, the policy 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.** However 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'. Non-residential buildings can have a very high cooling demand for example offices or hospitals. This cooling demand must be reduced as much as possible to prevent further emissions or health impacts as summers become hotter.

As a result this section of the policy does not meet the test for soundness in the NPPF (para 35) to 'meet the area's objectively assessed needs', since national projections of temperature rise including in B&NES will cause overheating in new non-residential buildings unless overheating is correctly assessed and mitigated at the planning stage. The need for buildings that are healthy to inhabit without excessive energy use for cooling will not be met. To be sound, this policy should include a requirement that non-residential development, as it proposed for residential development, also meet the CIBSE overheating standard.

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

An overheating standard should be imposed for non-residential developments.

- 5. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

I would like to explain in more detail why a higher standard is necessary

## **Background Information**

### **Policy SCR7 is Sound:**

SCR7 is **positively prepared**, requiring a high quality of development whilst meeting the area's need to respond to the climate emergency. It is **deliverable over the plan period** as shown in the viability test and evidence base. It is **justified** by the severe threat to the area posed by climate change and the alternative, to have a weaker policy, would not be commensurate with this challenge, as set out below:

1. **SCR7 is justified since it will meet the local and national climate emergency obligations** to achieve net zero emissions by 2030 and 2050 respectively. SCR6 will require net zero emissions from regulated sources, this will reduce the emissions from the high level of employment growth delivered during the plan period.
2. **SCR7 is further justified since it removes cost burdens on building owners, both to run and to retrofit their buildings.** National Building Regulations do not propose to achieve net zero regulated emissions – the Future Building Standard proposal is even less ambitious than the Future Homes Standard. Without SCR7, brand new non-residential buildings would need to be retrofitted to achieve net zero, at far greater expense either to the Government or the owner. 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. Net zero buildings are cheaper for occupants to run with lower energy costs which is crucial given recent energy price spikes. Government projections suggest energy costs will continue to rise so these savings will grow over the life of the building.
3. Additionally, the BREEAM standard will ensure that other elements of sustainable construction are delivered.



## Embodied Carbon

**Paragraph:** 107i      **Policy:** SCR8

Minimises the carbon emitted in the construction of new buildings (e.g. minimise use of concrete)

This is the first policy in the UK to set a standard for embodied carbon. The aim is to set a low bar to begin with, reflecting current construction practice, to familiarise industry with the issue then ratchet up the standard with time.

### Support:

To support the council, complete the following boxes:

If you want to support the council, but not speak:

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

Paragraph [107i](#)      Policy Number      [SCR8](#)

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

Legally compliant      ✓      Sound      ✓      Complies with Duty to cooperate      ✓

#### 3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible

Policy SCR8 is Sound:

SCR8 is positively prepared, requiring a high quality of development whilst meeting the area's need to respond to the climate emergency. SCR8 is deliverable over the plan period as shown in the Council's evidence base. It is justified by the severe threat to the area posed by climate change. The alternative, to have a weaker policy or one without a limit on embodied energy would not be commensurate with this challenge, as set out below:

SCR8 is justified since it will meet the local and national climate emergency obligations to achieve net zero emissions by 2030 and 2050 respectively. Embodied carbon accounts for more than half of a new building's carbon footprint, and are very significant in the crucial period between now and 2030 by which time B&NES intends to reach net zero emissions as a district.

SCR8 is further justified since it builds on the Government's Construction Playbook to kickstart a transformation in the construction sector which is urgently needed if net zero carbon is to be achieved. Currently, embodied carbon is invisible to the construction industry even though there are cost neutral changes that can be made now to building design that reduce embodied carbon significantly. Policies such as SCR8 can usher in a new era of innovation in building techniques that provide the chance for the UK to truly "build back better", generating green economic growth by supporting new local materials supply chains and enabling global leadership on this hitherto unaddressed issue.

**OR:**

**Object: To object, ask for a higher standard, and potentially have the opportunity to speak at the hearing:**

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

Paragraph [107i](#) Policy Number [SCR8](#)

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

Legally compliant  Sound  Complies with Duty to cooperate

**3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible**

Despite this, policy SCR8 is unsound since there is no stated intention to ratchet the policy further within the plan period if evidence supports it. Whilst SCR8 is a good starting place in addressing embodied energy, the climate crisis requires a swift move from the current SCR8 requirement which aims to familiarise industry with the issue, to a requirement to actually bring down embodied carbon emissions more significantly. The requirement in SCR8 can be met with current new build practice, so is not in itself an incentive to retain and retrofit existing buildings instead of demolition and rebuild which is usually has a significantly higher lifecycle carbon impact.

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

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

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

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

**5. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

I would like to explain in more detail why a higher standard is necessary

## Background Information

**Policy SCR8 is legally compliant and consistent with national policy:**

**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.'* Mitigating embodied carbon is an essential part of meeting this legislative requirement, since the carbon embodied in new buildings can be equal to, or greater than the carbon released during the building's operation. Despite this, embodied carbon is not yet regulated by building regulations or the planning system and there is no indication that it will be. This means that it is a useful area for local policy to address. SCR8

acknowledges that this is an unfamiliar area for developers, so the policy requirement of 900kg of CO<sub>2</sub> /m<sup>2</sup> in SCR8 is consistent with current building practice as shown in RIBA and London Energy Transformation studies. Being consistent with current practice, SCR8 will not place an additional cost on developers so does not threaten the financial viability of development. SCR8 will familiarise the industry with embodied carbon and assessment methods whilst refusing development that would have higher than normal levels embodied carbon. This policy meets the requirements of the 2004 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’. since it has been set following a study by the Council that shows the potential to reduce embodied carbon and supports the policy approach being taken.

