

O&S Pre-Scrutiny questions and answers on reports being considered by Cabinet on 8 July

(Forms part of the considerations at Group Meetings before a decision is made on which Cabinet reports will be called in for scrutiny by Overview & Scrutiny Committee and Finance & Audit Scrutiny Committee)

Item 4 – A46 Link Road – Next Steps: Andrew Cornfoot

Questions asked by Councillor J Dearing

Last week the government's Committee on Climate Change said: "investment in roads should be contingent on analysis justifying how they contribute to the UK's pathway to net zero". And: "New roads should only be built if they can be shown not to increase emissions".

1. Can you share with members the analysis showing how this proposed road contributes to our net zero pathway?

Response:

The development of the Phase 2 Link Road scheme is still at a relatively early stage and therefore this analysis is unavailable. It is anticipated that an Outline Business Case (OBC) will be submitted to the Department for Transport (DfT) this Autumn. The OBC is required to demonstrate wider benefits and impacts of the scheme and therefore assessments will be undertaken on matters relating to environmental, economic and financial impacts. Such impacts will be considered further through the Full Business Case (FBC) process that would likely follow if the OBC is successful.

At the planning application stage, the applicant would also be required to demonstrate that the proposed development is in accordance with the policies and aims of the adopted Development Plan including policies on sustainability (and some weight will be attached to the emerging South Warwickshire Plan even if it has yet to be adopted).

It is important to note that both Warwick District Council (WDC) and Warwickshire County Council (WCC) have both declared climate emergencies. Therefore, should the scheme progress, both councils will require the impacts of this development on our respective agendas to tackle climate change to be fully appraised including WDC's aim for Warwick District to be as close to net carbon zero by 2030.

WDC and Stratford-on-Avon District Council have recently undertaken a Scoping and Call for Sites Consultation on the emerging South Warwickshire Local Plan (SWLP). The consultation proposes that there are four overarching principles that will sit at the heart of the SWLP, including tackling climate change.

WCC has recently consulted on key themes for the update of its Local Transport Plan. 4 key themes are identified in the consultation, with 'The Environment' being one. The consultation indicates that WCC wishes to place the environment at the heart of their decision making in order to achieve the government's and WCC's targets on emissions and to address the climate emergency declared by the council. The consultation literature also specifically refers to responding to

the net zero carbon target.

The development of the A46 Link Road scheme is progressing in the context of these emerging policy documents and therefore due consideration will be given to the impact of the development upon net zero carbon objectives. The new infrastructure will incorporate cycling infrastructure and enable use by public transport and seeks to reduce congestion, thus improving air quality.

2. In 3.46 of the report, WDC's support requires: "That WCC undertakes a sustainability analysis of the Link Road scheme".
 - a. What will WDC's position be if the sustainability analysis shows that carbon emissions would increase?
 - b. When will this analysis be available? Will it be too late to stop the scheme?

Response:

The analysis will be undertaken as part of the OBC and subsequent FBC submissions. These are statutory processes that the scheme will have to go through and there are then further statutory processes such as applying for planning permission. As indicated in the answer to question 1, the proposal is at a relatively early stage and as such there will be opportunities for those promoting the link road proposal and others in support and opposition to the scheme to have their voice heard.

It is premature to say what WDC's position would be if the sustainability analysis shows that carbon emissions would increase and the question is a hypothetical scenario. It is likely however that we would firstly need to understand why they are increasing, by how much. Then, whether scheme alterations could be made to reduce emissions to suitable levels and if that is not possible look at whether carbon offsetting might be acceptable.

Members may wish to take a view should this scenario arise. However, if a planning application was submitted that would be assessed in the context of the adopted development plan and other material considerations and whilst tackling the climate emergency is known to be a key priority of the council, ultimately this would be part of the planning balance where the merits of the scheme are appraised with other priorities, for example, providing homes and jobs.

Ultimately, it is in nobody's interest to provide new road infrastructure for the sake of providing new infrastructure, should the proposed development reach the planning application stage it will be because there are clear benefits in progressing the infrastructure and therefore those benefits will also have to be considered as well as important matters relating to climate change.

