

Stage 2 Hearing Statement: Matter 11

Winchester City Council - Local Plan Examination

11 April 2025 | Confidential

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?

Introduction

- 1.1 This Hearing Statement has been prepared by Knight Frank on behalf Kennedy Wilson (KW Forum Limited).
- 1.2 We submitted our representations to the Regulation 19 Draft Local Plan in October 2024 and to the Regulation 18 Consultation in December 2022. The Regulation 19 representations have been allocated reference **ANON-AQTS-32G3-R**.
- 1.3 As part of the Local Plan Examination Submission, Winchester City Council ('WCC') published a Statement Prepared under Regulation 22 (1)(c) of the Town and Country Planning (Local Planning) (England) Regulations 2012 outlining the Council's response to the Regulation 19 consultation comments received.
- 1.4 The representations were submitted in relation to Kennedy Wilson's land holdings at Solent Business Park, Whiteley Way, PO15 7AD ('the Site'). The Site is subject to an allocation in the Adopted and Emerging Local Plan; the allocation has been partially delivered. The representations relate to the remainder of the Site which has not yet been delivered.
- 1.5 Paragraph 36 of the National Planning Policy Framework ('NPPF'), which the Local Plan will be considered against, requires that any Plan submitted to the Secretary of State for Examination must be capable of being found both legally compliant and sound. This includes ensuring the Plan is:
- **Positively prepared** – seeking to meet objectively assessed needs and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - **Justified** – an appropriate strategy, taking into account the reasonable alternatives, based on proportionate evidence;
 - **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred; and
 - **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework.
- 1.6 A Draft Local Plan should comply with the above criteria to be considered in compliance with the NPPF. As set out in our Hearing Statement, we do not consider that the Draft Local Plan is sound.
- 1.7 We have provided responses on the following policies as outlined in the table below:

| Matter | Policies |
|--|---|
| Matter 11: Carbon neutrality and designing for low carbon infrastructure | <ul style="list-style-type: none">○ Policy CN3 – Energy Efficiency Standards to Reduce Carbon Emissions○ Policy CN4 – Water Efficiency Standards in New Developments |
| Matter 12: High quality, well designed places and living well | <ul style="list-style-type: none">○ Strategic Policy D5 - Masterplans |
| Matter 13: Sustainable Transport and Active Travel | <ul style="list-style-type: none">○ Policy T2 – Parking for New Developments |
| Matter 14: Biodiversity and the natural environment | <ul style="list-style-type: none">○ Policy NE5 - Biodiversity |

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- Matter 16: Creating a vibrant economy (including site allocations)
- Employment and retail requirements
 - Strategic Policy E1 - Vibrant economy
 - Policy SH4 – Solent Business Park

Policy CN3: Energy Efficiency Standards to Reduce Carbon Emissions

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

Response:

- 1.8 Draft Policy CN3 includes the following text:
- 'All new developments should demonstrate the lowest possible level of carbon emissions. These should be in line with the requirements set out below unless there are exceptionally clear and compelling reasons. These reasons should be established through the design process and demonstrate that achieving these standards produces a development that would be harmful to its setting or the character of the wider area or it is demonstrated that is not practical.'*
- 1.9 The current policy wording, as outlined above, includes reference to scenarios where meeting the requirements may not be 'practical' but does not include specific reference to scenarios where it may not be financially viable to meet the full requirements of the policy. The policy is not effective as it does not address scenarios where it is not financially viable to meet the policy requirements.
- 1.10 The Council's Regulation 19 consultation response acknowledged concerns in relation to the affordability of complying with the requirements, albeit no specific changes to the policy wording were proposed on this point. No meaningful response has been received at all.
- 1.11 As outlined in our representations at Regulation 19 stage, we suggest that the text of Policy CN3 is amended to include reference that complying with the requirements is not required where it can be demonstrated it is not financially viable. As set out in the Reg.19 submissions, we suggest the wording is amended as following:
- "These reasons should be established through the design process and demonstrate that achieving these standards produces a development that would be harmful to its setting or the character of the wider area or it is demonstrated that is not practical or financially viable".*
- 1.12 There may well be circumstances where development viability is challenging and the cost of meeting the standards set out in draft Policy CN3 is one of the factors contributing to inflated and significant building costs. This may affect the deliverability of schemes where it is not possible to comply with the criteria.
- 1.13 We would also welcome a paragraph in the sub-text to expand on the point of viability being a reason to not comply with the requirements to their fullest for greater clarity on this matter. We suggest that inserting a paragraph at 4.24 would be appropriate. This could read:
- "The council recognises that in some circumstances it may be impractical and/or unviable to meet the energy standards set out in Policy CN3. In these circumstances, the applicant should demonstrate through the provision of evidence how the cost of installing the relevant technology is negatively impacting scheme viability."*
- 1.14 This additional clarification to the policy text would provide the decision maker with guidance in relation to which scenarios can be used to demonstrate it not practical or viable to meet the requirements of the policy. The current draft wording of the policy is too ambiguous.

Policy CN4 – Water Efficiency Standards in New Developments

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

Response:

- 1.15 Draft Policy CN4 states the following:
- Developments will be required to meet a high standards of water efficiency:*
- i. *Residential developments should be designed to achieve a maximum water capacity use of 100 litres/ person/day from mains/private water supply in order to help manage the demand for water unless it can be demonstrated that this is not feasible.*
 - ii. *Any refurbishments and other nondomestic development would be required to meet BREEAM water efficiency credits.*
 - iii. *Water use management and conservation (e.g. rainwater recycling and grey water harvesting) is dealt with under Policy CN1.*
- 1.16 The draft policy should provide additional guidance on meeting water efficiency requirements. In particular, Part i of the policy identifies that meeting the requirement may not be feasible in all cases. However, the policy does not define the supporting evidence required to successfully demonstrate where this is not feasible.

- 1.17 The Council's Regulation 19 consultation response acknowledged concerns in relation to development costs and the achievability of meeting the criteria, albeit no changes were proposed to the policy wording. No response has been provided at all.
- 1.18 Additional guidance in the policy would provide more clarity to both the applicant and decision maker in relation to scenarios where it is not possible to comply with the water efficiency targets.
- 1.19 Additionally, the policy does not specify what route the applicant should take where the water efficiency requirements cannot be complied with. For instance, whether this should target a lower specific water efficiency target.
- 1.20 Additional guidance would make the policy more effective as it would provide more clarity to the applicant and decision maker in scenarios where the water efficiency requirements cannot be complied with.
- 1.21 Especially within commercial developments that may use water as part of a manufacturing process for example, as drafted the policy as worded may be seen as off-putting and high risk to a potential occupier seeking to located and develop a facility in the area. Providing further clarity as to the process and alternative policy expectations if the current requirements cannot be met would be a welcome change to the policy.

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