

South Staffordshire Local Plan Review

Examination in Public

Hearing Statement for Matter 15

On behalf of Richborough

Representor Ref: AGT24-030-05-02

Author: DO



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1. INTRODUCTION

- 1.1. Pegasus Group is instructed by Richborough to respond to the South Staffordshire Local Plan Examination: Matters, Issues and Questions produced by the Inspectors appointed to hold an independent examination of the South Staffordshire Local Plan Review 2023–2041 (the Plan).
- 1.2. This Statement relates to Matter 15 and its respective issues and questions as identified by the Inspectors.
- 1.3. Pegasus Group previously submitted representations in response to the Reg 19 Publication Plan in May 2024, the superseded Reg 19 Publication Plan in November 2022, the Preferred Options consultation (Reg 18) in November 2021, the Spatial Housing Strategy and Infrastructure Delivery consultation (Reg 18) in October 2019, and the Issues & Options consultation (Reg 18) in October 2018. This Hearing Statement should be read alongside our representations.

2. MATTER 15: CLIMATE CHANGE AND SUSTAINABLE DEVELOPMENT

Issue 1: Whether the Plan is justified, effective, and consistent with national policy in relation to climate change [Focus: Policies NB5, NB6A, NB6B, NB6C, and NB7]

1. In terms of Policy NB5:

a. What is the basis of the scope and approach of this policy, and is it justified and consistent with national policy?

2.1. No comment.

b. How will the policy be effective in addressing climate change?

2.2. No comment.

c. Are any modifications necessary in the interests of soundness?

2.3. No comment.

2. In terms of Policy NB6A:

a. What is the background to the local approach to operational energy performance set out in Policy NB6A and what is the evidence to justify it?

2.4. The key evidence used for this policy comprises the Staffordshire Climate Change Adaptation & Mitigation (Final Report) (Doc Ref **EB62**) and Staffordshire Climate Change Adaptation & Mitigation (Baseline) (Doc Ref **EB62A**).

b. What does the policy add, over and above current Building Regulations to addressing climate change?

2.5. Energy efficiency and the need to make significant improvements towards the pathway to net zero has been addressed at a national level through increasingly stringent Building Regulation requirements. The Ministerial Statement from December 2023 is clear that Local Plans should not be placing onerous requirements on developers, with there being no expectation for plan-makers to set any efficiency standards which go beyond current or planned Building Regulations.

c. Given the efforts to decarbonise the national grid, is the policy approach justified?

- 2.6. Although moving towards delivering greater energy efficiency is supported by Richborough, it is important that the Local Plan's response to climate change is realistic and consistent with national legislation and policy provisions, setting standards within a timetable which is collectively understood and deliverable across the development industry.
- 2.7. The Government's response to the Future Homes Standard (FHS) consultation in 2023 stated that any Development Plan policy should not be prescriptive on methodology and technology and that until there is an upgrade to the grid, developers only need to demonstrate dwellings are zero carbon enabled. The Future Homes Standard requires new homes to produce at least 75% lower CO2 emissions than current energy efficiency requirements.
- 2.8. It is considered that this matter is effectively covered by the Building Regulations, the content of which do not need to be duplicated in planning policies, and as noted above the Ministerial Statement from December 2023 emphasises that plans do not need to include requirements which go beyond current or planned Building Regulations. It is important to emphasise that the Building Regulations are under continuous review to ensure that they can facilitate the achievement of net zero by 2050, with updates to Parts L and F and the addition of Parts O and S in 2022, and the new Future Building Standards coming into force this year. It is also noted that a proposed Part Z will cover embodied carbon. A stepped change is required – the Government are acutely aware of the need to meet net zero, and the Building Regulations will continue to evolve when appropriate to ensure that this is achieved.
- 2.9. As such, with there being no need to duplicate the Building Regs or go beyond them within a Development Plan policy, and the evidence base failing to robustly justify the need for this, it is considered that the policy is not justified and unnecessary and can be deleted accordingly.

d. Is Policy NB6A consistent with the parameters set out in the Written Ministerial Statement on Energy Efficiency (December 2023) in terms of:

i. the proposed target levels;

- 2.10. No comment.

ii. the robustness of the submitted evidence supporting any proposed uplift;

- 2.11. No comment.

iii. how the proposed targets are expressed within policy;

2.12. No comment.

iv. the viability implications on future development proposals, including when assessed cumulatively with other development plan policy requirements;

2.13. *A Further Note on Viability: Follow-up to Regulation 19 Consultation*, prepared by Dixon Searle Partnership, has been submitted for the Examination (Doc Ref **EB39**). This highlights the implications on viability resulting from Policy NB6A, which will generate increased build costs (approx. 7% greater for houses and 4% greater for flats), and could affect the provision of affordable housing as a result. It is acknowledged that there will be a negative impact on viability (paragraph 3.3), although Dixon Searle go on to suggest that there may ultimately be a positive viability scenario with all other policies fully applied, but this conclusion is not reached with certainty, and we anticipate Policy NB6, in its current form, exceeding national requirements, to have adverse effects on viability. The Ministerial Statement is clear that policies like NB6 should be rejected at examination where there is not a well-reasoned and robustly costed rationale that ensures that development will remain viable, and it is considered that this has not been adequately and robustly demonstrated in the evidence base.

v. providing flexibility to respond to the viability findings of individual schemes?

2.14. The policy does not provide flexibility in this respect, and a 'viability hook' should be included to ensure that the policy is effective.

e. What evidence supports the targets set out in A1, A2 and A3 of the policy?

2.15. No comment.

f. Has the potential for any unintended consequences of the policy requirements on matters including heritage, design, appearance and living conditions been explored?

