

Winchester District Proposed Submission Local Plan (Regulation 19) Consultation

Policy CN3 – Representations on behalf of Crest Nicholson Partnerships and Strategic Land

October 2024

Introduction

1. These representations have been prepared on behalf of Crest Nicholson Partnerships and Strategic Land (herein, “Crest Nicholson”) in response to the Winchester City Council (herein, “the Council”) Proposed Submission Local Plan (herein, “the Plan”) Regulation 19 Consultation.
2. Crest Nicholson has an interest in all strategic and non-strategic matters informing the preparation of the Plan. However, these representations are made specifically in the context of Crest Nicholson’s interests in land falling within the North Whiteley Major Development Area (herein, “MDA”) (specifically, land parcels CU14, CU34 & CU45), which are identified under Policy SH2 of the Plan. Through these representations, Crest supports the allocation of the site for residential development.
3. These representations concentrate only on matters that are relevant to the allocating policy and matters that would associate with delivery of the site in due course pursuant to the terms of that policy.
4. These representations follow the structure of the Regulation 19 Consultation online survey, as relevant, with a particular focus on the Development Allocations (notably Policy SH2) and consider whether the policies are legally compliant, meet the tests of soundness and are compliant with the duty to co-operate. These representations also consider the evidence base which has informed the Regulation 19 Consultation including the Integrated Assessment documents which assess each of the proposed allocation sites.
5. Overall, these representations cover the following areas:
 - Strategic Policy SP1: Vision and Objectives
 - Strategic Policy SP2: Spatial Strategy and Development Principles
 - Strategic Policy CN1: Mitigating and Adapting to Climate Change
 - Policy CN3: Energy Efficiency Standards to Reduce Carbon Emissions
 - Strategic Policy D1: High Quality, Well Designed and Inclusive Places
 - Strategic Policy D3: Design Principles for the South Hampshire Urbans Areas
 - Strategic Policy T1: Sustainable and Active Transport and Travel
 - Policy NE5: Biodiversity

- Strategic Policy H5: Meeting Housing Needs
- Policy SH2: North Whiteley
- Integrated Impact Assessment (Sustainability Appraisal)

National Planning Policy Framework

6. The current version of the National Planning Policy Framework (herein “the Framework”) was published in December 2023. It should be noted that an updated version of the Framework was consulted on by the government between 30th July 2024 and 24th September 2024, with significant changes proposed to support the government’s ambitions to deliver 1.5 million homes over the next five years. Amendments are proposed to reverse the changes made to the Framework in December 2023, including making the standard method for housing needs a mandatory requirement¹.
7. The government also consulted on a new standard method for assessing housing need based on housing stock which would result in significant uplifts in housing needs for some areas, including in Winchester.
8. Whilst the new Framework and updated standard method may not be relevant for the purpose of examining the Council’s Local Plan if the Council submits the Plan before the new Framework comes into effect (plus one month)², they are a material consideration.

Policy CN3: Energy Efficiency Standards to Reduce Carbon Emissions

Do you consider the supporting text and policy are:

- Legally compliant – Yes
- Sound – No
- Complies with duty to co-operate – Yes

Comments

9. The construction of energy efficient homes that are adaptable and flexible is supported, but Crest Nicholson considers that such requirements could and should be mandated most effectively, nationally via the Building Regulations, thereby applying a consistent national standard that all developments should be required to meet, irrespective of location.
10. Crest Nicholson recognises fully the importance of delivering development that is truly sustainable and appreciates the role that the development industry must play in this respect. It will be important to ensure that the policies and ambitions that are set out within the Plan are in step with the national agenda and can be fully justified through the examination process. This will necessarily require a full and thorough assessment of the potential impacts on delivery of the Local Plan strategy, the viability of which will be affected by any application of locally specific standards.

¹ Proposed Paragraph 62

² Proposed Paragraph 226

11. Local Plans have a vital and effective role to play in addressing climate change and the delivery of carbon neutral development, but this is often most appropriately addressed via the spatial expression of planning policies, i.e. where development is located relative to jobs, services, facilities and other travel demand generators, for instance. Planning also clearly has a role to play in making provision for developments that support renewable energy generation, but there is limited justification for transposing requirements relating to technical building standards into planning policies where these are consistent and merely reflect provisions that will otherwise be required to be achieved through compliance with the Building Regulations. The Framework is clear in its approach at Paragraph 159:

“New Development should be planned for in ways that (our emphasis):

- 1. Avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*
- 2. Can help to reduce greenhouse gas emissions, such as through its location, orientation and design. **Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.”***

12. Furthermore, the Written Ministerial Statement dated 13 December 2023 sets out situations where emerging local plans seek to impose standards beyond national regulations (our emphasis):

*“The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Government’s commitment to ensuring new properties have a much lower impact on the environment in the future. **In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations.** The proliferation of multiple, local standards by a local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. **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 that ensures:***

- That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.*
- The additional requirement is expressed as a percentage uplift of a dwelling’s Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).*

Where plan policies go beyond current or planned building regulations, those policies should be applied flexibly to decisions on planning applications and appeals where the applicant can demonstrate that meeting the higher standards is not technically feasible, in relation to the availability of appropriate local energy infrastructure (for example adequate existing and planned grid connections) and access to adequate supply chains.”

13. Policy CN3 states that new residential development will need to be able to demonstrate net-zero operational carbon on site by ensuring a number of measures in respect of predicted space heating demand, energy consumption of the buildings and on-site renewables.
14. Whilst Crest Nicholson recognises the Council’s aspirations to include energy standards which go beyond existing building regulations this policy should be consistent with the national policy approach that is set out currently by the Written Ministerial Statement. As Policy CN3 seeks to exceed the minimum energy efficiency requirements of

the current Building Regulations, the justification requires a well-reasoned and robustly costed rationale to demonstrate viability, otherwise it should be rejected at Examination. It is not clear whether the Council have provided robust evidence to demonstrate that development would remain viable and the impact on housing supply and affordability has been properly considered. This will be necessary for the Local Plan to be justified.

What modification(s) are necessary to make the policy legally compliant or sound?

15. Policy CN3 is contrary to the Framework which advises that **any** local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. The policy is therefore not consistent with national policy, one of the four tests of soundness.

What is your suggested wording or text for the policy:

16. Policy CN3 is considered unnecessary as the matters it covers will be dealt with under national regulations.

If the Inspector invites you, do you consider it necessary to participate in the examination hearing sessions?

17. Yes, I want to take part in a hearing session if I am invited to by the Inspector to participate.