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Winchester District Local Plan

Winchester City Council Local Plan Examination

Hearing Statement Matter 11:

Carbon neutrality and designing for low
carbon infrastructure

April 2025



Winchester
City Council

Matter 11 Carbon neutrality and designing for low carbon infrastructure

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?

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Strategic Policy CN1 Mitigating and adapting to climate change

1. What is the robust evidence to justify the approach taken in strategic policy CN1 in setting out the overall strategy to achieve net zero and address climate mitigation and adaptation?

WCC Response:

1.1 The need to address climate change is a fundamental issue that is underpinned in the NPPF and legal duties that Local Planning Authorities are bound by under Section 19 of the Planning and Compulsory Purchase Act, as amended by the 2008 Planning Act. In order to address the issue of climate change, the city council believes that the Proposed Submission Local Plan (Regulation 19) ([SD01](#)) includes a range of policies which would both directly and indirectly address the role the Development Plan plays in contributing to net zero and to address climate change and adaptation (Policies CN1 – CN8) which have been based on a robust evidence base.

1.2 A key objective of the Local Plan (paragraph 2.11 and the diagram on page 18 of the Local Plan) is to actively respond to the city council's declared climate and ecological emergencies whilst securing sustainable development. This objective has been fully reflected throughout the preparation of the Local Plan. For example, policies on making efficient use of land, the development strategy and policies that encourage the use of active and sustainable forms of transport. In view of this, it is considered that the strategic Policy CN1, when taken together with the other policies in the Carbon Neutrality topic, will assist with setting out the overall strategy to achieve net zero and will address climate mitigation and adaptation.

2. Does the Plan, taken as a whole, include policies designed to ensure that the development and use of land contributes to the mitigation of, and adaptation to, climate change in accordance with Section 19(1A) of the Planning and Compulsory Purchase Act 2004 (as amended)?

WCC Response:

1.3 Yes. The city council believes that Policy CN1 would meet the requirements of Section 19(1A) of the 2004 Planning and Compulsory Purchase Act which requires Development Plan Documents (taken as a whole) to include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. The approach towards mitigation and adaptation to climate change have been key defining issues in the policies and the proposals that have been included in the Proposed Submission Local Plan (Regulation 19).

- 1.4 The Council considers both Policy CN3 in combination with Policy H6 provide appropriate flexibility in exceptional circumstances. Policy CN3 states these requirements should be met “unless there are exceptionally clear and compelling reasons” linked to design and/or for other practical reasons. Policy H6 also provides the option for a viability assessment to be submitted at planning application stage in such circumstances.
- 1.5 Overall, the Local Plan Viability Study evidence (LP01 – LPV18) made reasonable assumptions based on well-established principles/methodology and appropriate evidence provided by the Council’s energy consultants (CN13). The Local Plan Viability Study report (LPV01) and the Local Plan Viability Report – Further information (August 2024) (LPV04) concludes, on this basis, the plan strategy and policies to be viable and not undermine delivery over the plan period.

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?

WCC Response:

- 1.6 Section 19(1A) of the Planning and Compulsory Purchase Act 2004 imposes a general requirement that development plan documents must, taken as a whole, *“include policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change”*.
- 1.7 Given the nature of this duty, against the background of the Climate Change Act 2008 net zero obligation, local authorities have the power to bring forward local plan policies which secure the mitigation of climate change needed to contribute to meeting the carbon budgets and the 2050 net zero target.
- 1.8 The WMS re-iterates the Government’s intention to “continue to make progress towards the net zero goal set out in legislation in 2019, including by improving the energy efficiency of homes and moving to cleaner technologies and sources of power within the homes and building sector.” It also indicates “the government’s commitment to ensuring new properties have a much lower impact on the environment in the future.”
- 1.9 Policy CN1 sets out policies to ensure that those objectives are achieved through the Plan. To that extent, it is consistent with the WMS.
- 1.10 It is accepted that other Plan policies are at variance with the WMS. Now that issue will be dealt with in response to questions raised about policy CN3.

4. Strategic policy CN1 sets out a design process through which development proposals can consider and incorporate varied forms of low carbon solutions. In the absence of a commitment to produce guidance on the production of energy and carbon statements would the policy be effective? Would the

requirement for an energy and carbon statement to be updated to baseline conditions in relation to phased development be reasonable?

WCC Response:

- 1.11 The city council has produced draft guidance in terms of what information should be included in an energy and carbon statement which has been attached at Appendix 1.
- 1.12 The city council believes that it is reasonable to require an energy and carbon statement to be updated as part of a phased development as technology and their costs are both changing at a rapid pace. This is particularly relevant for large-scale developments, that are often developed in phases, to ensure that new low carbon solutions are fully addressed when a reserved matters application is submitted (accepting that in some cases the situation may not have changed from when a site was granted outline planning permission).

5. In not setting specific actions or targets, would the policy be effective in its aim to meet the targets in the Council's Climate Emergency Declaration?

WCC Response:

- 1.13 It is considered that it would be extremely challenging to set specific targets in the Local Plan, and it would be extremely hard to monitor this as climate change and adaptation covers a number of policies in the Local Plan (e.g. encouraging developers to plan developments that are well-located to public transport). The city council believes that when taken as a whole, the policies in the Proposed Submission Local Plan (Regulation 19) have been specifically drafted to address the city council's climate emergency declaration. Unlike the previous adopted Local Plan, the climate emergency has been one of the key defining issues of this Local Plan. For example, Policy CN3 would specifically require no fossil fuels and sets high energy efficiency standards in recognition that carbon emissions from homes is an urgent priority that needs to be addressed and this avoids the expensive cost of retrofitting.

6. Would the policy appropriately recognise the contribution of a heritage led approach to mitigating and adapting to climate change?

WCC Response:

- 1.14 It is considered important to read the Local Plan as a whole as the contribution that heritage led schemes can make towards mitigating and adapting to climate change are addressed in a specific policy in the Historic Environment topic (Policy HE14).

Policy CN2 Energy hierarchy

1. Would policy CN2, when read with strategic policy CN1, serve a clear purpose?

WCC Response:

1.15 The city council believes that Policy CN1, which is an overarching strategic policy, serves a different purpose to Policy CN2 which is focussed on the energy hierarchy related to buildings. It is considered to be important to have a Local Plan policy that sets out the energy hierarchy as the city council wants developers to consider and assess this as part of the 'design process' (Policy D1) rather than as an afterthought.

2. Would it be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals? In particular would more explanation of appropriate interventions at each stage of the hierarchy be necessary for effectiveness?

WCC Response:

1.16 The city council believes that the policy has been clearly written and the diagram on page 40 of the Local Plan clearly sets out the energy hierarchy and the thought process that the council wants developers to go through as part of the 'design process' (Policy D1). As part of the design process, it will be important that developers submit this information and demonstrate how this has helped to inform and shape the final layout of their scheme. It is considered that the interventions will be different on a case-by-case basis which is one of the reasons that the policy and the supporting text has not gone down this particular route.

3. Should policy CN2, refer to the positive aspects of spatial planning that would help reduce energy consumption, with particular regard to travel demand?

