



# Warwick District Council Net Zero Carbon DPD Regulation 22 Consultation Report

Warwick District

Prepared for: Warwick District Council

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- Appendix 2 Summary of Consultation methods in accordance with the Statement of Community Involvement
- Appendix 3 Table of full representations made on the Proposed Submission Net Zero Carbon DPD pursuant to Regulation 20
- Appendix 4 Schedule of Proposed Minor Changes to the DPD

# 1 Introduction

## Purpose

- 1.1 This Consultation Statement describes how the Council has undertaken community participation and stakeholder involvement in the production of the Net Zero Carbon Development Plan Document (DPD) setting out how such efforts have shaped the Plan and the main issues raised by consultation representations.
- 1.2 It is produced to respond to and therefore fulfil requirements set out in the Town and Country Planning (Local Planning) (England) Regulations 2012, and specifically Regulation 22(1) part (c) which requires:
- (c) a statement setting out—*
- (i) which bodies and persons the local planning authority invited to make representations under regulation [18](#),*
  - (ii) how those bodies and persons were invited to make representations under regulation [18](#),*
  - (iii) a summary of the main issues raised by the representations made pursuant to regulation [18](#),*
  - (iv) how any representations made pursuant to regulation [18](#) have been taken into account;*
  - (v) if representations were made pursuant to regulation [20](#), the number of representations made and a summary of the main issues raised in those representations; and*
  - (vi) if no representations were made in regulation [20](#), that no such representations were made;*
- 1.3 Edgars Planning Consultants supported by consultants, Bioregional, are instructed by Warwick District Council (the Council) to prepare a report of the consultation responses received to the Net Zero Carbon Development Plan Document (Net Zero Carbon DPD) to fulfil the requirements of Regulation 22.
- 1.4 This statement should be read alongside the Warwick Net Zero Carbon DPD Regulation 18 Consultation Report prepared by Edgars and Bioregional which sets out which bodies and persons were invited to make representations under Regulation 18 and provides a summary of the main issues raised and how those representations were taken into account in preparing the Warwick Net Zero Carbon DPD 2021 Consultation Draft April 2022 (Regulation 19).
- 1.5 This report also considers the representations received to the Warwick Net Zero Carbon DPD 2021 Consultation Draft April 2022 (Regulation 20) and makes recommendations with regard to the Council's response and any modifications to the DPD.

## Structure of this Document

1.6 The remainder of this document is structure as follows

- Section 2 provides a Timeline of the Net Zero Carbon DPD
- Section 3 identifies and analyses the number of representations made in relation to the Proposed Submission Net Zero Carbon DPD (pursuant to Regulation 20)
- Section 4 provides a summary of the main issues raised in relation to the Proposed Submission Net Zero Carbon DPD (pursuant to Regulation 20)
- Section 5 provides a Conclusion
- Appendix 1 Presents the Regulation 18 Consultation Statement (addressing Regulation 22(c) i) to iv)
- Appendix 2 Summarises the consultation methods in accordance with the Statement of Community Involvement
- Appendix 3 Provides a table of all the representations made on the Proposed Submission Net Zero Carbon DPD pursuant to Regulation 20
- Appendix 4 Schedule of Proposed Minor Changes

## 2 Timeline

- 2.1 The Warwick District Local Plan 2011-2029 was adopted on 20<sup>th</sup> September 2017.
- 2.2 On 27<sup>th</sup> June 2019 Warwick District Council declared a climate emergency including commitments with regard:
- Becoming a net zero carbon organisation, including contracted out services by 2025
  - Facilitating decarbonisation by local businesses, other organisations and residents so that total net carbon emissions within Warwick District are as close to zero as possible by 2030
  - Engaging with and listening to all relevant stakeholders including members of the Warwickshire Youth Parliament, and setting up the Climate Change Peoples Inquiry, regarding approaches to tackling the climate emergency
- 2.3 Following this, the Council adopted a Climate Emergency Action Programme at its meeting in February 2020. The Action Programme included a strong recognition of the important influence of planning in tackling climate change including the following areas for possible action:
- Ensure that the planning system, led by the Local Plan, sets developments and land use standards aimed at reducing carbon emissions and building sustainable communities
  - Develop and implement policies that will deliver improved net zero carbon building standards - subject to national policy
  - Ensure carbon reduction features and BREEAM standards are included in major development schemes
- 2.4 The Warwick District Local Development Scheme 2021 identifies a three-year programme for the review and preparation of planning policies. The preparation of a 'Climate Change and Sustainable Buildings DPD' is included in the Local Development Scheme 2021 as a priority for delivery in the years 2021-2023. The 'Climate Change and Sustainable Buildings DPD' has been renamed the Warwick Net Zero Carbon DPD and is the DPD which is subject to this report. The Council will update their Local Development Scheme later this year and this will update the name of the DPD accordingly.
- 2.5 Warwick District Council commenced a Regulation 18 consultation on the Net Zero Carbon DPD Consultation Draft July 2021 on the 26<sup>th</sup> July 2021 for a period of 7 weeks until 13<sup>th</sup> September 2021.
- 2.6 Warwick District Council commenced a Regulation 19 consultation on the Net Zero Carbon DPD Consultation Draft April 2022 on the 27<sup>th</sup> April 2022 for a period of 6 weeks until 8<sup>th</sup> June 2022.

### 3 Representations summary

3.1 The Regulation 19 consultation received responses from 26 separate respondents.

3.2 These respondents comprise:

- 8 individuals
- 18 organisations

3.3 The 18 organisations comprise:

- 2 Statutory Consultees including
  - The Coal Authority
  - Warwickshire County Council
- 2 Community interest groups
  - BLAST (Bringing Leamington Allotment Societies Together)
  - Warwickshire Climate Alliance
- 1 Warwick District Council Department (Housing Strategy)
- 1 National interest Group (The Theatres Trust)
- 2 Councillors on behalf of
  - the Warwick District Green Party
  - the District Labour Party Group
- 10 organisations representing the development and housing building industries including:
  - Savills on behalf of Barratt David Wilson Homes Mercia
  - Gladman Developments
  - Home Builders Federation Limited
  - Barton Willmore on behalf of IM Land
  - Barton Willmore on behalf of Persimmon Homes
  - Barton Willmore on behalf of Taylor Wimpey
  - Turley on behalf of IM Land and IM Properties
  - RPS on behalf of Taylor Wimpey
  - Intelligent Alternatives Limited (renewable energy development services)
  - Oxalis Planning on behalf of Cuvette Property Consulting Limited

3.4 Most respondents made more than one representation some of which were contained within letters and documents uploaded to the Opus Consultation portal.

3.5 These letters and documents have subsequently been reviewed and broken down by Edgars on behalf of the Council into individual representations on a database of representations. This has now identified a total of 165 separate representations or comments.

3.6 The full wording of each representation along with a unique respondent and representation reference is included within Appendix 3.

## 4 Consultation Representations and Main Issues identified

4.1 This section considers the representations submitted against each section of the DPD, summarises the main issues raised, the Council's response and if any modification is recommended in response.

### Title and Scope of the DPD

4.2 The following main issues have been raised

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
	The title of the DPD document is not correct and also has the effect of misleading the public. This is NOT a net zero carbon initiative; it is not even "net zero ready" as this would mean first achieving energy use targets. Suggest the that the following title be used: 'Transition towards net zero regulated carbon.'	George Martin	<p>The Council considers the title of the DPD adequately describes the topic area of the policies within the DPD.</p> <p>The respondent identifies that the DPD and the policies relate to regulated energy and not unregulated energy. The DPD at paragraph 4.1.1 identifies that for the purposes of the DPD net zero carbon relates to regulated operational energy.</p> <p>Regulated energy is defined at para 4.1.1 in the DPD and in the Glossary. Unregulated energy and operational energy are not defined in the glossary, and this would assist with clarification.</p> <p>Objective 1 should be updated to reflect the focus on regulated carbon.</p>	Define unregulated and operational energy in the Glossary and update Objective 1 wording.
	The scope of the document has a narrow focus and does not take into account other issues which relate to climate change including, land use change, housing densities, Green Belt, biodiversity, transport, parking and EV charging, and stand-alone renewable energy development.	Warwickshire Climate Alliance, BLAST, Emma Longworth, Andrew Pike, District Labour Party Group,	The scope of the DPD reflects the Council's adopted Climate Emergency Action Programme (CEAP) to develop and implement policies that will deliver improved net zero carbon building standards.	None

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
		Intelligent Alternatives	The DPD will complement the adopted Local Plan which addresses matters of land use, density, Green Belt, biodiversity, parking and renewable energy development.	

## Section 1 The Local Context

4.3 The following main issues have been raised:

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
1.1.2	1.1.2 states that possible CEAP actions include: Ensure carbon reduction features and BREEAM standards are included in major development schemes Under section 12.1 WDC have superseded the requirement for Policy CC3 as a result BREEAM is not now required at all for non-domestic buildings. In addition, there is no reference to BREEAM in any of the published policies.	George Martin, District Labour Party Group, Warwickshire Climate Alliance	Adopted Local Plan policy CC3 requires non-residential development over 1000 sqm to achieve as a minimum BREEAM standard 'very good'. Section 12.1 states that policy CC3 would be superseded and no longer take effect.  The policies of the Net Zero Carbon DPD propose more specific targets and standards regarding regulated operational energy and embodied carbon.  BREEAM standards are more wide ranging and are achieved through developments achieving credits across a range of development attributes (including Energy, Land use and ecology, Water, Health and wellbeing, Pollution, Transport, Materials, Waste, and Management) across the life of a development project. This can include reduction of energy use and carbon emissions. BREEAM standards reflect best practice but would not require the carbon emission reductions sought by the DPD policies.	The Council will seek to amend section 12.1 of the DPD to state that CC3 is retained and expanded.

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
			<p>The Net Zero Carbon DPD policies expand and complement Local Plan policy CC3 such that it need not be superseded.</p> <p>Furthermore, some allowance for BREEAM Excellent standard was included in the cost uplift assumption for non-residential developments.</p>	
1.3.1	<p>The DPD does not meet the objective stated. New developments will add to the District's carbon deficit due to the fact that there will be thousands of new homes that will not be truly net zero carbon in use or even near to this! There will also be significant costs for occupants for retrofitting buildings to achieve true net zero carbon.</p>	<p>George Martin, District Labour Party Group</p>	<p>DPD Para 1.3.1 states its aim is to minimise carbon emissions from new buildings. This objective is met by the DPD policies. The policies of the DPD will also ensure that the cost of retrofitting to achieve net zero carbon <u>does not increase</u>.</p> <p>The respondent is technically correct that the policies of the DPD will not deliver true net zero carbon development as for the purposes of the DPD net zero carbon relates to regulated operational energy and not unregulated operational energy.</p> <p>Under the DPD policies new development will therefore add to the carbon deficit and to provide clarification the reference at 1.3.1 (and associated reference at 4.1.2) should be amended or removed accordingly.</p>	<p>Para 1.3.1 and associated para 4.1.2 should be amended with regard the carbon deficit.</p>
1.3.1	<p>The objective should also cover standards not just for new buildings but for all retrofitting, refurbishment, conversion, and extension projects on existing buildings; and planned sample inspections by trained zero-engineers to ensure objective emissions are being sustained.</p>	<p>District Labour Party Group</p>	<p>Existing buildings are considered in Section 10 and Policy NZC4 of the DPD.</p> <p>The approach to existing buildings was added in response to comments at the Regulation 18 stage but is not explicitly identified in the DPD objectives at paragraphs 1.3 and 4.2. The objectives could be modified to refer to existing buildings.</p>	<p>Modify the objectives at paragraph 1.3.1 and 4.2 to refer to '...minimising carbon emissions from existing and new buildings...'</p>

## Section 2 The National Context

4.4 The following main issues have been raised:

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
2.6 and 2.7	There is need to define the word 'current' when describing energy standards. The 2021 standards will be operational in June 2022	George Martin	At the time of drafting the DPD the Part L 2021 had not yet come into effect albeit was expected. Policy NZC1 and NZC2(A) include reference to Part L 2021. Paragraphs 2.6 and 2.7 need updating to reflect that Part L 2021 is now operational.	Minor modification to update Paras 2.6 and 2.7 to reflect that Part L 2021 became operation in June 2022.