2.16. No comment.

g. Are the circumstances where measures are unfeasible, and offsetting is triggered sufficiently clear?

2.17. No comment.

h. Is the approach of including an offsetting requirement for unregulated emissions justified?

2.18. No comment.

i. Has the policy been the subject of a viability assessment? Are the viability assumptions about the cost of offsetting relative to on-site measures robust? As

currently worded, how does the policy secure the delivery of an appropriate level and means of offsetting?

2.19. See response to question d(iv) above.

j. For the purposes of interpreting part A5 of the policy, is it clear what is meant by “assured performance method”?

2.20. No comment.

k. What barriers, if any, exist in terms of fulfilling the requirement for post occupation evaluation required by part A7 of the policy?

2.21. No comment.

l. Should the Policy distinguish between full, outline and reserved matters applications?

2.22. No comment.

m. Could the policy have any unintended consequences?

2.23. The policy must not place onerous requirements on development which may jeopardise delivery, particularly in the short-term. It is also important to note that the achievement of net zero is unlikely to be feasible for all developments. This is particularly the case in urban brownfield developments. The policy should accordingly be flexible/deferential to changes in national standards.

n. Are the caveats in A1 and A3 effective in providing certainty?

2.24. No comment.

o. Are any modifications necessary in the interests of soundness?

2.25. The policy does not need to duplicate the Building Regulations, nor does it need to go beyond them, in line with the Ministerial Statement dated December 2023. It is considered that the policy is unnecessary, since the Building Regulations already address these matters, with the stepped change to zero carbon under the programmed future changes to the Building Regs giving developers certainty and allowing the industry to develop solutions collaboratively at the appropriate time. The evidence base does not provide the necessary justification for the inclusion of such a stringent policy at the present time. Additionally, the evidence base does not robustly and adequately demonstrate that the policy would not render developments unviable, meaning that it should be rejected at examination as per the Ministerial Statement.

3. In terms of Policy NB6B:

a. What is the background to the local approach to operational energy performance set out in Policy NB6B and what is the evidence to justify it? What does the policy add over and above current Building Regulations to addressing climate change?

2.26. No comment.

b. Is Policy NB6B consistent with the parameters set out in the Written Ministerial Statement on Energy Efficiency (December 2023) in terms of:

i. The proposed target levels;

2.27. No comment.

ii. The robustness of the submitted evidence supporting any proposed uplift;

2.28. No comment.

iii. How the proposed targets are expressed within policy;

2.29. No comment.

iv. The viability implications on future development proposals, including when assessed cumulatively with other development plan policy requirements, in terms of the effect on the delivery of future housing units, including affordable homes; and

2.30. No comment.

v. Providing flexibility to respond to the viability findings of individual schemes?

2.31. No comment.

c. Are the targets included within the policy justified and achievable, bearing in mind the potential for site specific and viability constraints?

2.32. No comment.

d. How has flexibility been built into this policy to cater for a scenario where measures are technically infeasible?

2.33. No comment.

e. Should the Policy distinguish between full, outline and reserved matters applications?

2.34. No comment.

f. What barriers, if any, exist in terms of fulfilling the requirement for post occupation evaluation required by part B6 of the policy?

2.35. No comment.

g. Are any modifications necessary in the interests of soundness?

2.36. No comment.

4. In terms of Policy NB6C:

a. What is the basis of this policy approach, and is it consistent with national policy? What does the policy add over and above current Building Regulations to addressing climate change?

2.37. The key evidence used for this policy comprises the Staffordshire Climate Change Adaptation & Mitigation (Final Report) (Doc Ref **EB62**) and Staffordshire Climate Change Adaptation & Mitigation (Baseline) (Doc Ref **EB62A**).

b. What is the evidence justifying it and the targets set?

2.38. Similarly to Policy NB6A, Clause 2 of Policy NB6C is considered unnecessary with Building Regulations instead providing the basis on which the construction of buildings should adhere to. There should be no expectation for housebuilders to exceed national standards which have already been through rigorous viability testing and provide certainty for developers.

c. Are the policy requirements sufficiently clear in the absence of an associated supplementary planning document?

2.39. Clause 3 in relation to 'easy material re-use and disassembly' and 'end of life demolition' is ambiguous and lacks clarity, placing reliance on further detail within an SPD. The SPD should do more than clarify the Local Plan policy, and it is suggested that if the requirements for implementing the policy require explanation now, then these should either be included within the policy or set out in the explanatory text.

d. Should the requirement for an Energy Statement set out in paragraph 13.15 of the Plan be set out in the policy?

2.40. The requirement for an Energy Statement to accompany planning applications is only referenced in the supporting text. To ensure clarity to the reader, reference to the provision of an Energy Statement if deemed necessary to deliver the requirements of Policy NB6C should be explicitly set out within the policy itself, rather than an afterthought. However, the purpose of an Energy Statement at the planning stage is questioned given the requirements under Building Regulations to meet specific standards of construction in relation to energy efficiency with the housing portfolios of housebuilders already designed to address these requirements.

e. Is the Written Ministerial Statement on Energy Efficiency (December 2023) relevant to this local approach to embodied carbon reduction? If so, is Policy NB6C consistent with the parameters set out in that Statement and if not, why is this?

2.41. No comment.

f. Are proposed thresholds and targets clearly expressed in policy and are they justified through robust evidence?

2.42. No comment.

g. How will the policy respond to scenarios relating to abnormal or unavoidable site-specific drivers of carbon?

2.43. No comment.

h. Are any modifications necessary in the interests of soundness?

2.44. The policy is not considered to be adequately justified. It is contended that Clause 2 can be deleted, and the points raised in response to question 4 (c) and (d) should be taken into consideration, with the policy amended accordingly to ensure that it is effective.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004.

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