WCC Response:

1.17 No. Whilst there is currently no spatial development plan for Hampshire at this moment in time, it is important to read the Local Plan as a whole. There are a number of policies in the Sustainable Transport and Active Travel topic (Policies T1 – T4) which refer to and are all intended to reduce travel demand and support the city council's climate emergency along with Policy CN3 on energy efficiency standards and Policy CN8 on embodied carbon.

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

WCC Response:

1.18 CN2 provides an energy hierarchy, this hierarchy provides a recommended approach to prioritising energy efficiency measures, by reducing energy, carbon emissions are reduced. The policy does conflict with the WMS published on the 13th of December 2023.

1.19 Beyond this question, on the implication of the WMS published on 13th of December, please see our answer to question 3 on CN1.

5. Would the policy appropriately address heritage assets when a fabric first approach may not always be appropriate? In this regard would reference to all development be justified, effective and consistent with national policy?

WCC Response:

1.20 Please see response to question CN1, question 6.

1.21 PM 9 in the Schedule of Proposed Modifications ([SD14a](#)) includes a number of proposed modifications to paragraph 4.19 to make it clear that the fabric first approach is generally not appropriate for 'traditionally constructed buildings', and to cross refer the reader to Policy HE14. It also includes a footnote to explain what is meant by the term traditionally constructed buildings.

Policy CN3 Efficiency standards to reduce carbon emissions

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? (no known technological and infrastructure constraints

WCC Response:

1.22 For clarity, we have split up our response against each of the three questions above.

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?

1.23 There is a clear evidence of need for this policy:

- The city council needs to develop a plan consistent with the national and local net zero policies. Winchester declared a climate emergency in 2019, with targets of achieving a carbon neutral district by 2030. Thus the council has decided to introduce policy such that it meets its own carbon neutral targets, and reduces energy bills for residents.
- The Future Homes Standard (FHS) has not been published yet. This means that uncertainty remains over its ambition, the associated technical requirements required and their cost as well as their impact on residents energy bills. The Council could not reliably base its policy on the FHS.
- The energy modelling methodology used to test compliance with the FHS is not available yet. Standard Assessment Procedure (SAP) (mentioned in the 2023 WMS) will be replaced by Home Energy Model (HEM) for the FHS. It was therefore not possible for the city council to undertake a detailed technical and cost evidence base.
- In the absence of the FHS, the city council is proposing a policy which is likely to be broadly consistent with the FHS (e.g. energy efficiency, low carbon heat, renewable energy generation).
- Based on the options that were tested in the latest FHS consultation, it is very likely that the requirements of the FHS do not go far enough to be in line with the recommendations of the Climate Change Committee regarding the performance of new homes from 2025. ¹The FHS is a national standard and sets 'a floor' for the minimum standards that can be achieved in the least viable areas of the UK, rather than tailoring the requirements to what is viable in different locations. Local Plan development provides the ability to take local context into consideration.

Would they accord with national policy?

1.24 Yes, the proposed policies accord with national policy. The details are outlined below.

1.25 In 2008 the Climate Change Act was passed (CCA 2008). This set legally binding targets to meet at least an 80% reduction from the 1990 baseline in the initial five targeted greenhouse gases which made up the UK carbon account by 2050. This 1990 baseline was drawn from the Kyoto Protocol. In 2019 this was updated through the Climate Change Act Amendment Order, which means that we are now required to achieve a 100% reduction i.e. net zero.

¹ The CCC published the 'UK housing: Fit for the Future?' report in 2019. In this report it stated that 'New homes should deliver ultra-high levels of energy efficiency as soon as possible and by 2025 at the latest, consistent with a space heat demand of 15-20 kWh/m² /yr. Designing in these features from the start is around one-fifth of the cost of retrofitting to the same quality and standard.' A semi-detached house was modelled using PHPP to estimate the space heating demand and it was found to have a space heating demand of 60 kWh/m²/year when using the FHS option 1 specification and of 80 kWh/m²/year when using the FHS option 2 specification.

1.26 The Paris Climate Agreement is an international treaty which was agreed in December 2015 and entered into force on 4 November 2016. It commits most of the world's governments to addressing climate change. Under the Paris Agreement, in 2020, the UK pledged to reduce carbon emissions by 68% by 2030. (Nationally Determined Contributions based on Long-Term Strategies) UK (2020). The international obligations under the Paris Agreement are given effect, in the UK, through the CCA 2008 and carbon budgets.

1.27 The Planning and Energy Act 2008 empowers LPAs to set stricter energy efficiency standards for new developments. This allows them to demand buildings that consume less energy overall and require a significant portion of their energy needs to be met by renewable sources like solar panels. By fostering on-site renewable energy generation, LPAs can decrease reliance on the national grid, which often relies on fossil fuels.

1.28 Section 19(1A) of the Planning and Compulsory Purchase Act 2004 imposes a general requirement that development plan documents must, taken as a whole, *"include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change"*.

1.29 The WMS of 13 December 2023 offered guidance that planning policies ought not to go beyond current or planned building regulations unless they had "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 NPPF.
- 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)."

1.30 The matters set out above provide the necessary well-reasoned rationale for the imposition of the standards required by CN3. The status of the WMS will be considered in detail below in answer 2, when considering the suggested use of TER, whilst viability matters are considered in answer 4 below.

Given technological and infrastructure and other possible constraints would the policy be justified and effective?

1.31 There are no known technological and infrastructure constraints which would affect the justification or effectiveness of this policy.

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?

WCC Response:

1.32 The city council has chosen energy based metrics (Space Heating Demand (SHD) and Energy Use Intensity (EUI)) over the building regulations metrics (reduction in carbon emissions expressed as % reduction of Target Emission Rate (TER) and % reduction of Dwelling Fabric Energy Efficiency Rate) as they are considered to be more suitable metrics for a clear and effective policy.

1.33 In building regulations, a 'notional building' is generated by a computer model, that has the same shape as the 'actual building' being developed. The building regulations 'notional specification' is applied by the computer model based on building fabric and heating, hot water and lighting system etc. A computer model is also generated to represent the 'actual building' being developed. A policy based on % reduction from Target Emission Rate (TER) means that the carbon emissions from the 'actual building' must be a certain percentage lower than the 'notional building' regulations compliance building.

There are many limitations of the use of % reduction from TER metric as a planning policy metric these are summarised below:

- It only captures a portion of a building's carbon footprint ignores energy use from appliances, cooking and equipment.
- It aggregates the influence of building fabric and ventilation specifications as well as the heating system and PVs. Therefore, one parameter may compensate for another, e.g. poor energy efficiency can be compensated by a large PV array.
- It does not consider the impact of the design of the building (form), a key factor in energy efficiency.
- It uses assumed carbon factors to convert energy use to carbon emissions, these are based on the average carbon emissions from electricity grid.
- This means that as the electricity grid decarbonises, this will dilute differences in energy efficiency performance between the 'notional' and 'actual' building making it harder to compare and understand performance.
- It is not a proxy for energy costs and cannot be translated into energy costs, a key consideration for local councils.
- The current calculation method used, Standard Assessment Procedure (SAP), often underestimates actual energy consumption and is likely to be withdrawn by the Government with the introduction of the FHS.
- The new methodology (HEM) is not ready for use on building projects yet.
- There is no way of validating if a home is meeting the requirements once it has been built, thus if the policy is creating the intended changes.