## Section 3 The Planning Policy Context

4.5 The following main issues have been raised:

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
3.1	Add reference to NPPF paras 124/5 (more efficient dwelling densities) and section 12 paras 126 to 136 (the importance of good design) to put the emphasis on sustainability in a fuller balanced planning context.	District Labour Party Group	The DPD relates specifically to reducing carbon emissions and as such NPPF Chapter 14 is considered most relevant.	None

## Section 4 Aims and Objectives

4.6 The following main issues have been raised:

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
4.1.1 and 4.1.2	<p>These two aims will not be met.</p> <ul style="list-style-type: none"> <li>The DPD will not ensure that all new developments should be net zero carbon in operation.</li> <li>The DPD will not ensure that there will be no addition to the District's carbon emissions</li> <li>There will be a significant cost to retrofitting buildings</li> </ul> <p>The following should be clearly stated in the document:</p> <ul style="list-style-type: none"> <li>No gas – the DPD implies this subtly but does not explicitly state 'no gas'.</li> </ul>	George Martin, District Labour Party Group	<p>DPD Para 4.1.1 states its aim is to minimise carbon emissions from new buildings. This objective is met by the DPD policies. Para 4.1.1 clearly defines that for the purpose of the DPD net zero carbon relates to regulated operational energy.</p> <p>By applying the energy hierarchy and the reduction in carbon emissions, the policies of the DPD will also ensure that the cost of retrofitting to achieve net zero carbon <u>does not increase</u>.</p> <p>The respondent is technically correct that the policies of the DPD will not deliver true net zero carbon development as for the purposes of the DPD net zero carbon relates to regulated operational energy and does not include unregulated operational energy. Under the DPD policies new development will therefore add to the carbon deficit and the reference at 4.1.2 should be amended accordingly.</p> <p>Energy sources are considered in Section 7 of the DPD and associated policy NZC2(B). Paragraph 7.3 states that the Council expects that energy sources avoid fossil fuels in their entirety.</p>	Para 4.1.2 should be amended with regard the carbon deficit.

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
4.1	<p>The definition of 'net zero' has recently come under scrutiny (ref. 1). For housing, a precise, technical definition is imperative in order to avoid misleading descriptions of housing and confusion between developers and customers. We suggest that the DPD acknowledges these points in the justification for the plan. We strongly recommend that the DPD refers to and uses the various net zero definitions contained in the new (April 2022) guidance (ref. 2) on delivering net zero carbon buildings produced by the Chartered Institution of Building Services Engineers (CIBSE) and The London Energy Transformation Initiative (LETI).</p> <p>The key definitions in the DPD is Paragraph 4.1. It is also desirable to explain that this [regulated operational energy] definition does not cover the 'unregulated' energy used in appliances (e.g. cooking stoves, kettles, microwaves, refrigeration, freezing, washing, IT, TV etc) which amounts to ~50% of all household carbon emissions (Part L 2013) (ref. 3). It is essential that the terms 'net zero carbon', 'regulated' and 'operational energy' are defined in precise terms at the outset to the document.</p>	Warwick District Green Party	<p>Para 4.1.1 clearly defines that for the purpose of the DPD net zero carbon relates to regulated operational energy and therefore excludes unregulated emissions.</p> <p>Regulated energy is defined at para 4.1.1 in the DPD and in the Glossary. Unregulated energy and operational energy are not defined in the glossary and this would assist with clarification.</p>	Define unregulated and operational energy, in the Glossary.
4.1.1	Clarify the position on unregulated emissions	District Labour Party Group	Para 4.1.1 clearly defines that for the purpose of the DPD net zero carbon relates to regulated operational energy and therefore excludes unregulated emissions.	None
4.2.1	With regard objective 1 the DPD will not ensure that new buildings are planned and constructed to be net zero carbon in operation.	George Martin	Objective 1 states 'To provide a clear policy framework to enable developers to understand the requirements for planning proposals to ensure new buildings are planned and constructed to be net zero carbon in operation'.	Objective 1 should be clarified that for the purposes of the DPD this relates to regulated operational energy.

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
			The objective needs to be clarified and made consistent with paragraph 4.1.1 that for the purposes of the DPD this relates to regulated operational energy.	
4.2.3	The wording of the objective is weak. The word 'consideration' (of low carbon energy sources) is not obliging developers to include them. It should read "To oblige the installation of low carbon energy sources as part of development proposals."	BLAST	Having regard to national policy (NPPF 157) it is a requirement that policies contain some flexibility to account for where the application of the Net Zero Carbon DPD policies is not feasible or viable.	None

## Section 5 Overarching Strategy: Achieving Net Zero Carbon Development - Policy NZC1

4.7 The following main issues have been raised:

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
NZC1	The title needs to change. The policy will not deliver a Net Zero Carbon Development.	George Martin	The title of the policy is considered appropriate in the context of paragraph 4.1.1 which identifies that for the purposes of the DPD net zero relates to regulated operational energy.	None
NZC1	The DPD restricts itself to a speedier introduction of the standards specified in the Future Homes Standard. However, these standards are not sufficient to ensure future homes will genuinely be net zero. This is the view of the Royal Institute of British Architects, and 20 other organisations concerned with low carbon architecture, including the Energy Saving Trust, LETI, and the Passivhaus Trust.	Warwick District Green Party	Justification for the introduction of standards aligned with the Future Homes Standard is provided in the Energy and Sustainability Policy Review evidence paper.  This policy option was selected having regard to the need to implement improved standards as quickly as possible, the evidence already available with regard the costs and feasibility of the Future Homes Standard, and national policy (NPPF 154), that local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.	None
NZC1	There is a lack of direct justification for the particular targets set out in the policy (minimum 63% and 30% reductions)	Keith Thompson	Justification for the targets set out in the policy is provided in the Energy and Sustainability Policy Review evidence paper.	None
NZC1	The policy should include a requirement to implement the British Standard BS 40101 Building performance evaluation of occupied and operational buildings. This was published in January 2022.  Further testing of achieved energy standards at 9 years (before new House quality guarantee expires) to ensure any performance slippages	George Martin, District Labour Party Group	BS 40101 is understood to be an in-use Building Performance Evaluation Standard relating to post-occupancy monitoring. The Council acknowledge that post-occupancy monitoring was considered during the development of this DPD.  At the current time the Council consider that there are issues with requiring implementing	None

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
	<p>over the short-term life of the buildings are rectified for the long-term.</p>		<p>post occupancy monitoring with regard the Council's available resource to evaluate such information alongside existing planning functions and also enforce such monitoring on occupants of new housing and actions required as a result of such monitoring.</p> <p>BS 40101 in-use performance monitoring to be considered for inclusion in further guidance relating to the DPD policies and also the forthcoming South Warwickshire Local Plan.</p>	
<p>NZC1</p>	<p>BREEAM is missing from the Policy and must be included.</p>	<p>George Martin</p>	<p>Adopted Local Plan policy CC3 requires non-residential development over 1000 sq.m to achieve as a minimum BREEAM standard 'very good'. Section 12.1 states that policy CC3 would be superseded and no longer take effect.</p> <p>The policies of the Net Zero Carbon DPD propose specific targets and standards regarding regulated operational energy and embodied carbon.</p> <p>BREEAM standards are more wide ranging and are achieved through developments achieving credits across a range of development attributes (including Energy, Land use and ecology, Water, Health and wellbeing, Pollution. Transport, Materials, Waste, and Management) across the life of a development project. This can include reduction of energy use and carbon emissions. BREEAM standards reflect best practice but would not require the carbon</p>	<p>The Council will seek to amend section 12.1 of the DPD to state that CC3 is retained and expanded.</p>

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
			<p>emission reductions sought by the DPD policies.</p> <p>The Net Zero Carbon DPD policies expand and complement Local Plan policy CC3 such that it need not be superseded.</p> <p>Furthermore, some allowance for BREEAM standard was included in the cost uplift assumption for non-residential developments.</p>	
NZC1	<p>The policy should include energy targets in terms of kWh/m2/yr as this is recommended by The Committee on Climate Change and is proposed in other local plans such as Greater Cambridge.</p>	<p>George Martin, District Labour Party Group, Warwick District Green Party, Warwickshire Climate Alliance</p>	<p>The Council recognise and agree with the principle that absolute energy targets in kWh/m2/year are preferable in terms of delivering carbon and energy use reductions.</p> <p>This DPD policy, due to the urgency for adoption in light of the climate emergency, has sought to use nationally described technical standards for the calculation of energy and carbon.</p> <p>This would mean that the only targets that could be set for kWh/m2/year would be:</p> <ul style="list-style-type: none"> <li>• The SAP Fabric Energy Efficiency (FEE)</li> <li>• The SAP and SBEM Primary Energy rate.</li> </ul> <p>The Committee on Climate Change has recommended that new homes from 2025 should achieve a space heat demand of 15-20kWh/m2/year. In SAP, the 'space heat demand' metric is titled 'Fabric Energy Efficiency' (albeit noting the inaccuracies of SAP in predicting space heat demand. National planning policy guidance obliges the</p>	None

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
			<p>council to be consistent with national technical standards, and at present the main such standard we can attempt to align with is the Future Homes Standard.</p> <p>At the time of drafting the DPD, the Council did not have evidence available to confirm whether a home built to the Future Homes Standard would or would not have a Fabric Energy Efficiency (space heat demand) in line with the 15-20kWh/m2/year recommended by the Committee on Climate Change.</p> <p>The Council is now aware of some analysis produced in aid of an emerging Cornwall climate change DPD, which compares the difference in SAP FEE for several different building types built to the notional building standard in Part L 2021 and FHS 2025. It shows that with the FHS 2025 notional spec, SAP would put the FEE at 17-25kWh/m2/year depending on building type (which would be brought down to an actual space heat energy use of about 5-10kWh /m2/year through use of a heat pump). Furthermore, the analysis also shows that the SAP FEE with Part L 2021 would be about 20–25kWh/m2/year. Therefore, the Warwick DPD requirement of a 10% improvement on the 2021 FEE would put the development within or close to the 15-20kWh recommendation that cited from the Committee on Climate Change, albeit before considering the energy performance gap.</p>	
NZC1	The document does not require developers to achieve net zero for the emissions of constructing developments, but the document	Graham Ball	The embodied carbon emissions of new development are considered in Policy NZC3	None

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
	also states that up to 50% of lifetime building emissions can come from the construction phase. Therefore, the policy will fail to deliver net zero			
Figure 1	Change 'Operational Net Zero' on the diagram to 'transition towards net zero regulated energy'.	George Martin	Paragraph 4.1.1 identifies that for the purposes of the DPD net zero relates to regulated operational energy. For consistency the text in Figure 1 could be amended to 'Operational Net Zero – regulated energy	Minor modification to amend Figure 1 text to 'Operational Net Zero – regulated energy
5.6.3	Refers to 'carbon offsetting to bring the total operational carbon emissions to zero'	George Martin	Paragraph 4.1.1 identifies that for the purposes of the DPD net zero relates to regulated operational energy. For consistency the text in 5.6.3 should be amended to clarify 'total operational carbon emissions (regulated energy) to zero'.	Minor modification to amend 5.6.3 as follows 'total operational carbon emissions (regulated energy) to zero'.
5.7	SAP and SBEM are poor methods for calculating emissions and this is identified in the evidence base. SAP, SBEM are widely considered inadequate for this task, and do not take into account the energy performance gap, i.e. the gap between design and actual use. Alternative standards are suggested in the Greater Cambridge Local Plan, These include BREEAM, PHPP, and BS 40101.	George Martin, District Labour Party Group, Warwickshire Climate Alliance	The Council agree that SAP and SBEM have been identified to be less accurate methods of calculating carbon emissions compared to other methods. SAP and SBEM are however the national technical standards used to assess compliance against Building Regulations and are accordingly used in the DPD in light of NPPF paragraph 154(b).	None
5.11	Why are the standards limited to buildings of over 1000sqm?	District Labour Party Group	The threshold for the applicability of the policies was amended and clarified following the Regulation 18 consultation. The thresholds were amended to only now includes developments of 1 dwelling or more or 1000sqm of floorspace. The amended threshold seeks to strike an appropriate balance between policies to maximise carbon emission reductions and the available	None

