

**Climate Emergency Development Plan Document  
Regulation 19 Pre submission consultation (February 2021)**

***Representation Form***

**Consultation – 26<sup>th</sup> February to 5pm 16<sup>th</sup> April 2021**

Representations can be submitted

by email to:

[climateemergencydpd@cornwall.gov.uk](mailto:climateemergencydpd@cornwall.gov.uk)

by post to:

Climate Emergency DPD  
Cornwall Council – Planning,  
3B Pydar House, Pydar Street  
Truro, Cornwall. TR1 1XU

**The Climate Emergency DPD is key to Cornwall’s Climate Change Action Plan. The action plan sets out the Council’s response to Climate Change. At this third stage we are consulting on the complete Climate Emergency DPD policies. All representations should be submitted using this form. Please be as brief as possible and use a separate box for each policy you are commenting on.**

This form has two parts. Part A asks for your contact details and Part B asks questions for you to consider and gives you the opportunity to make comments.

**Part A: Your personal details**

You **must** complete Part A for your representations to be accepted. The Council can not accept anonymous representations.

Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, requires all representations received to be submitted to the Secretary of State. By completing this form and submitting it to the Council you are giving your consent to the processing of personal data by Cornwall Council and that any information received by the Council, including personal data, may be put into the public domain, including on the Council’s website.

## 1. Personal details.

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<b>Preferred contact method</b>	Email

**Q1** Do you wish to be notified of future stages in the progress of the Climate Emergency Development Plan Document including examination and adoption?

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Yes

### Part B: Your Representations

**Representations should only relate to the Climate Emergency DPD and its policies.**

#### Soundness

Paragraph 182 of the National Planning Policy Framework sets out the consideration in relation to a plan being considered 'sound':

- Positively prepared
- Justified
- Effective
- Consistent with national policy

#### Legal compliance

For a DPD to be considered legally compliant, the following needs to be determined:

- Whether the Development Plan Document is detailed in the current Local Development Scheme and that the key stages have been followed,
- That community involvement has been carried out in accordance with the current Statement of Community Involvement
- Whether the Development Plan Document makes satisfactory regard to the Sustainable Community Strategy
- That the Plan complies with the Planning and Compulsory Purchase Act 2004 (as amended)
- That the Plan complies with the Town and Country Planning (Local Planning) (England) Regulations 2012
- That a Sustainability Appraisal report is published to accompany the Plan and is adequate

- That the Habitats Regulations Assessment is carried out in accordance with the Conservation of Habitats and Species Regulations (The Habitats Regulations) 2010
- That the Plan has regard to national planning policy
- That Section 110 of the Localism Act 2011 (Duty to Co-operate) has been complied with.

**Q2 A local planning authority should submit a plan for examination which it considers to be ‘sound’. Do you consider the Climate Emergency DPD has met these tests?**

**No**

Please specify the reasons below

The HBF consider that the Climate Emergency DPD is unsound. Policy G2 Bullet Point 1, Policy T2 Bullet Point 6 and Policy SEC1 Bullet Points 2b & 5 fail the soundness tests of positively prepared, justified, effective and consistent with national policy (see detailed representations below).

**Q3 Do you consider that the Climate Emergency DPD meets the legal and procedural requirements?**

**Yes**

Please specify the reasons below

**Q4 Please provide any comments on the Climate Emergency DPD – Policies**

Please use a separate box for each policy you have comments for and list the policy number and name. You may add additional response boxes as needed but please use the same format as below.

Document	Policy Number and Name
Climate Emergency DPD	<b>Policy G2 – Biodiversity Net Gain</b>
<p>Under <b>Bullet Point 1</b>, all major development types must achieve a minimum of 10% Biodiversity Net Gain (or any higher percentage mandated by national policy/legislation) over the pre-development site score as measured by the latest version of the DEFRA Biodiversity Metric or any subsequent Biodiversity Metric on the application site within a 30 year period from the commencement</p>	

of the development.

It is the HBF's opinion that the Council's policy approach to biodiversity net gain should not deviate from the Government's proposals as set out in the Environment Bill. This legislation will require development to achieve a 10% gain for biodiversity. It is the Government's opinion that 10% strikes the right balance between the ambition for development and reversing environmental decline. 10% gain provides certainty in achieving environmental outcomes, deliverability of development and costs for developers. The prefix "a minimum of" should be deleted to accord with the mandatory national requirement of 10%, which offers developers a level playing field nationally and reduced risks of unexpected costs and delays. It is not a cap on the voluntary aspirations of developers who want to do more but doing more than 10% should not be requested by the Council as a policy requirement.

