

**Portsmouth City Council's Response to the
Inspectors' questions for
Matter 10
Climate Emergency policies**



Matter 10: Climate Emergency policies

Issue: Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to climate emergency Policy PLP2 and the flooding, coastal, energy and pollution policies in Chapter 8 of the Plan.

This issue includes detailed consideration of policies PLP31 to PLP37 and PLP2.

PLP31: Flooding

1) Are each of the policy criteria justified by appropriate evidence, relevant and proportionate for all types and scales of development proposal, and consistent with national policy and guidance, including the flood risk vulnerability classification at Annex 3 of the Framework?

10.1.1 Yes. As set out at paragraph 7.1.1 of the Development and Flood Risk Topic Paper [TP09], Policy PLP31: Flooding has been informed by the recommendations of the SFRA Level 2 as set out in Section 5 of the Topic Paper [TP09] and the findings of the plan level sequential and exception tests as set out in Section 6 of the Topic Paper [TP09]. This is in accordance with paragraph 172 of the Framework.

10.1.2 Paragraph 2.25 of the Statement of Common Ground between Portsmouth City Council as Local Planning Authority and the Environment Agency [SCG25] confirms that:

"It was agreed the SFRA Levels 1 and 2 provide a robust and up to date assessment of the risks at a strategic level and were used to inform the sequential and exception tests".

10.1.3 The policy requirement for proposals to meet the sequential and exception tests (criterion 1c) and be supported by a site-specific FRA means that the vulnerability classification as set out in Annex 3, will be considered in accordance with paragraph 177 of the Framework.

10.1.4 Paragraph 2.13 of the Statement of Common Ground between Portsmouth City Council as Local Planning Authority and the Environment Agency [SCG25] confirms that:

"The EA are supportive of Policy PLP31 within the Pre-Submission Portsmouth Local Plan 2024".

2) Is the policy otherwise positively prepared, justified, effective and consistent with national policy?

10.2.1 Yes. The policy is evidenced by the PfSH SFRA Level 1 [CE01 - CE03ab], the SFRA Level 2 [CE04a - b], the Development and Flood Risk Topic Paper [TP09], Consistency with National Policy Topic Paper [TP11] and the Sequential and Exception Test [CE05]. The use of SFRA Levels 1 and 2 as a robust evidence base is supported by the Environment Agency [SCG25]. The policy is consistent with paragraphs 170 - 181 of the NPPF.

PLP32: Sustainable Drainage Systems

3) How will the policy be effective in managing the risks of surface water flooding, both on site and in the wider locality?

10.3.1 All the criteria of Policy PLP32 will be effective in managing the risks of surface water flooding as follows. All development proposals will be required to ensure that post-development surface water run-off rates do not exceed existing rates, with betterment preferred [Criterion 1]. In areas at risk of surface water flooding, the policy goes further by requiring a net reduction in surface water run-off compared to pre-development conditions [Criterion 2]. The Policy requires the use of permeable materials and rainwater harvesting measures [Criterion 3], and the incorporation of

Sustainable Drainage Systems (SuDS) on development sites [Criterion 4]. These requirements help to reduce and slow surface water run-off, thereby reducing pressure on the local drainage network and lowering the risk of flooding both within development sites and elsewhere in the catchment.

10.3.2 The Policy also requires a comprehensive drainage strategy, the separation of surface water from foul water systems to minimise pressure on drainage systems, and arrangements for the long-term maintenance of drainage infrastructure [Criterion 5]. In addition, SuDS are expected to provide wider environmental benefits, including green infrastructure, biodiversity enhancements and improved public amenity. Taken together, these measures ensure that development contributes to reducing surface water flood risk and supports the long-term resilience of the City's drainage network.

4) Is it sufficiently clear when and how each part of the policy is intended to apply to development proposals and are any intended requirements consistent with national policy, justified, and proportionate for different types and scales of development?