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
			<p>resource within the Council to assess planning applications against Net Zero planning policies.</p> <p>Evidence within the Energy and Sustainability Policy Review also identifies that of the precedents identified a threshold of 1000sqm is typical.</p>	
NZC1	<p>New dwellings built to this proposed net zero standard before 2025 will become carbon negative without retrofit work as the electricity grid continues to decarbonise. This is excessive, and the council should not be seeking to set a local target beyond net zero carbon or a standard above the FHS net zero ready approach</p>	Barton Willmore	<p>'Carbon negative' would mean that the home would offset more carbon than it emits, either by paying for offsets or generating more zero-carbon energy than the home needs. The policy would not result in this.</p> <p>The policy is designed to bring forward the Future Homes Standard, and then require that the remainder of homes' regulated carbon emissions to be offset to zero, covering a period of 30 years, taking into account national projections of grid decarbonisation. This would result in net zero regulated carbon. The carbon emissions of homes' unregulated energy use would remain until the electricity grid is fully decarbonised.</p>	None
NZC1	<p>The viability testing documentation assumes that the build cost uplift from current standards to this specification is 3% (for residential development). This has been underestimated, particularly in relation to the fabric energy efficiency which requires the uplift from double to triple glazed windows.</p>	Barton Willmore	<p>The cost uplift assumptions for homes was reviewed by Bioregional and a summary is presented in the Energy and Sustainability Policy Review Evidence paper. Further explanation is provided in Section 11 'Viability' below.</p> <p>The cost uplift utilised data from the FHS Impact Assessment (fabric), Currie &amp; Brown (heat pump), and offset costs (Bioregional, see below above). This translated to a 2.6 – 2.7% uplift. This was rounded up to 3% to</p>	None

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
			<p>allow a margin of error for the purposes of the viability study. Further explanation is provided in Section 11 below.</p> <p>The cost uplift data analysed related to uplifts to the base build costs against Part L 2013. Today, the new Part L 2021 already includes some tighter standards for fabric, therefore the cost uplift should now be smaller.</p>	
NZC1	<p>The greater clarity provided in Policy NZC1 outlining the type of developments which are required to achieve net zero operational regulated carbon emissions is welcomed.</p> <p>The policy requires minimum of a 63% reduction in carbon emissions is achieved as compared to the baseline emission rate set by Building Regulations Part L 2021.</p> <p>It is imperative that the policy remains flexible to allow for any update of the Building Regulations to ensure that the policy is operating in tandem with the most up to date guidance.</p>	Gladman	To provide clear and unambiguous policies, the Council consider that a specific % reduction in carbon emissions reduction against a specific standard (e.g. Building Regulations Part L 2021) is required.	None
NZC1	<p>Policy NZC1 includes reference to the provision of an energy statement to be submitted by applicants to demonstrate how their proposals will meet the policy requirements.</p> <p>The Council should identify more clearly what is to be contained and included with an energy statement and to differentiate the levels of detail between Full, Outline and Reserved Matters.</p>	Gladman	<p>The Council agree that further guidance on the content of an energy statement is important to assist developers and planning officers which may include an energy statement template or proforma. It may also differentiate between the level of detail required for outline, reserved matters and full applications.</p> <p>The Council propose that further guidance is prepared to supplement the DPD and may include an energy statement proforma.</p>	No modification is proposed to the DPD but the Council will develop further supplementary guidance on the content of an energy statement.

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
NZC1	<p>The Council should not be seeking to set a local net zero carbon standard above FHS and ahead of the timetable set out by the Government. The Council has provided no locally specific evidence to justify the deviation from the Government's approach and timetable in Policies NZC1, NZC2(A) &amp; (B).</p>	<p>HBF, Savills Barratt DWH Mercia, RPS Taylor Wimpey,</p>	<p>The local planning authority has the power to set a local standard for energy and carbon improvements as provided by the Planning and Energy Act 2008. Government confirmed in the Future Homes Consultation Response 2021 that it will not remove the Planning &amp; Energy Act powers, and had previously confirmed in the NPPF consultation response 2018 that the local planning authority is “not restricted” in requiring energy efficiency standards over those of building regulations.</p> <p>The actual build standard required by the DPD policy does not go beyond the FHS. Rather, the only action beyond the FHS is to require offsetting payments for the remainder of regulated carbon emissions.</p> <p>Locally specific justification for the policies is provided in the Energy and Sustainability Policy Review. This evidence has identified that neither the national carbon targets (legislated carbon budgets under the Climate Change Act) nor local carbon and climate commitments (the Warwick Climate Change Action Plan) will be credibly delivered in the absence of the policy. Without this policy, the local plan would not be able to deliver on the NPPF expectation to deliver “radical reductions in greenhouse gas emissions ... in line with the objectives and provisions of the Climate Change Act 2008” (paragraph 152 and footnote 53), nor the plan’s legal duty to mitigate climate change as per the Planning and Compulsory Purchase Act 2004 Section 19.</p>	None

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
NZC1	The Council should provide a detailed breakdown of the calculations used to derive 63% as the specified reduction in carbon emissions.	HBF	<p>The 63% represents the difference between Part L 2021, and the Future Homes Standard. The calculation is as follows, starting from the 2013 baseline:</p> <ul style="list-style-type: none"> <li>• Part L 2013 TER = 100% baseline</li> <li>• Part L 2021 TER = 31% lower than Part L 2013</li> <li>• Future Homes Standard TER = ≥75% lower than Part L 2013</li> <li>• 100% minus 31% = 69% of emissions remain now that Part L 2021 is in force today.</li> <li>• 100% minus 75% = 25% of emissions will remain when the FHS is introduced, versus the 2013 baseline.</li> <li>• 25% (FHS) is a 63.8% reduction on 69% (today's baseline). Calculation: 100% – (25%/69%).</li> </ul>	None
NZC1	<p>The NPPG also clarifies that locally set energy performance standards for new housing should not exceed the equivalent of Level 4 of the Code for Sustainable Homes and any requirement for a proportion of used energy to be from renewable and / or low carbon energy sources should be reasonable (ID: 6-012-20190315).</p> <p>The Council should also confirm that 63% reduction in carbon emissions and 10% Fabric Energy Efficiency requirements do not exceed Level 4 of the Code for Sustainable Homes.</p>	HBF, Savills Barratt DWH Mercia, RPS Taylor Wimpey	<p>Code for Sustainable Homes Level 4 is no longer a relevant limit.</p> <p>The new version of Building Regulations (Part L 2021) already goes well beyond the Code for Sustainable Homes Level 4. Code Level 4 is only a 19% carbon emissions reduction on Part L 2013, while the new Part L 2021 is already a 31% reduction on that baseline.</p> <p>The limit relating to Code Level 4 was the limit to what local authorities could require, based on a Written Ministerial Statement (WMS) in 2015, and a reference to that WMS in Planning Practice Guidance last updated in</p>	None

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
			<p>March 2019. However, that WMS was based on amendments to the Planning and Energy Act that were never in fact commenced, and the government’s 2018 response to consultation on changes to the National Planning Policy Framework contradicted the WMS by stating that “local authorities are not restricted in their ability to require energy efficiency standards above Building Regulations”.</p> <p>Furthermore, the 2015 WMS is no longer an up-to-date reflection of national policy as it has been superseded by the subsequent national government consultation responses in 2020-21 on the Future Homes Standard and interim Part L uplift. This view was confirmed by a recent Planning Inspectorate decision on an appeal in West Berkshire (Appeal reference APP/W0340/W/20/3265460, IR16.203) noting that “the Government’s aspirations have moved on since the WMS and there can be little doubt that the Government has an aspiration to move toward zero carbon homes”.</p> <p>A DLUHC Written Ministerial Statement in 2021 also confirmed that the responses to consultation on Future Homes/ Future Buildings Standards do indeed form national policy. As a result, the Planning Practice Guidance (referencing the 2015 WMS) is also out of date with the current national policy.</p> <p>Finally, there are many examples of precedent local plans that go beyond the Code Level 4 limit and have been</p>	

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
			successfully examined and adopted (London, Reading, Milton Keynes, Oxford) which indicates that the Inspector does not consider the Code Level 4 limit to apply.	
NZC1	The requirement for zero or low carbon energy sources is not reasonable. The unspecified proportion is ambiguous. Such ambiguity is inconsistent with the 2021 NPPF, which states that policies should be clearly written and unambiguous (para 16d).	HBF	Policy NZC2(B) requires zero or low carbon energy sources to achieve the overall carbon reductions specified by policy NZC1 and after the after the Target Fabric Energy Efficiency measures have been employed in accordance with Policy NZC2(A). For homes, the required 63% on-site carbon reduction could be delivered just through adding a heat pump instead of a gas boiler (after the Target Fabric Energy Efficiency measures), as per the Future Homes Standard notional building specification laid out in the FHS Consultation Response.	None
NZC1	There are a number of concerns with regard to the potential risks to housing delivery as a result of a faster implementation of the national standards. The issues were highlighted at the Regulation 18 consultation and include: <ul style="list-style-type: none"> <li>• an inadequate supply of such technologies that will be required to achieve the proposed</li> <li>• 75% reduction due to immaturity of the supply chain for systems, such as air and ground source heat pumps.</li> <li>• the need to reinforce the electricity networks to accommodate the additional loads that the usage of such technologies require.</li> <li>• increased demand for electricity arising from the installation of electric vehicle charging points, which are already</li> </ul>	RPS Taylor Wimpey	The DPD policy approach aligns with the Future Homes Standard which can be complied with simply by moderately upgrading insulation values compared to today, plus more thermally efficient glazing and a heat pump – as per the notional building specification laid out by the Future Homes Standard Consultation Response.  Alternatively, the policy might be met with a different mix of technologies, such as heat networks, solar thermal hot water, or other kinds of electric heating in combination with solar panels. All of these technologies exist in the UK industry today and are widely used – albeit heat pumps need to be more widely used in order for the UK to meet its legally binding carbon reduction targets under the Climate Change Act, as shown by analysis	None

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
	<p>required under policy TR1 of the Council's adopted Local Plan</p>		<p>from the Committee on Climate Change (the official advisor to the UK Government on fulfilling the Climate Change Act). There is no evidence that would robustly show an inadequate supply of these technologies to meet the needs of the very small portion of the UK's development that will take place within Warwick District (even in combination with the share of development in the handful of other local planning areas that are considering similar requirements).</p> <p>The Committee on Climate Change analysis acknowledges that the UK does need to expand its labour force qualified to install heat pumps, but the implication is not that it is desirable to stimulate the industry to grow these skills.</p> <p>The DPD policy helps to do this and stimulates the local construction industry to get ready for the national changes.</p> <p>With regards to the capacity of the electricity grid and the need to upgrade it, the DPD policy's requirement for improved fabric energy efficiency will help to minimise the demand that new homes place on the electricity grid.</p> <p>Upgrades may be the case in some locations but again it is one of many essential measures that will have to happen across the entire UK in order to deliver the UK's legally binding carbon budgets and net zero goal. Any additional grid capacity needed to fulfil the DPD policy would be needed anyway as soon as the Future Homes Standard is</p>	

