



**FoBRA COMMENTS ON THE LOCAL PLAN PARTIAL UPDATE (LPPU) –m
OPTIONS CONSULTATION**

FoBRA has again sought its members' views on the areas that are proposed to be reviewed in the Local Plan Partial update (LPPU) consultation exercise and, while it has reflected many of their substantial comments, it has encouraged Resident Associations to submit their own individual comments, especially as they may have differing priorities that are specific to their neighbourhood.

FoBRA remains conscious that by seeking to get too many additional policies reviewed in the partial update it might have the contrary effect of slowing it down. While there is a slight danger in this, it believes that it must highlight all those policies certainly where it believes there is an apparent urgency for review.

LPPU policies that FoBRA considers should be updated or enhanced in addition to those listed in the LPPU Policy Review document:

DISTRICT WIDE:

Responding to Climate Change

The Council has three key priorities for the district to be carbon neutral by 2030, comprising actions on energy efficiency in buildings and zero carbon new build; a major shift to mass transport, walking and cycling; and large scale increases in renewable energy generation. The LPPU correctly recognises that current policies on climate change require revision in order to help implement these priorities. It is clear that the actions required are ambitious. For example, where there is an existing numerical target for installed renewable energy, the actual capacity is less than 20% of the target that was set out in the Core Strategy Policy CP3. There is, therefore, much to do, and the updated policies need to reflect the pressing nature of the climate emergency declaration that has been adopted by the Council.

DM1 and DM2 - Sustainable Construction Policy

The policy revision recognises that policies SCR1 and CP2 need to be replaced or amended with the more recent Government proposals for enhanced energy efficiency and zero carbon standards in buildings. For new build residential developments, these changes would be based on any forthcoming changes to the national Building Regulations, as determined by the Future Homes Standard requirements. The two options proposed for the new DM1 Net Zero Carbon Construction Policy for residential buildings are sensible, given that the Future Homes Standard has not yet been formally commenced.

In both options, operational emissions can be reduced through fabric performance improvements and through on-site renewable energy. Remaining emissions that cannot be mitigated onsite could be offset through a financial contribution. It is not clear how the financial contribution would be calculated, but presumably means energy efficiency or renewable energy installations elsewhere in the district.

The use of the Passivhaus Plus standard for residential buildings as an alternative route to policy compliance does provide an optional approach. However, the policy revision does not explain in what circumstances this standard might be required. It is also not clear whether the Passivhaus Plus standard would require a higher level of fabric performance and building design to achieve the level of compliance that is compatible with the Future Homes Standard requirements.

Government proposals for controlling emissions from new non-residential buildings are yet to be formulated. For these non-residential buildings, the DM2 New Build Policy could be based on the BREEAM Excellent standard, as proposed for major developments with 1,000 m² or more floor-space. The Council's preferred approach for net zero regulated and unregulated emissions should be pursued through these policy requirements.

The combination of fabric improvements and on-site renewable energy generation up to 100% regulated or unregulated emissions would be ideal. However, it is also important to seek to remedy any shortfall through payments into a fund for off-site carbon savings measures. The price of carbon proposed for the offset fund needs to be justified through a transparent analysis.

DM3 - Retrofitting Existing Buildings

Existing buildings pose a different set of issues. The Sustainable Construction Checklist SPD has been available for some time, and the proposal in Consultation Reference DM3 to amend Policy CP1 to reflect a CO₂ emissions reduction requirement is welcome. The option of a 20% reduction from the Part L Buildings Regulations is also welcome, through the use of renewable energy. Widening the application of this policy to other buildings beyond the medium scale or higher would be a useful further step.

Particular attention needs to be given to the sensitive retrofitting of energy efficiency measures in historic and listed buildings and in conservation areas. As we discussed with Planning Policy officers, experience has shown that this is a difficult area for the Council. Clearly the Council needs to ensure that the special characteristics of such buildings must be preserved, whilst appreciating that, for example, inadequate heating and a poor quality building fabric can lead to internal deterioration and damage to the historic asset.

The policy update recognises that the energy efficiency of HMOs can also suffer from poor quality. The proposal to require an Energy Performance Certificate C rating for a change of use to an HMO, and in existing HMO upgrades or extensions, can help to drive better insulation and more energy efficient heating systems. However, progress via this route is likely to be slow, and dependent

on the rate of conversion of homes into HMOs. Given the current low levels of insulation in many such conversions, an EPC rating of C would be good to implement. Likewise, if the renewable energy requirement cannot be met, a financial contribution is an alternative approach.

