

South Kesteven District Council  
Regulation 18 Draft Local Plan Consultation  
April 2024

Consultation Response from:  
Phoenix Sustainable Investments Limited



## **1. Introduction**

- 1.1 This consultation response to the South Kesteven District Council Consultative Draft Local Plan is submitted by Phoenix Sustainable Investments Limited. It is specific to the policy guidance proposed in the Consultative Draft Local Plan (CDLP) for low carbon energy and specifically renewable energy development within the South Kesteven administrative area.
- 1.2 The comments put forward are based on the experience of the Phoenix Development Team in progressing both energy and major development projects through local authority planning systems over the past few decades. In addition, comments stem from the overarching need for local authorities across the country to positively support low carbon energy infrastructure.

## **2. Phoenix Sustainable Investments Limited**

- 2.1 Phoenix Sustainable Investments is an award-winning developer of sustainable energy projects. The company is headquartered in Bourne, South Kesteven and focuses on the development of sites for low carbon and energy efficient residential development, renewable energy and energy from waste. It is a privately owned company that focuses on pioneering sustainable innovations across its three operational fields and the development of new technologies that straddle the main areas of focus for the business.
- 2.2 Phoenix works closely with landowners and their representatives across the country to identify and promote development projects that accord with national planning policy requirements. These are the increasing requirement to ensure the country builds the amount of new housing it desperately needs, the energy supply market continues to diversify and decarbonise and new technologies are supported by local authorities and local communities where they help achieve net zero.
- 2.3 Phoenix develops and delivers commercially sound, ground-breaking solutions which aim to help deliver a sustainable tomorrow. The business works across a range of sectors to deliver bespoke solutions which have a positive environmental impact. These initiatives include future-proofed designed homes, low and zero carbon energy generation, battery storage and bio-fuel research and development.

## **3. The Context**

- 3.1 The impacts of a changing climate are already being felt in the South Kesteven administrative area. Extreme weather events witnessed over recent years include heatwaves and associated wildfires, and surface water flooding brought about through heavy rainfall. Localised 'weather' events will continue to increase across the UK as temperatures across the world continue to rise.
- 3.2 Over the past 10 months the highest recorded temperatures have been set across the globe. The need to decarbonisation is critical and this requires strong and focused policy support at both the national and local levels.
- 3.3 Radical change is required through legislation, policy and initiatives that support all forms of low carbon development, renewable energy generation and electrification of transportation. In addition, major biodiversity initiatives are needed both at the national and local level to help in the fight against climate change and redress ecological destruction.

- 3.4 Change begins at the local level taking direction from national policy to encourage communities and local residents to take ownership and implement change at the individual and community level.
- 3.5 Climate change and the need to decarbonise across all sectors of society are the most pressing issues of the current age. Government targets to reduce near and medium-term carbon emissions are through legally binding carbon budgets. The UK's Sixth Carbon Budget target looks to reduce economy wide green house gas emissions by at least 78% (against 1990 levels) by 2035 (<https://www.nationalgrideso.com/>).
- 3.6 The expansion of renewable energy generation across the country, utilising a variety of technologies is a key strand of the government's target to decarbonise energy generation and provide additional generation to support transportation and domestic heating electrification.
- 3.7 ESO, the UK's electricity system operator, details that Britain's electricity needs are set to rise substantially (by up to nearly 65 per cent) by 2035, as our everyday lives become more digitally intertwined and we move towards more electrified heat and transport options (<https://www.nationalgrideso.com/future-energy/beyond-2030>).
- 3.8 This transition will require a phenomenal amount of low carbon and renewable energy development across the UK, both onshore and offshore, schemes of scale and localised embedded generation. It is critical that local authority Development Plans positively support the development of all scales of low carbon and renewable energy generation.