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
			<p>introduced nationally, which is due to be only 2-3 years after the DPD policy. It must also be noted that any electricity grid capacity cost must be set against the avoided cost of expanding gas grid capacity which can be significant, especially at major greenfield sites.</p> <p>Furthermore, the DPD requires that carbon reductions to the greatest extent feasible are demonstrated through the energy statement and allows for exceptional circumstances where full compliance with the policy is not feasible or viable.</p>	
NZC1	<p>Policy NZC1 is not effective because it remains unclear for applicants what the Council's expectations are in circumstances where both policy-compliant affordable housing under adopted Local Plan Policy H2 and full NZC emission reductions under Policy NZC1 cannot be delivered simultaneously on viability grounds.</p>	RPS Taylor Wimpey	<p>Policy NZC1 requires that the specified carbon reductions are achieved to the greatest extent feasible and demonstrated through the energy statement.</p> <p>The DPD allows for exceptional circumstances where full compliance with the NZC DPD policies is not feasible or viable. The DPD does not therefore introduce potential for circumstances where Local Plan Policy H2 cannot be delivered.</p>	None
NZC1	<p>Implementing the full FHS requires a significant change to the construction and delivery of new homes. Policy NZC1 should contain transitional arrangements to provide some flexibility for those developments that have not allowed for this policy within their viability studies and deliverability trajectories.</p>	Turley IM Land and IM Properties, HBF, Savills DWG Mercia	<p>In accordance with NPPF paragraph 2 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.</p> <p>In accordance with NPPF paragraph 48 Local Planning Authorities may give weight to relevant policies in emerging plans.</p>	None

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
			<p>Development proposals are therefore expected to conduct their viability studies and deliverability trajectories based on the policies of adopted local plan documents at the time of submission.</p> <p>This DPD policy has been published in draft form since the Regulation 18 consultation in July 2021 (at which time it still contained elements that aligned with the FHS) and therefore has been available for consideration by emerging development proposals for a full year. The timeline for adoption of the current (Regulation 19) version of the DPD would most likely not be until later in 2022 or even early 2023, providing even further opportunity for emerging development proposals to take the policy into account.</p> <p>Therefore, the Council does not consider it necessary to allow a further transitional period. Nevertheless, the policy does allow flexibility in the event that the policy's standard minimum requirements are demonstrably unfeasible or unviable.</p>	
NZC1	<p>Policy NZC1 also refers to the use of the Passivhaus standard as an alternative means of Policy compliance however the draft DPD contains no assessment of the viability of this standard meeting this standard could require an increase in build costs of c10% which could be substantially above the 3% figure assumed in the draft DPD.</p> <p>It is possible to recommend the use of Passivhaus Planning Package (PHPP) as a</p>	Turley IM Land and IM Properties, George Martin, District Labour Party Group	<p>The Passivhaus standard is an optional or voluntary standard within Policy NZC1. Passivhaus certification is accepted as an alternative means of policy compliance in the recognition that a certified Passivhaus building would already outperform the policy requirements and demonstrate a strong commitment to sustainability at the development, therefore developers already making the significant effort, innovation and investment to reach Passivhaus standard do not need to be made subject to the additional</p>	None

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
	<p>preferred modelling tool without going as far as the Passivhaus standard.</p>		<p>requirement of reporting against the Part L SAP or SBEM metrics laid out in the DPD.</p> <p>As a voluntary standard the Council do not consider it is necessary to separately test its viability.</p>	
<p>NZC1</p>	<p>It is not clear if Policies NZC1, NZC2(A), NZC2(B), NZC2(C) and NZC3 are strategic or non-strategic policies. In the HBF's opinion, policies addressing climate change are strategic in nature with a long-term timeframe. As set out in the 2021 NPPF to anticipate and respond to long-term requirements and opportunities, strategic policies should look ahead over a minimum period of 15 years from adoption (para 22). The adopted Warwick Local Plan has a plan period end date of 2029, which is only 7 years away and half the minimum 15-year timeframe for strategic policies. Furthermore, climate change is identified as a strategic matter on which joint working between Warwick and Stratford upon Avon District Councils will be necessary during the preparation of the South Warwickshire Plan. The Warwick Net Zero Carbon DPD should not be pre-empting the South Warwickshire Plan's strategic approach to climate change.</p>	<p>HBF</p>	<p>Paragraph 3.4.1 states that Policy NZC1 (and therefore NZC2(A), NZC2(B), NZC2(C) also) are strategic policies with which new Neighbourhood Plans are expected to conform.</p> <p>Whilst the policies are proposed to complement the Warwick Local Plan which has an end date of 2029, it is noted that the policies align with the Future Homes Standard and are capable of enduring for the long term and a period of 15 years.</p> <p>Given the specific nature of the policies which relate to specific building design standards and a hierarchical approach seeking carbon emission reductions on site where possible, it is not considered that the policies give rise to wider strategic implications.</p> <p>It is not therefore considered that the Warwick Net Zero Carbon DPD is pre-empting the South Warwickshire Local Plan's strategic approach to climate change which will be subject to its own evidence base, consultation and statutory examination. It is also likely that the South Warwickshire Local Plan will itself</p>	<p>None</p>



Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
			include Net Zero Carbon policies and supersede the Net Zero Carbon DPD.	

## Section 6 Policy NZC2(A): Making Buildings Energy Efficient

4.8 The following main issues have been raised:

Policy/ Paragraph	Main issue Raised	Respondents	Council response	Recommended modification
6.5	Point 6.5 of the DPD states that the 10% improvement in dwelling fabric efficiency is set to reflect the approximate uplift to building fabric between Part L 2021 and the indicative Future Homes Standard 2025, however no evidence has been provided to support this figure.	Barton Willmore Savills DWH	The Evidence is provided in the Energy and Sustainability Policy Review.  The 10% improvement in dwelling fabric efficiency (compared to Part L 2021) is set to conservatively reflect the difference between the U-values in the notional building specification laid out in the Future Homes Standard consultation response, table 2. Of the five fabric elements whose U-values are laid out (floor, external wall, roof, window, door) and air permeability, the simple average uplift is 11%. This was rounded down to 10% to allow for the fact that the different building elements will be used in different proportions in the buildings and may therefore make unequal contributions to the fabric energy efficiency rate.	None
NZC2(A)	NZC2(A) has not been justified sufficiently in regard to viability over the uplift to the Part L 2021 TFEE. Viability testing should be carried out to test whether this target is practicable and feasible for all building types and build forms.	Barton Willmore	As the uplift to the Part L 2021 TFEE is based on the TFEE that is anticipated under the Future Homes Standard, the cost impact of this was already factored into the viability assessment by including a cost uplift to reflect the national estimate of 'future homes fabric' as laid out in the Future Homes Impact Assessment. The DPD policy also includes flexibility for developments where it is demonstrated that it is not feasible or viable to fully comply with the policy. In that event, the development proposal is only required to demonstrate that carbon reductions through energy efficiency measures have been	None

Policy/ Paragraph	Main issue Raised	Respondents	Council response	Recommended modification
			pursued to the greatest feasible and viable extent.	
NZC2(A)	The policy should remain flexible for when the building regulations are updated.	Gladman	To provide clear and unambiguous policies, the Council consider that a specific % reduction in carbon emissions reduction against a specific standard (e.g. Building Regulations Part L 2021 or Part L 2013) is required.	None
NZC2(A)	The policy wording still makes reference to Part L 2013 of the Building Regulations. This may be an error as the 2013 Building Regulations are not referred to elsewhere within the supporting text to the policy.	Gladman, George Martin	<p>It was possible to update the policy to a base which reflects the Future Homes Standard and as an uplift from the 2021 Part L baseline for residential development. This was not the case for non-residential buildings as it was not possible to identify equivalent evidence for the impact of the Future Buildings Standard nor how this would translate to an uplift on Part L 2021 for non-residential buildings, especially as the full notional specification for the Future Buildings Standard 2025 has not yet been released.</p> <p>The policy therefore proposes a standard that is demonstrably feasible and acceptable in planning terms by virtue of having been successfully examined and implemented in other existing local plans.</p> <p>In future, it may be possible to produce further guidance to express how this would translate to an uplift on the new Part L 2021 baseline, as further national or other reliable analysis is released.</p>	None
NZC2A	The proposed policy approach is based on the achievement of notional values set out within a standard that is neither in force (and	Gladman	The notional building specification for the Future Homes Standard may be subject to some further revision by Government before it	None

Policy/ Paragraph	Main issue Raised	Respondents	Council response	Recommended modification
	<p>therefore is not yet currently a national requirement) nor informed by national estimated cost data. This does not demonstrate a robust stance derived from a position of certainty.</p>		<p>is adopted as a national standard; however, the indicative notional specification laid out in the Future Homes Standard Consultation Response is the best indication available of the national government's intent and there is no particular reason to anticipate that it will change dramatically before it is implemented. In any case, government has repeatedly committed to ensuring that the Future Homes Standard will deliver a 75-80% reduction in the target emissions rate compared to that of Part L 2013. The DPD policy is designed mainly around that overarching target emissions rate, aiming towards the lower end (75%) so as to ensure the DPD policy does not go beyond what the FHS will eventually deliver.</p> <p>Accepting that it is not possible to make decisions from a position of absolute certainty about future government action, the DPD policy aims towards a level of performance that is within a reasonable range of what future government policy is most likely to deliver according to the latest formal statements from the government.</p>	
Nzc2A	<p>Whilst again it is noted that Local Planning Authorities can set local energy efficiency standards that exceed national requirements, all development plan policies must be informed by adequate and proportionate evidence in order to be deemed soundly based. However, having reviewed the commentary in the Council's Energy and Sustainability Policy Review document, (as with the justification for Policy Nzc1) no evidence has been provided setting out the local circumstances that justify the</p>	RPS Taylor Wimpey	<p>The acknowledgement that Local Planning Authorities can set local energy efficiency requirements is welcomed.</p> <p>Locally specific justification for the policies is provided in the Energy and Sustainability Policy Review. This evidence has identified that neither the national carbon targets (legislated carbon budgets under the Climate Change Act) nor local carbon and climate commitments (the Warwick Climate Change</p>	None

Policy/ Paragraph	Main issue Raised	Respondents	Council response	Recommended modification
	application of an enhanced system of TFEES within Warwick District through Policy NZC2(A) prior to the enacting of national changes in Building Regulations to be brought into effect in 2025.		Action Plan) will be credibly delivered in the absence of the policy. Without this policy, the local plan would not be able to deliver on the NPPF expectation to deliver “radical reductions in greenhouse gas emissions ... in line with the objectives and provisions of the Climate Change Act 2008” (paragraph 152 and footnote 53), nor the plan’s legal duty to mitigate climate change as per the Planning and Compulsory Purchase Act 2004 Section 19.	
NZC2A	National policy does not, however, require the provision of energy efficiency measures (and thus increased energy efficient performance) as part of new residential developments that exceed the standards set out in current regulations. A policy requirement that seeks 10% enhancements over current and future building regulations is therefore not consistent with national policy.	RPS Taylor Wimpey	The policy requirement is consistent with national policy with regard NPPF paragraphs: 152 and footnote 53 expectation to deliver “radical reductions in greenhouse gas emissions ... in line with the objectives and provisions of the Climate Change Act 2008” 153 and footnote 53 Plans should take a proactive approach to mitigating and adapting to climate change...in line with the objectives and provisions of the Climate Change Act 2008. 154 (b) New development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation, and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.	None
NZC2A	The target of 10% is very unambitious and should be raised to 25%	Keith Thompson	The 10% improvement in dwelling fabric efficiency (compared to Part L 2021) is set to reflect the notional building specification laid out in the Future Homes Standard and reflects national planning policy (NPPF 154b) that any local requirements for the sustainability of buildings should reflect the	None

Policy/ Paragraph	Main issue Raised	Respondents	Council response	Recommended modification
			Government's policy for national technical standards.	
NZC2(A)	The regulations should be applied to retrofitting existing buildings not just new buildings	BLAST	Existing buildings are considered in Section 10 and Policy NZC4 of the DPD.	None

