



WHITE PEAK Planning

APP/W0340/W/20/3265460

Appeal by Bloor Homes and Sandleford Farm
Partnership

Sandleford Park, Newbury

APP/19 - Proof of Evidence on matters of
Sustainability and Energy Performance

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Appendix 4 – Technical Note by Briary Energy

1.0 Qualifications and Experience

- 1.1.1 I am a Director at White Peak Planning (WPP), an independent Planning and Sustainable Development consultancy, where I have worked since May 2013.
- 1.1.2 I am a Chartered Town Planner and Practitioner Member of the Institute of Environmental Management and Assessment (IEMA) and have over 15 years of experience working in planning and environmental consultancy.
- 1.1.3 I specialise in the preparation and management of planning applications, Environmental Impact Assessments (EIAs) and Sustainable Development Statements for major residential and residential-led mixed-use developments.
- 1.1.4 I have prepared numerous Statements at WPP and my previous employer demonstrating how a proposed development constitutes 'Sustainable Development'. Previously, these were based on regional Sustainability Checklists (where available), and more recently are based on relevant Development Plan policies and local planning guidance.
- 1.1.5 I have been involved in the Appeal scheme since 2014 and have prepared Energy and Sustainability Statements for each of the five planning applications at the site. As I am not a registered energy assessor or BREAAAM Assessor, input to these Statements has been provided by Element Sustainability. Element Sustainability are registered BREEAM Assessors and prepared the BREEAM pre-assessment estimators for the proposed non-residential buildings. Technical information relied upon within this evidence was prepared by Briary Energy on behalf of the Appellants.
- 1.1.6 I also co-ordinated the EIA for planning applications 18/00764/OUTMAJ and 20/01238/OUTMAJ.
- 1.1.7 The evidence which I have prepared and provide for this Appeal (ref: APP/W0340/W/20/3265460) in this Proof of Evidence is true and has been prepared and is given in accordance with the guidance of my professional institutions. I confirm that the opinions expressed are my true and professional opinions.

2.0 Introduction and Scope of Evidence

2.1.1 This Proof of Evidence relates to matters of sustainability and energy performance and should be read alongside the Proof of Evidence prepared by Mr Owen Jones of LRM Planning in relation to planning (**APP/1**).

2.1.2 It has been prepared specifically in response to reason for refusal 5 (RFR5) of the LPA's Decision Notice (**CD4.2**):

'This major development proposal, on the larger portion of the Sandford Strategic Site Allocation (SSSA), fails to use this significant opportunity to fully exploit the specific potential of the SSSA's inclined south facing orientation, greenfield status and scale to deliver an exemplar development regarding carbon dioxide emissions reduction, in the form of renewable energy generation, and to deliver a zero carbon residential-led mixed use urban extension. In this respect the proposal fails to demonstrate a high quality and sustainable design or that it would be built to high environmental standards. It is considered to be an unsustainable and harmful development, failing to reduce carbon dioxide emissions through the extensive use of renewables on site and otherwise contributing to climate crisis.

In this respect the proposal is anachronistic, unacceptable, inappropriate, inadequate and unsatisfactory. It is contrary to Policies ADPP2, CS3, CS14 and CS15 of the West Berkshire Core Strategy Development Plan Document (Core Strategy, adopted July 2012); the Vision, Strategic Objectives and Development Principle R1 of the Sandford Park SPD (adopted March 2015); the West Berkshire Corporate Environment Strategy (2019) and associated Declaration of Climate Emergency and objective to achieve Carbon Neutrality in West Berkshire by 2030.'

2.1.3 My evidence refers to the submitted Energy and Sustainability Statement (**CD1.13**), relevant planning policies contained in the West Berkshire Core Strategy, the relevant sections of the Sandford Park Supplementary Planning Document (SPD) and other documents referred to in RFR5.

2.1.4 It also sets out the background to the strategy adopted for the planning application, including:

1. The LPA's comments on previous planning applications at Sandford Park.
2. Changes, or proposed changes, to legislation, national planning policy and guidance.
3. The LPA's determination of other planning applications for major residential development in West Berkshire.
4. Other documents considered to be relevant to the case.

2.1.5 It then describes how, since the application was refused, the Government has responded to its consultation on the proposed Future Homes Standard and how the Appellants propose to respond to this through the use of a planning condition.

3.0 Background

3.1 Introduction

- 3.1.1 There have been multiple planning applications submitted by the Appellants at Sandford Park and subsequent changes to the Government's 'direction of travel' in relation to sustainability and the energy performance of new dwellings.
- 3.1.2 This section aims to set the context for the approach taken by the Appellants through the planning applications and the revised approach now proposed in *Section 5* in response to changes in national policy.