3. "3.3.5 The significant difference from pre-pandemic levels is that the morning peak period flows are not as pronounced, with a more even spread of traffic through the day."

- a. Doesn't this reduce the demand for more road infrastructure?

b. What will be the impact of a return to full use of public transport post-COVID? As with point 2, this is picked up in 3.46, so the same questions are pertinent:

i. What will WDC's position be if subsequent analysis shows reduced demand for the dual carriageway?

ii. When will these data be available? Will it be too late to stop the scheme?

Response:

At this stage we don't know what the 'new normal' is likely to be as nobody is able to accurately predict long-term travel patterns and changes in behaviour with confidence. As indicated in the report, evidence suggests that car traffic is now similar to pre-pandemic levels although the morning peak seems to be less condensed. The DfT has published new guidance on Covid-19 and new ways of working and how this should be considered in the development of transport schemes. Therefore, sensitivity testing is built into the process for developing the scheme and this guidance will be followed. The business case, currently being developed, will reflect anticipated traffic flows/demand.

Crucially, if there is not the demand for additional road infrastructure, the project will not obtain the necessary approvals or securing funding and therefore will not be delivered.

The demand for the road will be dependent on a number of factors, including what the growth needs are of the area and surrounding areas, which will be informed further through the SWLP process. Clearly, more people is likely to result in greater travel demands, whether that is by the private car or active/sustainable travel methods.

The purpose of the link road goes beyond just providing additional capacity as it also seeks to divert traffic away from less suitable roads at all times of the day. It also potentially provides opportunities to look at re-routing traffic through areas of poor air quality, e.g. Warwick Road in Kenilworth, to improve air quality, improve the public realm and prioritise other modes of travel in such areas. Regarding point b), the business case and assessments undertaken to date do assume a return to public transport post-Covid-19 similar to the return of car usage back to pre-pandemic levels.

With regards to WDC's position if subsequent analysis shows reduced demand this is again a hypothetical question and it is premature to answer it. However, as indicated above, if there is not the demand then it is very unlikely that the project would secure necessary approvals or funding in any event.

ii. See response to Question 2

4. 4.2.1 of the report states: "The provision of new road infrastructure on the face of it might not sound in harmony with the Council's stated aim of seeing total carbon emissions within Warwick District being reduced to as close to zero as possible by 2030." Shouldn't this sentence read: "Provision of this new road would directly oppose the Council's stated aim of seeing total carbon emissions within Warwick District being reduced to as close to zero as possible by 2030"?

Response:

No, the sentence as written is accurate and has been taken out of its context in this question as the subsequent sentences have been omitted. These read as follows:

However, one of the purposes of the link road is to reduce congestion and thus it aims to improve air quality. It will also offer improved pedestrian and cycle connectivity in the area and unlock the potential to deliver other public transport options including enhanced bus services, provide infrastructure suitable for VLR and the development of a new transport interchange including a railway station. The design of the transport corridor would be expected to be visually attractive and there should be mitigation for any biodiversity loss arising from the scheme.

It is also worthwhile noting that even when we get to a point in time where all vehicles on the road are electric vehicles, there will still be a requirement for road capacity for these electric vehicles, including both cars and public transport

5. How do the plans meet the People' Inquiry concerns about 'the detrimental effects of commuting' and WDC's response to 'work with WCC in developing a Local Transport Plan that prioritises shorter journeys, active travel and low carbon public transport.'?"

The bottom line is that there are about 10 years left to halve carbon emissions for there to be any chance of stabilising the climate.

Response:

The three councils involved in the A46 link road proposal cannot control decisions taken by employers relating to whether staff are allowed to work from home or not. The business case for the link road will consider existing and anticipated travel demand.