## Section 7 Energy Sources - Policy NZC2(B)

4.9 The following main issues have been raised:

Policy/ Paragraph	Main issue Raised	Respondents	Council response	Recommended modification
NZC2(B)	The expectation of DPD paragraph 7.3 that energy sources should avoid fossil fuels should be included within the policy wording.	George Martin, District Labour Party Group	The policy requires it to be demonstrated through the energy statement that renewable, zero and low carbon energy technologies have been provided to the greatest extent feasible and viable.	None
NZC2(B)	The potential 'feasibility' or 'viability' loophole should be removed or at least drastically redrafted to reflect NPPF policy and guidelines (para 2 of draft policy). These clearly indicate that lack of profitability on a scheme will primarily require adjustment to land purchase value not to the delivery of key Plan policies - of which this DPD will be a top priority for the foreseeable future. And that any issues of viability must be raised at or before a planning application is submitted.	District Labour Party Group	Having regard to national policy (NPPF 157) it is a requirement that policies contain some flexibility to account for where the application of the Net Zero Carbon DPD policies are not feasible or viable.	None
NZC2(B)	The policy is not supported as it exceeds the requirements for homes to be net zero as set out in the FHS.	Barton Willmore	Policy NZC2(B) does not impose a requirement to exceed Future Homes Standard, as the provision of renewable energy is only strictly required "to achieve the carbon reductions required by Policy NZC1" (i.e. the Future Homes Standard). In the policy wording, the provision of any further onsite renewable energy to achieve on-site net zero operational carbon is only sought "wherever possible", and the DPD provides flexibility to offset the remainder if this is not possible.	None
7.4	The policy wording suggests that heat pumps would be acceptable under the definition of "low carbon energy technology" however point 7.4 states that the policy wording of NZC2(B)	Barton Willmore	It is acknowledged that a heat pump is likely to be deployed as part of meeting the required 63% carbon reduction against Part L 2021 (equivalent to the Future Homes	None

Policy/ Paragraph	Main issue Raised	Respondents	Council response	Recommended modification
	<p>“is written with the view that it is likely that heat pumps [...] will have already been deployed in the design to achieve the required initial 63% carbon reduction against Part L 2021. The policy therefore aims to encourage on-site or near-site renewable electricity generation.” This is ambiguous and could lead to confusion in the implementation of the proposed DPD.</p>		<p>Standard). The use of a heat pump is however not prescribed and there is flexibility in which technologies the developer uses in order to deliver the minimum on-site carbon reductions.</p> <p>Paragraph 7.4 reflects that Policy NZ2(B) also encourages further renewable energy provision to achieve on site net zero operational carbon (regulated energy) wherever possible as this is more effective than offsetting.</p>	
NZC2(B)	<p>The viability testing should include an assessment of the available infrastructure capacity needed to support the extra electrical demand of homes with electric heating and hot water systems.</p>	<p>Barton Wilmore – Persimmon and Barton Wilmore – Taylor Wimpey</p>	<p>With regards to the capacity of the electricity grid and the need to upgrade it, the DPD policy’s requirement for improved fabric energy efficiency will help to minimise the demand that new homes place on the electricity grid.</p> <p>Upgrades may be the case in some locations but again it is one of many essential measures that will have to happen across the entire UK in order to deliver the UK’s legally binding carbon budgets and net zero goal. Any additional grid capacity needed to fulfil the DPD policy would be needed anyway as soon as the Future Homes Standard is introduced nationally, which is due to be only 2-3 years after the DPD policy. It must also be noted that any electricity grid capacity cost must be set against the avoided cost of expanding gas grid capacity which can be significant, especially at major greenfield sites.</p>	None

Policy/ Paragraph	Main issue Raised	Respondents	Council response	Recommended modification
			Furthermore, the DPD allows for exceptional circumstances where full compliance with the policy is not feasible or viable.	
Nzc2(B)	<p>This Draft Policy approach is not justified by an evidence base that is sufficiently robust. It is noted that neither the Regulation 19 consultation document nor the justification included within Appendix 6 of the Revised Visibility Study demonstrate and explain, with reference to appropriate examples, what might be viably deliverable on-site in a local Warwick District context.</p> <p>Sufficient regard still needs to be given to the requirement for: suitable technologies to be established, tested and made more affordable; increased decarbonisation of the electricity grid to take place; the necessary supply chains to be established; and the construction approach and labour force to be ready to implement the necessary measures.</p> <p>There is currently a 3-year period from 2022 to 2025 through which the construction industry can become better prepared to enact the change required to meet the Future Homes Standard.</p> <p>It is not clear from the evidence base how the proposed Draft Policy requirement is based on a viable, credible and deliverable justification that demonstrates that the proposed target is locally achievable for the housebuilding industry as a whole within Warwick District.</p>	Savills DWH, Barton Wilmore – Persimmon and Barton Wilmore – Taylor Wimpey	<p>The 'Energy and Sustainability Policy Review' document submitted in support of the DPD does in fact make reference to at least one case study of a current development in Warwick that more than complies with the current policy, thus evidencing that it is feasible to deliver the policy requirements.</p> <p>The proposed DPD policies align with the Future Homes Standard which can be complied with simply by moderately upgrading insulation values compared to today, plus more thermally efficient glazing and a heat pump – as per the notional building specification laid out by the Future Homes Standard Consultation Response. Alternatively, the policy might be met with a different mix of technologies, such as heat networks, solar thermal hot water, or other kinds of electric heating in combination with solar panels. All of these technologies exist in the UK industry today and are widely used.</p> <p>There is no evidence that would robustly show an inadequate supply of these technologies to meet the needs of the very small portion of the UK's development that will take place within Warwick District (even in combination with the share of development in the handful of other local planning areas that are considering similar requirements).</p>	None

Policy/ Paragraph	Main issue Raised	Respondents	Council response	Recommended modification
NZC2(B)	There are concerns regarding the process of engagement between applicants and the Council on the preparation and scope of the energy statement that would accompany a planning application.	RPS Taylor Wimpey	The Council agree that further guidance on the content of an energy statement is important to assist developers and planning officers and this may be included within further guidance which may include an energy statement template or proforma.	No modification is proposed to the DPD but the Council will develop further supplementary guidance on the content of an energy statement.
NZC2(B)	No clarification or assistance is provided in the NZC DPD as to the types of technology or energy sources that would be best suited to, or supported by, a particular site or location. This results in a considerable amount of uncertainty for applicants when devising proposals that might, potentially, not be supported by the Council or where the Council is aware of other alternative options that might be more suitable based on their local knowledge. On this basis, Policy NZC2(B) is not effective and is inconsistent with national policy.	RPS Taylor Wimpey	As set out at 7.1 of the DPD the Council will expect energy statements to address low carbon or renewable energy generation in the specific local context of each development. The DPD is deliberately not prescriptive with regard the types of technology which may be used. The policy also allows for circumstances where full compliance is not feasible or viable having regard to the type of development involved. The policy is considered to be deliverable over the plan period and is therefore effective.  The Council agree that further guidance on the content of an energy statement is important to assist developers and planning officers. This may also include advice on the types of technology best suited to broad locations.	No modification is proposed to the DPD but the Council will develop further supplementary guidance on the content of an energy statement.
NZC2(B)	Policy NZC2 which requires developers to demonstrate provision of 'additional renewable, zero and low carbon energy technologies'. In the majority of cases, it will be feasible and viable to introduce solar panels, at a small cost to developers. However, the council should more explicitly	Warwickshire Climate Alliance, George Martin, Warwick District Green Party	The policy requires it to be demonstrated that renewable, zero and low carbon energy technologies and then zero carbon ready technologies have been provided to the greatest extent feasible and viable. As set out at para 7.3 it is the Council's expectation that energy sources avoid fossil fuels.	None

Policy/ Paragraph	Main issue Raised	Respondents	Council response	Recommended modification
	rule out the use of fossil fuels in new buildings than it currently does (7.3).			
NZC2(B)	The DPD should require solar panels as a default on all developments to reflect the latest technology. The DPD should explicitly allow the LPA to vary standards as technology and experience evolve	District Labour Party Group	As set out at 7.1 of the DPD the Council will expect energy statements to address low carbon or renewable energy generation in the specific local context of each development. The DPD deliberately is not prescriptive with regard the types of technology which may be used.	None

## Section 8 Carbon Offsetting - Policy NZC2(C)

4.10 The following main issues have been raised:

Policy/ Paragraph	Main issue Raised	Respondents	Council response	Recommended modification
NZC2(C)	This standard exceeds the FHS, industry best practice, and other existing policies in the UK. The London Plan 2021 net zero target can be used as a comparison however it only applies to major developments and the carbon offset price is £95 per tonne compared to the proposed NZC2(C) price of £245. The review notes that the carbon offset price “is higher than previous national prices adopted in/by other local plans” but it does not provide viability or justification for the uplift. We do not support policy NZC2(C) as this exceeds the requirements for the homes to be net zero carbon ready as set out in the FHS. The high carbon offset price is not sufficiently justified.	Barton Willmore	<p>The Council acknowledge that the respondent identifies that the London Plan 2021 can be used as a comparison, thereby identifying a policy precedent for the principle of an offsetting policy. It is not therefore considered that the policy exceeds industry best practice.</p> <p>As identified in the Energy and Sustainability Policy Review evidence paper, The London Plan carbon offset price was also set to reflect the nationally recognised carbon price as at 2017. The price was £95/tonne and has not been updated since.</p> <p>The carbon price of £245/tonne is justified in the Energy and Sustainability Policy Review Evidence paper and supporting text (paragraph 8.3) to the policy as the nationally recognised nontraded valuation of carbon.</p> <p>The inclusion of carbon offsetting in the viability assumptions is considered under Section 11 below.</p>	None
NZC2(C)	As with other policies within the draft DPD, it does not provide a differentiation between Full, Outline or Reserved Matters applications.	Gladman	<p>The Council consider that the DPD policies will be applicable to all Outline and Full applications submitted following the adoption of the DPD, particularly where offset payments are required to be secured by S106 legal agreement under Policy NZC2(C). The policies should continue to be considered at the reserved matters stage to ensure that detailed design achieves the policy requirements. An energy statement will</p>	None

Policy/ Paragraph	Main issue Raised	Respondents	Council response	Recommended modification
			therefore be required with all Full, Outline and Reserved matters applications demonstrating compliance with the policies.	
NZC2(C)	<p>Any carbon offset funding secured through Section 106 legal agreements will be subject to paragraph 57 of the 2021 NPPF, whereby planning obligations must only be sought where they meet all of the following tests: -</p> <ul style="list-style-type: none"> <li>○ necessary to make the development acceptable in planning terms;</li> <li>○ directly related to the development; and</li> <li>○ fairly &amp; reasonably related in scale &amp; kind to the development.</li> </ul> <p>The securing of carbon offset funding would not meet these tests. Furthermore, despite the Council's reassurance that funds raised through this policy will be ringfenced and transparently administered, there is significant risk for the Council to double charge for infrastructure to be funded through CIL.</p> <p>With regard the Council's carbon offsetting fund the fund has not yet been set up and offsetting projects have not been formalised.</p>	HBF, Savills Barratt DWH	<p>The Energy and Sustainability Policy Review Evidence identifies numerous policy precedents where offsetting forms part of adopted Local Plan policy including the London Plan 2021.</p> <p>Policy NZC(2) complies with NPPF:</p> <ul style="list-style-type: none"> <li>○ necessary to make the development acceptable in planning terms - on adoption of the Net Zero Carbon DPD offsetting may be necessary to deliver net zero operational carbon (regulated energy) once energy efficiency and zero and low carbon energy sources have been deployed.</li> <li>○ directly related to the development – the need for offset payments will be directly related to the residual carbon emissions remaining as demonstrated by the energy statement</li> <li>○ fairly &amp; reasonably related in scale &amp; kind to the development – the scale of offsetting payment whether delivered through the Council's carbon offsetting fund or a verified local offsetting fund will be fairly related in scale and kind through the amount of carbon to be offset which is calculated through the energy statement and the payment calculated through a nationally recognised valuation of carbon.</li> </ul>	None

