

Planning and Transportation Policy Working Group	
Meeting Date	4 th November 2025
Report Title	Local Plan Evidence Base – ‘Net Zero Policy Development’
EMT Lead	Emma Wiggins – Director of Regeneration & Neighbourhoods
Head of Service	Joanne Johnson - Head of Place
Lead Officer	Anna Stonor – Principal Planning Officer (Policy)
Classification	Open
Recommendations	1. Members are asked to note the findings of the ‘Net Zero Policy Development’ evidence work.

1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to present for noting the Net Zero Policy Development evidence base study which consultants Bioregional and Edgars have carried out to inform the development of the climate change policies in the Local Plan Regulation 18 document.

2 Background

- 2.1 UK legislation, policy and guidance (including the National Planning Policy Framework (NPPF)) requires that Local Plans include policies to mitigate and adapt to climate change. In 2019 Swale Borough Council declared a climate and ecological emergency with a target for the borough to be net zero by 2045 (updated in 2025 from a former target of 2030).
- 2.2 In response to this requirement and the Council’s declaration, the Planning Policy team commissioned consultants to help with the preparation of a Net Zero Policy evidence base.
- 2.3 A tendering process resulted in ten consultants bidding for the project. A consultant team consisting jointly of sustainability consultants, Bioregional, and planning consultants, Edgars Ltd, was chosen to conduct the study.
- 2.4 The consultant team worked with the whole plan viability consultants in the preparation of the evidence base.
- 2.5 As part of the evidence base study, in September 2024, a workshop was held with members. All councillors were invited and the presentation was also available to listen to afterwards.
- 2.6 The presentation set out three options for members to choose from. These options are set out below, but centered around a choice members could take to

Building Regulations and, in particular, a Written Ministerial Statement (WMS) from 2023 which sought to limit local energy efficiency standards that go beyond Building Regulations without a well-reasoned and costed rationale that ensures that additional requirements 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)’.

2.7 The 2023 WMS stipulations made it harder to for local planning authorities to fulfil their duty to mitigate climate change and support radical reductions in greenhouse gas emissions for the following reasons:

- The WMS uses TER, a carbon metric, when the goal is energy efficiency
- SAP methodology is poor at estimating the actual energy performance of buildings
- By specifying the version of SAP, the WSM risks being out of date by not keeping pace with changes

2.8 In recognition of the tension between the WMS’s aims and the Council’s objectives with regard climate change policies, Bioregional and Edgards set out potential options for the Council to consider:

- Option 1 – WMS compliant (which consultants advised was higher risk for climate, lower risk for planning)
- Option 2 – Testing the WMS boundaries (which consultants advised was medium risk for climate and planning)
- Option 3 – Industry Best Practice (beyond the WMS, which consultants advised was lower risk for climate, higher risk for planning)

2.9 The extract below, from the presentation, illustrates the differences between the options:

Option 1. WMS compliant • Safe route to compliance with the WMS, but improve on basic Building Regulations • Does not go far enough to ensure building performance needed for UK’s legally-binding carbon goals – arguably not meeting climate duty • Safest option in terms of planning risk but poses significant risk to the climate and could cause future disruption to occupants and the electricity grid. • Inspector could still reject.	Option 2. Test the boundaries of WMS • Middle ground between WMS compliance and existing ambition. • Capable of creating true net zero buildings if on-site renewable energy matches total energy use ... • ... EXCEPT that Building Regs calcs are used, therefore inaccurate. Performance gap due to use of SAP or SBEM. • Optimal energy efficiency will not be ensured, meaning more PV needed – in combination this is likely to put greater strain on local grid infrastructure.	Option 3. Overcome WMS • Best practice approach delivering the new build performance needed for a 2050 net zero future. Most credible way to meet duty to mitigate climate change in the buildings sector. • Lowest risk levels for occupant energy bills and future retrofit disruption/cost. • Needs extensive robust evidence – available from other LPAs (e.g. Essex, Central Lincs, Cornwall, , etc) • Utilises a sophisticated modelling tool, PHPP, to predict energy use and space heating demand that will reduce the performance gap.
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- 2.10 Following the presentation and subsequent discussion, members chose the ‘industry best practice’, option 3. Members gave the following reasons for choosing this option:
- It is considered to be viable by the whole plan viability consultants; and
 - It was considered to be the most appropriate response to meet the Council’s climate change targets as it includes absolute energy-based targets (measurable post-construction) and proven predictive energy modelling tools, on-site renewable energy to match total energy use, offsetting of any shortfall in renewable energy generation and reporting/limits on embodied carbon. It was also recognized that choosing this option would offer lower energy bills for new buildings in Swale.
- 2.11 Further to the workshop, and the choice made, the study results were concluded and issued in three parts, which can be found in the Appendices to this report:
- i. Literature Review (and Executive Summary) (Appendix I and II)
 - ii. Identification of policy options and evaluation of merits (policy matrix) (Appendix III)
 - iii. Evidence base and policy recommendations (Appendix IV)
- 2.12 Swale Borough Council is not alone in wanting clear and ambitious climate change policies. The Bioregional/Edgards study quotes other local authorities with similarly forward-thinking approaches, which have successfully made it through to adoption (eg Bath & North East Somerset Local Plan Partial Update, Cornwall Council Climate Emergency Development Plan Document and Central Lincolnshire Local Plan, all adopted in 2023 – details in Section 8, Background Papers).
- 2.13 Furthermore, as a result of a recent legal challenge, in July 2025, the Court of Appeal¹ judged that:
- higher local standards remain possible, where justified and backed by evidence (national policy eg a WMS, is guidance, not a ceiling)
 - the WMS is not a legal block, especially where there is evidence
 - there are inherent tensions between various legislation, but that this was out of scope of the judgement
- 2.14 In August this year, a Planning Inspector for the Salt Cross Village Area Action Plan set out that going beyond the WMS was justified and appropriate for reasons of viability and clearer metrics (use of Energy Use Intensity – EUI)².
- 2.15 In September this year, the Planning Inspector for the Winchester District Local Plan concluded that a local plan policy that introduced energy efficient standards

