



Lancaster Climate Emergency Review of the Local Plan Examination in Public: Hearing Statement

Matter 3: Sustainable Design, Energy Efficiency and
Renewable Energy

On behalf of Taylor Wimpey UK Limited
September 2022

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1 INTRODUCTION

- 1.1 Asteer Planning LLP ('Asteer') has been instructed by Taylor Wimpey UK Limited ('Taylor Wimpey') to prepare this Hearing Statement in relation to the Lancaster Climate Emergency Review of the Local Plan ('CCLPR') Examination in Public (EiP) and the Matters, Issues and Questions ('MIQs') posed by the Inspector.
- 1.2 Taylor Wimpey has submitted representations to each stage of consultation on the Climate Emergency Review of the Local Plan. This statement, like the representations submitted to date, is made in the context of Taylor Wimpey's interest in the North Lancaster Strategic Site, which is allocated for residential-led development in the Lancaster Local Plan (Strategic Policies and Land Allocations DPD - adopted July 2020) under Policy SG9.
- 1.3 This Statement responds directly to the Inspector's MIQs in relation to Matter 3 'Sustainable Design, Energy Efficiency and Renewable Energy'.
- 1.4 Taylor Wimpey is also part of a consortium of housebuilders/developers who have engaged Cushman and Wakefield ('C&W') to prepare a separate hearing statement relating to Matter 8. This statement refers, where necessary to C&W's Matter 8 hearing statement.
- 1.5 Separate statements have been prepared in respect of the following matters and should be read in conjunction with this Statement:
 - **Matter 4** 'Transport';
 - **Matter 6** 'Water Management';
 - **Matter 7** 'Green and Blue Infrastructure'; and
 - **Matter 8** 'Viability and Finance'.

2 SUSTAINABLE DESIGN, ENERGY EFFICIENCY AND RENEWABLE ENERGY

Q3.1 - Is Policy DM29 positively prepared, justified, effective, and consistent with national policy?

2.1 As emphasised in Taylor Wimpey's representations to the Regulation 18 and Regulation 19 consultations, where the CCLPR seeks to introduce additional policy requirements that could threaten the viability and/or delivery of housing, there must be a robust and flexible mechanism whereby these additional requirements and/or other requirements (such as affordable housing or other developer contributions) can be relaxed if viability is threatened. Therefore, Taylor Wimpey considers that Policy DM29 as currently worded is not sound, as the additional policy requirements proposed:

- Will affect the delivery of housing development, which could in turn mean that the area cannot meet its identified housing need. Therefore, **the Policy is not positively prepared.**
- Have not been robustly tested in the viability evidence, as detailed further in Taylor Wimpey's Matter 8 hearing statement and C&W's Matter 8 hearing statement. Therefore, the Policy is **not justified.**
- Will impact on the viability of new housing development, which could reduce the rate of housing delivery. Therefore, the Policy is **not effective.**
- Will hinder the development of housing, contrary to the Government's objective of significantly boosting the supply of homes (NPPF Paragraph 60). Therefore, the Policy is **not consistent with national policy.**

2.2 In this context, Taylor Wimpey acknowledges Policy DM58, which includes a proposed mechanism for relaxing requirements where viability is threatened. However, there should be a similar specific reference to the relaxing of requirements on viability grounds either in Policy DM29 or its sub-text.

Q3.2 - Is the cross-referencing to other policies within Policy DM29 correctly drafted and necessary?

2.3 If included, the reference to Policy DM30 should state 'Policies DM30a-c' and not Policy DM30 which is proposed for deletion in the CCLPR.

Q3.3 - How would opportunities being taken to maximise solar gain at new criterion II of Policy DM29 work with building at higher densities?

2.4 As detailed in C&W's Matter 8 hearing statement and previous representations on behalf of the consortium to the Regulation 19 consultation, whilst certain dwellings on any given scheme may potentially be orientated to prevent overheating or maximise solar gain, this will not be possible for every plot without adversely impacting negatively on layout and site densities. Less efficient use of land through lower densities would impair site viability and deliverability. Furthermore, there may be technical constraints on each specific site (significant topography constraints on the North Lancaster Strategic Site for example) which restrict orientation of dwellings and the ability to achieve energy efficiencies through solar gain.

2.5 The proposed wording of criterion II should be modified as follows (suggested addition in red):

*"II. Ensure opportunities are taken, **where possible**, to maximise solar gain and solar electric/thermal energy generation through the site layout, and building orientation and design for the purpose of energy efficiency and energy generation"*

Q3.4 - If the content of the supporting text at paragraph 9.5 is an expectation, should it form part of policy? Will the expectations set out in paragraph 9.5 affect the delivery of homes?

