

South Staffordshire Local Plan

Matters, Issues and Questions Response – Savills on behalf Indurent Strategic Land Ltd. and J&M Holt (11-04-25)

(Please note that Regulation 19 representation were made on behalf of St Modwen Strategic Land Limited and J&M Holt. St. Modwen Strategic Land Limited has now become Indurent Strategic Land Ltd.)

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.

Question 3 – In terms of Policy NB6B:

- c. Are the targets included within the policy justified and achievable, bearing in mind the potential for site specific and viability constraints?
- d. How has flexibility been built into this policy to cater for a scenario where measures are technically infeasible?

We object to a number of the requirements and targets set out in Policy NB6B as not justified or appropriately evidenced, bearing in mind the potential for site specific and viability constraints. We also object to the lack of flexibility built into the policy.

Indurent recognises the implications of climate change and has a proactive approach to design to ensure development mitigates and adapt to climate change. We support measures to reduce carbon emissions through both construction and operation and recognise the Council's ambition in setting policies which go beyond national requirements. However, any specific requirements which go beyond the current Local Plan and national guidance need to be supported by an appropriate evidence base, including a viability assessment. In this context we have a number of concerns with regards to a number of requirements set out in the Council's sustainability and net zero policies. Our response to these policies is set out below.

B1.BREEAM

We object to section 'B1. BREEAM' of the policy as written which states that '*BREEAM outstanding should be targeted and the proposal will be afforded weight in favour where this is achieved.*' It is considered that the target should be 'excellent' rather than 'outstanding'.

Indurent aims to deliver at least a BREEAM Excellent rating on the majority of its new buildings. This is supported by its development standards, which ensures each development features a range of energy-saving features such as increased natural lighting, airtight cladding, photovoltaic solar panels and minimum EPC A ratings as standard. These initiatives also help Indurent's customers to achieve their own carbon reduction targets.

There can, however, be specific circumstances where achieving Excellent or higher can be challenging due to specific site constraints. We would therefore recommend that the policy is updated to provide flexibility and an option for justifying why this might not be achievable.

In addition, the PPG (Paragraph: 002 Reference ID: 10-002-20190509) states that '*viability assessment...should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan*'. A viability assessment needs to be undertaken to confirm whether targeted BREEAM ratings are a viable requirement. It is noted that the Viability Assessment prepared for SSDC (EB40) does not consider the viability of employment sites or the inclusion of standards such as BREEAM Excellent. A blanket approach is

not reasonable to adopt and as such it is considered that this policy requirement is not justified (paragraph 35 (b)).

Any energy target set which relies on third party guidance, i.e. BREEAM should also include the version of that guidance which has been considered as part of the feasibility and viability assessment. In this instance the non-residential energy target, if retained, should reference BREEAM version 6.

B2. Energy Efficiency

We object to the wording in section B2. Energy Efficiency which states: ‘new non-residential development proposals are expected to achieve a 15% improvement in Part L...’

On 13th December 2023 the Government released a Written Ministerial Statement (WMS) , ‘Local Energy Efficiency Standards Update’, which sets out clarity on the development and application of local energy efficiency standards in the context of advancing national policy.

This policy should therefore be deleted or reworded to ‘encourage’ rather than ‘expect’ improvements against Part L. As currently worded it is not considered to be justified or consistent with national policy (paragraph 35 (b, d)). It is also noted that the methodology varies overtime and therefore this should not be explicitly referred to in the policy wording.

B3. On-Site Renewable energy

We object to the wording used in Policy B3.On-Site renewable energy. The policy as written states: ‘*non-residential development must demonstrate the fullest feasible and viable use of on-site renewable energy generation and/or connection...*’. We consider that ‘must’ should be amended to ‘where possible should...’. As currently worded it is not considered to be effective (paragraph 35 (c)) as this requires policies to be deliverable across the plan period – there is limited flexibility as currently written and requirements cannot be confirmed until a occupier is in place. Delivery of on-site renewable energy is also site specific and can be influenced by external factors. For example, DNO limitations are outside of the developer’s control.

B5. Smart Energy Systems

We object to the wording used in B5. Smart Energy Systems and consider it should allow for more flexibility. The use of the word ‘should’ should be swapped to ‘where possible’.

In relation to the above, it is considered that any requirements related to local energy efficiency standards, should consider the recent statement by the minister for Minister of State for Housing which states that: “...the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale’.

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

Reference should be included within Policy NB6B to the details of operational energy measures and compliance with policy standards being agreed at reserved matters stage. At outline stage it is often not possible to confirm such measures as the end occupier of a specific development will not have been identified. Occupiers of industrial and logistics units will have varying requirements in terms of operational energy use.

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

We have no comment to make.

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

A number of modifications to Policy NB6B are set out in our response to Question 3d.

Question 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?**

We object to the policy as written and consider it to be onerous and unjustified. The requirements set out in Building Regulations should be used to address climate change.

C1. Embodied carbon reporting

We **object** to the policy as written. It is not considered common practice to undertake a whole life carbon assessment. The NPPF (paragraph 16 (b)) states that '*plans should be prepared positively, in a way that is aspirational but deliverable*'.

C2. Limiting Embodied Carbon

We **object** to the policy as written and consider it to be onerous and unjustified. At present it sets out that large-scale new residential (50 and above units) and non-residential (5000m² commercial floorspace) development is to limit embodied carbon (RICS modules A1 – A5) to 550 kgCO₂/m² GIA.

If a "limit" is introduced, further flexibility is required to account for abnormal/unavoidable site-specific drivers of carbon which will influence the ability to limit embodied carbon.

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

We would note that as part of the FHS and FBS December 2023 consultation the Government has stated, '*The government intends to consult on our approach to measuring and reducing embodied carbon in new buildings in due course*'. It is possible that the Government will set future national targets for embodied carbon through amendments to the Building Regulations. In the context of the Government's December 2023 statement we would anticipate that a future set of national embodied carbon targets would supersede local requirements. In this context we would recommend that a caveat is added to the policy to reflect this.