3.2 Planning Applications at Sandford Park

- 3.2.1 There have been five planning applications submitted by the Appellants for residential-led development at Sandford Park. These are:
1. 15/02300/OUTMAJ – hybrid application for the entire allocation, submitted in September 2015, refused in November 2017.
 2. 16/00106/OUTMAJ – smaller hybrid application, submitted in December 2015, refused in November 2017.
 3. 16/03309/OUTMAJ – outline application for part of the allocation, submitted in December 2016, refused in December 2017.
 4. 18/00764/OUTMAJ - outline application for part of the allocation, submitted in April 2018, disposed of in September 2020.
 5. 20/01238/OUTMAJ – the Appeal scheme, submitted in May 2020, refused in October 2020.

3.3 Brief Overview of the Development Plan, Local Planning Guidance and other Local Material Considerations

The Development Plan

- 3.3.1 The Development Plan at the time of each of the above planning applications comprised the West Berkshire Core Strategy (**CD8.5**) which was adopted in July 2012.
- 3.3.2 Further detail is set out in *Section 4*.

Local Planning Guidance

- 3.3.3 Local planning guidance specific to the Appeal site was set out in the Sandford Park Supplementary Planning Document (SPD) (**CD8.14**) which was adopted in March 2015. Relevant parts include the Vision, Strategic Objectives and Development Principle R1 and these are listed in RFR5.
- 3.3.4 Further detail on the SPD is provided in *Section 4*.

Other Local Material Considerations

3.3.5 In RFR5, the LPA considers the West Berkshire Environmental Strategy (**CD8.25**) and associated Declaration of Climate Emergency and objective to achieve Carbon Neutrality in West Berkshire by 2030 to be an additional local material consideration in the determination of the application.

3.3.6 Further detail is provided in *Section 4*.

3.4 Overview of National Policy at the Date of Determination

3.4.1 Prior to the submission of Application 1, the Government announced through Written Ministerial Statements in March 2014 and March 2015 (see *Section 4*) that:

1. The Code for Sustainable Homes (CfSH) was being withdrawn and many of the requirements of the CfSH consolidated into the Building Regulations.
2. The Deregulation Act 2015 would remove a local authority's power to set local energy standards beyond the requirements of Building Regulations and until such time, local authorities should not impose conditions with requirements above the equivalent of Level 4 of the CfSH (i.e. a 19% reduction in carbon dioxide emissions against the requirements of Building Regulations Part L 2013).
3. The Government no longer intended to proceed with the zero carbon Allowable Solutions carbon offsetting scheme or the proposed 2016 increase in on-site energy efficiency standards.

3.4.2 The Government also consulted from October 2019 to February 2020 on the proposed Future Homes Standard and a 'stepping stone' amendment to Part L in 2020, equivalent to either a 20% or 31% reduction in carbon dioxide emissions against Part L 2013. The Government's response to the consultation had not been published when the planning application was determined.

3.4.3 The Government's response was subsequently published on 20th January 2021 and further details are set out in *Section 4.5*. *Section 5.2* describes how the Appellants propose to address the response by condition.

3.5 Approach to Sustainability and Energy Performance

3.5.1 The Appellants' proposed approach towards sustainability and energy performance was consistent throughout each of the applications, namely that:

1. Residential dwellings would not be certified to a level of the CfSH, or designed to meet the requirements of particular elements of the CfSH.
2. All dwellings at Sandleford Park would be designed to meet the requirements of Building Regulations only as Policy CS15 requires a 20% reduction in carbon dioxide emissions against Part L 2013. As this is not consistent with national policy, there is no policy-based justification to go beyond the requirements of the Building Regulations.
3. Non-residential development shall meet the requirements of the Building Research Establishment's Environmental Assessment Method (BREEAM)

'Excellent' rating and that a Feasibility Study will be submitted identifying which low and zero carbon technologies would be suitable.

4. Due to uncertainty over the Government's plans for energy performance, the potential for Sandford Park to contribute to decentralised renewable energy and heat generation was not considered further.

3.5.2 The LPA's position, as set out in its Decision Notices and Delegated Reports, remained consistent for Applications 1-3, with none of these including a reason for refusal relating to sustainability and energy performance. It first became a reason for refusal for Application 5 (i.e. the Appeal proposals).

3.5.3 Details of the Appellants' revised approach to sustainability and energy performance following the Government's response to the Future Homes Standard consultation is set out in *Section 5.2*.

3.6 LPA's Response to each Application

Application 15/02300/OUTMAJ

3.6.1 The decision notice for application 15/02300/OUTMAJ was issued on 8th November 2017 (**CD13.1**). It includes 21 reasons for refusal, none of which refer to sustainability and energy performance or Policy CS15 of the Core Strategy.

3.6.2 The Delegated Report (see extract in *Appendix 1*) states in relation to residential development:

'Clearly the proposed residential development runs contrary to Policy CS15 of the Core Strategy as well as the Sandford Park SPD. However, as detailed above the material considerations in the form of Written Ministerial Statements, the Deregulation Act 2015 and a Government report, should be afforded sufficient weight by planning authorities.'

'On balance, whilst the proposals run contrary to the Development Plan and SPDs, the Government's intentions are clear in that improvement in energy efficiency is to be controlled through Building Regulations only. Therefore, the material considerations identified are considered to outweigh the requirements of the Development Plan and SPDs in this instance.'