1.34 The Building Regulations has an additional requirement, with the intent of protecting the building fabric of homes – the Fabric Energy Efficiency Rate. The same computer model is used as the % reduction from TER. A policy based on % reduction from Fabric Energy Efficiency Rate means that the total energy efficiency of the fabric from the 'actual building' must be a certain percentage lower than the 'notional building' regulations compliance building.

There are many limitations of the use of % reduction from Fabric Energy Efficiency Rate as a planning policy metric these are summarised below:

- As the 'notional building' is the same shape as the 'actual building' the use of this metric does not consider the impact of the design of the building (form) a key factor in energy efficiency, thus does not incentivise low energy building design.
- The Fabric Energy Efficiency Rate does not include the ventilation system, another key factor in energy efficiency.
- There is no way of validating if a home is meeting the requirements once it has been built, thus if the policy is creating the intended changes.

1.35 Energy Use Intensity (EUI) is the amount of total energy needed to run a building over a year (per sqm). It is an 'absolute metric'. This means that a policy based on EUI has an energy limit that based on predictive energy modelling results. Using an energy-based metrics approach means focus on minimising energy use in the first place which is much better for residents, as well as reducing pressure on the electricity grid and mitigating climate change. It is a much more helpful metric to understand energy efficiency:

- It is a simple metric that is easy to understand by the developer, design team, contractor, residents and those managing housing/building asset portfolios.
- It includes all energy uses.
- It can be used as a proxy for energy costs and can easily be translated into energy costs, a key consideration for the city council.
- Performance of the buildings can be checked in use - it can be directly derived from utility meters, or energy bills. This means that the outcomes of the policy can be monitored once the buildings are built and occupied.
- It does not rely on 'system' conversion factors (such as carbon factors) which will change over time and may not be consistent.
- It includes the impact of the building form, a key factor in energy efficiency.
- At the design stage, predictive energy modelling is used to estimate the EUI which helps inform the design team on how to reduce energy use, thus giving the design team the ability to consider options to reduce the energy and carbon emissions of the building.

1.36 The Space Heating Demand (SHD) is the amount of energy per m², over the course of an average year, which is needed to maintain a comfortable internal temperature. It is a much more helpful metric to understand building fabric efficiency, air permeability and ventilation efficiency.

- It includes the impact of the design of the building (form), a key factor in fabric efficiency.
- It is used by the Climate Change Committee;
- It is used by Passivhaus as a metric; and
- Department of Energy security and Net Zero (DESNZ) are using it for the Social Housing Decarbonisation Fund (SHDF).

1.37 It is important to note that there is no 'conflict' between the use of Space Heating Demand (SHD), Energy Use Intensity (EUI) , Target Emission Rates

(TER) and Dwelling Fabric Energy Efficiency Rate). The latter are building regulations metrics, but the former underpin performance in the latter as well. They are being used by local authorities and developers across the Country and are supported by a range of industry guidance document, including the UK Net Zero Carbon Buildings Standard and RIBA.

1.38 It is also likely that EUI will become used in future Energy Performance Certificates (EPCs):

- Use of Energy Use Intensity in kWh/m².yr would be consistent with the recommendations of the Climate Change Committee for the reform of EPCs.
- In December 2024 the government released a consultation on reforms to the energy performance of buildings regime. Delivered energy (which is the same as EUI) was put forward as a potential metric in revised EPC's.

1.39 Further information is provided below that shows that energy metrics are used consistently as an alternative to % reduction TER:

- Adopted local plans that include space heating demand and energy metrics include Cornwall adopted climate emergency development plan 2023, Central Lincolnshire adopted local plan 2023, Bath & North East Somerset sustainable construction checklist SPD and recently, the Tendering Colchester Borders Garden Community plan document (2025). These local plans have been found sound by planning inspectors.
- Around 30 local authorities are pursuing energy metrics in draft/ emerging local plans
- The Greater London Authority requires that EUI is reported in planning applications in London.

1.40 The following government departments are using an EUI limit as part of their briefs and guidance:

- Department of Education;
- Ministry of Justice;
- Government Property Agency; and
- A bespoke EUI target is developed depending on the use of the building in the NHS Net Zero Carbon Standard.

1.41 Industry alignment on energy metrics:

1.42 The pilot version of the UK Net Zero Carbon buildings Standard was released in September 2024. It will be the UK's first cross-industry Net Zero Carbon Buildings Standard that brings together Net-Zero Carbon requirements for all major building types, based on a 1.5°C trajectory. The UK Net Zero Carbon Buildings Standard will enable industry to robustly prove their built assets are net zero carbon and in line with our nation's climate targets. This voluntary Standard will be applicable to new buildings, retrofits and existing buildings. The Standard is a joint initiative between BBP, BRE, the Carbon Trust, CIBSE, IStructE, LETI, RIBA, RICS, and UKGBC, PIA, RIAS and ICE.

- 1.43 EUI is the metric which is being used in the NZCBS, and thus is supported by the BBP, BRE, the Carbon Trust, CIBSE, IStructE, LETI, RIBA, RICS, and UKGBC, PIA, RIAS and ICE.
- 1.44 The city council believes that Policy CN3 is in accordance with national policy. It is accepted that the use of energy based metrics is at variance with the requirement in the WMS that the TER metric be used. The justification for the Council's decision to use such metrics has been set out above. In the light of that justification, it is important properly to understand the status of the WMS.
- 1.45 Section 19(1A) of the Planning and Compulsory Purchase Act 2004 imposes a general requirement that development plan documents must, taken as a whole, *"include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change"*.
- 1.46 The WMS is guidance only and cannot lawfully be interpreted or relied on to remove or frustrate the effective operation of statutory powers of LPAs (i.e. the Section 1-5 of PEA 2008 or Section 19 1A of P&CP act 2004).
- 1.47 The WMS usefully clarifies that LPAs can set their own energy efficiency standards in policy which go beyond Building Regulations as long as they have a *'well-reasoned and robustly costed rationale that ensures development remains viable (and impact on housing supply and affordability is considered in accordance with NPPF)'*. This has been confirmed again by the MHCLG Chief Planner (Joanna Averley) in her newsletter to Local Planning Authorities in January 2024.
- 1.48 An 'open legal advice' document, written by Estelle Dehon KC and available on the Essex Design Guide website, provides clear legal justification and reassurance for Local Plans (LPAs) to include net zero policies (energy efficiency standards that go beyond building regulations), and for Inspectors to find such policies sound, provided they are justified and evidenced.
- 1.49 The legal advice is very clear that LPAs have statutory authority to set energy efficiency targets that exceed the baseline in national Building Regulations and there can be no restriction on how the policy is expressed, including the metrics used in a policy and how these are calculated. This position has not been changed by the 2023 WMS.
- 1.50 The key matter is that policies must *"comply with the usual plan-making requirements of Section 19 of the 2004 Act, are justified on the evidence and are reasonable, in that they do not affect viability of new development to an unreasonable extent"* (Para 103, Essex Open Legal Advice). The legal advice also notes that *'Additionally, local decision-makers are also free to rely on local or exceptional circumstances to depart from the 2023 WMS.'* (para 82 Essex Open Legal Advice)).
- 1.51 On the 19 March 2024, the Secretary of State clarified in pre-action correspondence concerning a proposed judicial review of the WMS that:

- *“Section 38(6) allows for material considerations to be taken into account in the application of development plan policies. The 2023 WMS is simply that: a material consideration that the decision maker can consider and apply as he or she sees fit in the particular circumstances of a case. The 2023 WMS fits appropriately into the structure of section 38(6) decision making.”; and*
- *The WMS “does not restrain local planning authorities from applying development plan policies or exercising their section 1 powers.”*

1.52 This means that the 2023 WMS cannot lawfully be interpreted in a way which restricts how a policy is expressed – particularly as the space heating demand and energy use metrics are more suitable and appropriate methods, which is evidenced and justified.