WDC can however ensure that the spatial strategy for the SWLP considers locating new developments in locations that minimise the need to travel and maximises opportunities for active and low emission forms of transport. In WDC's response to the WCC Local Transport Plan (LTP) Key Themes consultation, we requested that we are kept informed and involved at regular stages in the preparation of the LTP to ensure that WDC's thoughts on the LTP are heard and this has been welcomed by WCC.

The link road will include pedestrian and cycle facilities and therefore does offer active travel opportunities. It also will provide a potential suitable route for Very Light Rail and will be beneficial to the business case for a new railway station and transport interchange to serve southern Coventry and Warwick University.

Questions asked by Councillor R Dickson

a) What assumptions have been made in the modelling for this road about possible relative changes in the location of residence of Warwick University students living on campus and in Coventry (including at the Kings Hill and

Westwood Heath sites) as opposed to in Leamington Spa?

Response:

The modelling will build in anticipated changes in housing arising from development proposed in the area. Sensitivity tests would not tend to consider such specific matters. It is unlikely that there would be purpose-built student accommodation in these areas as that would be more likely to be provided on-campus. Therefore, any students living in the local area would be likely to live in private rented accommodation and we have no data that would allow us to predict what extent this might occur. However, it is our understanding that students enjoy living in Leamington Spa because of the agglomeration of students that live there and because the town possesses the facilities and services that many students seek, e.g. restaurants, cafés, pubs/bars, convenience shops, comparison shops; and it is unlikely that such services would be provided in the new residential developments

b) Para 3.46 states that there will be a 'reassessment of traffic flows forecasted based on likely new patterns of working and commuting following the Covid-19 pandemic'. Will this reassessment include active forms of travel and also use of public transport?

Response:

At this stage we don't know what the 'new normal' is likely to be as nobody is able to accurately predict long-term travel patterns and changes in behaviour with confidence. As indicated in the report, evidence suggests that car traffic is now similar to pre-pandemic levels although the morning peak seems to be less condensed. The DfT has published new guidance on Covid-19 and new ways of working and how this should be considered in the development of transport schemes. Therefore, sensitivity testing is built into the process for developing the scheme and this guidance will be followed. The business case, currently being developed, will reflect anticipated traffic flows/demand.

Any assessments of traffic flows that will form the Outline Business Case (OBC) to Department for Transport for the link road will also include active travel and use of public transport. As the Cabinet report highlights, the link road proposal is about more than just providing a road for cars, it provides other opportunities for public transport and active travel and therefore these will need to be captured in such assessments

c) Para 3.46 states 'WCC undertakes a sustainability analysis' - can this be required to include an assessment of the plans on carbon emissions and biodiversity?

Response:

WCC through their own procedures and through the OBC and subsequent Full Business Case will need to consider the environmental impacts of the scheme. It is therefore expected that matters relating to carbon emissions and biodiversity will be fully considered and fall within the envelope of a 'sustainability analysis'. The link road, if it progresses, will require planning permission and that will be

another opportunity to ensure that important considerations such as the two raised as suitably appraised.

Item 6 – Climate Change Ambitions for South Warwickshire: Dave Barber

Questions asked by Councillor R Dickson:

a) Para 3.1. b) can the date of 2030 (as agreed by Council) be included for achieving total carbon emissions in the District as close to zero as possible. (This is a very small point but it will help remind Councillors to what we've committed).

Response:

Agreed. The 2030 date is mentioned in 3.3 c but I have no problem in repeating this here

b) Para 3.3. c) how does the 55% reduction in carbon emissions across Warwick District that is stated to be achievable by 2030 include the following:

- the carbon emission reductions for WDC's leisure centres (which were excluded from the 2019 carbon emission data collection - para 3.1.2) This is an area where synergy between WDC and SDC in gathering information is not present. SDC had included their Leisure Centres while WC did not. Dave Barber is looking into this
- the construction of HS2 in both Warwick and Stratford District - This has not been the subject of a specific reference.
- the completion of the so-called K2L cycle route - Again while this is not specifically mentioned this forms part of any reduction plans generally with cooperation from WCC
- the further development of the NUCKLE train route from Leamington through Kenilworth to Coventry - Again while not mentioned specifically this will form part of reduction plans with cooperation from Network Rail
- the so-called A46 Strategic Link Road? - WDC remain neutral on this development while understanding WCC's plans for this new road.