3.6.3 The Delegated Report considers the proposed approach for non-residential development to be acceptable and proposes a condition securing a full BREEAM assessment and certification. In relation to the use of renewable or low/zero carbon energy generation, it states:

'As the non-residential development does not form part of the detailed application, it is considered that this approach to achieving the requirements of Policy CS15 in respect of non-residential development is acceptable. The necessary details will be expected to be submitted with the relevant reserved matters applications for those parts of the site that propose non-residential development.'

3.6.4 In relation to the generation of on-site renewable energy and decentralised renewable energy, the Delegated report states:

'The proposals do not achieve Development Principle R2 of the Sandford Park SPD and reduce the likelihood of achieving the Strategic Objectives set out in the SPD. However, as the wording of this Principle is not a requirement, rather a request to explore, it is not considered that the lack of a commitment to contributing towards decentralised renewable energy and heat generation is sufficient to warrant a refusal.'

As noted above, the generation of on-site renewable energy is to be considered in respect of the non-residential development through the use of low and zero carbon technologies. Therefore, subject to a condition requiring the submission during the reserved matters applications of low and zero carbon technologies for non-residential development to be implemented, the requirement of Policy CS3 in this respect appears to be fulfilled.'

3.6.5 The conclusion then states:

'In conclusion, the application submissions run contrary to the Development Plan and SPDs in respect of sustainable construction and energy. However, material considerations in the form of National Government statements identified in this report are considered to outweigh those requirements of the Local Development Plan and SPDs.'

Disappointingly, it appears that little effort has been made to fully explore and maximise the potential for carbon reduction, sustainable construction and renewable energy generation to militate against climate change and minimise carbon dioxide emissions. The opportunity for the development to deliver an exemplar site regarding carbon dioxide reduction in the form of renewable energy generation and sustainable construction standards has, at this stage, not been fully considered by the applicants.'

Application 16/00106/OUTMAJ

3.6.6 The decision notice for application 16/00106/OUTMAJ was issued on 8th November 2017 (**CD13.2**). It includes 28 reasons for refusal, none of which refer to sustainability and energy performance or Policy CS15 of the Core Strategy.

3.6.7 The Delegated Report (see extract in Appendix 2) considers the topic of 'sustainable construction and energy' from Pages 105 to 112.

3.6.8 The report includes similar text to the Delegated Report for application 15/02300/OUTMAJ, but with the additional following text in its conclusion:

3.6.9 *'Furthermore, the piecemeal approach to the development of the allocated site sought in this application increases the chance of prejudicing future development of the remainder of the allocated site from including a form of decentralised renewable energy. However, as this is not an absolute requirement in the Sandford Park SPD it is not considered to represent a significant concern.'*

Application 16/03309/OUTMAJ

3.6.10 The decision notice for application 16/03309/OUTMAJ was issued on 14th December 2017 (**CD13.3**). It includes 28 reasons for refusal, none of which refer to sustainability and energy performance or Policy CS15 of the Core Strategy.

3.6.11 The Delegated Report (see extract in *Appendix 3*) considers the topic of 'sustainable construction and energy'.

3.6.12 The report includes similar text to the two previous applications; however, the conclusion in relation to residential development states:

'On balance, whilst the proposals are contrary to the Development Plan and SPDs, the Government's current intentions are clear in that improvement in energy efficiency is to be controlled through Building Regulations only. Therefore, the material considerations currently identified are considered to outweigh the requirements of the Development Plan and SPDs in this instance and the strict contravention does not warrant a reason for refusing the development.'

3.6.13 In relation to the generation of on-site renewable energy and decentralised renewable energy, the report states:

'The proposals do not achieve Development Principle R2 of the Sandford Park SPD and reduce the likelihood of achieving the Strategic Objectives set out in the SPD. However, it is also acknowledged that the Local Authority has not made any significant progress on decentralised renewable energy and heat generation, as indicated in Development Principle R2 of the Sandford Park SPD. Furthermore, as the wording of this Principle is not a requirement, rather a request to explore, it is not considered that the lack of a commitment to contributing towards decentralised renewable energy and heat generation is sufficient to warrant a refusal.'

3.6.14 The final paragraph of the conclusion includes the same text as for application 16/00106/OUTMAJ, but with the final sentence removed.

Application 18/00764/OUTMAJ

3.6.15 Application 18/00764/OUTMAJ was submitted in March 2018 and responded to the reasons for refusal of the three previous applications.

3.6.16 As set out in the Statement of Case, the Appellants submitted additional information to address comments made in respect of the application; however, this material was not formally accepted by the LPA and they did not reconsult.

3.6.17 The LPA fully disposed of the application on the 18th September 2020 (see **CD13.4**) and therefore, there is no Decision Notice or Delegated Report.

Application 20/01238/OUTMAJ

3.6.18 The planning application, the subject of this Appeal, was submitted in May 2020 and consolidated the amendments made to application 18/00764/OUTMAJ.