Policy G2 should also reflect the Government's proposals for a transition period of two years as set out in the Environment Bill. The Government proposes to work with stakeholders on the specifics of this transition period, including accounting for sites with outline planning permission, in order to provide clear and timely guidance on understanding what will be required and when.

At Examination, viability will be a key issue in determining the soundness of the Climate Emergency DPD. In plan-making, viability is inseparable from the deliverability of development. Therefore, the viability of individual developments and plan policies should be tested at the plan making stage. Without a robust approach to viability assessment, land will be withheld from the market and housing delivery will be threatened. Viability assessment should not be conducted on the margins of viability.

There are significant additional costs associated with biodiversity gain, which should be fully accounted for in the Council's viability assessment. The Government has confirmed that more work needs to be undertaken to address viability concerns raised by the housebuilding industry in order that net gain does not prevent, delay or reduce housing delivery. The DEFRA Biodiversity Net Gain & Local Nature Recovery Strategies : Impact Assessment Table 14 : Net Gain Delivery Costs (Residential) sets out regional costs (based on 2017 prices) in South West of £18,470 per hectare of development based on a central estimate but there are significant increases in costs to £63,610 per hectare for off-site delivery under Scenario C. There may also be an impact on the ratio of gross to net developable site acreage.

The Council's viability assessment is set out in the Viability Report dated February 2021. It is understood that the Council's testing of the base scenario includes a policy cost of £270 per dwelling for the provision of low-cost biodiversity net gain (using a brownfield site cost) (see para 6.1.3) and an additional cost scenario tests a higher biodiversity cost of £998 per dwelling (using a greenfield site cost) (see para 6.1.4). However, it is not clear how these costs compare to £18,470 per hectare or if the impact on the gross to net developable site acreage ratio has been considered.

The Council's viability assessment concludes :-

- some generic typologies in Zone 5 are unviable ;
- higher density infill sites are not viable in Zones 3 – 5 ;
- Rural Exception Site developments are unviable in Zones 4 & 5 and only marginally viable in Zone 3 ;
- older persons housing (with affordable housing) is not viable in any Zone (1 – 5) ; and
- for 4 out of 11 allocated sites tested headroom is less than £7,000 per dwelling.

(NB. These conclusions exclude any additional costs over and above Part L 2021 Building Regulations to achieve the Council’s Net Zero Carbon standard under Policy SEC1).

These conclusions demonstrate that there is limited opportunity to support additional costs associated with the policy requirements of the Climate Emergency DPD on the residential developments listed above. Therefore, trade-offs with other requirements such as affordable housing will be necessary. The Council should also provide further evidence on the distribution of residential development across value Zones to show that the deliverability of housing is not adversely affected by the cumulative impact of Policy G2 and other policy requirements set out in the Climate Emergency DPD.

Policy G2 Bullet Point 1 is unsound because of inconsistencies with national policy. Policy G2 should be modified.

Document	Policy Number and Name
Climate Emergency DPD	<b>Policy T2 – Parking</b>
<p>Under <b>Bullet Point 6</b>, development proposals will be expected to provide electric charging points for cars and bicycles in line with the following as a minimum for a new residential building where there is associated car parking, provision will be made for infrastructure for electric vehicle charging on-street or in communal spaces.</p> <p>The HBF recognise that electric vehicles will be part of the solution to transitioning to a low carbon future. As set out in the 2019 NPPF for effectiveness, a policy should be clearly written and unambiguous so it is evident how a decision maker should react to development proposals (para 16d). The Council’s policy approach to the provision of infrastructure for electric vehicle charging should be clearer. The Council should specify if provision of infrastructure means a cable and duct approach or installation of active electric vehicle charging points (EVCPs). The Council should also clarify the requirement for the provision of infrastructure on-street or in communal spaces as opposed to within the curtilage of individual dwellings.</p> <p>The HBF consider that the physical installation of active EVCPs is unnecessary. The evolution of automotive technology is moving quickly therefore a passive cable and duct approach is a more sensible and future</p>	

proofed solution, which negates the potential for obsolete technology being experienced by householders. A passive cable and duct approach means that the householder can later arrange and install a physical EVCP suitable for their vehicle and in line with the latest technologies.

The Council should also acknowledge that Bullet Point 6 may be superseded by the Government's proposals to change Building Regulations. The Department of Transport consultation on Electric Vehicle Charging in Residential & Non-Residential Buildings (ended on 7<sup>th</sup> October 2019) set out the Government's preferred option to introduce a new requirement for EVCPs under Part S of the Building Regulations. The inclusion of EVCP requirements within the Building Regulations will introduce a standardised consistent approach to EVCPs in new buildings across the country.