- **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*’. Policy SCR8 would deliver a manageable initial reduction in embodied emissions since embodied carbon is currently not assessed at all through building regulations.
- **The NPPF (para 154b) also states that “Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards”.** Policy SC8 is consistent with Government policy for procurement of its own buildings, through the HM [Government Construction Playbook](#). The Playbook states that “*Recognising the design life of public works, contracting authorities should adopt the use of whole life carbon assessments to understand and minimise the GHG emissions footprint of projects and programmes throughout their lifecycle.*” Embodied carbon assessment is part of the Whole Life Carbon assessment set out in the [RICS Professional Statement for Whole Life Carbon Assessment for the Built Environment](#) The RICS Professional Statement on Whole Life Carbon is aligned to EN 15978, though only measuring carbon, and is endorsed by the RIBA, CIBSE, IStructE and many other organisations. It has also been used as the basis of the Greater London Authority’s requirement of embodied carbon assessment and reporting for all referable schemes adopted in the new London Plan.<sup>1</sup>
- **Lastly the NPPF (para 152) states that ‘The planning system should... encourage the reuse of existing resources, including the conversion of existing buildings’.** By highlighting and requiring mitigation of embodied carbon, policy SCR8 will encourage the re-use of existing buildings rather than demolition and rebuild, which because of embodied carbon, in almost all cases will have an irredeemably higher lifetime carbon footprint than a deep retrofit of an existing asset.

---

<sup>1</sup> <https://constructionlca.co.uk/2021/02/27/uk-government-has-required-whole-life-carbon-assessments-which-means-embodied-carbon-assessments-for-all-new-public-works-projects-and-programmes-since-december-2020/>



## Renewable Energy

Paragraph: 97 Policy:

- Encourages the installation of wind turbines where appropriate
- Supports solar PV farms again where appropriate
- Supports battery storage systems associated with large renewable installations

### Support:

To support the council, complete the following boxes:

If you want to support the council, but not speak:

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

Paragraph 97 Policy Number

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

Legally compliant ✓ Sound ✓ Complies with Duty to cooperate ✓

#### 3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible

##### Policy CP3 is Sound:

With regards to wind energy, CP3 is **positively prepared**, requiring a high quality of development whilst meeting the area's need to respond to the climate emergency. CP3 is **deliverable over the plan period** since wind energy site selection is already underway by community energy cooperatives. It is **justified** by the severe threat to the area posed by climate change and the alternative, to have a weaker policy or one which provides smaller areas of search would not be commensurate with this challenge, as set out below:

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

### OR:

**Object: To object, ask for a higher standard, and potentially have the opportunity to speak at the hearing:**

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

Paragraph 97 Policy Number

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

Legally compliant ✓ Sound ✗ Complies with Duty to cooperate ✓

**3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible**

**Policy CP3 is Unsound**

(Copy the above to support the direction of the policy particularly on wind)

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

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

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

**5. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

I would like to explain in more detail why a higher standard is necessary

## Background Information

This is the first policy in the UK to set “areas of search” for wind turbines rather than allocating specific sites. This more flexible approach gives more scope to developers to find suitable sites within a larger area.

**Policy CP3 is legally compliant and consistent with national policy:**

- **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.’ CP3 is based on a landscape assessment to determine where in the district could best accommodate wind or solar power, meeting the requirements of the 2004 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 SCR8 has been set based on being in accordance with that assessment of potential.
- **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'. Policy CP3 would deliver radical reductions in emissions by enabling suitably located wind turbines to come forward.

- **CP3 is aligned with several sections of the NPPF**

- ➔ **Para 155 'To help increase the use and supply of renewable and low carbon energy and heat, plans should:**

- a) **provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);**

- b) **consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development**

- ➔ **Para 56 states that "Local planning authorities should support community-led initiatives for renewable and low carbon energy"**

- ➔ **Footnote 54 states that "Except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan"**

Policy CP3 is consistent with this approach, allocating areas based on landscape impacts, accounting in the policy for cumulative impacts and setting meaningful criteria to support community-led renewables initiatives.

## Retrofitting Existing Buildings

**Paragraph:**      **Policy:** CP1 and Policy H2

### Support:

To support the council, complete the following boxes:

If you want to support the council, but not speak:

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

Paragraph                      Policy Number [CP1 and Policy H2](#)

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

Legally compliant      ✓      Sound                      ✓      Complies with Duty to cooperate      ✓

#### 3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible

[Policy CP1 is Sound](#)





policy, by requiring an EPC “C” rating, will reduce emissions and improve the quality of some of the area’s poorest housing stock.

- **The NPPF (para 152) states that ‘*The planning system should... encourage the reuse of existing resources, including the conversion of existing buildings*’.** The HMO element of CP1 will encourage investment in the energy performance of existing buildings, enhancing their ability to be retained into the future.