#### **4. National Planning Policy Framework (NPPF)**

- 4.1 There is a plethora of national planning policy guidance and legislation that obligates the UK and local authorities across the country to decarbonise, support renewable energy and promote sustainable development. National policy is also increasingly focused on ensuring the country can move towards energy security (in light of recent geo-political events).
- 4.2 The NPPF tasks the planning system with ensuring, through guiding and approving all types of development, to minimise greenhouse gas emissions, reduce vulnerability to climate change and support low carbon energy development.
- 4.3 The NPPF sets out the policy structure for energy and renewable development in Chapter 14: *'Meeting the challenge of climate change, flooding and coastal change'*.
- 4.4 In Chapter 14, paragraph 157, the NPPF states that the planning system should support the transition to a low carbon future in a changing climate. It details that the planning system must *'shape places in ways that contribute to radical reductions in greenhouse gas emissions'* and *'support renewable and low carbon energy and associated infrastructure'*.
- 4.5 The UK Government declared a climate emergency in 2019. In recognition of this, there is now a clear national policy imperative to support the rapid delivery of renewable energy generation, not only for energy security but to help mitigate the weather extremes that climate change is producing.

## 5. Consultative Draft Local Plan

- 5.1 South Kesteven aim to address the causes of climate change through reducing the District's carbon footprint. In the adopted Local Plan, this objective was addressed through policies across several sectors and issues. In the Regulation 18 CDLP, Chapter 5 'Climate Change and Energy' has been introduced to provide a more focussed spotlight on how the District will address issues related to climate change and renewable energy generation.
- 5.2 Importantly, the Chapter starts by recognising that increasing annual temperatures will result, at a local level, in higher average and extreme temperatures, larger rainfall volumes and associated flooding, water scarcity, drought and more frequent storm cells. These weather events are already being witnessed at a local level across South Kesteven and the wider region (fires in the summer of 2022 and flooding in the winters of 2023 and 2024). The CDLP highlights the national targets set by UK Government in order to achieve net zero greenhouse gas emissions across the UK by 2050.
- 5.3 The CDLP highlights the requirement for the new Local Plan to ensure that development is appropriate for a low carbon future and is responsive to climate change. Policy support is detailed in 'SD1: The Principles of Sustainable Development in South Kesteven' (Chapter 4) and 'RE1: Renewable Energy Generation' (Chapter 5).
- 5.4 In addition, the CDLP references the South Kesteven Climate Action Strategy (updated October 2023) which sets out how the Council can deliver actions on climate by looking at the themes of the Built Environment, Power and Transport. These themes overlap with actions and objectives set out in the CDLP.
- 5.5 The CDLP details that the updated Climate Change Study will help structure new Local Plan policy to ensure that a *'proactive approach to mitigating and adapting to climate change'* is embedded in new guidance. The CDLP in 5.11 indicates that the new policy will *'also seek to support appropriate measures to ensure future resilience of communities and infrastructure to climate change impacts'*.
- 5.6 The Climate Action Strategy outline includes a vision for 2030 for South Kesteven that has a core objective to support *'increased renewable energy generation and [the District] is more self sufficient for energy'*.
- 5.7 It is disappointing that the CDLP 'Climate Change and Energy' Chapter is only partly complete for the Reg 18 consultation. The CDLP details that because government issued a new Written Ministerial Statement in December 2023 the South Kesteven policy for climate change and energy remains under review and will be publicised following the current Regulation 18 consultation. It is not clear when or how this further consultation will take place.
- 5.8 The Written Ministerial Statement of December 2023 was focused on policy approaches that use energy-based metrics, and the process for achieving emission reductions through securing fabric efficiency standards and highly energy efficient buildings. While policies that relate to energy efficiency buildings and the standards that South Kesteven look to secure under the new Local Plan are important, the Ministerial Statement should not delay any further the policy update for low carbon and renewable energy infrastructure.
- 5.9 The 'Climate Change and Energy' Chapter sets out that it falls to the Council to consider the scope for renewable and low carbon energy generation within its area by considering what type of technology can be accommodated within the area, what the factors are that influence the locational requirements of renewable energy technologies, how different technologies can impact on an area and the policy structure to encourage and support renewable energy development.