¹ <https://caselaw.nationalarchives.gov.uk/ewca/civ/2025/990?query=%5B2025%5D+EWCA+Civ+990>

² <https://www.westoxon.gov.uk/media/vzkb3lbi/ed16-salt-cross-post-hearing-letter-1-aug-25.pdf>

beyond current and planned Building Regulations and using EUI calculations, and not TER, was appropriate in relation to that Council's 2030 carbon neutral target and the Plan's rationale to reduce energy bills for its residents³.

2.16 Further to the Bioregional/Edgars evidence (informed by the choice of members at the September 2024 workshop), the whole plan viability evidence, and the above mentioned local plan outcomes and recent legal and planning decisions, the following policies in the draft Regulation 18 Local Plan (as can be seen in Appendix I of the item 'Local Plan Review – Regulation 18 Consultation Launch' on the agenda) have been prepared:

- C1 Sustainable design and adaptation principles
- C2 Net zero operational carbon in new build residential development
- C3 Net zero operational carbon in new build non-domestic development
- C4 Embodied carbon and waste
- C5 Renewable energy development and infrastructure

2.17 These policies are considered an appropriate and viable response to the Council's declaration of a climate and ecological emergency, as justified by the robust evidence base prepared by Bioregional/Edgars Ltd.

2.18 Once noted by this committee, the three parts of the study (and the Executive Summary), along with a note on recent legal and planning decisions mentioned above, will be uploaded to the evidence base pages of the Local Plan website.

3 Proposals

3.1 Members are asked to note the findings of the 'Net Zero Policy Development' evidence work.

4 Alternative Options Considered and Rejected

4.1 The alternative option is that members decide not to note and publish the Net Zero Policy Development Evidence Base study.

4.2 This option was rejected because it would not fulfil the Council's objective for the borough to be net zero by 2045 as set out in the 2025 Climate and Ecological Action Plan and for the local plan to contain policies to work towards this objective.

5 Consultation Undertaken or Proposed

³ <https://www.localplan.winchester.gov.uk/assets/inline/2670/ED38a-Inspector-Note-16-Post-hearing-action-points.pdf>

5.1 A member workshop was undertaken as set out in the above report at paragraph 1.5.

6 Implications

Issue	Implications
Corporate Plan	The proposals in the report align with the following Corporate Plan action: This piece of evidence base supports the delivery of the following Corporate Plan priorities: • Community • Economy • Environment • Health and housing
Financial, Resource and Property	The Local Plan work programme is fully funded across a combination of base budget and committed reserves and central government grant.
Legal, Statutory and Procurement	Preparation of a Local Plan is carried out under a national legislative and regulatory framework.
Crime and Disorder	There are no direct crime and disorder impacts arising from this decision.
Environment and Climate/Ecological Emergency	This piece of work has led to the drafting of five new innovative climate change policies have been included in the Regulation 18 Local Plan: Sustainable design and adaptation principles; Net zero operational carbon in new build residential development; Net zero operational carbon in new build non-domestic development; Embodied carbon and waste; and Renewable energy development and infrastructure. These policies seek to address the climate emergency as regards new build development associated with the local plan and planning applications.
Health and Wellbeing	No implications identified at this stage.
Safeguarding of Children, Young People and Vulnerable Adults	No implications identified at this stage.
Risk Management and Health and Safety	No implications identified at this stage.
Equality and Diversity	No implications identified at this stage.

Privacy and Data Protection	No implications identified at this stage.
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7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: Swale Borough Council – Net Zero Policy Development Output i: Literature Review
 - Appendix II: Swale Borough Council – Net Zero Policy Development Output i: Literature Review, Executive Summary
 - Appendix III: Swale Borough Council – Net Zero Policy Development Output ii: Identification of policy options and evaluation of their relative merits (including in light of the WMS2023)
 - Appendix IV: Swale Borough Council – Net Zero Policy Development Output iii: Evidence base and policy recommendations

8 Background Papers

- 8.1 The following documents are examples of Development Plans that have been adopted with ambitious climate change policies:
- Bath and North East Somerset Local Plan (Partial Update), January 2023
<https://www.bathnes.gov.uk/sites/default/files/2023-01/1.%20Districtwide%20Composite%20plan%2018%2001%202023.pdf>
 - Central Lincolnshire Local Plan, Adopted April 2023 <https://www.n-kesteven.gov.uk/sites/default/files/2023-04/Local%20Plan%20for%20adoption%20Approved%20by%20Committee.pdf>
 - Cornwall Climate Emergency Development Plan Document, February 2023
<https://www.cornwall.gov.uk/media/uxgjk4jn/climate-emergency-dpd.pdf>