

# **Examination of the Central Lincolnshire Local Plan 2018 –2040.**

## **Matter 5 – Energy, Climate Change and Flooding.**

On behalf of Persimmon South Yorkshire

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## Document Management.

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# Contents.

1. Introduction.....	1
2. Response to the Inspector's Matter 5 Issues and Questions.....	2
Issue 1 – Design Principles for Efficient Buildings – Policies S6 and S20 .....	2
Issue 2 – Reducing Energy Consumption and Renewable Technologies for New Development – Policies S7, S8, S9, S11, S13 and NS18.....	2

# 1. Introduction

- 1.1. This Hearing Statement has been produced by Pegasus Group on behalf of our client, Persimmon South Yorkshire. It focuses upon the Inspectors Matters, Issues and Questions which relate to our previous representations.
- 1.2. Our client wishes to ensure that the Central Lincolnshire Local Plan (CLLP) is prepared in a robust manner that passes the tests of soundness contained in paragraph 35 of the 2021 NPPF, namely that the plan is:
  - Positively Prepared;
  - Justified;
  - Effective; and
  - Consistent with national policy.
- 1.3. The CLLP also needs to be legally compliant and adhere to the Duty to Cooperate.
- 1.4. Our client submitted representations to previous stages of the Local Plan Review production including the Regulation 18 Draft Local Plan Consultation (June 2021) and Regulation 19 Proposed Submission Local Plan Consultation (March 2022). Despite the issues our client has identified with the CLLP, the amendments made to the plan do not reflect the comments which we have made. Accordingly, the Joint Strategic Planning Committee (hereafter referred to as JSPC) has not overcome the issues identified and we therefore believe the CLLP is unsound.
- 1.5. Persimmon are one of the largest home builders in the country with an excellent track record of delivery. Our client has a direct interest in respect of their site at Land to the East of Station Road, North Hykeham (ref: NK/NHYK/009). Our previous representations identify why this site should have been selected for allocation.

## 2. Response to the Inspector's Matter 5 Issues and Questions

- 2.1. We welcome the opportunity to comment on the Inspector's Matters, Issues and Questions (MIQs) and provide the following responses to selected questions. Our client reserves the right to respond to specific issues raised by the JSPC and other parties within the hearing session in so far as they relate to our previous representations.

### Issue 1 – Design Principles for Efficient Buildings – Policies S6 and S20

***Q1. Is Policy S6 intended to apply to all development proposals in all locations and will applications have to demonstrate compliance with all the criteria? If so, when taking into account the predominantly rural nature of large parts of Central Lincolnshire, is the policy justified in seeking to prevent heating by oil or bottled gas in all circumstances?***

- 2.2. The policy is unclear and unjustified.
- 2.3. In terms of heat supply the policy requires a net zero carbon content of the heat supply. To achieve this, it identifies the example of no connection to the gas network or use of oil or bottled gas. The supporting text identifies that "...bespoke guidance will be produced for the Central Lincolnshire area upon adoption of this Local Plan". Whilst such guidance would be welcomed it may not be feasible or viable to meet the policy guidance on all occasions. This element of the policy essentially requires all energy to be generated from renewable sources.
- 2.4. Our client considers that the JSPC should defer to the Building Regulations on such issues, rather than seek to impose other unjustified standards.

### Issue 2 – Reducing Energy Consumption and Renewable Technologies for New Development – Policies S7, S8, S9, S11, S13 and NS18

***Q1. Given that the Government's intention is to improve standards through the FHS, on a nationally consistent basis as part of the Building Regulations, what evidence is there to support the use of such policies now in Central Lincolnshire? Are the policies justified?***

- 2.5. The policy seeks to apply stringent new energy standards to all new residential development. Whilst partially in-line with our previous comments on the CLLP the policy was amended at Publication stage, and as such is less onerous, the requirements are still considered unjustified and inconsistent with the NPPF.

- 2.6. The NPPF (paragraph 152) identifies that the planning system should:

***"...support the transition to a low carbon future in a changing climate".***

Paragraph 154 further notes new development should be planned in ways which:

*"...can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards."*

2.7. The PPG (ID 6–012–20190315) identifies that local planning authorities:

*"Can set energy performance standards for new housing or the adaptation of buildings to provide dwellings, that are higher than the building regulations, but only up to the equivalent of Level 4 of the Code for Sustainable Homes."*

2.8. The PPG goes on to note that higher energy performance standards should not be applied.

2.9. The Government consulted upon the Future Homes Standard in 2021, this will come into effect in 2025. This will be introduced via the Building Regulations.

