

Examination of the Warwick District Council Net Zero Carbon Development Plan Document

Inspector: Andrew McCormack BSc (Hons) MRTPI

Programme Officer: Ian Kemp

Tel: 0772 300 9166 Email: ikemp@icloud.com

Mr Andrew Cornfoot
Business Manager – Planning Policy & Site Delivery
Warwick District Council
Milverton Hill
Royal Leamington Spa
CV32 5HZ

30 March 2023

By email only

Dear Mr Cornfoot,

EXAMINATION OF THE WARWICK NET ZERO CARBON DEVELOPMENT PLAN DOCUMENT (DPD) – NEXT STEPS

Following the examination hearing sessions held during the week of 6 March 2023, I now write to you to set out the next stages of the examination process and the further work sought from the Council to ensure the soundness of the Warwick Net Zero Carbon DPD.

Firstly, I would like to thank the Council's Team for the way in which the hearing sessions were approached, arranged and conducted. This enabled the hearing sessions to take place as smoothly, effectively and efficiently as possible and for that I am grateful.

The principal purpose of this letter, as I indicated at the close of the hearing sessions, is to set out what is required from the Council for the examination to progress effectively. The intention therefore is to provide the Council with a clear structure of what is required of it and when it is to be provided during the coming weeks and to outline a forward programme for the remainder of the examination process.

To do this, I attach two schedules which identify actions, including additional work, for the Council to complete and an indicative timetable for the remainder of the examination. Many, but not all, of the actions and tasks were identified at the close of the hearing sessions. Nonetheless, for clarity, I have set out the reason(s) why all of these are required. The two schedules are as follows:

- Annex A – List of Actions and Tasks for the Council arising during and after the hearing sessions with a completion date either identified or set.
- Annex B – Indicative Timetable for the next stages of the Examination (Draft Timescale)

The schedule in Annex A provides detail on the actions and tasks for the Council which have been identified during and following the examination hearings. The Council is tasked with completing these over the coming weeks, prior to the final consideration of any proposed main modifications to the submitted DPD that will be required for soundness being consulted upon. All of these matters should be addressed and completed by the dates identified in the schedule and the Council is asked to ensure that this is the case. Where the Council considers that this will not be possible, it should set out the reasons why as soon as possible.

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The schedule in Annex B sets out an indicative timetable for the next stages of the examination which the Council and other interested parties may find helpful. It is important to stress that this timetable may change as a result of the outcomes of the actions and tasks that have been set. However, at this stage, I consider this to be a reasonable timeline for the remainder of the examination.

Main Modifications

From what I have seen and read to this point in the examination, it is evident that main modifications to the submission DPD will be required to be made for reasons of soundness, in accordance with paragraph 35 of the NPPF. Therefore, it will be necessary to undertake a period of consultation on the identified proposed main modifications in due course. Over the coming weeks, I anticipate that the Council and myself will liaise regularly to finalise the Schedule of Proposed Main Modifications and that this will develop and emerge from the actions and tasks identified in Annex A to this letter. I will be setting out my initial schedule of proposed main modifications to the Council shortly as a starting point towards finalising the schedule prior to public consultation.

Explanatory Note on Build Cost Uplift

I have taken account of the responses received with regard to the Council's Explanatory Note which was issued on the 9 March 2023 [EXAM 11] relating to the Council's approach, methodology and calculation of the cost uplifts identified for residential buildings (3%) and non-residential buildings (6%). My consideration of these matters and the points raised will be set out in my final report. However, I would be grateful if the Council could provide a written response to the points raised in the two recent representations made by Barton Willmore (EXAM11A) and Savills [EXAM11B] on the Explanatory Note, particularly (but not solely) concerning suggested conflicts within the Council's evidence and the margin for error in the calculated build costs.

I trust that you find this letter and the attached schedules helpful. Should you have any queries regarding the matters identified please raise these via the Programme Officer, Ian Kemp. I look forward to hearing from you at your earliest opportunity with regard to the points I have set out above. Please ensure that a copy of this letter is placed in the examination document library and notified on the examination website.

Yours sincerely,

Andrew McCormack

Inspector

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Annex A – List of Action Points and Tasks for the Council

Action Point Ref	Hearing Session / Matter	What	Why	By When	Completed (Y/N)
001	Session 2 – Matter 2: Overarching Strategy	Council to respond on whether details on the use and assessment of BS40101 is to be included in the <i>further guidance</i> to be undertaken for the DPD.	To provide clarity on whether the BS40101 standard is an acceptable and reasonable assessment and is to be incorporated into the <i>further guidance</i> and to provide the reasoning for the Council's decision.	28 April 2023	N
002	Session 2 – Matter 2: Overarching Strategy	Council to add the <i>Future Homes Impact Assessment</i> , as referenced in its supporting evidence, to the Examination Document Library.	To provide clarity, background detail and justification for the Council's approach set out in Policy NZC1 of the DPD and its overarching strategy.	7 March 2023	Y
003	Session 3 – Matter 3: Viability Testing and Assessment	Council to provide an explanatory note to clearly explain the process and how it reached a 3% cost uplift for residential buildings and a 6% cost uplift for non-residential buildings in its viability evidence and as set out in its DPD Policies.	To provide clarity and transparency within the Council's evidence base and assist in the justification of the Council's viability testing and assessment supporting the DPD and its policies. Note: Council's Explanatory Note provided and now being consulted upon until 24 March 2023.	9 March 2023	Y
004	Session 4 – Matter 4: Reducing Energy Demands	Council to provide / present evidence more clearly within the Examination Document Library which supports its policy requirement within NZC2(A) for a 10% improvement on the Building Regulations Part L 2021 Target for Fabric Energy Efficiency (set by SAP10.2).	To provide clarity and transparency in the evidence base supporting the Council's approach and justification on this matter. Note: Document (Rev G) web-linked within Annex to Energy and Sustainability Policies Review [SUB5] now added to Examination Document Library as [EXAM9]	8 March 2023	Y
005	Session 5 – Matter 6: Carbon Offsetting	Council to review and add wording into the supporting text of Policy NZC2(C) to clarify and strengthen the connection / relationship between relevant adopted Local Plan policies and the DPD policy. Note: Such actions to be considered and undertaken	To clarify the links between adopted LP Policies and explain how the DPD Policy 'supports' and 'enhances' the LP Policies. To assist in the effectiveness and justification of the DPD policies within the Local Plan. Note: Such amendments to the supporting text within the	28 April 2023	N

