

Winchester District Local Plan 2020-2040 Examination

Matter 11: Carbon Neutrality and Designing
for Low Carbon Infrastructure

STATEMENT ON BEHALF OF CREST NICHOLSON PARTNERSHIPS AND

STRATEGIC LAND REF 32UU-8.

April 2025

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?

Strategic Policy CN1 Mitigating and adapting to climate change

Q.3 In seeking to minimise carbon emissions would the policy accord with national policy as set out on the WMS published on 13th December 2023?

1. Policy CN1 relates to measures to reduce energy consumption, rather than proposing specific energy standards (which are covered under Policy CN3). As outlined in our response to Question 1 of Policy CN3, the justification for all new development to demonstrate net zero operational carbon onsite requires “a well-reasoned and robustly costed rationale” to demonstrate viability in accordance with the Written Ministerial Statement dated 13th December 2023 – otherwise it should be rejected at Examination. The Council has not provided robust evidence to demonstrate that development would remain viable and the impact on housing supply and affordability has been properly considered. This is necessary for the Local Plan to be justified.

Policy CN3 Efficiency standards to reduce carbon emissions

Q.1: 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. In terms of the first part of the question, there do not appear to be any documents included in the Council’s Local Plan evidence base which provide robust evidence to justify the Council’s approach.
3. The National Planning Policy Framework (December 2023) is clear in its approach at Paragraph 159 (our emphasis):

“New Development should be planned for in ways that:

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.**”*

4. The Written Ministerial Statement (“WMS”) 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."

5. In addition, it is important to note that a High Court judgement ([2024] EWHC 1693 Admin – 02/07/2024), challenged the WMS, a ground of which argued that the WMS unduly restricted local authorities in exercising powers granted to them in respect of policies addressing climate change. The challenge failed on all three grounds and confirmed that energy efficiency standards that are included within local plan policies should be within the scope of the Building Regulations to avoid circumstances where multiple, inconsistent regulatory requirements are set.
6. To ensure the policy is compliant with national policy, the Council must be able to demonstrate that the requirements of the WMS and paragraph 159 of the Framework are adhered to fully. There does not appear to be any robust evidence available confirming this.
7. As outlined above, there is no robust evidence to justify the stated energy efficiency requirements for all new residential development which would go beyond those of the Future Homes Standards. This does not accord with national policy set out in the WMS and should therefore be rejected.

Q.2: 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?

8. The WMS is clear that for any planning policies that go beyond current or planned building regulations should ensure that (our emphasis):

*"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)."*

9. Policy CN3 proposes the additional requirement as an 'energy use target' rather than expressed as a percentage of the Target Emissions Rate. It is therefore inconsistent with national policy set out in the WMS. Indeed, energy usage is not a measure of carbon efficiency. All homes use energy; the issue is whether it is used sustainably or whether its usage can be mitigated by carbon saving measures.

Q.4: How have viability considerations been reflected in policy requirements, including any impacts on affordable housing provision and delivery?

10. As outlined in our response to Question 1 above, the Council has not provided robust evidence to justify its approach.



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