1.53 The WMS outlines one way that LA can fulfil their statutory obligations on climate change. The WMS chooses to align the metrics of policy to that of Part L of the building regulations, and that energy efficient requirements be expressed as a percentage uplift of a dwellings Targets Emission Rate (TER) from Building Regulations using Standard Assessment Procedure (SAP). In terms of how policy is expressed, the WMS only sets out one way that policy may be expressed. However, it is not the only way and if there is a better way then that can be justified.

1.54 Accordingly, CN3 is in accordance with national policy.

1.55 Finally, it should be noted that the position set out by the Council above was very recently endorsed by the Inspector examining the Tendering Local Plan. In upholding a policy which went beyond current Building Regulations standards, and which did not use the TER metric, she observed (at Final Report para 78):

“78. In reaching this decision I have had regard to the 2023 Written Ministerial Statement³ (WMS), published after submission of the DPD for examination. However, whilst the WMS is a material consideration of significant weight, the Councils must prepare development plan documents that, in accordance with Section 19(1A) of the 2004 Act, include policies which contribute to the mitigation of, and adaption to, climate change. Additionally, Section 1 of the Planning and Energy Act 2008 states that local planning authorities may in their development plans include policies imposing reasonable requirements for development in their area to comply with energy efficiency standards that exceed the energy requirements of building regulations.”

3. What is the robust evidence to justify the requirement for 100% on site renewable energy for energy consumption?

WCC Response:

1.56 An energy balance between energy used by a home and the energy generated onsite is the translation at the building level of the net zero 2050 target in the climate change act. Renewable energy generation also reduces energy bills.

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

WCC Response:

1.57 The analysis carried out in the 'Net Zero carbon targets' report, by Elementa, Currie & Brown and Etude shows that the capital cost uplifts are 5-7% above 2021 building regulations. The Local Plan Viability Study evidence (LP01 – LPV18) made reasonable assumptions based on appropriate costs evidence provided by the Council's energy consultants (CN13). The Local Plan Viability Study reports (LPV01 / LPV04) conclude, on this basis, the plan strategy and policies including affordable housing are viable and do not undermine housing provision or delivery over the plan period.

1.58 Cornwall Council have implemented a policy based on space heating demand, energy use intensity and an on-site renewable energy balance in June 2023 having successfully gone through an independent examination process. In the first year of implementation, they determined 1,300 applications for new homes, a higher number than the previous year, and by far the highest number of applications in any English planning authority in that time period.

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

WCC Response:

1.59 The city council believes that the policy has been clearly written and is unambiguous. It is evident how a decision maker should react to development proposals. Clarity is provided on what level of energy modelling is required for pre-app, outline and full planning/reserved matters.

6. 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?

WCC Response:

1.60 The requirements are intended to be met at a 'building' level rather than for each dwelling. For example, for houses it is assumed that each house will be net zero, but for blocks of flats the net zero requirements would be for the whole building rather than for each dwelling individually.

1.61 PM219 in the Schedule of Proposed Modifications (SD14a) has been proposed to make it clear that this policy applies to buildings and not just individual dwellings.

1.62 Policy CN3: All new residential development **buildings** (excluding conversion and change of use) should not burn any fossil fuels on site for space heating, hot water or used for cooking. New residential development will need to be able to demonstrate net-zero operational carbon on site by ensuring:

1.63 Insert following text after criteria iv (not a new criteria): **All requirements should be met at a 'building' level rather than per dwelling. For houses each house will meet the above requirements, but for blocks of flats the requirements would be for the whole building rather than for each dwelling individually.**

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

WCC Response:

1.64 The Regulation 19 Local Plan states that:

Although there are no mandatory requirements for monitoring energy use, the council recommends post occupancy monitoring as this provides feedback on how the development is performing in-use. It is envisaged there will be an electronic form provided by the council, to complete by the applicant post completion. This will be prepared once the Plan is adopted. The requirement is for applicants to confirm if monitoring and reporting will be carried out, and the nature of the strategy. For example, whether there is a commitment to report monitored data to the council, or disclose the information publicly, or if no monitoring will be carried out.

1.65 As there are no mandatory requirements, development progress is not hindered.

1.66 Effective monitoring mechanisms would be to monitor energy use and renewable energy generation of the completed and occupied buildings. For homes this should be aggregated. Developers can then learn from the early phases of the development, and feed this learning into the next phases. Developers could also choose to share this with the council or publicly disclosed aggregated energy use and renewable energy generation to understand if the net zero balance is met. There are no penalties if it is not met.

Policy CN4 Water efficiency standards in new developments

1. Would the water efficiency requirements accord with national policy, which sets a standard of 110 litres per person per day in water stressed areas?

WCC Response:

1.67 Yes. As outlined in paragraph 4.32 of the Local Plan the South East of England has been classified a seriously water stressed area. Policy CN4 was developed in consultation with Southern Water and it fully accords with Southern Water's [T100 target](#). In view of this Policy CN4 is considered to be fully justified given the situation in the South East of England.

1.68 The Local Plan Viability Study evidence (LPV01 – LPV18) has made reasonable assumptions based on appropriate evidence. The Local Plan Viability Study report – further information (LPV04) concludes, the plan strategy and policies are likely to be viable. The cost to meeting the policy requirement of 100 litre per person per day is small and on advice of the LP Viability Consultants the city council does not consider it necessary to include a separate cost in addition beyond general development costs.

2. Given policy CN4's approach, what is the robust evidence to justify a standard below the Environment Agency's guidelines on Water Efficiency and Planning, published 18/08/2023 and below that set out in the building regulations? In this regard would the policy be effective?

WCC Response:

1.69 Please see response to question 1 above. The city council has relied on the Southern Water's T100 as they are the statutory undertaker who are responsible for the supply and disposal of water and is the reason why Policy CN4 has included a target of 100 litres per person per day. It is accepted that the Environment Agency (EA) has different 'guidelines' on water efficiency. However, it is important to note that unlike Southern Water the EA are not statutory undertaker who are responsible for the supply of water infrastructure. Policy CN4 has the full support of Southern Water who are responsible for the delivery of water infrastructure and in view of this, it is considered that the policy is clear, effective and is fully justified.

3. Given the viability implications of policy requirements, should the requirements be phased to ensure the right balance between safeguarding future water supply and ensuring planned growth is delivered within the Plan period? Would the policy provide necessary flexibility in this regard?