DM4 - Whole Life Carbon Assessments

Experience of whole life carbon assessments for planning purposes in the local authority context is limited. Even with the Greater London Authority initiative in this topic, their policy only requires an assessment to be submitted and there is no criterion or threshold for achieving carbon emissions, nor is there any baseline for assessment. For the use of these assessments to be of any value in achieving the Council's climate emergency ambitions, the new policy should aim to cover carbon emissions from all major developments of 10 dwelling units or 1000 m² or more of non-residential floor space. New Policy DM4 should be adopted when the West of England Authorities have produced a workable methodology, suitable threshold criteria and an implementation plan for Whole Life Carbon Assessment.

DM5 - Renewable Energy

Consultation reference DM5 proposes amendments to Policy CP3. This policy retains the local generation targets of 110 MWe electrical capacity and 160 MWth of heat capacity to be achieved by 2029. It is difficult to envisage how these targets would be met given the low progress to date.

As the policy indicates, solar and wind technologies are the most common electrical energy generation for the district, and the policy takes account of the intermittency of these systems by proposing the use of grid balancing plant. To be consistent with the climate emergency declaration the policy focuses on energy storage plant (usually in the form of batteries). This approach is to be welcomed, and would not allow the use of gas balancing plant due to the carbon emissions associated with burning fossil gas.

The LPPU has little to say about heat generating renewable energy technologies, and it is recommended that further thought needs to be given to the potential for these types of project and how they can be assessed.

DM6 and DM7 - Harnessing Wind Power

On shore wind technologies have the potential to make a significant contribution to the Council's electricity generation targets. However, there are major barriers to any deployment in the district, as set out in the policy text. The NPPF requires areas to be identified in a development plan, together with consultation with acceptance from the affected local community. Data on the potential wind generation capacities and the landscape sensitivity analysis have already been done, and the revisions and updates of these studies should form a good up-to-date evidence base.

DM6 sets out the policy framework and a criteria based approach to include a set of considerations for deploying wind turbines. The framework appears to satisfy the requirements of NPPF, by requiring proposals to lie within defined areas of

suitability and demonstrating support from local communities. However, the policy is vague on how proposals should address the various impacts on residential amenity, landscape character, the scenic beauty of the Areas of Outstanding Natural Beauty, the historic environment of the Bath World Heritage Site, biodiversity and highway safety and aviation. There is considerable scope for proposals to fail when measured against one or more of these impacts. More guidance from the Council on what might constitute demonstrable harm in relation to these impacts should be given so that developers can plan and design accordingly. A Supplementary Planning Document for wind project developers might help.

The option 2 ambition in DM7 to allow turbines in moderate-high areas would require developers to meet the DM6 criteria. Given there is little or no practical experience within the district of wind turbine applications, a more prudent approach for the immediate future would be to settle for option 1, which would allow projects in moderate and less sensitive landscape areas, whilst assessing such proposals against the DM6 criteria.

CSCP5 - Flood Risk Management

The LPPU rightly reflects the greater awareness of the Climate Change Emergency, and that, in particular, flooding is becoming an increasing threat due to global warming. This policy clearly needs to be as up-to-date as possible to ensure decisions on new developments are adequately informed. For instance, guidance on new porous surfacing of car parks and domestic driveways may need to be stronger. The Local Authority should actively engage with the Environment Agency and other riparian authorities to devise a holistic catchment-wide solution to increasing flood risk.

PMPD2 & 8

These policies, *inter alia*, designed to regulate the quality of design within the city, are essential to maintaining good design and spatial standards within the city, but FoBRA believes these should be reviewed at this stage. For example:

- D2 should be updated to acknowledge the increasing threat to the built environment posed by changes to PD rights including allowing additional floors on top of existing buildings;
- D8. The application of this policy has failed to prevent the introduction of new and intrusive light sources such as from new additional floors of existing buildings.

PMPNE6 - Trees and Woodland Conservation

It is acknowledged that the LPPU proposes to revise NE6 but it should be noted that recent developments which are visibly prominent on the skyline of Bath have demonstrated the need for this policy and its application to be more urgently reviewed. In recent years these woodlands have become depleted to the considerable disfigurement of the setting of Bath's World Heritage Site. There is need to ensure any trees lost whether through storm damage, disease or illegal felling- or wilful vandalism are replaced and replenished.

PMPPCS 2 & 3 – Pollution and Nuisance, Noise and Vibration, Air Quality

These policies should be brought up-to-date to incorporate and reflect the principles of the City's CAZ which will be introduced on 15 March 2021, and importantly the threat to public health of air pollution (NO₂, CO₂ and Particulates). In particular:

- PCS2 should be expanded to include water courses and main rivers. Particular mention of the River Avon as a major wildlife and environmental asset to be protected.
- PCS3 should be expanded so that the parameters to be examined and should include an air quality assessment. The relationship between air quality and traffic is now much better understood and ideas such as road closures near schools at peak times to create a safer environment for children should be explored.