2.6 If the content of paragraph 9.5 relating to garden spaces, particularly the sizes is an expectation, it should form part of the policy. However, as with all of the design requirements in Policy DM29, this has not been factored into the viability testing (please see Taylor Wimpey's Matter 8 hearing statement and C&W's Matter 8 hearing statement.

Q3.5 - Is Policy DM30a justified, effective, and consistent with national policy?

2.7 As the revised Local Plan is expected to be adopted in December 2022, the transition timescales detailed in Policy DM30a will seek implementation of the stated requirements before the updated Building Regulations come into force. This is not acceptable, and, therefore, Taylor Wimpey objects to the proposed policy wording of Policy 30a for the following reasons:

- It is unclear how the more extensive/onerous requirements will be achieved in practice;
- The transition arrangements in the Building Regulations have been primarily designed to allow developers to prepare for achieving the new requirements; and,

- The Council's approach of speeding up this transition could threaten the delivery and/or viability of housing.

2.8 C&W's Regulation 19 representations on behalf of the consortium raised serious concerns that the costs associated with achieving "net zero carbon" have not been properly accounted for in the CCLPRVA, and that the allowances are insufficient when compared to the true costs required to achieve the Council's definition of net zero as set out in Policy DM30a. The CCLPRVA results artificially overstate viability and the findings cannot be relied on. Therefore, the requirement for development proposals for all new residential development to achieve net zero carbon emissions by 01/01/2028 **is not justified**.

2.9 Furthermore, the measures proposed in Policy DM30a may be secured by condition, but the PPG is clear that, "*Conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning*"¹. The PPG includes 'Building Regulations' as an example of 'other regulatory requirements'. Therefore, Policy DM30a risks being **inconsistent with national policy**.

2.10 The table of transitional arrangements (highlighted in light blue within Policy DM30a) should be removed and, instead, the following text should be added instead, "Carbon reduction requirements should accord with adopted Building Regulations."

2.11 In addition to the above, as evidenced in C&W's Regulation 19 representations on behalf of the consortium, there are several other aspects of Policy DM30a with direct or indirect viability implications, which do not appear to have been accounted for in the CCLPRVA, such as the Council's expectations for proposals for new residential development to include opportunities for low carbon technologies or other sustainability measures to be offered to the purchaser at the point of sale, such as green roofs (Policy DM30a - New paragraph 26).

2.12 Taylor Wimpey considers that Policy DM30a as currently worded is not sound, as the additional policy requirements proposed:

- Will affect the delivery of housing development, which could in turn mean that the area cannot meet its identified housing need. Therefore, the Policy is **not positively prepared**.

¹ Paragraph: 005 Reference ID: 21a-005-20190723,

- Have not been robustly tested in the viability evidence. Therefore, the Policy is **not justified**.
- Will impact on the viability of new housing development, which could reduce the rate of housing delivery. Therefore, the Policy is **not effective**.
- Will hinder the development of housing, contrary to the Government's objective of significantly boosting the supply of homes (NPPF Paragraph 60). Therefore, the Policy is **not consistent with national policy**.

2.13 It is critical that Policy DM30a is amended to confirm that the additional policy requirements and design principles are subject to viability, and that there is the ability for the requirements to be relaxed where robustly justified on viability (or other) grounds on a site-by-site basis. In this context, Taylor Wimpey acknowledges Policy DM58, which includes a proposed mechanism for relaxing requirements where viability is threatened. There should be a similar specific reference to the relaxing of requirements on viability grounds either in Policy DM30a or its sub-text.

Q3.6 - Are the requirements to provide a Sustainable Design Statement and Energy Statement necessary?

2.14 Notwithstanding Taylor Wimpey's comments relating to Policy DM30a itself, it is unnecessary to require planning applications to be accompanied by a Sustainable Design Statement and Energy Statement. Relevant policy requirements will need to be addressed through other documents already required for validation, (e.g. Design and Access Statements, Planning Statements etc.).

Q3.7 - Is Policy DM30b justified and consistent with national policy?

2.15 Taylor Wimpey does not support the proposed amendment to the wording of Policy DM30b of the Publication Version DM DPD, whereby "the design of new developments should maximise the inclusion of water efficiency and consumption measures..." The requirement to 'maximise' water efficiency measures would add to the cost of development, would impact on viability, and has not been appropriately and robustly tested.

2.16 Three Dragons' ('3D') key aim in the CCLPRVA is to test the proposed climate-related building standards under Policy DM30a. However, as detailed further in C&W's Regulation 19 representations, the CCLPR proposes several changes to policies which could have direct or indirect viability impacts and which have not been accounted for in the CCLPRVA,

such as the requirement for the design of new developments to maximise the inclusion of water efficiency and consumption measures, as stated in Policy DM30b.