Policy/ Paragraph	Main issue Raised	Respondents	Council response	Recommended modification
			Working with Warwickshire County Council, the Council has initiated setting up a carbon offset fund.	
NZC2(C)	The Council's approach undermines the Government's intention that by delivering carbon reductions through the fabric and building services in a home rather than relying on wider carbon offsetting, the FHS will ensure new homes have a smaller carbon footprint than any previous Government policy, which will continue to reduce over time as the electricity grid decarbonises.	HBF	The Council's approach does not undermine the Government's intention to deliver carbon reductions through the fabric and building services through the application of the energy hierarchy under policy NZC1 (see also Figure 1 of the DPD).	None
NZC2(C)	The policy makes no reference to circumstances that may result in contributions remaining unspent over a considerable number of years. It is normal practice for legal agreements to specify time limits or other clauses that can lead to repayment of contributions back to applicants (or successors) if not spent within a certain time period and / or by a certain date.	RPS Taylor Wimpey, Turley IM Properties and IM Land	The respondent identifies that it is normal practice for legal agreement to specify time limits for spending contributions and as such that is a matter for legal agreements and not the DPD.	None
NZC2(C)	The carbon offset price of £245/tonne and the full costs of the policy have not been tested in the viability study.	HBF, RPS Taylor Wimpey, Turley IM Properties and IM Land	The Energy and Sustainability Policy Review Evidence Annex identifies that the carbon offset price has been reflected in the cost uplift assumptions included in the viability study. See full response under viability in Section 11.	None
NZC2(C)	There are concerns with regard the financial and technical capability to administer a successful local carbon offset fund including the transparency and audit of the fund.	Turley IM Properties and IM Land	The Energy and Sustainability Policy Review Evidence identifies existing precedents of Council's implementing carbon offset funds including in London and Milton Keynes.	None

Policy/ Paragraph	Main issue Raised	Respondents	Council response	Recommended modification
	<p>The Policy notes that developers must meet 'relevant national and industry standards' yet does not state what these might be.</p> <p>The UK GBC guidance states that carbon offset projects must meet one or more of the following standards:</p> <ul style="list-style-type: none"> <li>- Gold Standard</li> <li>- Verified Carbon Standard</li> <li>- Clean Development Mechanism</li> <li>- UK Woodland Carbon Code</li> <li>- UK Peatland Code</li> </ul> <p>The policy should identify these standards.</p> <p>Guidance from the UK Green Building Council (GBC) with respect to the development, purchase and application of carbon offsetting identifies that offsetting credits must meet a number of principles. To establish a carbon offsetting fund which meets such principles the Council will require significance investment.</p>		<p>Paragraph 8.8 of the DPD identifies that the Council will prepare and maintain supplementary guidance setting out how contributions to the carbon offset fund will be utilised and how the Council will exercise its discretion regarding the acceptability of alternative offsite offsetting solutions.</p> <p>It is expected that such guidance will include further details of the national and industry standards which must be met.</p> <p>Paragraphs 8.8 and 8.9 of the DPD identify that a list of projects to be funded will be maintained and monitored to ensure transparency in the process.</p>	
<p>NZC2(C), 8.1</p>	<p>Nature-based offsetting should be 'downplayed' to emphasise the importance of achieving net zero carbon buildings i.e. the offsetting will be achieved within the same sector (i.e. building and development) through retrofitting and new renewable energy generation. The second bullet point in Policy NZC2(C) and specific specifications for tree planting in Paragraph 8.1 should be deleted, and the text rewritten to emphasize offsetting within the buildings sector.</p>	<p>Warwick District Green Party</p>	<p>As set out at paragraph 8.5 and 8.6 of the DPD the Council considers that the offset fund may support a range of projects including but not limited to renewable energy generation and energy retrofitting in existing buildings and large-scale tree planting. A flexible approach to the type of projects is consider most effective. As noted at paragraph 8.8 and 8.9 of the DPD a list of projects to be funded will be maintained and monitored for transparency.</p> <p>The reference at paragraph 8.1 to tree planting is illustrative only.</p>	<p>None</p>

Policy/ Paragraph	Main issue Raised	Respondents	Council response	Recommended modification
8.1	Offsetting is not viable if the vegetation does not survive. There needs to be measures to invalidate the offsetting if it does not survive.	BLAST	It is expected that nature based offsetting schemes comply with nationally recognised standards such as the Woodland Carbon Code. Within this there must be landowner commitments to permanence and replanting or undertaking alternative planting should woodland area be lost due to wind, fire, pests, diseases or development.	None

### Section 9 Embodied Carbon – Policy NZC3

4.11 The following main issues have been raised:

Policy/ Paragraph	Main issue Raised	Respondents	Council response	Recommended modification
NZC3	Why is a whole-life calculation required only for 50+ dwellings and 5000sqm+ other buildings and not for all developments.	District Labour Party Group	The rationale behind the threshold is provided in the DPD paragraph 9.2 and the Energy and Sustainability Policy Review evidence (section 4). The threshold requires whole life calculations for larger developments having regard to the complexities and costs of whole life assessments of materials.	None
NZC3	The whole life assessment is critical to tackling the climate crisis.	Keith Thompson	Support noted.	None
NZC3, 9.3	The proposed NZC3 policy does not specify a methodology or standard under which to carry out the embodied carbon or whole life-assessments.  Information on the final house types, materials and design will not be provided at an outline planning stage. The policy should only apply to full and outline applications.	Barton Wilmore, District Labour Party Group, Gladman, Savills Barratt DWH, Warwickshire	Paragraph 9.3 of the DPD refers to environmental assessment methods such as BREEAM or HQM pre-assessments with reference to the BRE Green Guide as suitable to address the materials used in development.  Major developments (50+ dwellings and/or 5,000m2 of non-residential floorspace) would most likely be expected to use the industry's	None

Policy/ Paragraph	Main issue Raised	Respondents	Council response	Recommended modification
	Without supporting guidance NZC3 as it is ambiguous and ineffective.	Climate Alliance	<p>standard method to report on embodied carbon. That is the RICS Whole-Life Carbon Assessment for the Built Environment which is based on BS 15978. This is the method that has been used for several years to fulfil whole-life carbon reporting requirements in other local plans such as the GLA London Plan. The RICS method breaks the development's life into a series of 'modules': A1 – A5 (material production through to completion), B1 – B7 (in use – e.g. refurbishment and maintenance), and C1 – C4 (end of life). Developments that do not meet the size threshold for a full whole-life carbon analysis could instead, for example, choose to report only on RICS stages A1 – A5 only, as this will still capture the majority of the development's embodied carbon impacts.</p> <p>In minor developments, it may be suitable to simply provide narrative on the materials choices and design efficiencies that were made in order to reduce embodied carbon.</p> <p>The Council will develop further guidance on embodied carbon assessments alongside further guidance on energy statements. This will also identify the level of information expected for outline, full and reserved matters applications.</p>	
NZC3	The Council has provided no clear evidence to justify the requirement for embodied carbon assessment. There is also no justification for the site threshold of 50 dwellings, which will place unduly onerous requirements onto smaller sites and SME developers, who may not have	HBF, Savills Barratt DWH, RPS Taylor Wimpey	The justification for the policy is provide in the Energy and Sustainability Policy Review evidence (section 4). This identifies that embodied carbon emissions can be as much as 50% of the total emissions over a building's lifetime. The overall justification to	None

Policy/ Paragraph	Main issue Raised	Respondents	Council response	Recommended modification
	the in-house resources to undertake the required assessment.		reduce carbon emissions has been set out in the DPD Section 1 and in the Energy and Sustainability Policy Review evidence.	
NZC3	National policy does not require embodied carbon emissions to be measured.	Savills Barratt DWH	NPPF paragraph 152 identifies that the planning system should support the transition to a low carbon future in a changing climate.... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions... and... encourage the reuse of existing resources. As embodied carbon emissions can be up to 50% of embodied carbon emissions can be as much as 50% of the total emissions over a building's lifetime reducing such emissions is consistent with NPPF paragraph 152.	None
NZC3	It is also not clear how this Draft Policy requirement has been factored into the Revised Viability Study.	Savills Barratt DWH, Barton Wilmore – Persimmon and Barton Wilmore – Taylor Wimpey	The cost of undertaking whole life embodied carbon assessments is identified in the WDC Climate Change Viability Assessment at paragraph 4.24 whereby a cost of £10,000 has been incorporated for typologies providing more than 50 residential units or 5,000 square metres of more of non-residential floorspace.	None

## Section 10 Policy NZC4 Net Zero Carbon - Existing Buildings

4.12 The following main issues have been raised:

Policy/ Paragraph	Main issue Raised	Respondents	Council response	Recommended modification
NZC4	Support this outline policy but more specific guidance/policy adjustments are needed for example to enable: <ul style="list-style-type: none"> <li>- use of non-traditional materials in conservation areas eg windows</li> <li>- installation of double glazing on all pre-1914 buildings, both in and outside Conservation areas, with minimal visual harm.</li> <li>- installation of solar panels/heat pumps on these buildings - but only to supplement the benefits of modern double glazing which should be a policy priority.</li> </ul>	District Labour Party Group	Support noted and welcomed. Paragraph 10.2 of the DPD refers to detailed guidance including the LETI Climate Emergency Retrofit Guide. The Council will consider including further guidance on existing buildings.	None
NZC4	Supportive of this document coming forward with its additional policy and guidance provided to applicants. We particularly welcome this policy, as from our perspective it is important for there to be guidance for existing buildings including heritage assets which will include the district's theatres.	The Theatres Trust	Support noted and welcomed.	None
NZC4	The policy is right in principle but rather too weak. It should not just encourage alternative to fossil-fuel boilers but recognise all forms of reduction of carbon dependency.	Keith Thompson	Policy NZC4 supports development proposals which result in considerable improvements to energy efficiency and carbon emissions and attributes significant weight to those benefits.	None
NZC4	The DPD does not mention retrofitting existing housing.	Warwickshire Climate Alliance	The DPD can only address the carbon emissions of existing buildings where these are subject to development proposals requiring planning permission. Policy NZC4 provides a positive approach to reducing carbon emissions in existing buildings and recognises the significant opportunity of retrofitting the existing building stock.	None



Policy/ Paragraph	Main issue Raised	Respondents	Council response	Recommended modification
NZC4	<p>There are standards for retrofitting existing buildings. These should be included in the policy or in the statements to support the policy.</p> <ul style="list-style-type: none"> <li>• Energiesprong</li> <li>• EnerPHIT</li> <li>• PAS 2035 – for domestic buildings</li> <li>• PAS 2038 – for nondomestic buildings</li> <li>• LETI Retrofit Guide.</li> </ul>	George Martin	The comment is noted. Paragraph 10.2 of the DPD references the detailed guidance for existing buildings provided by LETI.	None

## Section 11 Viability

4.13 The following main issues have been raised with regard to Section 11. Representations raising issues with the Net-Zero Carbon Development Plan Document: Revised Viability Study April 2022 are also included within this section.