Whilst the latter four transport projects are not 'owned' or driven solely by WDC or South Warwickshire Council they will have an impact on achievement of the District's carbon emissions 2030 target and WDC does have influence in their delivery, so should they be referred to in Section 2.5 of Appendix A? It is noted that the risk of not achieving our carbon neutrality ambitions is rated red on the SBRR (Item 7)

Response:

The list in Section 2.5 of Appendix A is not an exhaustive list but the last bullet point sweeps up all matters for working with WCC.

Questions asked by Councillor Kohler

The ambitions vary from the Climate Emergency Motion that was agreed by Council back in 2019 in 2 significant ways:

- The motion specifically included contractor emissions in the 2025 target, but the ambition for them is now 2030
- The motion set the target 'as close to zero as possible' for district emissions by 2030, but the ambition is now 'at least 55% reduction' by 2030

There is no doubt that that these ambitions are still very challenging, and it is hardly surprising that they have had to change as the referendum had to be cancelled, so funding is less than originally envisioned.

How do we plan to keep our residents informed of these changes to our targets and how do we intend to ensure that all Councillors remain fully engaged and committed to the plan?

Response:

As you are aware the ambitions and targets have had to be reviewed from the original targets set in 2019. Following engaging Anthesis the Councils have taken on board their advice and, as you state, the 55% reduction is still a very ambitious one within the new confines of resources and funding.

Regarding your first question as to how we intend to keep our residents informed of these changes we will be setting out our comms strategy once, and if, the paper is approved at Cabinet on 8th July 2021.

Regarding your second question about how we intend to keep all Councillors fully engaged and committed is a matter of course for each Councillor. I believe that this matter is one where the principle of Climate Emergency was, and still is, regarded unanimously by all. It would be disappointing if this was still not the case and we will be using the Joint Leaders forum to lobby for this continuing engagement and commitment. Nothing has changed in the concerns about Climate Change but we need to ensure that realism and funding influence what can be achievable. As a valuable member of the Climate Change PAB you will recognise that that forum continues to be united in how to plan ahead and this forum will be very important in informing the Council and all Councillors of the realistic plans.

Item 10 – Net Zero Carbon Building Development Plan: Dave Barber

Questions asked by Councillor Milton

I note that there are a number of provisions to allow developers to say that the adherence to the standards will make developments unviable and therefore avoid the requirements.

As part of the work has the council done any forecasting about the proportion of houses that will actually meet the guidelines we've set out vs how many will be able to avoid them? And if so what are the proportions.

Response:

The planning process allows development viability to be considered and the government has set out National Planning Guidance on its recommended approach to viability assessment for planning. As it is anticipated that there may be some schemes that are not viable, in part as a result of the additional requirements placed on them by the policies in the DPD, we consider it important to directly set out a policy relating to this matter in the DPD.

No forecasting has taken place although a Viability Study has been undertaken that the impact of additional costs will vary between schemes and between locations within the District. There may be specific circumstances relating to a scheme that means viability is on the margins or that a scheme is unviable, e.g. abnormal remediation costs. Generally, in higher value areas viability is less likely to be an issue as there is more surplus residential value in excess of existing use values. It is in lower value areas that viability issues are more likely to occur. The study also indicated that flatted schemes are more likely to encounter viability issues than housing schemes.

The viability study considered both residential and non-residential developments. It is not envisaged that the non-residential developments will have difficulty absorbing the additional costs associated with meeting the policies of the DPD.

The viability report also highlights that the costs of achieving net zero carbon is very likely to fall over time, as improvements in technology emerge as a result of research and development by the housebuilding industry.

Viability will be assessed on a case-by-case basis on applications where it is necessary and applicants would need to provide robust evidence to demonstrate the viability issues. If a scheme is supported but with lesser contributions/obligations placed upon it because of viability, it is not necessarily the net zero carbon measures that would fall away as it would be for the Local Planning Authority to assess different requests and determine the levels of contributions/obligations.