3.6.19 The consultation response from the LPA's Planning Policy team dated 17th September 2020 includes a section on renewable energy and states:

'the 2016 Housing and Planning Act did not bring forward the Government's earlier aspiration to deliver zero-carbon homes through the planning process, relying on building regulations. Therefore, the residential and non-residential development would still need to achieve at least a 20% reduction in CO₂ emissions.'

‘The proposal fails to grasp the opportunity presented by the circumstances of this site to provide an exemplar development in terms of sustainability and on-site renewable energy generation, contrary to Core Strategy policy CS3, the SPD development principles and Chapter 14 of the NPPF.’

- 3.6.20 The Decision Notice (**CD4.2**) was issued on 13th October 2020 and includes 14 reasons for refusal. Unlike the previous applications, the LPA included the topic of sustainability and energy performance and referred to the lack of accordance with the Development Plan and other local material considerations as a reason for refusal (RFR5).
- 3.6.21 The Delegated Report (**CD4.1**) considers the topic of ‘sustainable development and renewables’ on Pages 99 and 100. As for the previous applications, the report considers whether the proposals accord with the Development Plan and SPD, but also takes into account the LPA’s Declaration of a Climate Emergency in 2019 and its Corporate Environment Strategy (2019).
- 3.6.22 However, unlike the previous applications, the Delegated Report does not take into account the Written Ministerial Statements referred to in the Energy and Sustainability Statement and the previous Delegated Reports for applications 15/02300/OUTMAJ, 16/00106/OUTMAJ or 16/03309/OUTMAJ, which set out the reasons why, on balance, the LPA decided that the topic of sustainability and energy performance should not be a reason for refusal of the application.

4.0 Development Plan, Local Planning Guidance and Material Considerations

4.1 The Development Plan

4.1.1 The Development Plan comprises the West Berkshire Core Strategy (2006 – 2026), adopted in July 2012 (**CD8.5**).

4.1.2 RFR5 states that the proposed development is contrary to the following policies:

Area Delivery Plan Policy 2 (ADPP2): Newbury

Policy CS3: Sandford Strategic Site Allocation

Policy CS14: Design Principles

Policy CS15: Sustainable Construction and Energy Efficiency

Area Delivery Plan Policy 2 (ADPP2): Newbury

4.1.3 ADPP2 collates the LPA's planning proposals for Newbury that are contained within the Core Strategy policies.

4.1.4 In relation to housing, ADPP2 states:

'Urban extensions to the town to the east, on land at Newbury Racecourse and, later in the plan period, to the south at Sandford, will provide new residential neighbourhoods with supporting facilities and green infrastructure, will be well designed and built to high environmental standards and integrated with the rest of the town through public transport and pedestrian/cycle links'.

4.1.5 It is assumed that the LPA's reference to ADPP2 in RFR5 relates to the line: *'will be well designed and built to high environmental standards'.*

Policy CS3: Sandford Strategic Site Allocation

4.1.6 Policy CS3 is a site-specific policy for development of the allocation.

4.1.7 It is assumed that the LPA's reference to Policy CS3 in RFR5 relates to the fourth bullet point: *'Generation of on-site renewable energy'.*

Policy CS14: Design Principles

4.1.8 Policy CS14 includes a comprehensive list of design principles that the LPA expects new developments to adhere to.

4.1.9 It is assumed that the LPA's reference to Policy CS14 in RFR5 relates to the final sentence: *'All development proposals will be expected to seek to minimise carbon dioxide emissions through sustainable design and construction, energy efficiency,*

and the incorporation of renewable energy technology as appropriate and in accordance with Policy CS15: Sustainable Construction and Energy Efficiency’.

Policy CS15: Sustainable Construction and Energy Efficiency

4.1.10 Policy CS15 sets out specific criteria for new residential and non-residential development in relation to:

1. The Code for Sustainable Homes.
2. The Building Research Establishment Environmental Assessment Methodology (BREEAM).
3. Renewable energy generation and reductions in carbon dioxide emissions

4.1.11 In the explanatory text to the policy, para 5.101 states: *‘This policy may be revised and updated periodically, for example to reflect changing national guidance or changing circumstances’.*

4.1.12 The box titled *‘Delivery and Monitoring’* on page 76 of the Core Strategy states:

‘This policy will be delivered through the development management process.

The amount of renewable energy generation and developments meeting the policy criteria will be reported in the AMR.’

4.2 West Berkshire Local Plan Annual Monitoring Reports

4.2.1 The LPA has published a series of Annual Monitoring Reports (AMRs) in relation to the delivery of the Core Strategy policies. These are published on the LPA’s website¹ covering the period 2011 to 2019, noting that the 2019 AMR was published in January 2021.

