

Planning Policy Team
Warwick District Council
Riverside House
Milverton Hill
Leamington Spa
CV32 5HZ

Date: 13 September 2021

Our ref: 03499/01/NT/FL/20160235v2

Your ref:

Dear Sir / Madam

Net Zero Carbon Development Plan Document: Letter of Representation

Lichfields provide planning advice to Warwick Castle. We have been instructed by our Client to submit representations to the draft Development Plan Document (DPD) on Net Zero Carbon. We hope you find these comments useful and would be more than happy to discuss any points.

Background

Warwick Castle is a Grade I Listed building and, in part, a Scheduled Monument. The Castle and its grounds are also Grade I listed on Historic England's Register of Park and Gardens (RP&G) and are entirely within Warwick Conservation Area (CA).

The Castle is a privately owned property, operated by Merlin Entertainments Group Ltd (MEG). It is one of the UK's most visited attractions, which brings significant benefits to the local economy.

MEG recognises that its operations impact upon the environment and is committed to regular monitoring, auditing and reviewing activities with a view to identifying opportunities for sustainable environmental improvement, in line with strategic business goals. Our client also recognises that the planning system has a crucial role to play in delivering effective action on climate change and supports the Council's commitment to reducing carbon outputs as a positive response to the Climate Emergency Action Plan.

Policies within the DPD must be effective in order to be found sound but also to prevent 'backsliding' on commitments that are needed to deliver Net Zero. The supporting viability assessment acknowledges that there are technical and financial viability issues associated with promoting Net Zero but these should diminish over time. Policies should, therefore, be flexible enough to deal with different/changing circumstances and so that development specific and site specific/context issues can be fully considered. For example, any development within the grounds of the Castle would need to consider the varied challenges of managing an historic site.

It is helpful that Draft Policy NZC2(E) recognises that the DPD requirements may not be achievable due to viability constraints (such as impacts on the significance of heritage assets). Our client considers that the wording of other policies should be revised slightly to reflect this and to ensure that they are found sound. Specific comments are detailed below.

Policy NZC1 Achieving Net Zero Carbon Development

Draft Policy NZC1 requires new development to incorporate and utilise zero or low carbon energy sources. Supporting paragraph 5.2 helpfully explains that the focus is on “...providing a practical and viable approach to deliver new development which is net zero carbon in operation.”

We consider the policy requires a slight adjustment to ensure that it is practical/viable and consistent with the overarching aims/objectives of the DPD. We suggest the following (additional text in bold with deleted text as ~~strikethrough~~):

“New development should achieve net zero carbon emissions. To do achieve [sic] this, developments will be expected to demonstrate that three critical elements have been considered holistically:

- 1 *Reduce energy demand by bringing forward and implementing proposals that minimise demand for energy in operation taking account of up to date technology that enables occupants to live in ways that minimise energy demands and energy efficient layout and design*
- 2 ~~*Incorporate and*~~ **Maximise opportunities** *to utilise zero or low carbon energy sources, taking account of the availability and/or potential for large scale, low carbon energy sources and by incorporating passive and renewable energy sources within the development. Where fossil fuel based energy sources must be utilised, the technology incorporated within developments should ensure proposals are “zero carbon ready”*
- 3 *Offset any residual carbon to bring the total operational carbon emissions to net zero. ~~Offsetting should be delivered within or as close as possible to the development.~~ **Offsetting will be in accordance with Policy NZC2(E)**”.*

Policy NZC2(A) Making buildings energy efficient

Draft Policy NZC2(A) requires that developments should demonstrate improved energy efficiency in design and operation of 75% over and above 2013 building regulations standards. The 75% requirement will need to be evidenced for it to be effective. In the absence of evidence, and for the policy to be found sound, the Council should redraft along the lines of the following:

- 4 Maintain 75% as a “target” and include a lower minimum “requirement” (for example, other recently adopted Local plans reference 35%). The prescribed minimum could then increase over time to achieve Net Zero and reflect the costs of more efficient construction methods. This could be reflected in future updates to the DPD; and
- 5 Acknowledge that an exception to the 75% would be made in the case where development is appropriate and necessary but where it is demonstrated that meeting the standard would not be feasible or viable. This approach would be consistent with Draft Policy NZC2(E).

To enable a practical/viable response to historic planning permissions, we think there would be merit in making a slight adjustment to the following paragraph (additional text in bold):

*“Certification to a nationally recognised standard to demonstrate the predicted energy performance across the entire development should be provided as part of any reserved matters application, full application, **and where relevant** Section 73 application or Section 96a (non material amendment) application, to evidence the passive and energy efficient design for building performance” [additions in bold].*

Policy NZC2(D) Carbon Offsetting

The Council will need to provide evidence to support the calculation for a cash in lieu contribution to a carbon offsetting fund to ensure it is fair and reasonable to the type and scale of development proposed. Without it, there is a risk that the Policy will not be found sound.

We hope these representations assist in finalising the DPD. Please do not hesitate to contact me should you require any further clarification.

Yours sincerely



Sophie White
Planning Director