2.10. Interim uplifts to the standards (Part L, Part F and a new Part O) were brought into effect in June 2022, with a one-year transition for extant applications. A full technical specification for the Future Homes Standard will be consulted on in 2023, with the necessary legislation introduced in 2024, ahead of implementation in 2025. The changes to the Building Regulations will provide significant improvements. It is considered unsound and unjustified to place further requirements upon residential development.

2.11. Part 1 of the policy seeks to require an equivalent amount of renewable energy be generated on-site as the predicted yearly use. Once again this goes beyond national policy. The PPG is clear that whilst the Planning and Energy Act 2008 allows development plan policies to impose a proportion of energy used in development to be from renewable sources in the locality of the development, it requires this proportion to be reasonable and does not require it to be on-site. The proposed policy complies on neither account.

***Q2. As part of the proposed changes in Building Regulations (working towards FHS) standards are envisaged to improve incrementally. Does the Plan propose to take a similar approach in implementing (phasing) the higher standards? If not, why not?***

2.12. Our client considers that the Building Regulations should be the route to such improvements. However, if it is determined that the policy is sound incremental changes are required to ensure the industry can adjust and factor in the additional cost implications the policy brings.

***Q3. Where energy reduction is concerned, is the Plan consistent with paragraph 154(b) of the Framework, which states that any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards?***

2.13. No, I refer the Inspectors to our response to Issue 2, Q1.

***Q4. What evidence can the Committee point to which suggests that the measures set out are deliverable and the policies effective?***

2.14. This is considered an issue for the JSPC to address. However, our client has significant concerns that the proposals will impact upon both viability and the deliverability of the housing requirement.

**Q5. Have the full range of measures been tested, alongside other planning policy costs, to determine how they will impact upon the viability of development? Are the conclusions accurate and robust?**

2.15. No, the Whole Plan Viability Assessment (INFO02a) refers to renewable energy and the future homes standards as issues which could impact upon viability (paragraph 4.1). However, table 6-6 of the document identifies several issues not included in the viability appraisals. These include:

- Future Homes Standard – identified cost £4,847 per house,
- Electric charge points – identified cost £500 per house, and
- Zero regulated carbon – identified cost £10,100 per house.

2.16. These are significant costs which will impact upon the viability of new development. It is noted that they are considered within section 9 of the report. However, the inclusion of all would make some sites unviable and as such are not tested across most site typologies. The blanket inclusion of these requirements is, therefore, unjustified.

**Q6. In the Committee's response to the Inspectors' Initial Questions reference is made to the Planning and Energy Act 2008 in support of the Plan. It states that local planning authorities may in their development plan documents, "...include policies imposing reasonable requirements for a) a proportion of energy used in development in their area to be energy from renewable sources in the locality of the development; [and] a proportion of energy used in development in their area to be low carbon energy..." (our emphasis). Is the submitted Plan consistent with this approach?**

2.17. No, I refer the Inspectors to our response to Issue 2, Q1 above.

**Q7. Policy S7 states that there are three exceptions which may allow certain developments to come forward without meeting the energy requirements. Is it sufficiently clear to decision-makers, developers and local communities what 'technical' and other 'policy reasons' could entail? Is the policy effective?**

2.18. No, our client considers that the CLLP should not deviate from the Building Regulations. However, should the Inspectors find the JSPC approach sound we respectfully request further detail is provided.

**Q8. Policy S7 clause 1 states that a lack of financial viability will not be a technical or policy reason for failing to meet the required standards. However, clause 3 then specifically refers to viability issues in Sleaford and Gainsborough. If there is an acceptance that costs could preclude the full range of energy saving measures, why is this consideration prohibited elsewhere?**

2.19. This is an issue for the JSPC to answer. However, such an approach is considered inconsistent and unsound.

**Q9. What is the justification for requiring a financial contribution from exempt schemes, at a value sufficient to enable the LPA to offset the development from renewable energy schemes elsewhere? How would these off-site schemes be**

***identified and costed? Would it be sufficiently clear to developers (for example, converting a listed building) what the requirements would be?***

2.20. This is considered unreasonable and unjustified.



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

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