4.2.2 The AMRs have been reviewed in relation to changes to the LPA’s application of Policy CS15.

4.2.3 There were no specific references to Policy CS15 in either the 2011, 2012, 2014 AMRs.

4.2.4 The 2013 AMR notes at para 5.38 that: *‘policy CS15 of the submitted Core Strategy requires major development to generate a certain proportion of its energy from renewable sources’.*

4.2.5 Para. 3.45 of the 2015 AMR and para. 3.51 of the 2016 AMR state:

‘Policy CS15 requires residential development to meet certain levels of the Code for Sustainable Homes. From the date of the Deregulation Bill 2015, a Ministerial Statement published on the 25 March 2015 announced that the Government has now withdrawn the Code for Sustainable Homes. Consequently, Core Strategy policy CS15 no longer requires the code. In line with the Ministerial Statement, planning conditions should now comply with energy performance requirements that

¹ <https://info.westberks.gov.uk/amr>

do not exceed code level 4. Commencement of amendments to the Planning and Energy Act 2008 is expected to happen in late 2016. This will introduce new energy performance requirements in Building Regulations. New development should also comply with a water efficiency standard equivalent to the new national technical standard.'

- 4.2.6 Paras. 3.57 to 3.61 of the 2017 and 2018 AMRs and paras 3.48 to 3.52 of the 2019 AMR state the following, noting that the reference to Policy CS16 should read CS15:

'Core Strategy policy CS15 (Sustainable Construction and Energy Efficiency) seeks to achieve sustainable design and energy efficiency in new developments through the use of national sustainability standards for new homes (Code for Sustainable Homes) and non-residential buildings (BREAAAM), in addition to carbon reductions that are based on stated Government aspirations but which may be subject to change.

Following the technical Housing Standards Review, the Government issued a written Ministerial Statement on 25 March 2015 withdrawing all national standards that applied to residential development. This had the impact of cancelling the Code for Sustainable Homes, with some of the issues that it covered being integrated into Building Regulations.

In light of this, the Council no longer require residential developments to comply with the Code for Sustainable Homes. However if planning conditions required Code for Sustainable Homes and were in place before 27 March 2015, then compliance remains.

The 2016 Housing and Planning Act has brought an end to the Government's aspiration to deliver zero-carbon homes through the planning process, relying instead on building regulations to deliver energy efficient buildings. The Government has also scrapped the requirement for non-domestic buildings to be zero carbon by 2019. The requirements in policy CS16 for zero carbon major residential and non-residential development therefore no longer apply but the 20% CO2 reduction remains.

In light of this, the Council no longer require residential developments to comply with the Code for Sustainable Homes. However, if planning conditions required Code for Sustainable Homes and were in place before 27 March 2015, then compliance remains.'

4.3 Local Planning Guidance

- 4.3.1 The Sandford Park Supplementary Planning Document (SPD) (**CD8.14**) was adopted by the LPA in March 2015 and is a material consideration in the determination of planning applications within the allocation.
- 4.3.2 RFR5 states that the proposed development is contrary to the 'Vision for Sandford Park' which is found on page 7 of the SPD. It is assumed that this is in reference to the line: *'Through maximising sustainable design and construction techniques, the development will mitigate against climate change and minimise carbon dioxide emissions.'*

4.3.3 RFR5 also states that the proposed development is contrary to the Strategic Objectives set out in the SPD. It is assumed that this is in reference to Strategic Objective 13: *'To deliver the development on site in a way that maximises the potential for carbon reduction, sustainable construction and renewable energy generation'*.

4.3.4 RFR5 also states that the proposed development is contrary to Development Principle R1:

'R1. The development at Sandleford Park will be expected to fully exploit the latest sustainable construction techniques together with 'building embedded' technology (such as photo-voltaic roof panels) in order to minimise the use of resources, maximise efficiency and reduce both carbon emissions and energy consumption, whilst delivering a high quality development that meets the policies (specifically CS15) and objectives of the West Berkshire Core Strategy.'

4.3.5 The supporting text to Principle R1 states:

'Due to Sandleford Park's inclined south facing orientation, greenfield status and scale, there is significant potential to deliver an exemplar site regarding carbon dioxide reduction in the form of renewable energy generation and the sustainable construction standards.'

A shift to low emission vehicles is likely over the time frame of the development so opportunities to include electrical charging points for vehicles should be explored at the design stage of the development. This will minimise the cost and disturbance of retrofitting at a later date.'

4.3.6 It should be noted that para. 100 of the SPD states:

'The targets for Sandleford Park in respect of carbon dioxide, Code for Sustainable Homes/BREEAM ratings will need to accord with policy CS15 of the Core Strategy. They will however, need to be reviewed at regular intervals over the life of the build as Government policies and targets evolve.'

4.3.7 RFR5 does not state that the proposed development is contrary to Development Principles R2 and R3 of the SPD.

4.3.8 Development Principle R2 states that: *'There may be opportunities for the development to contribute towards decentralised renewable energy and heat generation as the Local Authority progresses its own work on this subject'*.

4.3.9 As stated in **CD1.13**, as the planning application is in outline and at the time of writing there remained uncertainty regarding the Government's proposed future plans for the Zero Carbon standard and Allowable Solutions offsetting scheme, the potential for Sandleford Park to contribute to decentralised renewable energy and heat generation was not considered further.

