

# WINCHESTER LOCAL PLAN EXAMINATION

## Stage 2 Hearing Statement

Personal Reference Number: ANON-  
AQTS-32G7-V

Representor: Bargate Homes

Matter: 11

Carbon Neutrality and Designing for Low  
Carbon Infrastructure

Date: April 2025

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## 1.0 Introduction

- 1.1 This examination Hearing Statement has been prepared by tor&co on behalf of Bargate Homes (Personal Reference Number: ANON-AQTS-32G7-V) in respect of **Matter 11 – Carbon Neutrality and Designing for Low Carbon Infrastructure** of the Winchester Local Plan examination in public.
- 1.2 The comments made within this Statement respond directly to the questions set out in the Planning Inspectors Stage 1 Matters, Issues and Questions (ID17), and are presented in the context of the ongoing promotion of Land to the west of Salters Lane (SHLAA ref. SP01), Land at Main Road, Colden Common (SHLAA ref. CC04), Land at Lower Moors Road, Colden Common (SHLAA ref. CC05), Land South of Forest Road, Denmead (SHLAA ref. DE05), Land at Forest Farm, Waltham Chase, Shedfield (SHLAA ref. SH09), Land at Lower Chase Road, Waltham Chase, Shedfield (SHLAA ref. SH11), and Mayles Farm, Mayles Lane, Wickham (SHLAA ref. W124).
- 1.3 This Statement should be read in conjunction with the Bargate Homes Regulation 19 representations.

## 2.0 Response to the Inspectors Questions

**Issue: Whether strategic policy CN1 and policies CN2-CN8 would provide an effective policy framework to ensure the Plan mitigates and adapts to climate change and in this regard whether they would be justified, effective and consistent with national policy?**

### **Policy CN3 Efficiency standards to reduce carbon emissions**

**Q1: What is the robust evidence to justify the stated energy efficiency requirements for all new residential development which would go beyond those of the Future Homes Standard? Would they accord with national policy? Given technological and infrastructure and other possible constraints would the policy be justified and effective?**

- 2.1 In the first instance, it is noted that the policy wording is considered overly negative and not positively prepared. Residential development has a key role to play in supporting improved energy efficiency and reduced carbon emissions, and is ultimately part of the solution, and is not the issue in itself. The wording of the policy should therefore be prepared on this basis.
- 2.2 It is highlighted that there is no robust evidence to justify the requirements in Policy CN3 which go beyond the Future Homes Standard ('FHS') or Building Regulations.
- 2.3 Although the National Planning Policy Framework (NPPF) does not specifically reference energy targets and the FHS, paragraph 161 does say the "*planning system should support the transition to net zero by 2050*", with paragraph 162 stating "*plans should take a proactive approach to mitigating and adapting to climate change.*" By implementing a policy which goes beyond the FHS and building regulations the local plan is not supporting development, when developers are already doing their utmost to work towards these new standards which is a challenge in itself. The policy, as currently worded, provides no flexibility and may deter housebuilders from delivering homes in a local authority which enforces unrealistic expectations beyond national standards.
- 2.4 The policy must also ensure consistency with the December 2023 Minister of State for Housing Ministerial Statement. It must take account of the High Court Judgement of 2 July 2024 [2024] EWHC 1693 Admin which confirms that the Written Ministerial Statement ('WMS') is lawful and that measures for energy efficiency standards and energy requirements are those set out in the WMS and FHS i.e. Target Emission Rates (TER) and that it was not open to local authorities to choose measures other than this. The High Court Judgement's intention is to prevent the application of inconsistent standards. It is noted that at paragraphs 5.8 to 5.10 of the Carbon Neutrality and Embodied Carbon Topic Paper, the Council advises that it wrote to the Secretary of State expressing concern that the WMS restricted the ability to set energy

performance standards other than through TER, measured through the Standard Assessment Procedure (SAP). The response received confirms that whilst local plan makers are not precluded from setting standards that go further than Building Regulations, this must be “*in a way that is coherent and easily understandable for housebuilders*”.

- 2.5 Lastly, these targets that go beyond national requirements will inevitably have a greater negative impact on small and medium sized house builders, as opposed to the larger, national housebuilders who have greater resources and capacity to respond. NPPF paragraph 73 emphasises the importance of small and medium enterprise housebuilders and their contribution towards meeting the housing requirements of an area, and the policy as drafted does not accord with the NPPF in this regard.

