Havant
BOROUGH COUNCIL



Publication Building a Better Future Plan (Regulation 19) Representation Form

This is the final consultation before the plan is formally submitted for an Examination by an independent Inspector. At this stage, comments can only be made about whether the Plan is legally compliant and/or sound.

We highly recommend that you refer to the supporting guidance note when completing your response, as this provides further information about what is meant by soundness and legal compliance as well as assistance in completing each question.

The supporting guidance note can be found online at www.havant.gov.uk/localplan or can be requested by calling 023 9244 6019.

All representations must be returned by 5.00pm on 9 September 2026.

Once completed, please use the pre-paid envelope provided with this survey to post your response back to Havant Borough Council by the above date.

If you have any questions about this survey, please contact our Planning Policy Team at 023 9244 6019.

If you wish to comment on more than one part of the plan, please complete and submit a form for each part of the Plan you wish to comment on.

Havant
BOROUGH COUNCIL

Part A - Personal Details

1. Please indicate whether you are completing this form yourself or if you are an agent completing this on behalf of a client – please select one option.

I am completing this form myself	
I am an agent completing this form on behalf of a client	X

If you are completing this form yourself, please go to Section 3 below.

If you are an agent completing this form on behalf of a client, please go to Section 4 (on page 4).

Section 3. Personal Details (Completing form on own behalf)

2. Please provide the following personal details.

Please note that these details are required for all representations and your information will be shared with the Planning Inspectorate.

The personal data you provide will be used to ensure that representations comply with government guidance and that they can be used as part of the Local Plan examination process.

Title	
First Name	
Last Name	
Address Line 1	
Address Line 2	
Postcode	

Telephone Number	
Email Address	

3. Please provide the following details where applicable and/or relevant

Job Title	
Organisation	

Once you have completed this section, continue to page 6 of this form.

Section 4. Personal Details (Agent on client's behalf)

4. If an agent is appointed, please provide the following information:

Please note that these details are required for all representations and your information will be shared with the Planning Inspectorate.

The personal data you provide will be used to ensure that representations comply with government guidance and that they can be used as part of the Local Plan examination process.

Title	Mr
First Name	Peter
Last Name	Cleveland

Job Title	Head of Planning
Organisation	Henry Adams Land Planning & Development
Address Line 1	Rowan House
Address Line 2	Baffins Lane, Chichester

Postcode	PO19 1UA
Telephone Number	
[redacted]	

5. Please provide the following information about the client for whom you are completing this form on their behalf

Title	
First Name	Hannah (CALA Homes)
Last Name	Soloway (Landowner) Knowles (CALA Homes)
Organisation (if applicable)	CALA Homes (Southern)

5. Part B - Your representation(s)

Please complete this section of the form for each representation you wish to make on the Building a Better Future Plan.

Please note in your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

This form allows you to submit one representation on the Building a Better Future Plan. If you wish to submit a representation on a separate part of the Plan, please complete this form in its entirety and then start a new form for your separate representation.

6. Which part of the Building a Better Future Plan does your representation relate to?

Please provide as much detail as possible.

If you wish to make a change to the Policies Map, please comment on the corresponding policy, and explain what change you would wish to make. If you would be helpful if you could show this in visual form

A full list of policies and allocations can be found in the contents page(s) of the Publication Plan.

Policy Number	16
Allocation Number	
Paragraph Number	4.69–4.87
Page Number	181–184

7. Do you consider the Local Plan is ...

(Please select as appropriate)

	Yes	No
Legally compliant		
Sound		X

8. Please give details of why you consider the Building a Better Plan is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan, please also use this box to set out your comments.

You are welcome to attach additional pages to your response form.

CALA supports a fabric-first, low-carbon approach. However, Policy 16 is not justified or effective in its present form because it imposes cumulative and highly prescriptive requirements without sufficiently clear definitions, evidence of their additional benefit or flexibility in their application. These comprise Passivhaus "principles", space-heating demand below 30 kWh/m²/year, total energy consumption below 40 kWh/m²/year and all remaining demand met through on-site renewables. As explained in Ensphere's letter dated 9 September 2026 (appended), these requirements may necessitate enhanced fabric specifications, more complex design solutions and additional construction costs. The Council should demonstrate that their cumulative implications have been assessed across different development typologies, site circumstances and market conditions, alongside the other requirements of the Plan.