4.3.10 This was the approach taken by the Appellants for each of the planning applications and in the Delegated Report for application 16/03309/OUTMAJ (see *Appendix 3*), the LPA states:

'it is also acknowledged that the Local Authority has not made any significant progress on decentralised renewable energy and heat generation, as indicated in Development Principle R2 of the Sandleford Park SPD. Furthermore, as the

wording of this Principle is not a requirement, rather a request to explore, it is not considered that the lack of a commitment to contributing towards decentralised renewable energy and heat generation is sufficient to warrant a refusal.'

- 4.3.11 On this basis, compliance with Development Principle R2 is not considered further in my evidence.
- 4.3.12 Development Principle R3 states that: '*A Design Code/Design Principles will be established through the planning application to embody sustainable design and construction principles, including the Code for Sustainable Homes requirement.*'
- 4.3.13 As the Code for Sustainable Homes has now been withdrawn (see *Section 3.4*), this element of Development Principle R3 no longer applies and has not been considered further in my evidence.
- 4.3.14 Other details relating to sustainable design would be submitted at reserved matters stage and are addressed in *Section 5*.

4.4 West Berkshire Climate Emergency and Environmental Strategy

- 4.4.1 West Berkshire Council declared a Climate Emergency in July 2019 and committed to the creation of a strategic plan to work towards carbon neutrality in the district by 2030.
- 4.4.2 The Council subsequently prepared its new Environmental Strategy 2020-2030 (**CD8.25**) and this was approved by the Council's Executive Committee on 16th July 2020. The document does not form part of the Development Plan.
- 4.4.3 RFR5 states that the proposed development is contrary to the Environmental Strategy and associated Declaration of Climate Emergency and objective to achieve Carbon Neutrality in West Berkshire by 2030. It is assumed that this refers to the position set out in the Energy and Sustainability Statement that the proposed residential development will be built to the requirements of Building Regulations only.

4.5 National Policy

- 4.5.1 The national planning policy position at the time of the determination of the application is set out briefly in *Section 3.4* and more detail is provided in the Energy and Sustainability Statement (**CD1.13**).
- 4.5.2 The overall 'direction of travel' of national policy since 2014 has been that matters relating to the energy efficiency of new residential dwellings would be dealt with through changes to Building Regulations and that LPAs should not apply local standards that went beyond this.
- 4.5.3 Since the application was determined, the Government published its response to the consultation on the Future Homes Standard on 20th January 2021 (**CD8.30**). The response confirms that the Government proposes to introduce the standard in 2025 and that this shall equate to a 75-80% reduction in carbon dioxide emissions compared to the current Part L 2013 standard.

4.5.4 In the meantime, an update to Part L will be made in December 2021 and come into effect in June 2022. This change shall equate to a 31% reduction in carbon emissions compared to the current Part L 2013 standard.

4.5.5 As part of the response, the Government also set out its position on the proposed amendment to the Planning and Energy Act 2008. Paras 2.33 to 2.36 set out the current situation:

‘2.33 At present, local planning authorities may include policies in their local plans which require developers to comply with energy efficiency standards for new homes that exceed the minimum requirements of the Building Regulations.

2.34 The Planning and Energy Act 2008 was amended in 2015 to provide Government with powers to stop local planning authorities from being able to exceed the minimum energy efficiency requirements of the Building Regulations, but this amendment has not been commenced. In the same year, the then Government set out in a Written Ministerial Statement an expectation that local planning authorities should not set energy efficiency standards for new homes higher than the energy requirements of Level 4 of the Code for Sustainable Homes, which is equivalent to a 19% improvement on the Part L 2013 standard.

2.35 The Future Homes Standard consultation recognised that the current position has caused confusion and uncertainty for local planning authorities and home builders, alike. While some local planning authorities are unclear about what powers they have to set their own energy efficiency standards and have not done so, others have continued to set their own energy performance standards which go beyond the Building Regulations minimum and in some cases beyond the Code for Sustainable Homes. Equally, for developers we have heard that this has resulted in disparate energy efficiency standards across local authority boundaries, the inconsistency of which can create inefficiencies in supply chains, labour and potentially quality of outcomes.

2.36 The consultation proposed that one way of clarifying the role of local authorities would be to amend the Planning and Energy Act 2008 alongside a future uplift in Part L standards so that in future, developers will be required to build to a single higher standard that is applied consistently across England.’

4.5.6 The Government’s response set out in paras. 2.39 to 2.42 only provides certainty of the Government’s position in the interim term:

‘2.39 All levels of Government have a role to play in meeting the net zero target and local councils have been excellent advocates of the importance of taking action to tackle climate change. Local authorities have a unique combination of powers, assets, access to funding, local knowledge, relationships with key stakeholders and democratic accountability. This enables them to drive local progress towards our national climate change commitments in a way that maximises the benefits to the communities they serve. As part of this, the Government wishes to ensure that we have a planning system in place that enables the creation of beautiful places that will stand the test of time, protects and enhances our precious environment, and supports our efforts to combat climate change and bring greenhouse gas emissions to net zero by 2050.