2.17 Therefore, Taylor Wimpey considers that Policy DM30b as currently worded is not sound, as the requirement to 'maximise' water efficiency measures:

- Has not been robustly tested in the viability evidence and is therefore **not justified**.
- Would add to the cost of development and would, therefore, impact on viability, which could reduce the rate of housing delivery. Therefore, the Policy is **not effective**.

2.18 Consequently, where the CCLPR seeks to introduce additional policy requirements that could threaten the viability and/or delivery of housing, there must be a robust and flexible mechanism whereby these additional requirements and/or other requirements (such as affordable housing or other developer contributions) can be relaxed if viability is threatened.

2.19 In this context, Taylor Wimpey acknowledges Policy DM58, which includes a proposed mechanism for relaxing requirements where viability is threatened. There should be a similar specific reference to the relaxing of requirements on viability grounds either in Policy DM30a or its sub-text.

Q3.8 - Does the Council area meet the Planning Practice Guidance's (PPG) parameters for applying the optional requirement of 110 litres of water per person per day?

2.20 The PPG sets out that a local plan policy requirement for the optional requirement of 110 litres/person/day must be based on clear local need². Such a need should be established using: existing sources of evidence; consultations with the local water and sewerage company, the Environment Agency and catchment partnerships; and consideration of the impact on viability and housing supply of such a requirement³. The PPG also gives 3 examples of primary sources of evidence: The Environment Agency water stressed areas 2021 classification; Water resource management plans produced by water companies; and River Basin Management Plans. The same paragraph of the PPG also identifies that locally specific evidence can be used⁴.

² Paragraph: 014 Reference ID: 56-014-20150327

³ Paragraph: 015 Reference ID: 56-015-20150327

⁴ Paragraph: 016 Reference ID: 56-016-20150327

2.21 The supporting text to Policy DM30b states that:

“New Paragraph 29 - To address the climate change demands on water supply, both the Environment Agency and United Utilities have requested that the Council adopt the optional water efficiency standards in the Building Regulations, currently at 110 litres/person/day. The National Framework for Water Resources identifies ‘that our region faces the second highest pressures on Water Resources’ and ‘that increased water consumption, driven by population increases, is the largest driver of additional water need in the region.’”

2.22 However, the relevant link to the National Framework for Water Resources appears to be missing from the Local Plan so it is not possible to verify the Council’s claimed evidence. Furthermore, the first primary source of evidence (Environment Agency water stressed areas 2021 classification) identified by the PPG indicates at Figure 1 that United Utilities is not an area of ‘serious water stress’.

2.23 The Council must clearly set out the evidence that establishes the ‘clear local need’ as part of the Policy subtext. As currently drafted, the Policy is **not consistent with national policy and guidance**.

Q3.9 - Is Policy DM30c justified and consistent with national policy?

2.24 Taylor Wimpey supports the wording of Policy DM30c in that points 1, 4 and 5 are subject to the phrases “wherever possible”, “where possible” and “where appropriate”, respectively. However, Taylor Wimpey would not support an indiscriminate policy requirement for re-using and recycling all materials arising through demolition and refurbishment; or the incorporation of green/blue roofs and/or walls within developments. Any requirement proposed must include an appropriate mechanism to relax the requirement on viability grounds.

2.25 Similarly, although Taylor Wimpey supports the use of local suppliers, renewable and/or low carbon materials, and modern methods of construction in principle, where the CCLPR seeks to introduce additional policy requirements that could threaten the viability and/or delivery of housing, there must be a robust and flexible mechanism whereby these additional requirements and/or other requirements (such as affordable housing or other developer contributions) can be relaxed if viability is threatened. Likewise, Taylor Wimpey does not object to point 3, in that, “the full lifecycle of the building... must be considered”, but Taylor Wimpey would not support an indiscriminate policy requirement to implement any specific measures, such as the inclusion of low carbon/carbon sequestering materials, as outlined in the sub-text to Policy DM30c (New paragraph 33).

- 2.26 Consequently, where the CCLPR of the Local Plan seeks to introduce additional policy requirements that could threaten the viability and/or delivery of housing, there must be a robust and flexible mechanism whereby these additional requirements and/or other requirements (such as affordable housing or other developer contributions) can be relaxed if viability is threatened.
- 2.27 In this context, Taylor Wimpey acknowledges Policy DM58, which includes a proposed mechanism for relaxing requirements where viability is threatened. However, to ensure that Policy DM30c is effective, there should be a specific reference to the relaxing of requirements on viability grounds either in Policy DM30c or its sub-text.