DM17 (CSCP9) – Affordable Housing(AH)

The Council's adopted policy on AH, and importantly the provision of social homes for rent, is still failing to secure sufficient supply. There has been a noticeable growth of housing (PBSA, BTR and some sheltered (C2) housing) which is more lucrative to the developer because it often avoids the requirement for the inclusion of AH; this has resulted in a significant deficit in the city. Moreover, developers are past masters at claiming that to meet the Council's policy of 30%-40% AH in developments of more than 10 dwellings would make their plans unviable. The LPPU acknowledges this problem, and has identified that this is sometimes exacerbated by developers are paying too much for the land, but the Council must strengthen the planning application assessment process so that it can challenge the viability submissions and developer-financed assessments more effectively and, if necessary, have the legal authority to enforce the policy.

While the LPPU reflects that new PBSA should preferably be built on campus, it recognises that this will not necessarily always meet demand. FoBRA fully supports the need that to avoid speculative PBSA developments Nomination Agreements must be agreed with those education establishments in need of such accommodation.

However, a clearer policy is also needed to limit the growth of PBSA that is in danger of creating ghettos of transient populations and to focus instead on the need for new homes for families and young professionals who will in turn support retail, leisure and other services. A review is therefore required.

PMPH5 - Retention of Existing Housing Stock

The city has been losing residential accommodation rapidly over recent years due to a proliferation of short-term lettings, AirBnB, HMO's and other uses. Therefore, there is an urgent need for this policy to be reviewed.

PMPRE7 – Visitor Accommodation (VA)

While it is noted that it is intended to clarify this policy through the new Local Plan, it is considered that this should be dealt with now as there has been a noticeable increase in the loss of family accommodation. The explosion of new hotel bed-spaces in recent years has well-exceeded demand and the growth in AirBnB has hollowed out the residential community which is an essential part of the city's unique character. The scope of this policy review should be broadened to address the quantitative need for new visitor accommodation given the rapid increase in the number of hotel beds in the past 10 years, and the number of residential properties now operating as short-term lettings or party houses. Greater control is needed on the growth of VA at the cost of genuine residential homes. A broader strategy for the city centre and range of policies should also be developed to guide and control the Bath tourism industry and the future shape of the retail and service areas.

DM30 (PMP - ST2) Sustainable Transport Routes

We would also wish to see the updated Plan explicitly safeguarding new pedestrian and cycle routes when development takes place.

DM34 (PMPST6) – Park and Ride

FoBRA believes a clear policy is urgently required to achieve the goal of the Transport Strategy and the more recent Bath Transport Delivery Action Plan (that followed the publication of this strategy) which concluded that the fundamental drivers for an affordable, direct public transport service from the east of Bath remain. That the Council has previously examined the potential for provision of a P&R site to the east of the city and concluded that at that time there were no deliverable sites are accepted, but this should not mean that alternative solutions to tackling these issues should not continue to be explored. This is a long-standing issue that must be addressed at the earliest opportunity. It must form part of the wider traffic and transport strategies to relieve congestion in Bath and air pollution, and especially to support the major shift to mass transport that is necessary in order for the Council to work towards its objective of carbon neutrality by 2030.

To regard Park and Ride sites as multi-modal interchanges is consistent with the Council's objective to promote sustainable transport. However, FOBRA has some concern over the idea of making them multi-functional. The available capacity at the Park and Ride sites should be for the purpose of enabling drivers to transfer to other modes for trips into the City, not to be compromised by making the sites the destination.

DM35 (PMP ST7) Parking Policy

It is proposed to address Parking Standards (p17 of the PDF version of the Consultation Document, at §2.41) by developing a Supplementary Planning Document (SPD) on the subject. In our view, the Local Plan Update should at least state overarching policy objectives of alignment with the Council's priority of addressing the climate and nature emergency and specifically helping to

facilitate solutions that address the climate and nature emergency (in line with "Purpose and Scope of the Options Document" as stated in para 1.5) and reducing car use.

PMP B1 10b Transport Infrastructure and Delivery (Through Traffic).
Proposed additional update

PMP B1 10 b currently identifies as an action necessary to deliver the Spatial Strategy for Bath "*Delivering the measures identified in the Council's Transport Strategy that are required to enable the economic growth aspirations of the city and the environmental improvements to be achieved.*". Additionally, the PMP currently cites as a measure needed to support the vision of the Bath Transport Strategy: "*Working with the Highways Agency, Wiltshire and other authorities to develop proposals and strategies to remove through traffic and HGVs, in particular, from Bath.*" (Para 8 under "Bath Transport Strategy – 'Getting Around Bath' on page 28 of Core Strategy and PMP Vol. 2). In view of the low estimated extended life of a repaired Cleveland Bridge, and taking account of the moves towards possible heavier maximum HGV loadings (48 Tonnes in the recent Government consultation), it has become clear that the removal of heavy vehicles from this route is more urgent than previously recognised. Therefore, we submit that the Local Plan should be updated to reflect that greater urgency and the current framework for development of alternative plans: for example, reflecting the inclusion of a Strategic Study for the M4 to Dorset Coast route in the Department for Transport Road Investment Strategy 2020 – 2025, and the inclusion of "North South Connectivity Improvements" in the Complementary Travel and Transport Schemes that form part of B&NES's Transport Delivery Plan.

