

	<h2 style="margin: 0;">Local Plan</h2> <h3 style="margin: 0;">Publication Stage</h3> <h3 style="margin: 0;">Representation Form</h3>	<p>Ref:</p> <p>(For official use only)</p>
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Name of the Local Plan to which this representation relates:

**South Staffordshire Council
Local Plan 2023 - 2041**

Please return to South Staffordshire Council by 12 noon Friday 31 May 2024

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

2. Agent's Details (if applicable)

Title	<input type="text"/>	<input type="text"/>
First Name	<input type="text"/>	<input type="text" value="Andrea"/>
Last Name	<input type="text"/>	<input type="text" value="Caplan"/>
Job Title (where relevant)	<input type="text"/>	<input type="text" value="Associate Director"/>
Organisation (where relevant)	<input type="text" value="St Modwen Strategic Land Limited and J&M Holt"/>	<input type="text" value="Savills (UK) Limited"/>
Address Line 1	<input type="text" value="C/o Agent"/>	<input type="text" value="55 Colmore Row"/>
Line 2	<input type="text"/>	<input type="text" value="Birmingham"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text" value="B3 2AA"/>
Telephone Number	<input type="text"/>	<input type="text" value="0121 615 2662"/>
E-mail Address	<input type="text"/>	<input type="text" value="andrea.caplan@savills.com"/>



(where relevant)

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph	<input type="text"/>	Policy	Policy NB6B New build non- residential development (operational energy)	Policies Map	<input type="text"/>
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4. Do you consider the Local Plan is :

(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
(3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

St. Modwen Logistics 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.BREAAM

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'.

St. Modwen Logistics aims to deliver at least a BREEAM Excellent rating on the majority of its new buildings. This is supported by their pioneering 'Swan Standard', 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 St. Modwen Logistics' 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. 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 December 13th 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 ¹ 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*

¹ Planning - Local Energy Efficiency Standards Update, written statement made in House of Commons by Minister of State for Housing on 13 December 2023, Available here: <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123>



planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale'.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We consider the policy wording should be amended as follows:

B1. BREAAAM should be reworded to state:

For major non-residential development, a BREEAM assessment will be required. A BREEAM 'Excellent' rating will be targeted, unless it is demonstrated that this is not feasible or viable, in this instance a lower level of compliance may be accepted.

Paragraph 1 of B2. Energy Efficiency should be reworded to state:

New non-residential development proposals are ~~expected~~ encouraged to achieve a 15% improvement in Part L 2021 TER through energy efficiency features unless demonstrated unfeasible or unviable to the satisfaction of the council with references to site-specific and/or use-class specific characteristics. Where this target is not met, applications where feasible and viable, should demonstrate that energy efficiency measures (and TER reductions from these) have been pursued, to the greatest extent feasible and viable, in comparison to the notional standards set by Building Regulations Part L. This is to be demonstrated using the latest non-residential National Calculation Methodology (currently SBEM).

B3. should be reworded to state:

Non-residential development ~~must~~ where possible should demonstrate the fullest feasible and viable use of on-site renewable energy generation and/or connection to local renewable and low carbon energy network, with the aim to annually match operational energy use. All non-residential buildings are encouraged to demonstrate that the amount of onsite renewable energy generation equates to ≥ 120 kWh/m² projected building footprint/year. Where this is fulfilled, the sustainability benefit of this will be recognised and afforded weight in favour of the proposal. Large-scale development (5000m² non-residential floorspace or more) should demonstrate that opportunities for on-site renewable energy infrastructure (on-site but not on or attached to individual buildings), such as solar PV canopies on car parks, have been explored. In new developments, the use of fossil fuels and connection to the gas grid will not be considered acceptable.



B5 should be reworded to state:

Proposals where possible should demonstrate how they have considered the difference (in scale and time) of renewable energy generation and the on-site energy demand, with a view to maximising on-site consumption of energy generated on site and minimising the need for wider grid infrastructure reinforcement.

~~*Where the on-site renewable energy generation peak is not expected to coincide with sufficient energy demand, resulting in a need to export or waste significant amounts of energy, proposals should where possible demonstrate how they have explored scope for (and where appropriate implemented) energy storage and/or smart distribution systems*~~

(Continue on a separate sheet /expand box if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To provide further clarification and oral contributions to the Local Plan hearing sessions.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Representations cannot be kept confidential and will be available for public scrutiny, including your name and/or organisation (if applicable). However, your contact details will not be published.

Data Protection

Your details will be added to our Local Plans Consultation database so that we can contact you as the review progresses. South Staffordshire Council will process your personal data in accordance with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). Our Privacy Notice can be viewed at [Data Protection \(Strategic Planning\) | South Staffordshire District Council \(sstaffs.gov.uk\)](#)

Please return the form via email to localplans@sstaffs.gov.uk or by post to South Staffordshire Council, Community Hub, Wolverhampton Road, Codsall, South Staffordshire WV8 1PX