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Action Point Ref	Hearing Session / Matter	What	Why	By When	Completed (Y/N)
		by the Council for <u>all</u> DPD policies in a consistent way. These additions will be main modifications and are necessary for the DPD policies to be effective and justified.	DPD for <u>all</u> of its policies to be considered and addressed by the Council in a consistent way.		
006	Session 5 – Matter 6: Carbon Offsetting	Council to provide additional wording within the supporting text for Policy NZC2(C) to explain more clearly the links with the work undertaken with Warwickshire County Council on the WESTP and how funding from the proposed Carbon Offsetting Fund is anticipated to go to support, amongst others, projects and the work identified at the hearing session. This should also be identified as a proposed main modification in a Proposed Main Modifications Schedule.	To provide clarity and transparency on where funding from the Carbon Offsetting Fund is to be used and therefore assist in the effectiveness and justification of Policy NZC2(C) within the DPD.	28 April 2023	N
007	General	The Council is to provide additional wording within the supporting text of <u>all</u> DPD policies to explain more clearly the connection with relevant adopted Local Plan policies. These amendments will form main modifications to the Draft DPD and should be identified as such in a Proposed Main Modifications schedule.	To provide clarity and strengthen the connection between the DPD and Local Plan policies, provide justification and make them effective.	28 April 2023	N
008	General	Council to provide detailed summary of all contents of the proposed <i>further guidance</i> document for the DPD (e.g. energy statement scope/content; the carbon offsetting fund details etc). In addition, a timeline identifying the expected delivery of the	To clarify what is to be included and to assess how the proposed guidance will assist and support the DPD and those engaging with it effectively.	28 April 2023	N

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Action Point Ref	Hearing Session / Matter	What	Why	By When	Completed (Y/N)
		<i>further guidance</i> is to be provided.			
009	General	Council to set out its position with regard to the Draft Net Zero Carbon DPD, its policies and the approach taken with regard to the Written Ministerial Statement of November 2015.	To clarify the reasoning for undertaking the DPD and its policies in relation to Government policy climate change and net zero carbon as set out in the WMS.	28 April 2023	N
010	Explanatory Note on Build Cost Uplift [EXAM11]	Council to provide a written response to the points raised by the two respondents to the Explanatory Note.	To provide clarity on and justification for the Council's explained approach on build cost uplift.	28 April 2023	N
011	General	Council to produce a 'Composite' version of the DPD with proposed main and minor modifications clearly set out within it.	To provide clarity and aid understanding of the proposed changes to the DPD during the proposed main modifications consultation period.	15 May 2023	N
012	General	Council to update schedule of minor modifications [SUB11] to the Draft DPD, as necessary, with reasoning for each change clear set out.	For completeness. The examination is not concerned with minor modifications. However, a complete set of changes both minor and major will aid respondents in understanding all of the proposed changes to the submitted DPD.	15 May 2023	N
013	General	Council to provide any response to the draft schedule of proposed main modifications emerging through liaison with the Inspector. This should also include the Council's consideration of any other main modifications it considers necessary for soundness (e.g. updating of references and facts within the DPD, other outdated or factual errors etc).	To provide clarification of the reasons for the proposed main modifications.	15 May 2023	N

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Annex B – Indicative Timetable for the next stages of the Examination

The following indicative timetable is subject to change and is dependent upon the outcome of identified actions and tasks to be undertaken by the Council and responses to the proposed main modifications consultation.

Stage	Requirements	By When
Action points and further work to be undertaken and completed by the Council following the examination hearings.	Actions and tasks set out in Annex A to be completed.	Dates as indicated in Annex A
Preparation of finalised Schedule of the Proposed Main Modifications to the Draft DPD for consultation. This will be done in liaison with the Inspector. Also, Council to finalised schedule of the Council's minor modifications to the Draft DPD, a composite version of the DPD with proposed changes identified and a detailed document on the scope and content of the proposed <i>further guidance</i> to be provided on the DPD with a timeline for its completion.	Final Schedule to be provided to the Inspector. These completed documents are also to be provided to the Inspector.	15 May 2023
Proposed Main Modifications consultation.	6-week consultation period.	24 May – 4 July 2023
Collation of representations made on the Proposed Main Modifications.	Schedule of representations received to be provided to the Inspector by the Council.	18 July 2023
Final Report	Subject to all requirements above being met, the Inspector's Report can be anticipated by the indicated date.	End of September 2023