For example, affordable housing could be reduced to 30% on a scheme which may ensure it remains viable with all other contributions and obligations provided, including net zero carbon measures. On another scheme however, it might be net zero carbon measures or other contributions that are reduced or removed.

It is expected that the viability study will be made available for viewing during the public consultation.

Questions asked by Councillor Kohler

How does the DPD compare with the priority set by the Peoples Inquiry that every new house must be carbon neutral?

Section 3.5 of the report mentions that officers commissioned a Viability Study to examine the potential impact of the DPD. Could you share some examples of developments whose viability might be impacted?

Response:

Comparison with People's Inquiry

The Net Zero Carbon (NZC) DPD seeks to ensure that new development achieves net zero carbon emissions.

The focus of the DPD is on providing a practical and viable approach to deliver new development which is net zero carbon in operation (i.e. following completion of development). It seeks to do this by asking applicants to address carbon emissions in three ways:

1. Reducing energy demands;
2. Incorporation of zero or low carbon energy sources; and
3. Carbon offsetting for residual operational carbon emissions.

The DPD is consistent with Recommendation 2 of 'The district of Warwick People's Inquiry on Climate Change 2020/21' in that both seek to ensure that new development, including every house, achieves net zero carbon emissions.

The DPD does not however require every new house to be carbon neutral through the construction process. It was considered that this would be far more difficult to assess and quantify and it is likely that the DPD would take longer to prepare and thus policies would not be implemented as quickly. There may however be opportunities through the South Warwickshire Local Plan to explore the potential for inclusion of policy that does look at the impact of construction in its entirety.

Paragraph 3.3 of the report covers this point in the following sentences:

"The scope of the DPD has been defined in a way that seeks to establish a policy a framework as quickly as possible whilst focusing on the most critical element of building design. The risk of delays that could arise be attempting to prepare and adopt a DPD that delivers entirely sustainable buildings is considered to be significant. It is intended that the emerging South Warwickshire Local Plan will incorporate policies with a wider scope and will seek to address sustainable building practices that are not addressed through this draft DPD".

Viability Study

The impact of additional costs will vary between schemes and between locations within the District. There may be specific circumstances relating to a scheme that means viability is on the margins or that a scheme is unviable, e.g. abnormal remediation costs. Generally, in higher value areas viability is less likely to be an issue as there is more surplus residential value in excess of existing use values. It is in lower value areas that viability issues are more likely to occur. The study also indicated that flatted schemes are more likely to encounter viability issues than housing schemes.

The viability study considered both residential and non-residential developments. It is not envisaged that the non-residential developments will have difficulty absorbing the additional costs associated with meeting the policies of the DPD.

The viability report also highlights that the costs of achieving net zero carbon is very likely to fall over time, as improvements in technology emerge as a result of research and development by the housebuilding industry.

It is expected that the viability study will be made available for viewing during the public consultation

Questions asked by Councillor Syson:

Please can I put in a plea that the consultation is made easier to respond to than the recent SWLP one with its 51 questions, each of which had to be commented on with an individual form which by default opened in the same tab as the report, rather than in a separate tab.

I appreciate your key audience may be slightly different, but I do believe that responding should be made as straightforward as possible.

Response:

The point you raise is noted, thank you for the feedback. As a South Warwickshire Local Plan (SWLP) officer team with colleagues at Stratford we have already discussed this very point and agree that it was not ideal. Please accept our apologies that the consultation wasn't as smooth as we would have liked in this regard. I cannot make any promises right now about the consultation for the Net Zero Carbon DPD as this will to some extent be dictated to us by the software we have, however we will do all we can to avoid the problems you and others faced with responding to the SWLP.

This consultation relates to a document that is only 17 pages long (from memory) before the appendices. Therefore, we don't propose to include a series of questions and there are also less sections to comment upon so hopefully you won't encounter the same type of issues in any event.