2.40 We recognise that there is a need to provide local authorities with a renewed understanding of the role that Government expects local plans to play in creating a greener built environment; and to provide developers with the confidence that

they need to invest in the skills and supply chains needed to deliver new homes from 2021 onwards. To provide some certainty in the immediate term, the Government will not amend the Planning and Energy Act 2008, which means that local planning authorities will retain powers to set local energy efficiency standards for new homes.

2.41 Last year, the Planning for the Future white paper set out how a simpler planning process could improve certainty about what can be built where, as well as offering greater flexibility in the use of land to meet our changing economic and social needs. The white paper indicated that while development management policies would focus on identifying areas for development and protection, they would be set nationally. Further, as we move to ever higher levels of energy efficiency standards for new homes with the 2021 Part L uplift and Future Homes Standard, it is less likely that local authorities will need to set local energy efficiency standards in order to achieve our shared net zero goal.

2.42 The planning white paper consultation closed on 29 October 2020. The responses we received will be considered carefully, and a Government response will be published in due course. The new planning reforms will clarify the longer-term role of local planning authorities in determining local energy efficiency standards.'

4.5.7 The implications of the Government's response set out above and how the Appellants propose to address it are described in *Section 5.2*.

4.6 Other Planning Applications

4.6.1 LPA have inconsistently applied the requirements of Policy CS15 when determining planning applications for new major residential development in West Berkshire.

4.6.2 Paras. 2.2.29 and 2.2.30 of the Energy and Sustainability Statement (**CD1.13**) refer to other residential developments in West Berkshire that do not include planning conditions requiring compliance with Policy CS15.

4.6.3 In addition to these, there are three other recent planning applications in West Berkshire where the application of Policy CS15 has been considered and these are summarised in the sections below.

Application 17/02092/OUTMAJ

4.6.4 This is a hybrid planning application for a total of 104 residential dwellings at Land off Lambourn Road, Speen, Newbury.

4.6.5 The application was reported to the LPA's Western Area Planning Committee on 6th November 2019 with a recommendation for approval.

4.6.6 The Officer's Report stated in relation to 'sustainable construction':

'6.107 According to Core Strategy Policy CS15, new residential development will meet a minimum standard of Code for Sustainable Homes Level 6. However, the Written Ministerial Statement of 25th March 2015 withdraws the Code for Sustainable Homes. According to the Planning Practice Guidance, local planning

authorities have the option to set additional technical requirements exceeding the minimum standards required by Building Regulations in respect of access and water, and an optional nationally described space standard. Local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area, and justify setting appropriate policies in their Local Plans. There is no current policy with the statutory development plan that is consistent with this guidance.

6.108 Core Strategy Policy CS15 also requires major development to achieve minimum reductions in carbon dioxide emissions from the use of renewable energy or low/zero carbon energy generation on site or in the locality. For residential development the policy requirement is zero carbon. Following the withdrawal of the Code for Sustainable Homes, the baseline for this assessment no longer exists for the residential element of the development, and as such compliance is not possible for practical reasons.'

- 4.6.7 Planning permission was granted on 18th February 2020 and the LPA did not impose a planning condition requiring a reduction in carbon dioxide emissions or the provision of renewable energy generation.

Application 20/00604/FULEXT

- 4.6.8 This was a full planning application for 75 residential dwellings at Coley Farm, Stoney Lane, Ashmore Green.
- 4.6.9 An Energy Statement prepared by Energist was submitted in support of the application and proposed a 10% reduction in carbon dioxide emissions against Part L1A 2013. The report advocated a 'fabric first' approach and demonstrated how an 11% reduction could be achieved through improvements to building fabric.
- 4.6.10 For completeness, the report also explained how the 10% reduction could be achieved through the use of renewable and low-carbon energy technologies as an alternative, but less favoured approach.
- 4.6.11 The application was reported to the LPA's Western Area Planning Committee on 25th November 2020 with a recommendation for approval. The Officer's Report did not propose a condition in relation to carbon dioxide emissions or renewable energy generation.
- 4.6.12 The Committee resolved to grant planning permission subject to a S106 Agreement and based on discussions at the meeting they imposed the following additional planning condition:

'No dwelling hereby approved shall be occupied until the low and zero carbon energy generation measures identified in Energy Statement by Engerist, dated 19/02/2020 received 13/05/2020, have been implemented and provided in accordance with the approved details and a post construction review evidencing that all the required measures have been implemented has been submitted to the LPA.

Reason: To ensure that the low/zero carbon energy generation measures required to achieve a 10% reduction in carbon dioxide emissions are provided before the development is brought into use. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policy CS15 of the West

Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).'

4.6.13 At the time of writing a decision notice had not been issued.

Application 19/01172/OUTMAJ

4.6.14 This was an outline application for 104 dwellings at Land North of The Green, Theale, Reading. The application was reported to LPA's Eastern Area Planning Committee on 15th July 2020 and approved on 15th December 2020.

4.6.15 Although Policy CS15 was listed as relevant in the Officer's Report, there was no mention in the report of carbon dioxide emissions or renewable energy generation. The decision notice does not include a condition requiring a reduction in carbon dioxide emissions or the use of low or zero carbon technologies.