- 5.10 The Chapter sets out that the Adopted Local Plan (2011-2036) has a Renewable Energy Appendix which is under review in light of the emerging Climate Change Study *‘to provide policy that reflects an up to date analysis of the domestic and industry landscape for renewable energy’* and the *‘Local Plan needs to consider how to plan positively for renewable energy and its delivery’*.
- 5.11 Within the Adopted Local Plan, the existing ‘Energy, Climate Change and Renewable Energy’ policy provides guidance on the following matters:
- Principles for energy efficient buildings (domestic and non domestic)
  - Principles for climate resilient buildings
  - Embodied carbon and waste
  - Reducing energy consumption in existing buildings
  - Water efficiency
  - Renewable energy
- 5.12 The current Renewable Energy Appendix guidance sets out that for renewable energy generation projects to be supported they will be determined against the detailed criteria specific to detailed topics (landscape, noise, transport, ecology, etc) coupled with assessment against the following requirements:
- A - the proposal does not negatively impact the District’s agricultural land asset  
B - the proposal can demonstrate the support of affected local communities  
C - The proposal includes details for the transmission of power produced  
D - The proposal details that all apparatus related to renewable energy production will be removed from the site when production ceases: and  
E - that the proposal complies with any other relevant Local Plan policies and national planning policy
- 5.13 The existing policy guidance sets out that *‘development proposals for the generation of renewable and low carbon energy will be supported especially where it can be demonstrated that it is community energy scheme’*.
- 5.14 The CDLP identifies that there is scope for the further development of embedded renewable energy development across the SKDC area while ensuring the integrity of the following environmentally designated sites:
- Nene Washes SPA and Ramsar
  - Rutland Water SPA and Ramsar
  - Grimsthorpe SAC
  - Baston Fen SAC
  - Barnack Hills & Holes SAC
- 5.15 The CDLP also sets out that the distinctive qualities of the National Character Areas and Local Character Areas within and surrounding South Kesteven in respect of the determination of planning applications for low carbon and renewable energy development.

## **6. Phoenix Comment**

- 6.1 The biggest challenges we face at a global and local level are climate change and energy security. It is noted in the CDLP that the South Kesteven area has an above average carbon footprint. Local communities in the South Kesteven area are witnessing the direct impacts of climate change – flash flooding, extreme temperatures and water shortages. These events affect personal and mental health, homes and businesses, the rivers and the countryside of the District.
- 6.2 The CDLP policy sets out that the Council aims to offer a supportive planning policy that actively encourages renewable and low carbon energy schemes to come forward for development in order to meet the Council’s climate emergency declaration. Phoenix Sustainable Investments Limited feel that the Council’s policy does not go far enough.
- 6.3 In reference to the emphasis that the policy places on community energy schemes, Phoenix are exploring different ways of working directly with local communities on energy projects but it must be recognised that it can be difficult for major energy projects to gain community support, even when there is a tangible community partnership in place.
- 6.4 There are many examples where community involvement has worked across the UK (especially in Scotland and Wales) but equally there are numerous examples of renewable energy projects gaining planning approval either at the local or Inspectorate level that did not have community support. It is an issue that needs to be given a degree of weight in the planning balance and determination of applications, however South Kesteven must accept that in order to meet carbon emission and renewable energy targets the Council will likely have to support energy infrastructure proposals that do not have community support.
- 6.5 The current South Kesteven policy framework for energy and renewables development is based on the ‘Renewable Energy Appendix’ in the adopted Local Plan. Taking into account the evolution of renewable technologies in terms of scale and necessity, the existing policy framework needs a full review to ensure it delivers the amount of new energy infrastructure that the District requires.
- 6.6 For example, the current guidance makes no reference to embedded battery energy storage systems (BESS) on the electricity grid which is an important factor in the overall design of a modernised grid to aid more renewable energy generation to be accommodated, stored and utilised when required.
- 6.7 BESS is now seen as a fundamental part of the renewables sector, alongside large NSIP scale projects for solar and wind and the provision of energy parks which can benefit from the dual location of high intensity energy users, such as electric vehicle depots, data centres, cold storage and distribution and logistics.
- 6.8 The South Kesteven local authority area benefits from hosting the A1 trunk road and East Coast rail mainline. It is likely that these major infrastructure routes will become key destinations for energy projects such as energy storage and associated renewable energy projects. Energy storage facilities on the transport network can be used to store any excess power that is generated from low carbon energy sources and power electricised transport rather than transferring this generated energy back to the grid. Clear policy support is required for this type of development on the major infrastructure routes within South Kesteven.
- 6.9 Phoenix has reviewed the site selection criteria within the existing policy structure and considered this in light of the current requirements for energy infrastructure. The site selection criteria detailed within the existing Local Plan Appendix infers that landscape character, designations and landscape

and visual impact assessment (LVIA) should determine suitable sites for wind. This policy needs to recognise that the most suitable sites for wind energy development will be those that can harness the most wind energy (those exposed to the highest wind speeds) and can be suitably accessed for construction.

