

## 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  Policy  Policies Map

4. Do you consider the Local Plan is :

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

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.

As a matter of principle setting energy requirements for new development as part of the overarching climate change strategy is supported. It is recognised within the Pre-Submission consultation document (paragraph 6.9) that the Government intends to introduce a Future homes Standard by 2025. In response to the consultation on the Future Homes Standard held in 2019 the government has not, at this time, implemented changes to the Planning and Energy Act 2008 which would prevent local planning authorities from being able to exceed the minimum energy efficiency requirements of Building Regulations.

As explained in the Planning Practice Guidance:

*“The Planning and Energy Act allows local planning authorities to set energy standards in their development plan policies that exceed the energy efficiency requirements of the building regulations. Such policies must not be inconsistent with relevant national policies for England. Section 43 of the Deregulation Act 2015 would amend this provision, but is not yet in force.”*

(PPG: Paragraph: 012 Reference ID: 6-012-20190315)

As part of the roadmap to the introduction of the Future Homes Standard, the government has stated that it will introduce Interim update to Part L which will require at least a 31% reduction in emissions compared to current standards, expected in mid-2022.

It is therefore essential that once adopted the Local Plan provides a policy framework that is consistent with national policy and Building Regulations.

(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.

Rather than include specific requirements, given the emphasis of the Future Homes Standard, Policy ES1 should be less prescriptive and focus on ensuring that future development proposals accord with the prevailing Building Regulations and changes to be implemented through the Future Homes Standard, including any identified transitional arrangements. This will ensure that the Local Plan remains up to date should it be the case the Section 43 of the Deregulation Act 2015 is implemented, i.e. removing the ability of local authorities to set higher efficiency standards than that of building regulations.

(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:

Persimmon Homes Severn Valley (PHSV) controls land identified within the Pre-Submission local Plan identified as proposed allocations, these being: 1) Land south of Wickwar Road, Kingswood (**PS38**), and 2) Cam North West (Land west of Draycott), working alongside Robert Hitchens Ltd (**PS24**). PHSV is therefore well placed to contribute to the Examination and the debate as to the effectiveness and justification of Policy ES1.

**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.

9. Signature:


---

Date:

21.07.21
----------