Policy 16 should also avoid duplicating matters addressed through Building Regulations or establishing parallel assessment requirements without a clearly justified additional purpose. Ensphere identifies potential overlap with the NPPF for assessing primary energy demand, carbon emissions and fabric energy efficiency, including the changes associated with the Future Homes Standard. The Council should explain what additional outcomes its proposed standards would secure and why these require separate planning controls. A Sustainability Statement should address relevant planning and design considerations without requiring applicants to reproduce technical compliance evidence assessed through the Building Regulations process.

Although formal Passivhaus certification is not required, the reference to its "principles" leaves uncertainty over the extent of compliance expected and how this would be

assessed. The policy should instead identify the underlying design outcomes sought, allowing flexibility in how they are achieved. Similarly, requiring all remaining energy demand to be met on site does not adequately accommodate constrained layouts, shading, heritage considerations, infrastructure limitations or opportunities for heat networks and other deliverable low-carbon solutions. Any exceptions in the supporting text should be translated into a clear policy mechanism addressing technical feasibility and viability. The whole-life-carbon comparison against a "do nothing" baseline also requires clarification, including the assessment methodology and reference scenario. The WSP feasibility work does not, in itself, remove the need to demonstrate that the final cumulative requirements are clear, proportionate and deliverable.

The relevant national policy basis for this representation is the December 2024 NPPF, rather than the August 2026 wording cited in Ensphere's letter. The December 2024 Framework supports the transition to a low-carbon future while requiring policies to be justified, effective and consistent with national policy, and development requirements to avoid undermining deliverability. Its approach should be considered alongside the Written Ministerial Statement of 13 December 2023. That Statement expects additional local energy-efficiency standards exceeding current or planned Building Regulations to have a well-reasoned, robustly costed justification addressing viability, housing supply and affordability. It also specifies a percentage uplift in a dwelling's Target Emissions Rate, calculated using a specified version of SAP, and flexibility where higher standards are technically infeasible because of local energy infrastructure or supply-chain constraints. The Council should therefore justify both Policy 16's additional requirements and its alternative energy-demand metrics against that policy position. Written Ministerial Statement, 13 December 2023.

9. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above.

You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

You are welcome to attach additional pages to your response form.

To be positively prepared and effective, CALA request the following modifications be made to Policy 1:

- To ensure Policy 16 is justified, effective and consistent with national policy, and supports the delivery of the Plan's housing requirements, CALA requests the following modifications:

- Replace residential criteria (a)–(d) with:

  "Residential development should follow the energy hierarchy and adopt a fabric-first approach, using layout, orientation, landscaping and building design to minimise energy demand and overheating. Opportunities for renewable and low-carbon energy generation should be incorporated where technically feasible and appropriate, taking account of site-specific constraints and viability. Where on-site provision is constrained, demonstrably deliverable alternatives, including heat networks where appropriate, may be agreed.

- A proportionate Sustainability Statement shall explain the planning and design measures incorporated and any relevant constraints. Its scope and detail shall reflect the scale and stage of development. Compliance with applicable Building Regulations shall be assessed through the Building Regulations process; the Sustainability Statement shall not duplicate that assessment or require resubmission of equivalent technical evidence."

- Remove separate mandatory energy-performance requirements (namley Passivehaus requirements) unless the Council demonstrates their additional purpose and provides robust evidence of their cumulative costs and effects on viability, housing delivery and affordability. Any retained additional local energy-efficiency standard should be expressed consistently with the December 2023 Written Ministerial Statement, with a specified assessment methodology and an explicit mechanism allowing flexibility where justified by technical feasibility or viability. Equivalent evidence should be accepted wherever possible to avoid duplicate assessments.

- Replace criterion (e) with:

> "For developments of 250 or more dwellings (gross), a proportionate whole-life-carbon assessment shall identify opportunities to reduce operational and embodied carbon emissions. The assessment shall use a recognised methodology, with the applicable version, scope, assessment period and assumptions clearly specified. Comparison shall be against a relevant reference development of comparable scale and function that meets applicable Building Regulations, rather than an undefined 'do nothing' scenario. The level of detail shall be proportionate to the stage of the application, with assumptions identified where detailed design remains to be determined. Relevant evidence prepared for other regulatory purposes shall be used where appropriate to avoid duplication."

