

Your Ref:
Our Ref: 100 MB

07 September 2026



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Dear Sirs

**PROPOSED MAIN MODIFICATIONS TO THE RUTLAND LOCAL PLAN
MM4 POLICY CC2 – DESIGN PRINCIPLES FOR ENERGY EFFICIENT BUILDINGS
MM5 POLICY CC3 – LOW CARBON DEVELOPMENT
MM6 PARAGRAPH 4.33 AND IMMEDIATELY FOLLOWING.**

Thank you for the opportunity to comment on the Proposed Main Modifications to the Rutland Local Plan.

While we support the energy efficient and reduction in carbon emissions objectives identified in Main Modifications MM4 to MM6, as they amend policies CC2 and CC6, we object to the specific requirement for qualifying planning applications to be supported by a Building Regulations compliant Energy Statement.

The policy CC2 is only included for two reasons:

- 1) Encouraging developers to go beyond the National Energy Efficiency Standards
- 2) The requirement for all developers to submit Energy Statements with qualifying applications in advance of when they would normally be required as part of Building Regulations.

This second requirement leads to an unnecessary duplication of requirements, imposing an extra burden on the applicant and conflicts with the established principle that planning should operate independently of other regulation regimes such as Building Control.

The proposed policy wording already recognises the primary mechanism for securing energy performance standards is via Building Regulations and the forthcoming Future Homes Standard. The Local Plan does not seek to require standards above the national framework, save for the encouragement of Passivhaus accreditation at the developer's discretion. In these circumstances, it is unclear what planning purpose is served by requiring the submission of an Energy Statement, the principal role of which is to demonstrate compliance with standards that are already regulated and enforced through Building Regulations.

Whereas it is true the work will have to be done to support the Building Regulations submissions, Building Regulations follow a planning application but not necessarily immediately. An Energy Statement, therefore, is being required months, or possibly years, in advance of the Building Regulations submission leading to the applicant incurring costs that would otherwise be deferred for some considerable time. It is also possible that, through the application process, the scheme may be amended during the determination process. Any changes to a scheme may necessitate the preparation of revised Energy Statements, resulting in duplicated work and additional expense. Equally, there may be a significant gap between the submission of a planning application, the grant of planning permission and the commencement of development. During this period Building Regulations standards may change, requiring further updates to previously prepared assessments. Consequently, applicants may be required to commission multiple versions of the same technical work before development can proceed.

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We are not the only party to be concerned at local plan policies requiring unnecessary reports and imposing an unnecessary burden on a developer; we note the Inspector's Report for the Newark and Sherwood Amended Allocations and Development Management DPD published on 6 August 2026, required deletion of a requirement for all planning applications for conversion of buildings in rural areas to be supported by protected species surveys by Policy DM8, as this information should not be required automatically and "places a likely undue financial burden on applicants in requiring information that should more properly be dealt with at planning application validation stage". See MM34 of the Main Modifications to the Newark and Sherwood Amended Allocations and Development Management DPD and paragraph 129 of the Planning Inspector's Report.

Although dealing with information on a different topic, the Planning Inspector for the Newark and Sherwood Local Plan was clearly concerned at the costs of preparing reports and information that should only be provided later in the development process, if at all. Whereas we accept the information in the Energy Report will, eventually, be required for Building Regulations, the policy would require the costs of the report to be brought forward in the development process. Further revisions of the report may also be required to accommodate changes to design that may arise through the planning application process or any changes to the Building Regulations.

The documents relating to the Newark and Sherwood Local Plan Inspector's Report can currently be accessed by following the links below (but will otherwise be accessible on the Newark and Sherwood Local Plan Web page):

[Newark Sherwood Proposed Main Modifications](#)

[Planning Inspector's Report](#)

The same principle applies with the requirement for Energy Statements. If an Energy Statement is genuinely necessary in exceptional circumstances to aid the decision making process on a Planning Application, the Local Planning Authority retains the ability to request such information where it can be justified. However, a blanket requirement for all qualifying applications fails to recognise that the need for such evidence will vary considerably between proposals. The Local Plan should not adopt a universal approach that automatically requires applicants to incur costs irrespective of whether the information is necessary to determine a specific planning application.

We, therefore, request that the need for Energy Statements to support planning applications should be deleted from Policy CC3.

Furthermore, we note that the amended National Planning Policy Framework (NPPF) was published during the consultation period for the Rutland Local Plan Main Modifications. The NPPF includes Policy DM7 : 'Relationship with other Regulatory Regimes', which states that when local authorities are making a decision on a planning application they should assume all other regulatory regimes, including Building Control, will operate effectively. There is no need to double down on other regulatory regimes, such as Building Regulations, through the planning application process. The supporting text for Rutland Local Plan Policy CC4, set out in paragraph 4.33 and subsequent, states quite clearly that the Energy Efficiency report will duplicate information required under the Building Regulation regime. It is clear that Policy CC3, as Modified, of the Rutland Local Plan seeks to test another regulatory regime through the Planning Application process, contrary to NPPF policy DM7. This is another reason to delete the requirement for the submission of Energy Statements with all qualifying planning applications.

The requirement for applications to be supported by an Energy Statement should be removed because:

- a) The requirement is neither justified or effective, imposing an undue financial burden on applicants; and,
- b) The requirement to test other regulatory regimes through the planning application is contrary to Policy DM7 of the NPPF (August 2026).

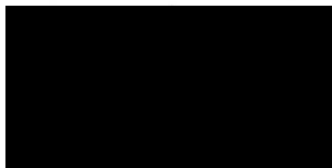
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We trust the above is self-explanatory, however, should you have any questions, please do not hesitate to contact us.

Yours faithfully



M J Braithwaite MRTPI