**Q2: What is the robust evidence to justify the way in which the energy efficiency requirements for all new residential development is expressed? In this regard, would policy CN3 accord with national policy?**

- 2.6 It is inflexible to specify energy targets as quoted in policy parts i. and ii. of the ‘All new residential development’ section. This does not future proof any forthcoming and updated standards across the plan period, and may jeopardise the efficiency of the plan considering the plan covers a period of up to 2040.
- 2.7 As such, the policy should be amended to say:

*‘New residential development will need to be able to demonstrate net-zero operational carbon on site by ensuring that developments accord with the relevant energy efficiency targets in place at that time’.*

**Q3: What is the robust evidence to justify the requirement for 100% on site renewable energy for energy consumption?**

- 2.8 Bargate Homes believe on-site renewable energy generation requirements appear overly rigid, and is not sufficiently flexible to accommodate site specific circumstances. For instance, where solar generation is infeasible due to shading, site constraints, or heritage considerations. The policy is currently silent on these aspects, but they may need to be considered as part of the phased approach to introducing the local standards so that the policy can be effective. In addition, there is a lack of recognition that there is often a mismatch between renewable electricity generation and consumption, particularly during winter months, which has the potential to limit the ability to balance demand with generation.
- 2.9 Furthermore, the requirement for on-site renewables to provide 100% of the developments energy consumption for residential buildings is overly ambitious and not practical in design terms. For example, it is unlikely a wind turbine would integrate within a residential masterplan, or PVs could

be applied to every roof. The policy even quotes that the on-site renewable energy would need to be '*appropriate for their location and setting*' which would unlikely be the case for predominantly residential areas within or on the edge of settlements for instance. Consequently, Policy CN3 as currently drafted is likely to have significant implications on design which may conflict with other related policies contained within the draft plan.

2.10 Equally, accommodating these onerous requirements is likely to have a bearing on site capacity, which has not been adequately evidenced or appraised. Stipulating a 100% on-site renewable energy generation requirement is likely to have a direct impact on the amount of land that can come forward for development in sustainable locations. It is notable that WCC have not reviewed housing deliverability assumptions in this context therefore.

2.11 Bargate support the aspiration of Policy CN3, however to ensure that it is both deliverable, achievable and does not constrain housing delivery, it is important that the policy wording is positively prepared and flexible. The 100% policy requirement is not realistic, and should be removed.

**Q4: How have viability considerations been reflected in policy requirements, including any impacts on affordable housing provision and delivery?**

2.12 The impact of the additional requirements set out in draft Policy CN3 on the viability and deliverability of development must be demonstrated to have been fully considered and be acceptable, Bargate Homes does not consider this to be the case. Whilst it is acknowledged that some financial modelling of the cost implications of the additional requirements has been undertaken, Bargate Homes does not consider that the costs of implementation of the draft policy have been fully and properly considered and underestimates the true cost of this policy. It is not therefore justified.

2.13 This will inevitably have implications for viability and delivering affordable homes due to the increased costs developers are expected to provide to meet other policy requirements. This includes the costs associated with S106, CIL, BNG, achieving nutrient neutrality, etc.

**Q5: Would the policy be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?**

2.14 On the basis that Bargate Homes consider the policy requirements to be largely undeliverable and unrealistic, then the following wording is particularly notable: '*unless there are exceptionally clear and compelling reasons. These reasons should be established through the design process and demonstrate that achieving these standards provides a development that would be harmful to its setting or the character of the wider area or it is demonstrated that is not practical.*' This wording is

highly subjective, and interpretative, and does not provide a concise, clear and unambiguous basis for decision making. Consequently, the current draft policy wording is considered to fail in this regard.

**Q6: In referring to all new residential development rather than dwellings, would the policy be clear in its intention to require individual dwellings to be net zero? Would such an approach be justified by robust evidence?**

- 2.15 Bargate Homes believe that the policy as drafted could be written clearer to ensure that all residential developments are applicable to this policy, including householder applications. Amended policy wording could include:

*'All new residential development (including householder)'*

**Q7: What would be the effective monitoring and compliance mechanisms to ensure the successful implementation of the policy without hindering development progress?**

- 2.16 Meeting FHS – or any future building regulation requirements – is considered a sufficient compliance mechanism. Adding further policy requirements will add further barriers to development and does not represent a positively prepared policy basis in accordance with the NPPF.