At Examination, viability will be a key issue in determining the soundness of the Climate Emergency DPD. In plan-making, viability is inseparable from the deliverability of development. Therefore, the viability of individual developments and plan policies should be tested at the plan making stage. Without a robust approach to viability assessment, land will be withheld from the market and housing delivery will be threatened. Viability assessment should not be conducted on the margins of viability.

The Council's viability assessment is set out in the Viability Report dated February 2021. It is understood that the Council's testing of the base scenario includes a policy cost of £100 per dwelling for the provision of ducting for electric vehicle chargers (see para 6.1.3) and an additional cost scenario tests a cost of £865 per dwelling for provision of EVCPs instead of only ducting (see para 6.1.4).

The HBF and its Members have serious concerns about the capacity of the existing electrical network in the UK. The supply from the power grid is already constrained in many areas across the country. Major network reinforcement will be required across the power network to facilitate the introduction of EVCPs and the move from gas to electric heating as proposed under the Future Homes Standard. These costs can be substantial and can drastically affect the viability of developments. If developers are funding the potential future reinforcement of the National Grid network at significant cost, this will have a significant impact on their businesses and potentially jeopardise future housing delivery. The Department for Transport - Electric Vehicle Charging in Residential & Non-Residential Buildings consultation estimated an installation cost of approximately £976 per EVCP plus any costs for upgrading local electricity networks, which under the Government's proposal automatically levies a capped figure of £3,600 on developers. It is noted that the Council's viability assessment makes no specific allowances for local network upgrades despite the Council acknowledging that electricity supply capacity has constrained a small number of developments and additional funding sought from the Government by Cornwall Council & Western Power Distribution has not yet been confirmed (see para 3.2.2).

The Council's viability assessment concludes :-

- some generic typologies in Zone 5 are unviable ;

- higher density infill sites are not viable in Zones 3 – 5 ;
- Rural Exception Site developments are unviable in Zones 4 & 5 and only marginally viable in Zone 3 ;
- older persons housing (with affordable housing) is not viable in any Zones (1 – 5) ; and
- for 4 out of 11 allocated sites tested headroom is less than £7,000 per dwelling.

(NB. These conclusions exclude any additional costs over and above Part L 2021 Building Regulations to achieve the Council’s Net Zero Carbon standard under Policy SEC1).

These conclusions demonstrate show that there is limited opportunity to support additional costs associated with the policy requirements of the Climate Emergency DPD on the residential developments listed above. Therefore, trade-offs with other requirements such as affordable housing will be necessary. The Council should also provide further evidence on the distribution of residential development across value Zones to show that the deliverability of housing is not adversely affected by the cumulative impact of Policy T2 and other policy requirements set out in the Climate Emergency DPD.

Policy T2 Bullet Point 6 is unsound because it is inconsistent with the Government’s preferred national policy approach and ineffective. Policy T2 Bullet Point 6 should be modified.

Document	Policy Number and Name
Climate Emergency DPD	<b>Policy SEC1 – Sustainable Energy &amp; Construction</b>
<p>Under <b>Bullet Point 2b</b>, residential development proposals will be required to achieve Net Zero Carbon and submit an “Energy and Carbon Statement” that demonstrates how the proposal will achieve :-</p> <ul style="list-style-type: none"> <li>• Space heating demand less than 30kWh/m<sup>2</sup>/annum ;</li> <li>• Total energy use less than 40kWh/m<sup>2</sup>/annum ; and</li> <li>• On-site renewable generation to match the total energy use, with a preference for roof mounted solar PV.</li> </ul> <p>Where the use of onsite renewables to match total energy consumption is demonstrated to be not technically feasible (for example with apartments) or economically viable, renewable energy generation should be maximised as much as possible and / or connection to an existing or proposed district energy network or where this is not possible the residual carbon offset by a contribution to Cornwall Council’s offset fund.</p> <p>Today’s new homes are already very energy efficient with lower heating bills for residents in comparison to older existing homes. Energy performance data has shown that 8 out of 10 new build dwellings have an A or B energy efficiency rating, compared to only 3% of existing properties. An HBF report</p>	



published in November 2019 found that, as a result, the average new build buyer in England and Wales saves £442.32 every year on heating costs compared to owners of existing dwellings.