WCC Response:

1.70 The Council currently requires developers to achieve less than 105 litres per person per day (adopted Local Plan Core Strategy, Policy CP11) which is already reflected within build cost assumptions made in the Local Plan Viability Study evidence (LP01 – LPV18). Policy CN4 seeks to improve the water efficiency standards to 100 litres per person per day representing a small difference between the two policy positions overall. However, the policy allows sufficient flexibility if it can be demonstrated this standard is not feasible.

1.71 The Local Plan Viability Study report (LPV01) states “the overall cost impact for this requirement is nominal and reflected within the overall development cost allowances” – see paragraph 3.23 (page 13). It is only at levels beneath 95 litres per person per day where more costly measures would be required instead of a fittings based approach.

1.72 As noted above, the cost to meeting the policy requirement of 100 litre per person per day is small and therefore we do not consider it necessary to include a separate cost in addition beyond general development costs. Overall, the Local Plan Viability Study evidence (LPV01 – LPV18) has made reasonable assumptions based on appropriate evidence. The Local Plan Viability Study report – further information (LPV04) concludes, the plan strategy and policies are likely to be viable.

4. Would the policy be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals? In particular, in relation to all new residential development,...'unless it can be demonstrated that this is not feasible..'?

WCC Response:

1.73 Yes. The city council believes that the policy has been clearly written and is unambiguous as it fully aligns with Southern Water's T100 target. The wording includes 'unless it can be demonstrated that this is not feasible' is in recognition that in some cases, there may be certain viability issues where this is not achievable. There has been no objection to the wording of Policy CN4 by Southern Water who are responsible for the delivery of water infrastructure.

5. To ensure effectiveness would a commitment to provide additional guidance on water efficiency be required?

WCC Response:

1.74 No. There is a wealth of information on the internet on how to achieve water efficiency measures ranging from dual flush toilets to fitting water efficient appliances. It is, therefore, not considered at this moment in time that there is the need for additional guidance, but this could be a matter that the city council

may wish to review should the situation arise that there is a demonstrated need for this. By having Policy CN4 this enables this to happen in the future.

6. How have viability considerations been reflected in this policy?

WCC Response:

- 1.75 There are a range of low cost measures such as a 'water butt', which have an approximate unit cost of £35. In view of this, Policy CN4 is considered to be viable. The cost of installing water saving/recycling measures can be offset by the reduced cost of water bills for households or businesses. Therefore, the city council considers that the requirements for the water efficiency standards in Policy CN4 is justified and it is consistent with national policy based on the findings of the LP Viability Assessment.

Policy CN5 Renewable and low carbon energy schemes

1. Would policy CN5 accord with the PPG for renewable and low carbon energy?

WCC Response:

- 1.76 Yes. Due to the climate emergency the city council is supportive of proposals for renewable and low carbon energy. It is, however, considered necessary to ensure that these types of proposals are planned in the right areas and they comply with criteria that has developed from a greater understanding over a number of years of the local issues that have come up in a number of planning applications/appeals in the district. The criteria also provide potential developers with clear guidance on what information they will need to provide to support a planning application for a renewable and low carbon proposal. In view of this it is considered that the wording of Policy CN5 does accord with the PPG.

2. Would policy CN5iv accord with national heritage policy, particularly in relation to the heritage balance in NPPF paragraphs 207 and 208?

WCC Response:

- 1.77 Yes. It is considered important to read the Local Plan as a whole. Heritage matters are one of a number of issues that come into the planning balance in terms of paragraphs 194 and 195 of the 2023 NPPF (not paragraphs 207 and 208). In this respect it is not considered to be necessary to duplicate heritage policies in the Local Plan or to repeat the wording of the NPPF.

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

WCC Response:

1.78 The development of Policy CN5 has undergone a number of iterations and it is considered to be clearly written and unambiguous as it has taken forward and been brought up-to-date with a number of recent planning applications/appeals for renewable and low carbon energy development.

4. Would the policy appropriately address potential constraints in relation to military operations or aviation safety?

WCC Response:

1.79 It is considered that military operations and aviation safety are very specific issues that will only affect certain parts of the district. In view of this, it is considered that any issues arising from these activities can be fully addressed on a case-by-case basis and there is no specific reason to include these as specific criteria. Policy CN5 deals with proposals for renewable and low carbon schemes across the whole of the district.

Policy CN6 Micro energy generation schemes

1. Would policy CN6 strike the right balance between promoting small scale energy production and conserving the District's historic environment?

WCC Response:

1.80 Yes. Given the city council has declared a climate emergency it is considered important that there is a policy in the Local Plan that helps to support and encourage schemes for micro energy generation as they have a positive role to play in terms of reducing carbon emissions. It is important to read the Local Plan as a whole as there are a number of policies in the Local Plan on heritage assets and how these need to be addressed. In view of this, it is not considered that there is a need to include specific reference to the historic environment in Policy CN6.

2. Would policy CN6i accord with national heritage policy, particularly in relation to the heritage balance in NPPF paragraphs 207 and 208?

WCC Response:

1.81 It is considered important to read the Local Plan as a whole. Heritage issues are one of a number of issues that come into the planning balance in terms of paragraphs 194 and 195 of the 2023 NPPF (not paragraphs 207 and 208).

3. Would policy CN6ii serve a clear purpose given policy D7?

WCC Response:

- 1.82 Whilst it is important to read the Local Plan as a whole, the city council is aware that micro generation schemes on for example, residential properties can, in some instances, cause a nuisance in terms of noise impacts. It is considered that in light of this and to avoid unintended problems in the future, it is necessary to specifically refer to this matter in criterion ii in Policy CN6.

Policy CN7 Energy storage

1. Would policy CN7 provide appropriate flexibility to support large scale energy storage infrastructure, with particular regard to policy CN7iv?

WCC Response:

- 1.83 Policy CN7 is not intended to deal with large scale battery storage facilities. It is considered that the criteria and the issues that an application for a large scale energy storage facility would be different for a smaller energy storage facility. In this respect, Policy CN7 is more geared towards much smaller facilities that may for example, be built as part of a residential development. Criterion iv (not requiring the installation of cooling fans) is an example of the difference between the scale of energy storage schemes. Working on the basis that an average house could have a battery storage facility between 5 – 10 kWh it is considered that to add clarity to the policy, a threshold 100kWh should be included in the policy (this would equate to 8 -10 houses). PM217 in the Schedule of Proposed Modifications ([SD14a](#)) has included a suggested proposed modification to change the title of the Policy CN7 to ‘**Community Energy Storage**’ so that it is clear that this policy deals with community energy storage. PM218 in the Schedule of Proposed Modifications ([SD14a](#)) has been proposed to make it clear that this policy applies to community battery storage facilities less than 100kWh.

2. Would policy CN7 appropriately address the potential risk of fire at battery storage systems sites and the potential fire water runoff from contaminating the local environment?

WCC Response:

- 1.84 PM175 in the Schedule of Proposed Modifications ([SD14a](#)) has proposed a modification to address the potential fire water runoff from contaminating the local environment.

3. Would policy CN7 appropriately support the combined use of space for energy storage?

WCC Response:

1.85 It is considered that as Policy CN6 is geared towards proposals for micro energy generation schemes, means that there may be limited opportunities to support the combined use of space but equally if this situation arose this could be assessed on a case-by-case basis. This would in part, be dependent on what types of combination of uses were put forward in a planning application (the policy has not been drafted to preclude this from happening).

