

Exeter Local Plan: Examination in Public

Hearing Statement – Matter 6 (Energy, Climate Change and Flooding)

Prepared by Savills on behalf of TT Group (respondent reference numbers: C-40)



Issue 1 – Net Zero, Low Carbon Energy, Renewable Energy and Local Energy Networks – Policies CC1, CC2, CC3, CC4, CC5 and CC6

Q1 Is it sufficiently clear what is meant by ‘net zero’ for the purposes of Policy CC1? How will the policy be implemented and how will it be effective?

1. As stated in the previous representations, whilst TT Group support the principle of managing climate change and working towards net zero, the current wording of this policy is too imprecise to function practically as a development management policy. Whilst the policy refers to a series of “requirements”, these are far too broad for it to be clear how an applicant would demonstrate that a development “*will support the achievement of net zero*”. Key concerns remain in regard to whether the policy is justified, effective and consistent with the Framework, which are expanded on below.

Q2 Does Policy CC1 apply to all development? Are the requirements set out in Policy CC1 justified, effective and consistent with national planning policy? Have these requirements been adequately tested to ensure that they are viable and deliverable?

2. As written, the policy appears to apply to all development, although the requirement to submit a Net Zero Statement only applies to major development. As stated above, the policy should be worded more precisely to make it clear how and when the requirements apply. Coming to the requirements themselves, we are concerned that the approach taken is not consistent with national policy, and therefore not sound.
3. The Written Ministerial Statement (WMS) published 13 December 2023, addresses the soundness of policies such as CC1. It 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*”, and “*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*”.

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4. Following an unsuccessful legal challenge in 2024, in 2025 the Court of Appeal dismissed a further appeal and confirmed that the 2023 WMS represents a sound interpretation of the legislation by setting the parameters under which the Government expects the legislation to be applied, namely that an LPA is able to set a local standard up to the level of the draft Future Homes Standard.
 5. It is clear from the WMS that the Government considers the Building Regulations, and soon to be implemented Future Home Standard, to be the preferred and primary mechanism to deliver improvements in energy efficiency and reduce the carbon emissions from development.
 6. We would therefore strongly question the value of Policy CC1, given that it is effectively superseded by Building Regulations. Furthermore, many of the elements of Policy CC1, such as BNG and SuDS requirements, are covered elsewhere in the plan, and therefore this policy is in many parts a duplication.
 7. Finally, while the viability of the policy appears to have been tested per the Local Plan Viability Assessment (2024), this has itself assumed that current Building Standards will be applied, which further evidences the redundancy of having this as a separate policy.

Q3 Should Policy CC1 acknowledge that targets will be dictated by national policy and up to date building regulations, rather than local policy?

8. If it is retained, Policy CC1 must defer to national policy and up to date Building Regulations, as noted above.

Q6 Policy CC3 requires all new development with a floorspace of at least 1,000 square metres or comprising ten or more homes and located in certain areas, to have heating system that are compatible with either a proposed or existing local energy network. What is the justification for this approach? Is the policy sufficiently flexible in this regard to be effective? Has this requirement been adequately tested to ensure that it is viable and deliverable?

9. In line with our previous representations, we have concerns about the soundness of this policy requiring all new development of a certain scale and within certain areas to be compatible with either a proposed or

existing local energy network. While evidence in the form of a report written by the University of Exeter Centre for Energy and the Environment ostensibly demonstrates that the emerging heat network is feasible, there is sufficient uncertainty in the delivery of the network that requiring a future connection is onerous.

10. Furthermore, there is no evidence provided which demonstrates that a heat network is automatically more sustainable than on-site alternatives, and as the majority of heat networks are 'heat agnostic', developers would not be able to control the source of the heat at the point of connection. This could lead to scenarios in which developments are relying on less sustainable heat sources when feasible alternatives were available.
11. While the policy attempts to allow flexibility through the caveats of 'feasibility' and 'viability', it should be made clearer what the process for demonstrating that connection would not be feasible is. Finally, as previously noted the policy has not been viability tested, and therefore there is no evidence to consider the impact of the draft Policy on viability.
12. Therefore we strongly recommend that the policy be revisited.

Q7 Is it clear to users of the Plan what measures all development proposals (excluding householder developments) need to include to allow for future connection to 'local energy networks' under Policy CC3? Will this be possible for all development types and locations?

13. While the measures set out in the policy are broadly clear, what is not clear is how applicants should demonstrate that the measures are not feasible, and how this determination will be made by the local authority. Connection into heat networks will not be possible for all development types and locations for a variety of reasons which may not become clear until detailed design stage, and applicants should be given sufficient comfort that the assessment of feasibility will be sufficiently robust and fair as to not delay detailed proposals.

Q12 Is Policy CC5 consistent with the national policy position towards achieving net zero and the expectations of the Government's Written Statement "Planning - Local Energy Efficiency Standards Update" made on 13 December 2023?

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14. See response to Question 2 above.

Q15 Is it sufficiently clear what Policies CC1, CC2, CC3, CC4, CC5 and CC6 require from decision-makers and developers? Have the requirements been adequately tested to ensure that they are viable and deliverable?

15. As noted in the above responses, TT Group have concerns about a number of the policies. Policies CC1, CC5 and CC6 are not considered to be necessary or justified as given the Government's clear position on setting standards at a national level. Policy CC3 is not considered sufficiently evidenced or clear in terms of supply feasibility evidence, and no viability evidence has been provided. We have no specific comment on Policy CC2 and CC4.

Q16 In terms of this issue, are any of the suggested modifications in the Schedule of Suggested Modifications necessary for soundness?

16. There is nothing in the Schedule of Suggested Modifications deemed relevant to our representations, however we would strongly recommend the policies are amended to reflect the above answers.

Issue 2 – Climate Resilience, Flood Risk and Drainage – Policies CC7, CC8 and CC9
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Q1 Will Policy CC7 provide an effective framework for climate change resilience in new development? Is it sufficiently clear how plan users should respond to the policy requirements?

17. As noted in our previous representations, TT Group support the general principle of what this policy is seeking to achieve, however, it is still far too unspecific to function effectively as a development management tool.

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Q5 Is it sufficiently clear what Policies CC7, CC8 and CC9 require from decision-makers and developers? Have the requirements been adequately tested to ensure that they are viable and deliverable?

18. As per the above, Policy CC7 is too unspecific to be an effective development management policy. Furthermore, Policy CC8 should make clear that the sequential test is not a requirement in cases where one has already been undertaken at plan-making stage. While Policy CC8 has been viability tested, Policy CC7 has not. We have no specific comments about Policy CC9.

Q6 In terms of this issue, are any of the suggested modifications in the Schedule of Suggested Modifications necessary for soundness?

19. We strongly support modification SMM6 for Policy CC8 which exempts the requirement of the sequential test and exception test where this is set out in national guidance.