

Bristol Local Plan Examination.

Written submission from Mark Letcher in response to IN4 Inspectors' Appendix 1 Matters, Issues, and Questions 11 December 2024

Matter 14: Climate Change and Flood Risk

Issue 14.1: Whether policies relating to climate change and energy efficiency are justified, effective and consistent with national policy.

Question ref	Inspectors' questions	Written response
Policy NZC1: Climate change, sustainable design and construction		
Q14.3	Is Policy NZC1 justified, consistent with national policy and effective?	
	a) Is the requirement for all development proposals to submit Sustainability Statements justified?	<p>This is justified under paragraphs 139, a and b of the NPPF (Dec 2024).</p> <p>A Sustainability Statement is needed to determine if a development meets the criteria in the NPPF and if it is <i>'not well designed'</i> or conversely will <i>'help to raise the standard of design more generally in an area'</i>.</p>

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	<p>b) Is the requirement for all residential or mixed-use developments of 200 dwellings or more to meet BREEAM Communities Excellent ratings justified and consistent with national policy?</p>	<p>In my view this requirement is justified and consistent with national policy as set out in the NPPF (section 2, paragraph 8).</p> <p>BREEAM Communities is a masterplanning tool. It provides a framework and guidance for developers <i>and</i> planning authorities to determine, early in the development process, if a scheme will result in <i>'strong, healthy and vibrant communities'</i>, and will <i>'protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy'</i>.</p> <p>It is particularly relevant to larger schemes (i.e. over 200 units) which may be delivered in phases. Without a Masterplanning assessment schemes may fail to deliver the services, connectivity, green spaces etc which underpin healthy and vibrant communities. (There have been numerous examples of this in the past).</p>
	<p>d) Is requiring the optional technical standards for water efficiency standards justified by a clear local need, as set out in the PPG18?</p>	<p>I believe this requirement is justified by the projected impacts of global heating on the local climate and water supply in Bristol during the lifetime of new development that will be constructed during the operational life of this proposed local plan.</p> <p>The projected 'water stress' impacts of changes in Bristol's climate will be exacerbated by the expanding population in Bristol, which will increase net demand for water.</p>
<p>Policy NZC2: Net zero carbon development – operational carbon</p>		
<p>Q14.4</p>	<p>Is Policy NZC2 justified, consistent with national policy and effective?</p> <p>In particular:</p>	

Question ref	Inspectors' questions	Written response
	<p>a) Is the policy clearly written and unambiguous, such that it would be evident to an applicant what would be required and a decision maker how they should react to development proposals?</p>	<p>In my opinion the policy is clearly written and unambiguous.</p> <p>As with all policies in all local plans, it would benefit from a separate 'Practice Note' or guidance document, which I expect BCC to produce.</p>
	<p>b) Is it justified, or effective, to expect proposals for all development to submit an energy strategy, including any 'modelling' referred to in paragraph 12.1.20?</p>	<p>This is justified for the following reasons:</p> <p>Without a energy strategy it is practically impossible for a Development Management Officer to assess the quality of the scheme with reference to local policy requirements, and the NPPF, and whether the energy performance of the scheme will exceed national policy requirements defined by Part L and Part O of the Building Regulations.</p> <p>There is substantial evidence to show that the compliance methodology for modelling energy use within Part L (SAP for residential schemes and SBEM for non-residential) is poor at modelling the requirement for heat which it tends to under-estimate. It is also poor at assessing unregulated energy demand (so-called 'plug loads') which it tends to over-estimate.</p> <p>It is therefore, helpful and justified to ask developers to prepare an Energy Strategy rather than relying solely on evidence of Building Regulations compliance.</p>

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	<p>c) Are the suggested main modifications set out in EXA002.1 to Policy NCZ2 necessary to make the policy sound? Would any additional modifications be necessary to ensure consistency with the WMS?</p>	<p>The suggested modifications set out in EXA002.1 are <i>not</i>, required to make the policy sound. In other words can be demonstrated that policy NZC2 is sound even when accounting for the WMS (December 2023).</p> <p>Estelle Dehon (KC) has provided open, legal advice on how the Written Ministerial Statement should be interpreted by Local Planning Authorities and Inspectors (Please see: https://www.essexdesignguide.co.uk/media/2966/updated-open-advice-re-energy-policy-building-regs-26-2-24-final.pdf)</p> <p>In summary (para 2.2) she concludes that:</p> <p><i>'The 2023 WMS must be interpreted in a way that allows for the effective operation of LPAs' powers to set their own energy efficiency standards in their development plan documents.....This means that the 2023 WMS cannot be interpreted to prevent LPAs from putting forward, and planning inspectors from finding sound, policies which are justified and evidenced and which use metrics other than that specified in the 2023 WMS, and/or do not require calculation by the method specified in the WMS'.</i></p>
	<p>d) Is the approach to Energy or Carbon offsetting justified and effective? Is it necessary, or effective, for the policy to include 'current' charges?</p>	<p>The approach to Energy or Carbon offsetting is justified, reasonable and effective, in my opinion, for the following reasons:</p> <ul style="list-style-type: none"> - The application of a financial penalty adds weight to the policies. - Based on my experience of working for a Local Planning Authority between 2016 and 2022, in which an offsetting policy applied, the offsetting fee was applied rarely, but was effective when applied. <p>Current charges should be retained within the policy to inform developers of potential costs and to provide weight to the policy.</p>