Policy CN8 Embodied carbon assessment

1. Would this policy serve a clear purpose in accordance with NPPF paragraph 16? In its aim to reduce embodied carbon, in the absence of clear targets would the policy be effective?

WCC Response:

1.86 Embodied carbon assessments are relatively new, and thus this is an area of fast paced change. The process of carrying out the embodied carbon assessment helps the design team to understand and consequently reduce embodied carbon. Thus, the policy will be effective at reducing embodied carbon.

2. Given concerns regarding the amount and quality of data across the construction industry on the embodied carbon of any inputs, would the policy be justified and effective?

WCC Response:

1.87 There is not a consistent database of embodied carbon coefficients that can be used and therefore planning stage embodied carbon assessments can vary depending on the tools and inputs used. But this does not affect the usefulness of an embodied carbon assessment when making design decision, especially when comparing the embodied carbon of various design options.

3. Would policy CN8 provide adequate detail on the process of producing an embodied carbon assessment, so as to ensure effectiveness?

WCC Response:

1.88 Yes, there is adequate detail. The policy refers to the RICS whole life carbon assessment for the built environment methodology. This document provides detailed guidance on how to carry out the embodied carbon assessment and in which format results are to be reported. Appendix 1 of this document provides

information on what is to be included in an Energy and Carbon Statement, this provides additional detail.

4. Given the requirement for information on materials and construction methods, at what stage would an embodied carbon assessment be required? And would policy CN8 be clear in its requirements in this regard?

WCC Response:

1.89 An embodied carbon assessment would be required as part of a full planning application (or RMA). Further details is provided in Appendix 1 of this document. This information will be provided to applicants and thus it will be clear at what stage an embodied carbon assessment is required.

Appendix 1

Draft

**Technical Advice Note for Policy CN1 and CN8 of the Local Plan
2040 – Energy and Carbon Statement**

Strategic Planning Team, Winchester City Council

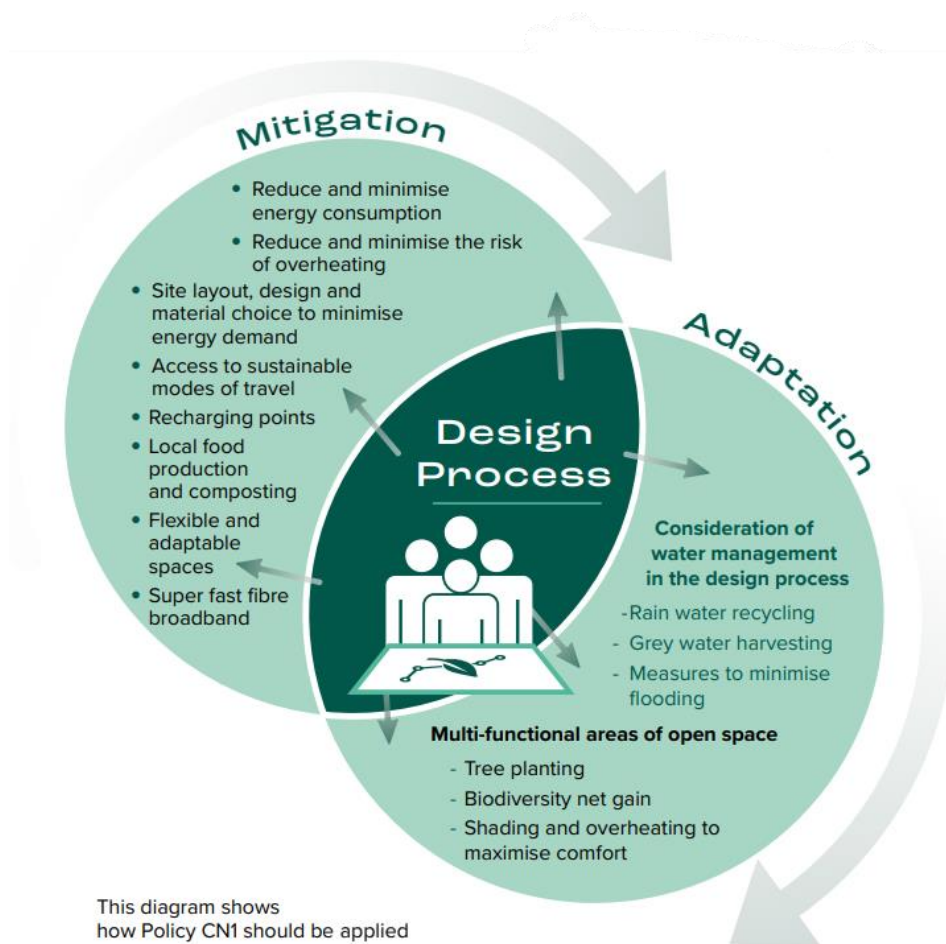
April 2025



Introduction/ Background

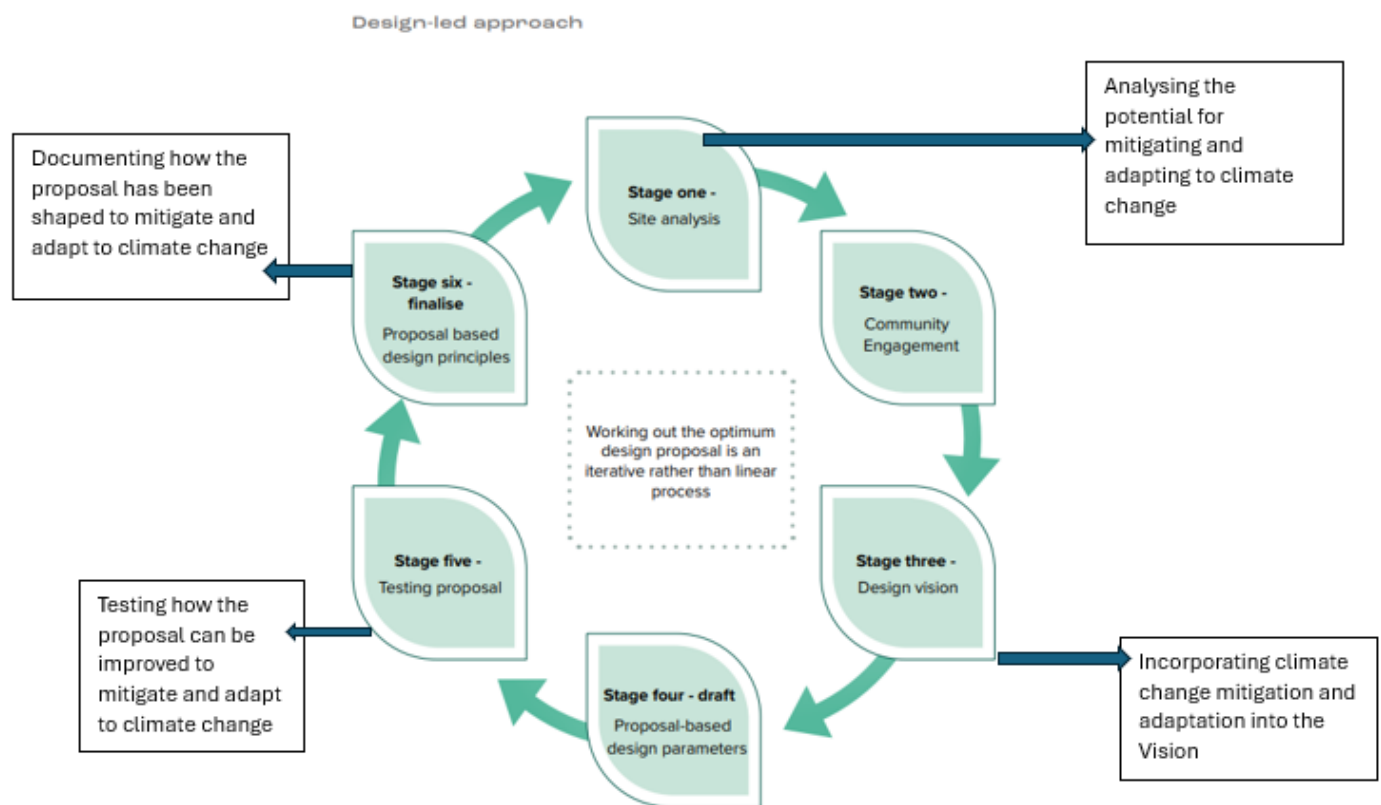
This Technical Advice Note has been prepared to assist applicants with preparing an Energy and Carbon Statement that will be required to demonstrate how, through the design process, the proposed development meets the requirements of Policy CN1 of the [Local Plan](#).