10.4.1 Yes, the policy clearly identifies which requirements apply to all development proposals and which apply only in specific circumstances. For example, criterion 2 relates to development in areas at risk of surface water flooding. Criterion 2 is consistent with paragraphs 170 Framework [NAT01], which requires plans and decisions to apply a risk-based approach to flooding and ensure that development does not increase flood risk elsewhere.

10.4.2 The policy is consistent with national policy in promoting the use of SuDS, managing surface water in accordance with the drainage hierarchy, safeguarding wastewater infrastructure capacity and ensuring that development does not increase flood risk elsewhere. This aligns with the Framework's requirement in paragraphs 181 and 182 that major developments should incorporate SuDS unless there is clear evidence that this would be inappropriate, and that development should reduce flood risk wherever possible.

10.4.3 The policy is justified by the evidence contained within the Strategic Flood Risk Assessment (SFRA). In particular, the Level 1 SFRA [CE02a-2d] identifies those parts of Portsmouth that are at risk of surface water flooding, including the areas shown in Appendix A Figure 3 [CE03d]. This evidence supports criterion 2. Paragraph 8.37 of the Plan explicitly references the SFRA as the basis for identifying these areas and applying the policy requirements. The Level 2 SFRA [CE4a-4b] provides more detailed site-specific assessments for strategic and allocated sites. It includes recommendations on flood risk mitigation, drainage measures and site design, which have informed both Policy PLP32 and site allocation policies.

10.4.4 The policy is also proportionate. Paragraph 8.39 of the Plan recognises that, due to Portsmouth's dense urban environment, the cumulative effects of surface water run-off from even small-scale developments can be significant. Consequently, requirements relating to permeable surfacing and rainwater harvesting are appropriately applied to all development proposals. At the same time, paragraph 8.42 confirms that drainage strategies should be proportionate to the site and the proposed development, ensuring that requirements are commensurate with the scale and nature of development.

10.4.5 Accordingly, the policy provides a clear, justified and proportionate framework for managing surface water and wastewater impacts across different types and scales of development, consistent with national policy.

5) Is the policy otherwise positively prepared, justified, effective and consistent with national policy?

- 10.5.1 Yes, as detailed in the Outline Guidance Sustainable Drainage Systems [CE07] and supported by evidence in the Development and Flood Risk Topic Paper [TP09] and Level 1 SFRA [CE02a, CE03a]. Also, the Environment Agency has not objected to this policy.

PLP33: Sustainable Construction and Onsite Renewable Energy

6) Are each of the policy criteria justified by appropriate evidence, and relevant and proportionate for the types and scales of development to which they are intended to apply?

- 10.6.1 Yes, the policy criteria are justified by an appropriate and proportionate evidence base, which has informed the development of the policy requirements. Where elements of the evidence base require updating, this is addressed through the proposed Main Modifications [PCC03], reference MM95-98 and proposed Additional Modification [PCC04], reference AM112.

- 10.6.2 The policy is both relevant and proportionate to the development proposals to which it applies, responding directly to local climate related challenges, including overheating, which is a significant issue for Portsmouth. According to a recent article in The Guardian [PCC16], Portsmouth is the country's most heat-vulnerable city and will remain at the highest level for warming until the end of the century. The Policy adopts a targeted approach by requiring measures that address these local circumstances, while also distinguishing between different scales of development. In particular, separate requirements are applied to major development proposals [Criterion 2], ensuring that the policy obligations are proportionate to the scale and potential impacts of development. Accordingly, the policy criteria are evidence-led, locally justified, and proportionate to the types of development to which they apply.

7) Is the policy consistent with national policy, including the Written Ministerial Statement entitled – 'Planning - Local Energy Efficiency Standards Update' that was made on 13 December 2023, in relation to exceeding standards in current or planned Building Regulations?

