



**Hearing Statement**  
**Matter 13**  
**Topic – Other Policies**

On behalf of:  
**Derwent Development Management Ltd**

In respect of:  
**Warrington Local Plan:**  
**Examination in Public**

Date:  
**July 2022**

Reference:  
MA/DDML/011-30/R003m

1.0 **Introduction**

1.1 This Hearing Statement is submitted in respect of document IDo2 as it pertains to Matter 13 in the context of those questions regarding the “Other Policies” topic. We have submitted other Hearing Statements which respond to other topics including Matter 10 and Matter 11.

1.2 This comprises responses to the following question from IDo2:

- Q13
- Q14
- Q15
- Q20

1.3 We reserve the right to respond to the Council’s comments regarding IDo2.

## 2.0 Responses to Key Questions

### Matter 13 Topic – Other Policies

*Q13 What is the basis for the requirements for allocations and other major development proposals to meet 10% of energy needs from renewable and/or other low carbon energy sources or to reduce carbon emissions by at least 10% when measured against Building Regulation (Part L)? How would it be implemented in practice?*

- 2.1 As written, the policy places an onus on the applicant to provide justification material re ENV7 for all major developments (whether for new build, changes of use or variations of condition) and will be a blunt tool. In the context of “other major development proposals” any such requirements should be non-applicable to those proposals which would not result in significant construction activity.
- 2.2 In addition, the aspiration for all major development to demonstrate that 10% of its energy demand is from renewable sources is to adopt a further metric to give credence to stronger environmental performance, despite the clear evidence that there are other entirely appropriate methodologies not least of which is the Building Regulations process.

*Q14 How has the effect on viability been taken into account and is the approach justified and consistent with national policy?*

- 2.3 In the context of Policy ENV7, our previous representations cited reference to the 2021 Viability report in the Council’s evidence base which provided analysis in regard to specific typologies and also flagged where specific policies could potentially impact upon viability.
- 2.4 Policy ENV7 is recognised as being one that could impact on viability (considered within paragraphs 1.85-1.86, and then paragraphs 6.35-6.39 of the August 2021 Local Viability Assessment). Whilst the analysis does appear to have tested 25 different typologies and sought to provide a “policy on” approach in the context of those typologies, none of this is relevant to the application of these requirements as they would be applied to a major DM application on an out-of-centre but established retail park.
- 2.5 These comments were made prior to the submission of the Plan for Examination and we are not aware that there is any updated evidence to the Inspector to justify why these policy requirements would not have the potential to impact upon the deliverability of development that would have been otherwise acceptable in planning terms.
- 2.6 The policy should be reworded to clarify that it is only applicable in the context of typologies

which have been assessed and it is demonstrated that the obligations sought do not adversely impact on deliverability.

*Q15 Is the approach to renewable and low carbon infrastructure justified and consistent with national policy?*

- 2.7 We submitted representations in the context of Policy ENV7 to the earlier consultation windows including representations in November 2021.
- 2.8 We agree that the Local Plan should give priority to objectives which would serve to tackle the Climate Emergency including the minimisation of energy use. We also welcome the recognition that it is preferable to embrace a range of positive measures to achieve those objectives, rather than a reliance on a singular metric which may not be the best way forward.
- 2.9 As written, the policy places an onus on the applicant to provide justification material re ENV7 for all major developments (whether for new build, changes of use or variations of condition). In the context of “other major development proposals” any such requirements should be non-applicable to those proposals which would not result in significant construction activity.
- 2.10 The Examination will need reassurance that the ramifications have been tested to ensure that it does not impede the deliverability of Plan-led objectives from a viability perspective. In order for Policy ENV7 be deemed sound it would require a framework where:
- It would exclude changes of use and s73 applications (i.e. no substantial construction)
  - There would be guidance to benchmark what type of measures will be expected; and
  - That the cost implications of that benchmarked obligation are properly captured by the “policy on” viability analysis for the Development Plan.
- 2.11 Even in the context of the above, we have fundamental concerns with this policy because it incorporates two elements which have not been tested in terms of viability implications for a range of non-residential typologies. This would include requiring performance exceeding the very recently adopted Building Regulations standards which would be out-of-step with the Government approach and not viability tested.

*Q20 Are any main modifications to the above policies necessary for soundness?*

- 2.12 We submitted representations in the context of these policies to the earlier consultation windows including those from November 2021. These comments were made prior to the submission of the Plan for Examination and we are not aware that there is any updated evidence to the Inspector to justify why these policy requirements would not have the

potential to impact upon the deliverability of development that would have been otherwise acceptable in planning terms.

- 2.13 The policy should be reworded to clarify that it is only applicable in the context of typologies which have been assessed and it is demonstrated that the obligations sought do not adversely impact on deliverability.