Additionally, Policy CN8 requires developments to calculate and supply information on the outcome of an embodied carbon assessment which should also be included in the Energy and Carbon Statement.



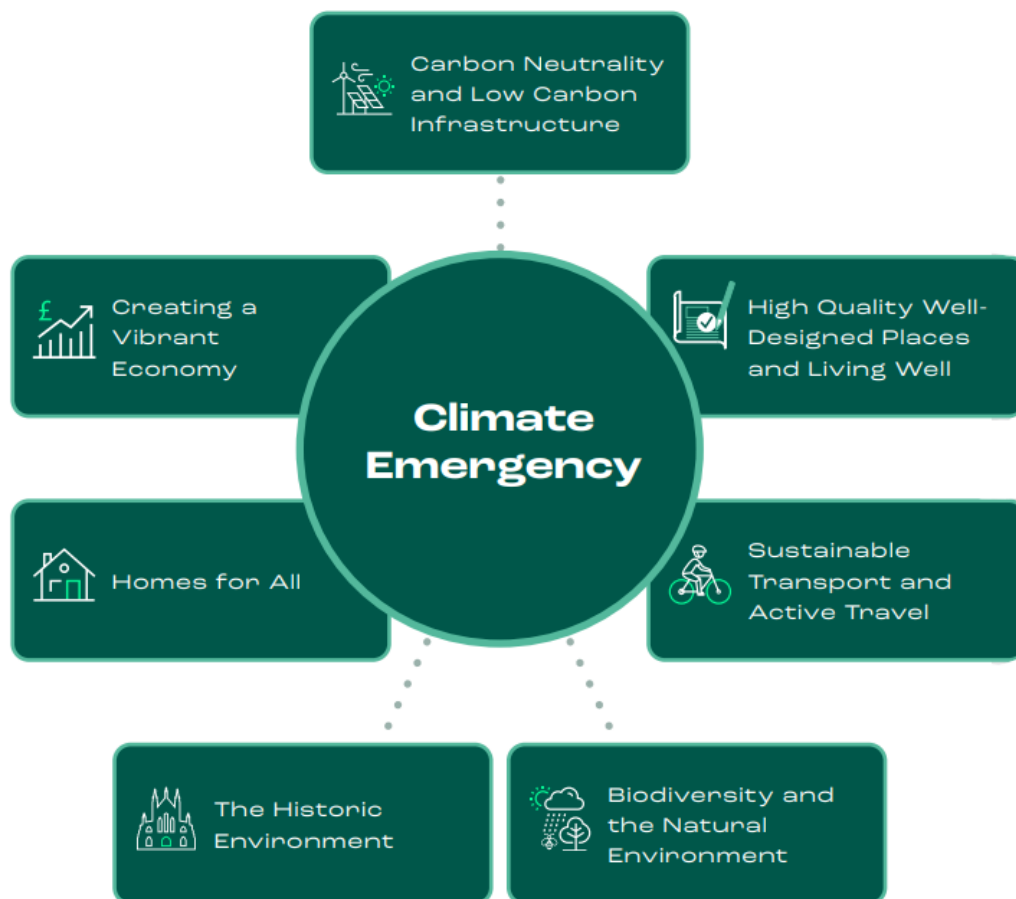
Why is this important?

Policy D1 in the Local Plan is at the heart of the council's approach towards delivering high-quality, well-designed places. An integral part and at the centre of Policy D1 is that the city council expects agents/developers to document each stage of the design process and the reasons why the preferred design has been selected. The diagram below sets out the key stages of a design-led approach and it has been annotated to show where climate change mitigation and adaptation should be considered as part of the design process.



What information needs to be included in the Energy and Carbon Statement?

It is not just energy and carbon emissions that need to be considered as part of the statement. Winchester City Council has declared a climate emergency and, as such, the theme of climate change mitigation and adaptation runs throughout the Local Plan. Different areas and policies will be relevant to the design process, such as Sustainable Transport and Biodiversity and the Natural Environment, and consideration of these should also be documented in the statement.



Energy and Carbon Statement

Policy CN1 states that developers will be required to submit an Energy and Carbon Statement to demonstrate how the design process has addressed the requirements for climate change mitigation and adaptation.

A Climate Emergency statement is already listed in the existing Local Validation List. *'Applicants need to illustrate their aspirations of how their schemes can help to mitigate climate change and adapt to the climate that the development is likely to experience over the course of its expected lifetime.'* Applicants are expected to provide an overarching statement which can be part of a Design and Access Statement.

This will continue to be the requirement for minor planning applications where they can demonstrate how they have met the requirements of Policy CN1 in the Design and Access Statement. However, for all new major applications (i.e. development of 10 or more homes/ additional floor space of at least 1000m²/ site area of at least 0.5ha), applicants will be required to fill out the online form and provide information in relation to each requirement set out in Policy CN1. **This will be a local validation requirement and as such we will not be able to validate any planning applications that do not comply with this.** In order to assist applicants with meeting these requirements, text has been included in italics on the types of matters that could be used to address the criterion (this is not intended to be an exhaustive list of matters but only a helpful guide).