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
11	<p>There are various references in the draft Plan to compliance with it being subject to that being 'feasible' in the light of the type of development and its design, and also to where it must be 'viable' for a design to comply.</p> <p>The potential 'feasibility' or 'viability' loophole should be removed or at least drastically redrafted to reflect NPPF policy and guidelines. These clearly indicate that lack of profitability on a scheme will primarily require adjustment to land purchase value not to the delivery of key Plan policies - of which this DPD will be a top priority for the foreseeable future. And that any issues of viability must be raised at or before a planning application is submitted.</p>	Andrew Pike, District Labour Party Group	Having regard to national policy (NPPF 157) it is a requirement that policies contain some flexibility to account for where the application of the Net Zero Carbon DPD policies is not feasible or viable.	None
Viability Study	<p>Paragraph 5.4 of the NZCDPD repeats previous statements in the draft version, stating that it can demonstrate levels of development viability that can accommodate energy efficiency measures that go beyond the 2021 Part L building regulations. This claim is not consistent with the findings of the Viability Study (updated to April 2022) prepared by BNP Paribas Real Estate published alongside the DPD.</p> <p>As shown in Table 6.51-6.59 of the study, it remains the case that against a large proportion of development typologies (including residential), sales value scenarios and benchmark land values, achieving the minimum</p>	RPS Taylor Wimpey	<p>The viability study confirms that in the majority of circumstances, both policy objectives can be achieved.</p> <p>In the main, the schemes/scenarios which are unviable with the DPD policies were already unviable and therefore are unlikely to come forward. It is not the DPD policies that make these schemes unviable.</p> <p>Policy NZC1 also states that where full compliance is not feasible or viable proposals must demonstrate through the energy statement that carbon reductions to the greatest extent feasible have been</p>	None

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
	63% net zero policy requirement whilst also securing 40% affordable housing (and other policy standards) required under existing development plan policies is not likely to be viable. On this basis, the expression of Policy NZC1 target as a minimum is not justified.		considered and incorporated through applying the energy hierarchy.	
Viability Study	<p>Policy NZC1 is not effective because it remains unclear for applicants what the Council's expectations are in circumstances where both policy-compliant affordable housing under adopted Local Plan Policy H2 and full NZC emission reductions under Policy NZC1 cannot be delivered simultaneously on viability grounds.</p> <p>The Revised Viability Study proposes that viability conflicts arising from bringing in the proposed NZC DPD Policies could be resolved through a reduction in affordable housing.</p> <p>The evidence base (including the Sustainability Appraisal) does not include consideration of the trade-off between the environmental benefits from the proposed NZC DPD, the potential social disbenefits arising from advocating a reduction in affordable housing and the economic and social implications that might arise if the proposed policy provisions result in a reduction in the overall delivery of housing within Warwick District as a result of viability or deliverability factors.</p>	Savills DWH, RPS Taylor Wimpey	<p>The Viability Study does not, as claimed, advocate a reduction in the affordable housing target, as in most cases this will be unnecessary and policy objectives can be achieved.</p> <p>In the main, the schemes/scenarios which are unviable with the DPD policies were already unviable and therefore are unlikely to come forward. It is not the DPD policies that make these schemes unviable.</p> <p>The viability study acknowledges that there will sometimes be trade-offs. Existing Local Plan policy DM2 explicitly makes provision for policies to be applied on a flexible and 'subject to viability' basis.</p> <p>Policy NZC1 also states that where full compliance is not feasible or viable proposals must demonstrate through the energy statement that carbon reductions to the greatest extent feasible have been considered and incorporated through applying the energy hierarchy.</p>	None
Viability Study	There is potential for the cost uplift for residential development might be more than 3%.	HBF, Savills DWH	The cost uplift assumption for homes was reviewed by Bioregional and a summary is	None

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
	The Bioregional summary of cost uplift assumptions is inaccurate- analysis in the Currie Brown & Etude Study concluded that to achieve net zero regulated carbon emissions from a combination of energy efficiency on site carbon reductions and allowable solutions, the additional capital cost is between 5 – 7% for homes. To achieve net zero regulated and unregulated emissions, the likely cost impact is between 7 – 11% for homes. Therefore, an uplift of 5 – 7% should be used to achieve compliance with Policies NZC1 and NZC2(A & B).		<p>presented in the Energy and Sustainability Policy Review Evidence paper.</p> <p>The cost uplift utilised data from the FHS Impact Assessment (fabric), Currie &amp; Brown (heat pump), and offset costs (Bioregional,). This translated to a 2.6 – 2.7% uplift. This was rounded up to 3% to allow a margin of error for the purposes of the viability study.</p> <p>A further detailed explanation is provided below at paragraphs 4.14 to 4.20.</p>	
Viability Study	The impacts on viability of carbon offsetting at a cost of £245 per tonne has not been assessed	HBF, RPS Taylor Wimpey, Turley IM Properties and IM Land	<p>The cost uplift assumption for homes was reviewed by Bioregional and a summary is presented in the Energy and Sustainability Policy Review Evidence paper. This summary includes the carbon offset calculation methodology and concludes that a 3% cost uplift most closely reflects the Warwick policy approach including the energy efficiency requirements of the Future Homes Standard, a heat pump and a dynamic offset solution.</p> <p>It is incorrect to state that the offset cost has not been taken into account in the viability study; on the contrary it has been estimated based on the EPCs of recent local new builds in Warwick with an adjustment to reflect the policy's requirement for on-site carbon emissions. This offset cost was included in the viability assessment (on top of the costs of fabric and heating). The typical offset cost was estimated as follows.</p> <ol style="list-style-type: none"> <li>1. Based on national data about the EPCs of new build homes within Warwick in the past 2 years (thus built to Part L 2013</li> </ol>	None

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
			<p>standards in the absence of any other local policy requirement), the average annual regulated carbon emissions per new build home in the absence of the DPD policy is 1.48 tonnes.</p> <ol style="list-style-type: none"> <li>2. We applied a reduction to reflect the on-site carbon reductions required by DPD policy (75% reduction on Part L 2013). This gives 0.37 annual regulated carbon emissions per home.</li> <li>3. The 0.37tonne figure was multiplied by the £245/tonne carbon valuation as per the current national carbon valuation in the latest year at the time of writing (2021).</li> <li>4. The home is assumed to be all-electric as per the Future Homes Standard. Therefore, for each of the following 29 years, the 0.37 tonne figure was reduced in proportion to the national grid carbon reductions that are projected by BEIS.</li> <li>5. The annual regulated carbon emissions figure for each of the following 29 years was multiplied by the national carbon valuation £/tonne figure for the respective year.</li> <li>6. The annual offset cost for each of the 30 years was summed to give a total carbon offset cost per home of only £845.</li> <li>7. This £845/home offset cost was added to the fabric and heat pump costs of the FHS, and this sum was translated into a percentage cost uplift that was used in the viability assessment.</li> </ol>	
Viability Study	The Viability Study fails to give appropriate regard to the cumulative impacts on development of all existing and proposed	HBF	These assertions are incorrect – the viability study reflects all existing policy requirements, including affordable housing. First Homes are	None

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
	mandatory requirements (including but not limited to 10% BNG under 2021 Environment Act, Residential Property Developer Tax & Building Safety Pledge Government proposals for a Building Safety Levy on all new homes under Building Safety Act) and adopted local standards (including but not limited to accessible & adaptable homes, water efficiency and affordable housing including First Homes)		not an additional requirement; they merely replace the necessary proportion of intermediate housing. Generally, First Homes attract higher capital values than shared ownership and therefore enhance, not reduce, residual land values.	
Viability Study	The viability sensitivity testing is out of date given very recent build cost increases. There are a range of issues driving up prices including inflation, cost of energy, global shortages of some materials, increased demand, Brexit, Ukrainian War etc., which are proving a significant challenge for the housebuilding industry. The BCIS Material Cost Index is forecast to reach 17.5% by the end of 2022.	HBF	This assertion is incorrect – the costs were correct at the time of publication. The HBF select one single component of costs and do not have regard to the all in Tender Price Index, which shows an increase of only 3.4%.  Furthermore, it is also relevant to consider movements in sales values. Between January and May 2022, sales values in the District have increased by 8.3%, significantly outstripping cost inflation. GDV is significantly higher than costs, so a much lower increase in GDV is required to offset a cost increase.	None
Viability Study	There are situations where the balance will tip from “viable” to “unviable”. In higher value areas, the trade-off required is likely to be less. The results indicate that some schemes will not be able to meet the proposed Net Zero Carbon DPD Policies alongside meeting the full policy requirement for affordable housing. Therefore, for an Inspector to properly assess the impact of proposed Net Zero Carbon policies on housing delivery, the Council should confirm the proportion of its Housing Land Supply (HLS) represented by each typology and located in each Value Area.	HBF	The viability study confirms that in many circumstances, both policy objectives can be achieved.  In the main, the schemes/scenarios which are unviable with the DPD policies were already unviable and therefore are unlikely to come forward. It is not the DPD policies that make these schemes unviable.  Policy NZC1 also states that where full compliance is not feasible or viable proposals must demonstrate through the energy statement that carbon reductions to the greatest extent feasible have been	None

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
			considered and incorporated through applying the energy hierarchy. The NZC policies will not therefore inhibit or impact housing delivery.	
Viability Study	It is not clear why the decision was made to cap the testing at schemes of 300 units as there is the potential for larger sites to go through the planning application process.	Savills DWH	There is no cap, but the PPG requires that evidence testing Plan policies needs to be proportionate. The Council does not envisage that there will be many schemes larger than 300 units coming forward over the plan period. Such scheme are also likely to have site specific viability assessments.	None
Viability Study	The evidence base justifying the policies within the draft DPD does not include a recent, locally specific viability assessment of the impact of the draft DPD, instead relying on a 2021 study 'Etude and Currie and Brown Energy Review and Modelling for the Cornwall Council Climate Emergency DPD'. This document is now over 18 months old (and therefore does not reflect the recent surge in build costs).	Turley IM Land and IM Properties	<p>The cost uplift assumptions for homes was reviewed by Bioregional and a summary is presented in the Energy and Sustainability Policy Review Evidence paper. See also further explanation below at paragraphs 4.14 to 4.20.</p> <p>Recognising that building costs are constantly in flux, the absolute costs were not directly applied to the Warwick scenario. Rather, those costs were translated into a % uplift in the base build costs of a home contemporary with the FHS Impact Assessment and Currie &amp; Brown report. This translated to a 2.6 – 2.7% uplift. This was rounded up to 3% to allow a margin of error, and then that 3% uplift was applied to the current base build cost of a home in Warwick as estimated by the professional viability consultants appointed by Warwick.</p> <p>The Council consider that this percentage uplift that this makes the cost uplift data relevant to the present day.</p>	None

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
Viability	Comparisons can be made to the Governments assessment of the financial impacts of the <i>Interim</i> Future Homes Standard (which is circa half that of the requirement of the draft DPD) which identified that the cost of meeting this standard varied from £6520 for a detached house to £2,260 for a flat. The government have not released their estimated costs for the full FHS (in effect Policy NZC1) however it is reasonable to assume a doubling of the costs for the interim FHS meaning that compliance with NZC1 alone could cost between £13,040 and £4,520 for a detached house and flat respectively.		The Government's Future Homes Impact (FHS IA) Assessment was a key source of cost data used in establishing the cost uplift assumption. Data within that FHS IA shows that because of the range of technologies that can be combined to deliver the desired results, doubled carbon savings will not necessarily lead to doubled cost uplifts.	None

#### Further explanation of the 3% cost uplift assumption used for homes

- 4.14 The Bioregional Energy and Sustainability Policy Review Annex provides a summary of the work to identify the 3% cost uplift assumption for homes. The following paragraphs provide further explanation of the approach.
- 4.15 The Government's Future Homes Impact Assessment was a key source of cost data used in the viability assessment. This FHS Impact Assessment contains cost assessments for two options that were being considered for the 2021 interim uplift:
- Future Homes Fabric: This literally would have involved only requiring new homes in 2021 to meet the same fabric standard as the full FHS 2025 will require, plus wastewater heat recovery. The FHS IA states that compared to Part L 2013, the cost uplift would be £2560.
  - Fabric + Technology: This would require a lower standard of fabric compared to the FHS, but would additionally have solar panels and wastewater heat recovery. The FHS IA states that compared to Part L 2013, the cost uplift would be £4850.
- 4.16 Both of these options would still use a gas boiler, same as Part L 2013. The Government chose to pursue Option 2 for the 2021 interim uplift, based on the consultation responses. However, Option 1 remains representative of the fabric only costs that would be involved in the Future Homes Standard (and therefore the fabric only costs of the Warwick DPD Policy), minus a deduction for wastewater heat recovery which was confirmed not to be part of the FHS 2025 notional specification in the consultation response. The FHS/DPD fabric only cost can therefore be assumed to be the cost of Option 1 above, minus a deduction for wastewater heat recovery system (which was itemised in the FHS Impact Assessment table B.1).