These modifications retain the policy's environmental objectives while providing greater certainty, avoiding unnecessary duplication of Building Regulations and ensuring that additional requirements are proportionate and deliverable.

6. Examination Hearing Session Invitation

11. If your representation / representations are seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

Please note that while this will provide an initial indication of your wish to participate in examination hearing session(s), you may be asked at a later point to confirm your request to participate.

No details on the examination hearing session(s) have yet been determined and will be made available upon the submission of the Building a Better Future Plan to the Planning Inspectorate.

X Yes, I wish to participate in examination hearing session(s)

No, I do not wish to participate in examination hearing session(s)

If you do not wish to participate in examination hearing session(s), please continue to page 13 of this form.

12. If you indicated that you wish to participate in the examination hearing session(s), please outline why you consider this to be necessary.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in examination hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

To enable the Inspector to fully understand the concerns of CALA Homes (Southern) and to be able to contribute to discussions on the suggested modifications to the policy.

8. Future Notification

13. Do you wish to be notified of any of the following milestones in the Building a Better Future Plan process?

These milestones include:

- **The Local Plan has been submitted for examination**
- **The publication on the Inspector's Report**
- **The adoption of the Local Plan**

If you indicate that you wish to be notified, the email address you provided in Part A of the form will be used by the Council to notify you of these milestones.

X Yes, I wish to be notified

No, I do not wish to be notified

Thank you for submitting your views to this important consultation.

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Havant Borough Council
Planning Policy
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

9 September 2026
Reference: 26-E111-001

Dear Sir/Madam,

Havant Borough Council Building a Better Future Plan (Regulation 19) - Representation on Policy 16

The *Building a Better Future Plan* has been prepared by Havant Borough Council to guide the development of the new homes, commerce, employment as well as community facilities such as schools and shops that the borough needs up to 2043. The Plan is currently at the Publication (Regulation 19) stage, during which representations can be made on whether the Plan is legally compliant and meets the tests of soundness as set out in the *National Planning Policy Framework (NPPF)*.

Ensphere makes this representation in respect of Policy 16, *Low Carbon Development*. This representation considers whether the proposed policy requirements are justified, effective, consistent with national policy, and therefore sound.

Policy 16 (Low Carbon Development)

The draft wording of Local Plan Policy 16 is reproduced below:

> *New residential and non-residential development must embed the energy hierarchy within the design of buildings by prioritising a fabric first approach, layout and landscaping in order to minimise energy demand for heating, lighting and cooling. New residential and non-residential development must take opportunities to reduce the embodied carbon content through the careful choice, use and sourcing of materials. A Sustainability Statement will be required to be submitted which demonstrates how these measures have been incorporated.*
>
> *Development will be expected to achieve the relevant minimum standards set out below.*
>
> ***Residential development***
>
> *Planning permission for new dwellings (including replacement dwellings) will be granted where:*
>
> a. *The principles of Passivhaus design (solar gain, natural ventilation or ventilation with heat recovery) and fabric performance have been incorporated into the layout and design;*
> b. *The predicted space heating demand of the homes is less than 30 kWh/m^2 /year;*
> c. *The total energy consumption of the building(s) is less than 40 kWh/m^2 /year; and*
> d. *Remaining energy demand is met through on-site renewable energy generation.*
> e. *For developments of 150 or more dwellings (gross), a whole life carbon assessment must be submitted which demonstrates how both operational and embodied emissions have been reduced compared to a 'do nothing' approach.*
>
> ***Commercial and non-residential development***
>
> f. *Planning permission for new commercial and non-residential development over 1000sqm (gross) will be granted where:*
>
> i. *BREEAM 'Excellent' standard is achieved.*

ii. *For developments of 5,000 sqm or more (gross), a whole life carbon assessment must be submitted which demonstrates how both operational and embodied emissions have been reduced.*

Policy 16 Energy Performance Standards and Deliverability Considerations

The overarching objectives of Policy 16 are recognised and supported in principle. However, it would be beneficial to review the proposed residential energy efficiency requirements to ensure they are appropriately aligned with emerging national standards and remain proportionate, deliverable and justified.