- 10.7.1 Yes, Policy PLP33 is consistent with national policy, including the Written Ministerial Statement (WMS) 'Planning - Local Energy Efficiency Standards Update' issued on 13 December 2023. The WMS stated that local planning authorities should not set local energy efficiency standards for buildings that exceed current or planned requirements within the Building Regulations. The Plan has been prepared having regard to this limitation. However, paragraph 8.52 in the local plan indicates that the Council is disappointed by the statement and encourages Government to bring necessary changes, as this has prevented the Council from including ambitious target in line with Climate Change Strategy [CE19]. Rather than imposing higher energy performance standards, Policy PLP33 focuses on matters that are consistent with national policy, such as:

- Criteria 1 and 2 align with the overarching requirement of the Framework in addressing the challenge of climate change, flooding and coastal change set out in paragraph 161.
- Criterion 3 focuses on energy reduction and renewable energy technologies in line with the requirements set out in Page 36-37, Paragraph L1 and L3 of the Building Regulations 2010, Approved document L [PCC20].
- Criterion 4 focuses on retention and retrofitting energy efficiency measures in existing buildings, being consistent with paragraph 167 of the Framework [NAT01] and also with the NPPF 2026* [PCC08 - CC2.1(d),2; Page 29].
- Criterion 5 addresses overheating according to the paragraph 162 of the Framework and also with PCC08* [CC3.1(d); Page 29 and DP3.2(b); Page 66].
- Criterion 6 discourages using solid fossil fuels as it causes carbon emission, aligning with PCC20 as set out in Regulation 26, Page 07 and Paragraph 1.1-1.3, Page 12.
- Criterion 7 is consistent with Regulation 36.2(b), Page 15 the Building Regulations 2010, Approved document G [PCC19].
- Criterion 8 addresses swift boxes which is consistent with the paragraph 187(d) of the Framework and also with PCC08* [N2.1(f); Page 89].

*References are made here to the new Framework [PCC08]. Although this Plan was prepared and is being examined under the 2024 Framework it is relevant to note the direction of travel taken by national policy in regards to climate change and sustainable construction.

8) Is the policy otherwise positively prepared, justified, effective and consistent with national policy?

10.8.1 Yes, as detailed in the Overheating in New Homes Tool and Guidance [CE13], Climate Emergency Strategy [CE18], Climate Change Strategy [CE19] and Whole Life Carbon Assessment (WLCA) for the Built Environment [CE20]; and supported by evidence in the Adapting to Climate Change [TP01], Hampshire Swifts: swift bricks – the ‘universal’ nest brick [CE16], DEFRA Clean Air Strategy [Para 8.62] and the Building Regulations 2010 [PCC19 and 20].

10.8.2 The Council also proposed, update for the Sixth carbon budget [Paragraphs 8.46, 8.47] in PCC03, reference MM95, 96; inclusion of new evidence Net Zero Whole Life Carbon Roadmap [PCC03 - MM97] and amendment to the policy PLP33 to make it more prudent [PCC03 - MM99-100].

PLP34: Renewable Energy

9) Is the policy positively prepared, justified, effective and consistent with national policy?

10.9.1 Yes, as detailed in paragraph 8.67 of the Feasibility Study for Large Scale Wind Turbines [PCC24] and in paragraph 8.76 of Combined Heat and Power Process [PCC25]; and supported by evidence in the UK Renewable Energy Strategy [CE09], [CE19] and [CE20].

PLP35: Air Quality and Pollution

10) Is the policy positively prepared, justified, effective and consistent with national policy?

10.10.1 Yes, as detailed in the Air Quality Management Areas [CE12] and Portsmouth Local Air Quality Plan [CE14]; and supported by evidence in Department for Environment Clean Air Strategy [CE11], Portsmouth Emissions Based Assessment [CE21] and Portsmouth City Centre Road Scheme – Air Quality Assessment for the Local Plan [CE22].

PLP36: Coastal Zone

11) Is the spatial extent of the Coastal Zone justified, particularly in respect of the part of the zone in the vicinity of the St James’ and Langstone Campus site allocation?

10.11.1 Yes, the spatial extent of the Coastal Zone is justified. Paragraph 8.90 of the Plan defines it as open space next to the coast. The only exception to this is that land occupied by marine and maritime uses that were outside the existing built up urban area is included in the Coastal Zone.