- 4.17 The remaining element of the FHS notional building spec is a heat pump. The FHS IA does not itemise the cost of a heat pump. Therefore, on top of the aforementioned fabric-only cost, we added an estimated cost uplift representing the difference between a gas boiler system and a heat pump system in a highly energy-efficient home. This was based on expert cost analysis data of this exact issue that had been produced recently in support of an emerging local plan. The experts that produced that evidence are Currie & Brown, the same who consult to BEIS and the Committee on Climate Change regarding the costs and benefits of net zero carbon policy, thus a reputable source.
- 4.18 We note that although the FHS Impact Assessment does not itemise the cost uplift of a heat pump system compared to gas boiler system, it does note that the carbon savings of Option 2 could in fact be achieved more cheaply by putting in low carbon heating instead of a heat pump (resulting in a total cost uplift of only £3130 instead of £4850). It therefore does not follow that doubled carbon savings necessarily result in doubled costs for the full Future Homes Standard 2025. It is also true that fabric improvement measures are typically more affordable than renewable energy generation measures, and also as fabric improves, it becomes possible to make cost savings in other areas such as size of heating system and cost of electricity utility connection.
- 4.19 This is borne out in the Currie & Brown analysis cited above, which estimated that the Future Homes Standard could be delivered at a cost uplift of only £3539 for a semi-detached three-bedroom house, compared to a Part L 2013 base build. Within this, Currie & Brown's itemised estimated fabric cost uplifts are relatively similar (£1977) to those of the FHS IA Option 2. Nevertheless, we used the higher FHS IA fabric estimate in our total cost impact estimation.
- 4.20 The cost uplift data from the FHS Impact Assessment (fabric), Currie & Brown (heat pump), and offset costs (Bioregional, as above) were summed to give a total cost uplift for an average home. Recognising that building costs are constantly in flux and may have changed since the FHS IA and Currie/Brown work, this absolute cost was not directly applied to the Warwick scenario. Rather, those costs were translated into a % uplift in the base build costs of a home contemporary with the FHS Impact Assessment and Currie & Brown report. This translated to a 2.6 – 2.7% uplift. This was rounded up to 3% to allow a margin of error, and then that 3% uplift was applied to the current base build cost of a home in Warwick as estimated by the professional viability consultants appointed by Warwick.

## Section 12 Warwick District Local Plan 2011 – 2029: Policies superseded or amended by this DPD

4.21 The following main issues have been raised:

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
12.1	<p>1.1.2 states that possible CEAP actions include Ensure carbon reduction features and BREEAM standards are included in major development schemes</p> <p>Under section 12.1 WDC have superseded the requirement for Policy CC3 as a result BREEAM is not now required at all for non-domestic buildings. In addition, there is no reference to BREEAM in any of the published policies.</p>	<p>George Martin, District Labour Party Group, Warwickshire Climate Alliance</p>	<p>Adopted Local Plan policy CC3 requires non-residential development over 1000 sq. to achieve as a minimum BREEAM standard 'very good'. Section 12.1 states that policy CC3 would be superseded and no longer take effect.</p> <p>The policies of the Net Zero Carbon DPD propose more specific targets and standards regarding regulated operational energy and embodied carbon.</p> <p>BREEAM standards are more wide ranging and are achieved through developments achieving credits across a range of development attributes (including Energy, Land use and ecology, Water, Health and wellbeing, Pollution. Transport, Materials, Waste, and Management) across the life of a development project. This can include reduction of energy use and carbon emissions. BREEAM standards reflect best practice but would not require the carbon emission reductions sought by the DPD policies.</p> <p>The Net Zero Carbon DPD policies expand and complement Local Plan policy CC3 such that it need not be superseded Furthermore, some allowance for BREEAM Excellent standard was included in the cost uplift assumption for non-residential developments. The Council could seek to</p>	<p>The Council will seek to amend section 12.1 of the DPD to state that CC3 is retained and expanded.</p>

			amend section 12.1 of the DPD to state that CC3 is retained and expanded.	
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## Glossary

4.22 The following main issues have been raised:

Policy/ Paragraph	Main issue raised	Respondents	Council response	Recommended modification
	<p>All of the definitions associated with energy and carbon should be reviewed and where appropriate revised in light of those contained with the recent CIBSE LETI report reference: Net zero FAQs What does Net Zero mean? Published in April 2022</p> <p>Those definitions specifically to be reviewed are</p> <ul style="list-style-type: none"> <li>• Carbon neutral</li> <li>• Net Zero Carbon</li> <li>• Zero Carbon building</li> <li>• Zero Carbon Ready</li> </ul> <p>Suggest add the following to the Glossary</p> <ul style="list-style-type: none"> <li>• A definition for CO<sub>2</sub>e</li> <li>• Unregulated energy</li> <li>• Heat Store</li> <li>• Air Source heating</li> <li>• Ground source heating</li> <li>• Decentralised energy</li> <li>• Neighbourhood energy scheme</li> <li>• Energiesprong</li> <li>• EnerPHIT</li> <li>• PAS 2035 – for domestic buildings</li> <li>• PAS 2038 – for non domestic buildings</li> <li>• LETI Retrofit Guide</li> </ul>	George Martin	<p>The Council have reviewed the Glossary having regard to the suggestions made and having regard to the terms used in the DPD.</p> <p>Paragraph 4.1.1 of the DPD identifies that for the purposes of the DPD net zero carbon relates to regulated operational energy.</p> <p>For clarification it is proposed to add definitions of Unregulated Carbon Emissions and Operational energy to the Glossary.</p>	Add Unregulated and Operational carbon emissions to the Glossary.

## Appendix 1: Policy Context

4.23 The following main issues have been raised:

Policy/ Paragraph	Main issue Raised	Respondents	Council response	Recommended modification
	<p>Add the following document:</p> <ul style="list-style-type: none"> <li>BS 40101 Building performance evaluation of occupied and operational buildings</li> </ul>	George Martin	<p>BS 40101 is understood to be an in use Building Performance Evaluation Standard relating to post-occupancy monitoring. The Council acknowledge that post-occupancy monitoring was considered during the development of this DPD.</p> <p>At the current time the Council consider that there are issues with requiring implementing post occupancy monitoring with regard the Council's available resource to evaluate such information alongside existing planning functions and also enforce such monitoring on occupants of new housing any actions required as a result of such monitoring.</p> <p>BS40101 in use performance monitoring may be considered for inclusion in further guidance relating to the DPD policies and also the forthcoming South Warwickshire Local Plan.</p>	None

### Sustainability Appraisal (SA) and Health Impact Assessment (HIA)

4.24 The following main issues have been raised with regard to the Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA), Equality Impact Assessment (EqIA) & Habitats Regulations Assessment (HRA) Report, Enfusion March 2022 and Health Impact Assessment, Edgars/Bioregional April 2022.

Policy/ Paragraph	Main issue Raised	Respondents	Council response	Recommended modification
Sustainability Appraisal	No areas of deficiency were identified in the SA report but identify a number of areas which would benefit from further consideration (see Appendix 1 of Barton Willmore representation)	Barton Willmore	It is agreed that there are no areas of deficiency in the SA and that it meets with requirements. A proportionate and pragmatic approach was applied to the SA of the DPD, taking into account the limited scope of the DPD. The SA report explained that the SA framework used to test the adopted Local Plan would be applied to the DPD for continuity and compatibility with the extant overarching Plan. The baseline used readily available published information and there was summary updating of key information. Cumulative effects for the wider area will be addressed in the emerging SWLP. Equalities and health/wellbeing were addressed through the SA. Those reasonable alternatives that were identified by the plan-maker and determined to be relevant to the objectives of the DPD were tested through SA; as required, the reasoning for selection/rejection was outlined in the SA Report. The SA did not identify the need for any further monitoring beyond that covered through the monitoring of the LP.	None
Sustainability Appraisal	The timing of when emission and energy efficiency standards would be introduced forms a key basis for justifying that the preferred option performs better in sustainability terms. However, drawing this conclusion is based on the premise that accelerating the introduction of	RPS Taylor Wimpey	The Council considers the DPD policies to be justified and consistent with national policy and guidance.  Reasonable alternatives that were identified by the plan-maker and determined to be	None

	such measures is, as a matter of principle, justified and consistent with national policy. RPS does not consider an accelerated timeframe for the measures proposed in draft policies NZC1 and NZC2(A) in particular to be justified or consistent with national policy and guidance. The SA is flawed in respect to the adequacy of reasons given for the selection and rejection of reasonable alternatives.		relevant to the objectives of the DPD were tested through SA; as required, the reasoning for selection/rejection was outlined in the SA Report. The SA did not identify the need for any further monitoring beyond that covered through the monitoring of the LP.	
Health Impact Assessment	There is no statutory requirement for a HIA to be prepared for local planning documents, but it is good practice in plan-making. Suggest a number of improvements to the HIA and better coordination of the HIA, SA and EqIA	Barton Willmore	It is noted that there is no statutory requirement for HIA. A proportionate and pragmatic approach was applied to the HIA of the DPD, taking into account the limited scope of the DPD.	None

## 5 Conclusion

- 5.1 This Consultation Statement describes how the Council has undertaken community participation and stakeholder involvement in the production of the Net Zero Carbon Development Plan Document (DPD) setting out how such efforts have shaped the Plan and the main issues raised by consultation representations.
- 5.2 It is produced to respond to and therefore fulfil requirements set out in the Town and Country Planning (Local Planning) (England) Regulations 2012, and specifically Regulation 22(1) part (c) which requires a statement setting out—
- i. which bodies and persons the local planning authority invited to make representations under regulation 18 – this is provided in Regulation 18 Consultation Statement at Appendix 1 and in Appendix 2 the summary of consultation methods in accordance with the Statement of Community Involvement;
  - ii. how those bodies and persons were invited to make representations under regulation 18 - this is provided in Regulation 18 Consultation Statement at Appendix 1 and in Appendix 2 the summary of consultation methods in accordance with the Statement of Community Involvement;
  - iii. a summary of the main issues raised by the representations made pursuant to regulation 18 - this is provided in Regulation 18 Consultation Statement at Appendix 1;
  - iv. how any representations made pursuant to regulation 18 have been taken into account - this is provided in Regulation 18 Consultation Statement at Appendix 1;
  - v. if representations were made pursuant to regulation 20, the number of representations made and a summary of the main issues raised in those representations; the number of representations made is presented at Section 3 of this Statement and a summary of the main issues raised at Section 4.
- 5.3 The Council has provided a proportionate response to the main issues raised in Section 4 of this statement. This has identified that a number of minor modifications to the DPD text are required for clarification. It also identifies that it would be beneficial for the Council to prepare supplementary guidance relating to the policies including with regard the expectations of energy statements to be provided to demonstrate compliance with the DPD policies.

5.4 Following the review of the main issues raised in the representations to the DPD and set out in Section 4 of this statement, the Council consider the DPD is sound. A DPD will be considered sound if it is:

- a) Positively prepared – the DPD is positively prepared in that provides a strategy which seeks to meet the areas objectively assessed need to reduce carbon emissions from new development in order to comply with national and local climate change commitments.
- b) Justified – the DPD provides an appropriate strategy, taking into account of reasonable alternatives and based on proportionate evidence. This evidence and assessment of alternatives is included within the following evidence documents:
  - Energy and Sustainability Policy Review, Bioregional, April 2022
  - Net-Zero Carbon Development Plan Document: Revised Viability Study, BNP Paribas Real Estate April 2022
  - Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA), Equality Impact Assessment (EqIA) & Habitats Regulations Assessment (HRA) Report, Enfusion, March 2022
  - Health Impact Assessment, Edgars/Bioregional April 2022
- c) Effective – The DPD policies are deliverable being based on national technical standards including the Future Homes Standard and the review of existing precedent policy approaches identified within the Energy and Sustainability Policy Review, Bioregional, April 2022
- d) Consistent with national policy – the DPD policies enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework (NPPF) and other statements of national planning policy including in particular:
  - The planning system should support the transition to a low carbon future in a changing climate... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions (NPPF 152).
  - Plans should take a proactive approach to mitigating and adapting to climate change...in line with the objectives and provisions of the Climate Change Act 2008 (NPPF 153 and footnote 53).
  - New development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards (NPPF 154b).