The Government's Future Homes Standard, which is expected to come into effect in 2027, will introduce further improvements in energy efficiency, low-carbon heating and renewable energy generation through the Building Regulations framework. In this context, consideration should be given to whether elements of Policy 16 may duplicate or overlap with national regulatory requirements, potentially creating additional complexity for applicants and decision-makers without clear added benefit.

In particular, the proposed space heating demand and energy consumption targets represent a high level of performance that may have implications for development viability. Compliance with these requirements could necessitate enhanced fabric specifications, more complex design solutions, additional construction requirements and, in some cases, higher-cost technologies. Whilst it is recognised that the policy seeks to apply the principles of Passivhaus design rather than require formal certification, the proposed targets are influenced by Passivhaus and Low Energy Transformation Initiative (LETI) performance criteria and may require building specifications that exceed current regulatory requirements. Consideration should therefore be given to the extent to which these additional requirements are necessary and justified, particularly given the significant changes already being introduced through the Future Homes Standard. It is also noted that these metrics are closely related to performance measures already assessed through Building Regulations, including primary energy demand, carbon emissions and fabric energy efficiency. There may therefore be scope to streamline the policy and avoid introducing separate performance requirements where similar outcomes are already being pursued through national standards.

The reference to Passivhaus principles is considered unclear as it is not stated whether the policy seeks alignment with all Passivhaus principles or simply requires consideration of the broader themes and objectives underpinning the Passivhaus approach. If the latter is intended, it is unclear what additional requirements would arise beyond those already addressed through compliance with the Future Homes Standard. The policy should therefore provide greater clarity on the extent of compliance expected and how this would be assessed in practice.

The recent amendments to Part L have been informed by extensive technical evidence, consultation and viability testing, with the aim of balancing improved environmental performance alongside the delivery of new homes. In addition, the August 2026 NPPF makes clear that development plan policies should not generally seek to address matters already covered by Building Regulations. In relation to energy efficiency, the NPPF states "*any standards that go beyond the current or proposed Building Regulations should have a clear and robustly costed rationale which shows that there will not be an adverse impact on the viability and deliverability of development. Any such standards should be expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP) or other approved calculation methodology.*" This principle was also reflected in the 2023 Ministerial Statement, which sought to ensure that additional energy efficiency requirements do not undermine development viability, housing delivery or affordability[1]. Against this policy context, it would be helpful for the Council to demonstrate how the additional standards proposed by Policy 16 have been tested for viability and deliverability across a range of development typologies, site circumstances and market conditions. It would also be beneficial for the Council to explain how the proposed space heating demand and energy consumption targets accord with the approach set out in the NPPF and the 2023 Ministerial Statement, particularly given the policy's reliance on performance metrics that differ from the percentage uplift to the dwelling's TER methodology referenced in national policy. This would provide greater clarity on the justification for the proposed requirements and how they are intended to operate alongside the Building Regulations regime.

Conclusion

Overall, whilst the objectives of Policy 16 are supported in principle, it is considered that the proposed requirements would benefit from further review to ensure they are consistent with national policy and evolving Building Regulations. Particular consideration should be given to avoiding duplication of existing regulatory requirements, ensuring that any additional local standards are supported by a clear and robust evidence base, and demonstrating that they are viable and deliverable across a range of development types and scales. In addition, the Council should clarify how the proposed performance metrics align with the

[1] https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123

approach set out in national policy. This would help ensure that the policy's sustainability ambitions are achieved in a proportionate manner that supports, rather than constrains, the delivery of much-needed housing across the borough.

In relation to Passivhaus, consideration should be given to potentially removing the specific reference to the standard itself and instead focusing on the underlying design principles the Council requires development to incorporate. This would provide greater flexibility in how the policy is applied, reduce ambiguity regarding the level of compliance expected, and avoid potential overlap with other energy efficiency requirements, while continuing to support the Council's sustainability objectives.

I trust these comments are helpful in informing the ongoing preparation of the Local Plan. Should you wish to discuss any of the points raised, please do not hesitate to contact me.

Yours faithfully,



Danielle Cawley

Managing Consultant