- 6.10 In addition, wind turbines and large wind farms, solar arrays, BESS and other renewable energy generators will be heavily influenced in terms of location, in addition to resource and environmental considerations, by proximity to 32kv, 132kv, 250kv or 400kv pylon lines and points of connection.
- 6.11 Unlike other adopted and consultative Local Plans across England, the South Kesteven CDLP does not identify any search areas or less constrained areas for energy developments (mainly wind but also solar and energy from waste projects) as it does for mineral search areas. The CDLP instead chooses to define a set of criteria that needs to be considered and assessed for low carbon and renewable energy development planning applications.
- 6.12 The existing South Kesteven policy guidance should be supplemented with an 'Energy Opportunities Map', or a specific wind, solar, BESS and energy to waste opportunities map as is commonly found in a number of adopted Local Plans across the country. This would help establish search areas for energy developers to focus on and work closely with the communities in those areas.
- 6.13 In terms of the criteria against which an energy development proposal would be assessed – loss of BV agricultural land, landscape impact through LVIA, scale and design, impacts on the built environment, biodiversity and cumulative impacts, existing communities and how they will be impacted or benefit, management plans with environmental enhancement, access, electrical connections, restoration plans, etc – the SKDC adopted renewable energy policy is onerous and restrictive. It will be difficult to bring forward renewable energy projects within the South Kesteven area taking into account the policy emphasis for 'community support' and the criteria against which applications are assessed.
- 6.14 In reference to onshore wind and wind turbine development the 'Renewable Energy Appendix 'takes a negative stance through the wording used: - *'a wind turbine is probably the most visually intrusive of all the renewable energy technologies'* and *'choosing an appropriate setting can be hard'*.
- 6.15 The guidance assumes a negative bias against the landscape hosting wind turbines, which is now very much a dated policy position. There are many examples of landscapes across the UK that host a wide range of wind farms and turbines whilst ensuring that important designated landscape and environmental areas and nearby communities are protected.
- 6.16 By far, the more damaging impacts to the environment and landscape are the localised results of climate change and not the development of renewable energy technologies. The reality in the current era of energy security is every area will have to accommodate a larger amount of renewable energy infrastructure embedded on the transmission and distribution network.
- 6.17 The Council should be focusing on setting a Renewable Energy Prospectus that sets out how much local energy demand, in the context of the population and business need of the authority area, can be secured from renewables such as small and large-scale wind turbines, solar energy generation, BESS and energy to waste. It is important that this body of work is progressed and consulted on with stakeholders in the short-term, as a separate Regulation 18 consultation, so all interested parties have the ability to comment.

## **7. Conclusion**

- 7.1 Alongside national government, South Kesteven District Council declared a climate emergency in 2019. Despite this, the South Kesteven area has an above average carbon footprint. The development strategy for the Local Plan review must therefore focus more on supporting embedded low carbon and renewable energy development. This can be done while recognising the distinctive qualities of the important landscape and environmental designations within and surrounding South Kesteven.
- 7.2 Further review of the South Kesteven CDLP must ensure that the proposed policy framework helps deliver sites for low carbon infrastructure, renewables, BESS and energy from waste both close and distant from major settlements as well as incentivising high standards of energy efficiency in all types of new buildings.
- 7.3 There is a reliance in the CDLP on policy criteria that was prepared for the previously adopted Local Plan. As such, the background evidence is out of date. Policy review needs to reflect further the significant climate and weather changes that the area is experiencing. Likewise, energy security and the ability for the UK to generate its own electricity demand is fundamental as part of ensuring state security, reducing reliance on energy imports and ensuring the country can keep the lights on.
- 7.4 South Kesteven has an obligation to ensure the CDLP positively facilitates the transition to renewable energy and low carbon development, and plans clearly for its delivery. The South Kesteven District Council CDLP considers the development needs up to 2041 and therefore needs to be far more ambitious and clearer in terms of its policy support for generating energy from renewable energy sources and decarbonising in other sectors. It is clear to Phoenix Sustainable Investments that the CDLP policy framework needs to contain stronger support for low carbon and renewable energy development of all scales and we look forward to working with South Kesteven District Council on further review of the Local Plan.