10.11.2 Two changes were made to the Coastal Zone following discussions with the Milton Neighbourhood Forum. These are included as one Main Modification (MM117) in the Scheule of Main Modifications (PCC03). Both changes were in line with the methodology set out in the previous paragraph. Langstone Campus Field is open space next to the coast and Milton Sailing Club is a marine use outside the built up area that is on the coast.

10.11.3 Two changes were not made to the Coastal Zone following discussions with the Milton Neighbourhood Forum. These are the open space bounded by Longshore Way and Broom Way and the houses on Longshore Way. The former is not on the coast, and the latter is not open

land. The Council's position is set out along with Milton Neighbourhood Forum's position on pages 4 and 5 of the Statement of Common Ground [SCH54] between the two parties.

12) Is the policy otherwise positively prepared, justified, effective and consistent with national policy?

10.12.1 Yes, Policy PLP36: Coastal Zone is positively prepared, justified, effective and consistent with national policy.

PLP37: Contaminated Land

13) Is the policy positively prepared, justified, effective and consistent with national policy?

10.13.1 Yes, the policy is positively prepared, justified, effective and consistent with national policy.

10.13.2 The Environment Agency requested one change to the draft Policy as set out in the Regulation 18 Local Plan [PRE01] and that change was made to the Pre-Submission version of the policy.

PLP2: Climate Emergency

14) Are the requirements of other policies in the Plan accurately reflected in the detailed wording of Policy PLP2?

10.14.1 Policy PLP2: Climate Emergency is a core policy of the Local Plan and establishes the key principles that development proposals are expected to address in regards to the climate emergency. The detailed requirements of other policies in the Plan are consistent with and support the delivery of these principles. Policies PLP31 to PLP37 provide the detailed policy mechanisms through which many of the objectives of Policy PLP2 are implemented. The objectives relating to green infrastructure and biodiversity are further developed through Policies PLP38 to PLP44. The supporting text to Policy PLP2 confirms that the strategic City-wide policies within the Climate Emergency chapter, together with the relevant site allocation policies, provide the detailed mechanisms for delivering the policy's objectives. As such, Policy PLP2 operates effectively as an overarching framework that signposts and aligns with the more detailed requirements contained elsewhere in the Plan.

10.14.2 Accordingly, the requirements of other relevant policies are accurately reflected in Policy PLP2, and the policy provides a coherent strategic framework for the Plan's approach to climate change mitigation and adaptation.

15) Is part 1 of the policy intended to apply to all scales and types of development proposal? If so, is that approach sufficiently clear, proportionate and justified?

10.15.1 Yes, part 1 of the policy is intended to apply to all scales and types of development proposal. This approach is justified by the evidence on the scale of emissions reductions required across all sectors of the economy. The Seventh Carbon Budget [PCC23] for the UK states that a Balanced Pathway assumes that all new homes are highly energy efficient and are served by low-carbon heating systems (Page 167-168, Paragraph 7.2.2 and Figure 7.2.4). The approach is consistent with paragraph 161 of the Framework [NAT01], which requires the planning system to take full account of climate change mitigation and adaptation in preparing and implementing plans, without restricting such considerations to larger developments. Accordingly, the policy applies climate change principles across all forms of development.

10.15.2 Part 1 establishes a clear and proportionate overarching framework for development proposals, while allowing flexibility in how the policy objectives are achieved according to the

scale, nature and circumstances of the development. The policy also promotes active travel and effective public transport, consistent with the objectives of the paragraphs 110 and 129 of the Framework.

10.15.3 Furthermore, the policy reflects the contribution now required from the domestic and transport sectors to achieve overall emissions reductions, as identified in the Seventh Carbon Budget [PCC23 - Page 12, Figure 2]. Taken as a whole, the policy provides a sufficiently clear, justified and proportionate framework for addressing climate change across all scales and types of development.

16) Is the policy otherwise positively prepared, justified, effective and consistent with national policy, taking the above questions for Matter 10 into account in particular?

10.16.1 Yes, Policy PLP2: Climate Emergency is positively prepared, justified, effective and consistent with national policy.