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	<p>e) Is it justified and consistent with national policy to allow compliance with PassivHaus Classic or higher standards?</p>	<p>Passivhaus Classic and higher standards exceed the national standard defined by Part L of the Building regulations, so in practice, schemes meeting these standards will be in compliance with National Standards.</p> <p>Offering these standards as alternative routes to compliance provides developers with greater flexibility without burdening them with the additional bureaucracy of demonstrating compliance with NZC2; therefore this approach is justified.</p>
<p>Policy NZC3: Embodied carbon, materials and the circular economy</p>		
<p>Q14.5</p>	<p>Is Policy NZC3 justified, consistent with national policy and effective?</p> <p>In particular:</p>	
	<p>a) Is the policy clearly written and unambiguous, such that it would be evident to an applicant what would be required and a decision maker how they should react to development proposals, particularly in relation to refrigerants, materials and the circular economy?</p>	<p>In my view the policy wording is clear and unambiguous.</p> <p>As with all local planning policies, provision of a separate guidance document or 'Practice Note' with worked examples would assist applicants and developers.</p> <p>The inclusion of refrigerants within embodied carbon calculations is particularly important given the very high global warming potential of some refrigerant gases, and the number of heat pumps that will be installed in Bristol during the lifetime of this policy.</p>

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	<p>b) Are the standards and thresholds set out for major applications justified, achievable and consistent with national policy? Where proposed targets cannot be met, would it be justified to require financial contributions to the Council's carbon offset fund? Is it necessary, of effective, for the policy to include the 'current' scale of any financial contribution?</p>	<p>It is my opinion that the standards and thresholds proposed in this policy are justified, and achievable based on the evidence provided by BCC in support of the policy.</p> <p>The policy aligns with national policy objectives. Achieving a 100% reduction in emissions by 2050 (from a 1990 baseline), as set out in the amended Climate Change Act (2008), applies to the economy as a whole, and therefore includes 'embodied carbon' emissions.</p> <p>As emissions from operational energy use decline, the relative proportion of whole life emissions attributed to embodied carbon increases underlying the need for a policy to measure and limit these emissions.</p> <p>The inclusion of the current scale of any financial contribution lends weight to the policy and provides a useful indicator for developers and applicants, and should be retained, in my view.</p>
<p>Policy NZC4: Adaptation to a changing climate</p>		
<p>Q14.6</p>	<p>Is Policy NCZ4 justified, consistent with national policy and effective?</p> <p>In particular:</p>	
	<p>a) Is the policy clearly written and unambiguous, such that it would be evident to an applicant what would be required and a decision maker how they should react to development proposals, particularly in terms of what would constitute acceptable or unacceptable forms of development?</p>	<p>It is my view that the policy is clearly written and unambiguous.</p>

Question ref	Inspectors' questions	Written response
	<p>c) Is it justified to expect an 'adaptation strategy' for all proposals? In addition, is it justified or effective to expect all adaptation strategies to include technical modelling and assessment of the risk of overheating in current and future climate change scenarios?</p>	<p>In my view it is essential that all proposals include an adaptation strategy, for the following reasons:</p> <ul style="list-style-type: none"> - Changes in the local climate as a consequence of global heating, will apply to <i>all</i> development in Bristol, regardless of the scale of the development. - Projected changes in Bristol's climate include higher average temperatures, higher peak temperatures, more frequent heat waves, heat waves which are more severe (i.e., with higher peak temperatures), and heat waves of longer duration. - It is important to stress that negative health impacts of heat stress are well documented and can be very serious and even fatal. Certain groups such as the elderly, young children, and people with mental health conditions, are particularly vulnerable. - In many respects the health impacts of severe heat are more serious, and can be more wide-spread than severe cold. In cold weather individuals can often act to warm themselves up (e.g., by putting on more clothes, moving, using localised heat such as heaters, hot water bottles etc). In very hot weather individual cooling solutions are much more limited, so access to cooler internal or external spaces becomes much more important, and in certain cases essential. - As buildings become more energy efficient and less 'leaky' (i.e., have lower air permeability) they can become more vulnerable to overheating unless they have been designed to be resilient to higher temperatures.

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	<p>Cont:</p>	<ul style="list-style-type: none"> - The resilience of new buildings to overheating <i>cannot</i> be determined by 'common sense' or applying 'general principles'. - To understand if a building is vulnerable to overheating it has to be modelled using a verified and quality assured methodology. The CIBSE TM52 and 59 assessment methodology provides such an approach which is widely used in the sector, and increasingly offered by Energy Consultants undertaking the energy calculations needed to demonstrate compliance with Part L of the Building Regulations and local planning policies. - It is absolutely essential that overheating assessments should consider future climate scenarios covering the operational life of new buildings (assumed to be at least 60 years). <p>This is because:</p> <ul style="list-style-type: none"> — 'Current' weather files assume 2020 as the mid-range year. (This is the basis of the thermal assessment required to demonstrate compliance with Part O of the Building Regulations). — 2020 weather files do not predict <i>actual</i> peak summer temperatures as recorded in July 2022. (In other words 2020 weather files are too conservative and underestimate peak summer temperatures in some parts of the country). — Average and peak summer temperatures in Bristol are both expected to increase significantly over the next 60 years, so it is essential that new buildings are designed such they will be resilient to these changes and capable of maintaining comfortable internal temperatures during periods of extreme heat.