Please respond to the following questions considering the requirements set out in Policy CN1 of the Local Plan:

Mitigating against climate change
--

i. Carbon emissions have been considered as part of the identification of sites for development, and it has been demonstrated that as part of the design process, how site layout and the orientation, building fabric, thermal bridging, air permeability, form factor, glazing ratio and the choice of construction materials for the buildings proposed have been designed to minimise energy demand;

<i>How were carbon emissions considered as part of the identification of sites for development? How has site layout and the orientation of the buildings, fabric glazing ratio and the choice of construction materials been designed to minimise operational energy demand?</i>
--

ii. Nature-based solutions have been incorporated into the development that deliver multifunctional benefits for health and well-being, biodiversity net gain, natural flood management, air and water quality;
--

*How have nature-based solutions been incorporated into the proposed development?
What has been your approach towards Green Infrastructure/Biodiversity Net Gain/natural flood management and links to wildlife corridors etc and how has this informed the design process – please provide evidence of this. .*

iii. Sustainable travel modes of transport have been fully incorporated into the layout in a way that encourages people to use more sustainable forms of transport such as buses, cycles or walking and reduces car dependency;

*How has the design process incorporated and connected sustainable modes of transport into the layout and the design of the proposed development?
Please identify on a site plan the location of bus stops/connections to railway stations/Public Rights of Way in relation to the site and how they connect to the proposed development
What waymarking has been included in the design and layout of the proposed development to actively encourage people to walk/cycle?
Have you included secure places with sufficient overlooking and lighting for residents and visitors to safely store their bicycles in the design and layout of the site?*

iv. Recharging points for sustainable modes of transport are incorporated early on in the design and build process (Policy T3) and they are provided in conveniently located positions within the development; in a timely way to benefit residents from the first occupation;

*How many recharging points have been included in the design and layout of the site and how has the layout of these informed the design process?
Have car parks been adequately designed to incorporate infrastructure for future charging points to be safely installed?
Are charging points conveniently located and designed in accordance with parts B and S of the Approved Documents with regards to covered car parks?
When will the charging points be provided?*

v. Opportunities have been incorporated within residential development for local food production and composting;

What opportunities have been incorporated into the design and layout of the proposed residential development for local food production and composting? If included, have these facilities been provided in accessible, visible locations to encourage their continued use?

<p>vi. Flexible and adaptable space has been incorporated into the design of residential development that facilitates the ability for people to be able to work from home and to adapt to changing lifestyles;</p> <p><i>How has the design and layout of the proposed buildings been designed to facilitate the ability for people to be able to work from home?</i> <i>Has the design and layout of the buildings been designed to address changing lifestyles?</i></p>
<p>vii. Development (where it involves the creation of new residential and new commercial development) is connected to super-fast fibre broadband that reduces the need for people to travel and is capable of being connected to SMART technology.</p> <p><i>How will the development be connected to super-fast fibre broadband?</i> <i>Have the homes been designed to connect to SMART technology?</i></p>
<p>Adapting to climate change</p>
<p>viii. Water use management and conservation (e.g. rainwater recycling and greywater harvesting) has been fully considered as part of the design process and that measures have been taken to minimise the risk and the impact of flooding and extreme weather conditions through the design of the building and reduce surface water run off through the use of SuDS and rainwater gardens (Policy NE6);</p> <p><i>How has the design and the layout of the proposed development address the management and conservation of water (e.g. rainwater recycling and greywater harvesting) as part of the design process?</i> <i>What measures have been taken to minimise the risk and the impact of flooding and extreme weather conditions as part of the design process?</i> <i>Is there a management arrangement in place for the maintenance of the SUDS?</i> <i>How has the design process addressed surface water run off from the proposed development and has this approach been coordinated with an appropriate hard and soft landscaping strategy?</i></p>
<p>ix. The layout has incorporated and connects multi-functional nature based solutions, areas of open space/outdoor space, tree planting and biodiversity net gain (Policy NE5).</p>

How has the design process influenced and incorporated multi-functional nature based solutions, areas of open space/outdoor space, tree planting and biodiversity net gain to meet the requirements of Policy NE5?

The design process, ensures that the landscaping, the type of vegetation and planting around the outside of the building is appropriate for the site and it has been designed in a way that assesses and mitigates against the impacts of the climate change;

How does the landscaping, and the type of vegetation and planting around the building, assess and mitigate against the impacts of climate change?

x. Buildings have been designed to reduce the amount of heat that enters a building in the warmer months through the orientation, design of the building (glazing ratio and external shading)

How have buildings been designed to reduce the amount of heat that enters a building in the warmer months?

The design process assesses and considers the use of green roofs and walls that are covered in vegetation, fenestration, insulation, external shutters, and the use of colour of external materials that can all contribute towards mitigating overheating;

As part of the design process, have you assessed and considered the use of green roofs and walls, fenestration, insulation, external shutters, and the colour of external materials that can all contribute passively towards mitigating overheating in the proposed buildings? If no, what other methods have you used?

xi. As a last resort, a mechanical air conditioning system could be installed in a building to provide active cooling (ensuring this uses the lowest source of carbon emissions).

If you are including mechanical air conditioning to provide cooling, have you demonstrated and documented that through the design process that you have exhausted all other passive options?

Embodied Carbon – CN8

To contribute towards the City Council's climate emergency and national climate targets as part of the design process, major residential and non-residential developments should calculate and supply information on the outcome of an embodied carbon assessment which follows the 'RICS Whole Life Carbon Assessment for the Built Environment' methodology or through a nationally recognised assessment. The outcome of the embodied carbon assessment should be included in the Energy and Carbon Statement that is a requirement of Policy CN1 and demonstrate what actions have been taken in the design process to ensure that as far as possible the proposal addresses embodied carbon.

What measures have been taken in to reduce the volume of materials in the development (Lean design) and the selection and specification of materials and construction methods to reduce as much as reasonably practicable the embodied carbon of the proposals? To what extent have recycled, reconstituted or repurposed materials been included in the proposals and how has that inclusion affected the embodied carbon of the proposals? If proposals require demolition of any existing buildings, please provide justification for this decision and explain why the building could not be retained and refurbished,.

Please outline below the main findings from the embodied carbon assessment and how this assessment has been used to inform the design process. Report the upfront embodied carbon (A1-A5) (excluding sequestration), and the lifecycle embodied (A1-A5, B1-B5, C1– C4) Carbon (the non-decarbonised scenario).

Please also attach the full assessment as an appendix to this document.

Please make sure that you follow the [RICS Whole Life Carbon Assessment of Built Environment](#). Applicants can use the [RICS summary template to complete the assessment Reporting template – summary \(XLSX 0.28MB\)](#).

<i>Requirements</i>	<i>Embodied carbon assessment</i>
<i>Pre-app</i>	<i>No assessment requirement, but confirmation that policy CN8 will be met</i>
<i>Outline</i>	<i>No assessment requirement, but confirmation that policy CN8 will be met</i>
<i>Full planning & reserved matters application</i>	<i>A representative sample of buildings, that represents the range of embodied carbon values that will be found across the development, as well as providing enough of a range of construction types, that key areas of embodied carbon reductions can be identified and incorporated into the design of the whole development.</i>

Operational Carbon – CN2 CN3

Move i) from above to here

Energy Hierarchy

Describe how the development has been designed according to CN2 energy hierarchy.

The energy strategy should outline compliance with the policy requirements in Policy CN3, it should report the results of predictive energy modelling (e.g.PHPP).

Requirements	Energy Modelling/ Energy Use Intensity (EUI) calculations
Pre-App	Modelling not required, but confirmation of how Policy CN3 will be met.
Outline	Typical dwellings/buildings
Full Planning & Reserved Matters	Representative sample of exact dwelling/building design