The HBF recognise the need to move towards greater energy efficiency via a nationally consistent set of standards and timetable, which is universally understood and technically implementable. The Government Response to The Future Homes Standard : 2019 Consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings dated January 2021 provides an implementation roadmap, the Government's aim is for the interim Part L (Conservation of fuel and power), Part F (Ventilation) & Overheating Regulations to be regulated for in late 2021 and to come into effect in 2022. The 2021 interim uplift will deliver homes that are expected to produce 31% less CO2 emissions compared to current standards. To ensure as many homes as possible are built in line with new energy efficiency standards, transitional arrangements will apply to individual homes rather than an entire development and the transitional period will be one year. This approach will support successful implementation of the 2021 interim uplift and the wider implementation timeline for the Future Homes Standard from 2025. The Future Homes Standard will ensure that new homes will produce at least 75% lower CO2 emissions than one built to current energy efficiency requirements. By delivering carbon reductions through the fabric and building services in a home rather than relying on wider carbon offsetting, the Future Homes Standard will ensure new homes have a smaller carbon footprint than any previous Government policy. In addition, this footprint will continue to reduce over time as the electricity grid decarbonises.

The HBF support the Government's approach to the Future Homes Standard but there are difficulties and risks to housing delivery given the immaturity of the supply chain for the production / installation of heat pumps and the additional load that would be placed on local electricity networks in combination with Government proposals for the installation of EVCPs in new homes. In autumn 2020, the HBF established a Future Homes Task Force to develop workable solutions for the delivery of the home building industry's contribution to meeting national environmental targets and objectives on Net Zero. Early collaborative work is focussed on tackling the challenges of implementing the 2021 and 2025 changes to Building Regulations successfully and as cost-effectively as possible, in particular providing information, advice and support for SME developers and putting the customer at the centre of our thinking.

The HBF acknowledges that for the moment in its Response to the Future Homes Standard consultation, the Government has confirmed that the Planning and Energy Act 2008 will not be amended, therefore the Council will retain powers to set local energy efficiency standards for new homes. However, the Government has also acknowledged the need to clarify the role of Local Planning Authorities (LPAs) in setting energy efficiency requirements for new homes that go beyond the mandatory standards set out in the Building Regulations. The Housing, Communities & Local Government Committee have opened a new inquiry into Local Government and the path to net zero. The aim of the inquiry is to scrutinise the Government's plans to make all new



homes “zero carbon ready” by 2025, through the introduction of the Future Homes Standard, and to explore how Local Government can help the UK to reduce its carbon emissions to “net zero” by 2050. This inquiry is currently accepting evidence on what role should LPAs play in determining local energy efficiency standards? The deadline for submissions is the 30th of April. The Government’s Planning for the Future White Paper also set out that a simpler planning process improves certainty.

The HBF consider that the Council should comply with the Government’s intention of setting standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council’s specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Council should not need to set local energy efficiency standards in order to achieve the shared net zero goal because of the higher levels of energy efficiency standards for new homes proposed in the 2021 Part L uplift and the Future Homes Standard 2025.

To achieve the Council’s Net Zero Carbon ambition two scenarios are modelled in the Energy Review & Modelling Report dated February 2021. These are :-

- Scenario 2 – An air source heat pump is used. Space heating demand is reduced primarily through airtightness and use of heat recovery ventilation. Roof mounted PV is installed to match the total energy use ; and
- Scenario 3 – An air source heat pump is used. Space heating demand is reduced through airtightness, heat recovery ventilation, additional insulation, reduction of thermal bridging and high-performance triple glazing. Roof mounted PV is installed to match the total energy use.

However, the Council’s Sustainable Energy & Construction Topic Paper dated February 2021 identifies that further work and supporting evidence are needed to justify Bullet Point 2b and ensure its effective delivery including :-

- development of an Energy Statement form / template ;
- further viability testing work to understand impacts ; and
- further work on the Carbon Offsetting Fund for Cornwall in terms of partners, process, governance, projects, priorities etc.

At Examination, viability will be a key issue in determining the soundness of the Climate Emergency DPD. In plan-making, viability is inseparable from the deliverability of development. Therefore, the viability of individual developments and plan policies should be tested at the plan making stage. Without a robust approach to viability assessment, land will be withheld from the market and housing delivery will be threatened. Viability assessment should not be conducted on the margins of viability.

There are significant additional costs associated with Policy SEC1, which should be fully accounted for in the Council’s viability assessment. The Council’s viability assessment is set out in the Viability Report dated February 2021. It is understood that the Council’s testing of the base scenario includes

allowances for changes to Part L Building Regulations 2021 to deliver 31% reduction in carbon (based on £3,130 for houses and £2,260 for flats) (see para 6.1.3). However, it is not clear how these costs compare to the Government's estimated cost of £4,847 per dwelling set out in The Future Homes Standard : 2019 Consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings.