BATH

CSB4 – World Heritage Site Setting - A review of this policy is needed to reflect the change in emphasis in the latest NPPF which states that,

*'There is a strong presumption against development that would result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity, **and where this harm is deemed to be substantial any development should be wholly exceptional.***'

Moreover, FoBRA is uncomfortable with the reference to climate change in B4. Climate change is an overarching theme that should run through all of the plan and not be sprinkled into an individual policy; after all the public benefit test is enshrined in national guidance anyway so there is no merit in repeating it here. Therefore, the last sentence in CSB4 which reads, "*Where development has a demonstrable public benefit, including mitigating and adapting to climate change, this benefit will be weighed against the level of harm to the Outstanding Universal Value of the World Heritage Site*" should be deleted.

PMPBD1 – Bath Design Policy – This policy is of vital importance in the guidance and control of developments within the city and this opportunity should be taken to review it now to ensure that developers are fully appraised of the limitations and conditions that will be applied, notwithstanding general relaxation of permitted development rights such as changes of use and additions to the

heights of buildings. It is assumed the Council will seek exemptions to these broader changes wherever appropriate and this policy should reflect this.

PMPB2 – Central Area Strategic Policy – Recognising that this policy is already scheduled for review, but believes it would be helpful not only if definitions of the central area and historic core could be made but also that the areas be delineated. FoBRA has made this recommendation before.

PMPB3 - Strategic Policy for Twerton and Newbridge Riversides – In the light of the many recent applications for redevelopment of sites in these locations, overwhelmingly for high density and PBSAs, which are already prevalent here, FoBRA believes a strategic review of the policy for these areas is urgently required to avoid its becoming a student ghetto.

DM17-23 (PMPH2) - HMO

FoBRA agrees the need to strengthen Policies H2 and B5 (HMOs & PBSAs) including the proposed additions of Policies H2A and H2B – as suggested under Consultation references DM17,18, 21-24.

Consultation References DM17 & DM24 refer to the HMOs in Bath SPD or successor document. Since June 2018 FoBRA has been pressing B&NES to update this SPD to properly take account of HMO concentrations across Bath, and welcomes the proposed SPD update being prepared alongside the LPPU.

FoBRA would welcome involvement in drafting any HMO SPD update to take into account our detailed comments contained in FoBRA Papers 'Residents' Concerns at Shortcomings of B&NES' HMO Policy' dated 1st June 2018 and 'B&NES HMO SPD – Summary of FoBRA Concerns' dated 9th February 2021.

Bath 1 & 2 (SB2)- Development Requirements and Design Principles: Riverside East (The Rec, including Bath Rugby Club, Bath Sports and Leisure Centre, the Pavilion and other associated areas)

The current policy was framed (under Core Strategy policy B1(8)) in the optimistic expectation that a Development Brief could be prepared which would enable a satisfactory solution to the conflicting interests of stakeholders, the local community and statutory consultees and that a design would emerge which would '*respond appropriately and creatively to its sensitive context within the World Heritage Site....*'.

In reality, the only solution which has been presented for public scrutiny to date since that policy was introduced has patently failed to respond 'appropriately' to this sensitive context. The scale of the proposed stadium is far in excess of anything previously envisaged and wholly incompatible with the site in the heart of the WHS, in view of the Abbey and numerous Grade 1 and 2* listed buildings and visible from the surrounding hills. And in the meantime there have been a number of changes in the wider policy framework which will demand amendment of this policy – notably the Clean Air Zone, the Climate Emergency declaration and reduction in parking provision within the city centre. The scale may be a result of the response to the need to protect the flood plain, but this

demonstrates that the package of constraints on this site renders it unsuitable for the development proposed.

The inclusion of car parking beneath the stadium is also wholly inappropriate and incompatible with the current parking policies and would add to traffic on the south side of the city, through residential streets and close to two primary schools.

The Core Strategy Policy B1(8) will need to be considered in the forthcoming review of that document. In the meantime, we believe the LPPU should be the forum for the deletion of policy SB2 as far as it refers to the Riverside East.

GWF/NJT/JS/DM/CH (for FoBRA)

15 February 2021