The Council's viability assessment concludes :-

- some generic typologies in Zone 5 are unviable ;
- higher density infill sites are not viable in Zones 3 – 5 ;
- Rural Exception Site developments are unviable in Zones 4 & 5 and only marginally viable in Zone 3 ;
- older persons housing (with affordable housing) is not viable in any Zone (1 – 5) ; and
- for 4 out of 11 allocated sites tested headroom is less than £7,000 per dwelling.

(NB. These conclusions exclude any additional costs over and above Part L 2021 Building Regulations to achieve the Council's Net Zero Carbon standard under Policy SEC1).

These conclusions demonstrate show that there is limited opportunity to support additional costs associated with the policy requirements of the Climate Emergency DPD on the residential developments listed above. Therefore, trade-offs with other requirements such as affordable housing will be necessary. The Council should also provide further evidence on the distribution of residential development across value Zones to show that the deliverability of housing is not adversely affected by the cumulative impact of changes to Part L of the Building Regulations and other policy requirements set out in the Climate Emergency DPD.

The Council's viability report only comments on a comparison of viability headroom and compliance with Policy SEC1, it is suggested that further viability work is undertaken when more cost information is available (see para 4). An initial additional cost of £8,189 per dwelling (based on 3 bed semi-detached house with gross internal floor area of 93m<sup>2</sup>) is provided by Etude and Currie & Brown (see Appendix B of Energy Review & Modelling Report dated February 2021). The cost increase of £4,650 above Future Homes Standard 2025 relates to optimising the building fabric including reduced air permeability, heat recovery mechanical ventilation and the addition of PV panels (see para 5.3.5). As a consequence of the additional cost of approximately £5,000 per dwelling :-

- all generic typologies in Zone 5 become unviable ;
- 1 additional high density infill site becomes unviable and 1 becomes only marginally viable ; and
- 1 additional allocated site becomes less viable.

Across Cornwall, there are some locations and types of residential

development, where additional costs for compliance with policy requirements of the Climate Emergency DPD will have trade-off implications. It is likely that there will be some trade-off between additional policy requirements and affordable housing in Zone 5, higher density infill development in lower value areas, older persons housing and Rural Exception Site housing & housing in designated rural areas in all value areas.

Policy SEC1 Bullet Point 2b is unsound because of inconsistency with the Government's preferred national policy approach, unjustified, insufficiently viability tested and ineffective. Policy SEC1 Bullet Point 2b should be modified.

Under **Bullet Point 5**, all dwellings should aim to achieve an estimated water consumption of no more than 110 litres per person per day through the incorporation of water saving measures where feasible. Development proposals for 50 or more dwellings should incorporate water reuse and recycling and rainwater harvesting measures.

Under Building Regulations, all new dwellings must achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand management measure. As acknowledged in the Sustainable Energy & Construction Topic Paper dated February 2021, the Council cannot require the optional water efficiency standard because Cornwall is not a water stress area. In the Topic Paper, the Council states *"though we are unable to require it, we want to encourage the optional higher water efficiency standard within Building Regulations Part G2 for new dwellings. ... This policy has been discussed with the Environment Agency and is encouraged 'where feasible' rather than a requirement, as Cornwall is not in an area of high water stress. Despite not being able to demonstrate a need for this standard on the basis of water stress, we believe it is important to promote resource efficiency wherever possible, which is the reason we have included this in the policy"*.

Policy SEC1 Bullet Point 5 is unsound because it is unjustified and inconsistent with national policy. Policy SEC1 Bullet Point 5 should be deleted or its wording modified to avoid any ambiguity or misinterpretation that the Council's encouragement to meet the optional water efficiency standard is an actual policy requirement for the standard to be achieved.

**Q5** Would you be willing to participate at the examination in public? Please select one option, if you do not select a preference, we will assume you do not wish to attend.

**Yes**

If you select No, your written comments will still be considered by the independent Planning Inspector. Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at

the oral part of the examination. There is no right to be heard at a hearing session and it is the Inspector who decides who should be heard.

If you need help to complete this form or have any questions email:

[Climateemergencydpd@cornwall.gov.uk](mailto:Climateemergencydpd@cornwall.gov.uk)

### **Data Protection**

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By completing the Representation Form and submitting it to the Council you are giving your consent to the processing of your personal data by Cornwall Council and that any information received by the Council, including personal data (but excluding personal contact details and any signatures), may be put into the public domain, including on the Council's website.

### **Submitting your comments**

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We must receive all responses by 5pm on Friday 16 April 2021.

Comments received after this time will not be recorded and will not be considered by the Council. We have set this deadline to ensure that all who wish to take part in this consultation have the same timescale within which to respond.