5.0 Policy Compliance

5.1 Non-residential Development

5.1.1 Para. 9.339 of the Delegated Report (**CD4.1**) states in relation to non-residential development:

'All non-residential elements of the proposal must meet BREEAM Excellent, unless it can be demonstrated that compliance would make the development not technically or economically viable. The BREEAM pre-assessments submitted for the primary school, offices and retail facilities demonstrate that Excellent can be achieved, which is welcomed.'

5.1.2 It is assumed from the above that the proposed strategy in relation to non-residential development is considered to be acceptable and therefore, that RFR5 primarily relates to the proposed residential development.

5.2 Residential Development

5.2.1 It is clear that the Council takes climate change very seriously and that it is passionate in its desire to help tackle the issue. This is demonstrated in paras. 9.331 to 9.342 of the Delegated Report (**CD4.1**) and RFR5 of the Decision Notice (**CD4.2**) which refer to particular sections and policies of the Development Plan, local planning guidance, as well as the Council's Environmental Strategy.

5.2.2 However, the Council also acknowledges the role of national policy and that changes announced by the Government through Written Ministerial Statements or other mechanisms need to be taken into account at local level when determining planning applications and imposing planning conditions.

5.2.3 As described in *Sections 3 and 4*, this acknowledgement was demonstrated in the Delegated Reports for the previous planning applications and also in the most recent Authority Monitoring Report (AMR) 2019 that was published in January 2021.

5.2.4 Despite this acknowledgement, there was no reference to national policy in the Delegated Report (**CD4.1**) for the Appeal scheme; however, it is noted that the LPA does not specifically refer to the lack of compliance with the requirements of Policy CS15 as a reason for refusal, instead referring to the lack of renewable energy generation as part of the proposed residential development.

5.2.5 In the following sections I respond to specific parts of RFR5 with reference to national policy and guidance, as well as other material considerations.

Exemplar and Zero Carbon Development

5.2.6 RFR5 states:

'This major development proposal, on the larger portion of the Sandford Strategic Site Allocation (SSSA), fails to use this significant opportunity to fully exploit the specific potential of the SSSA's inclined south facing orientation, greenfield status

and scale to deliver an exemplar development regarding carbon dioxide emissions reduction, in the form of renewable energy generation, and to deliver a zero carbon residential-led mixed use urban extension.'

Exemplar Development

5.2.7 Planning Practice Guidance (PPG) para. 21b-006-20190315 states:

'To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 – these provisions also apply to appeals).

5.2.8 Despite references in RFR5, there is no requirement in the Development Plan for Sandford Park to be an 'exemplar development regarding carbon dioxide emissions reduction, in the form of renewable energy generation'.

5.2.9 Policy CS3 states that the development should include renewable energy generation, but the requirement for reductions in carbon dioxide emissions through the use of renewable energy generation, as set out in Policy CS15, is the same as for other major development schemes in West Berkshire.

5.2.10 The only reference to the development being 'exemplar' is in the supporting text to Principle R1 of the SPD, although it is noted that the SPD also uses related terms such as 'maximising' in the vision, strategic objectives and Principle R1.

5.2.11 Whilst it is fully acceptable for local planning guidance documents, such as SPDs, to expand on the content of Development Plan policies, they cannot be used to impose new policies or additional policy requirements as if they formed part of the Development Plan. PPG para 61-008-20190315 on the role of supplementary planning documents makes this clear:

'What is the role of supplementary planning documents?

Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.

Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing Supplementary Planning Documents.'

5.2.12 The LPA can encourage development at Sandford Park to go further than the requirements set out in the Development Plan in terms of carbon dioxide emissions and renewable energy generation, but it cannot impose this as a requirement and it should not be a reason for refusal of the application.

5.2.13 This was the LPA's position for the previous planning applications, but that approach has not been taken in relation to the Appeal scheme.

Zero Carbon Development

- 5.2.14 RFR5 includes reference to the development not being delivered as a: ‘zero carbon residential-led mixed use urban extension.’
- 5.2.15 As noted in *Section 4.2*, the LPA’s three most recent AMRs, including the 2019 AMR published in January 2021, states that:
- ‘The 2016 Housing and Planning Act has brought an end to the Government’s aspiration to deliver zero-carbon homes through the planning process, relying instead on building regulations to deliver energy efficient buildings. The Government has also scrapped the requirement for non-domestic buildings to be zero carbon by 2019. The requirements in policy CS16 for zero carbon major residential and non-residential development therefore no longer apply but the 20% CO2 reduction remains.’*
- 5.2.16 This is also acknowledged in the consultation response from the LPA’s Planning Policy Team.
- 5.2.17 Based on the content of the LPA’s own AMR and consultation response, the fact that the proposed development is not zero carbon should not be a reason for refusal of the planning application as this requirement of Policy CS15 no longer applies.

Unsustainable and Harmful Development

- 5.2.18 The remainder of RFR5 states:
- ‘In this respect the proposal fails to demonstrate a high quality and sustainable design or that it would be built to high environmental standards. It is considered to be an unsustainable and harmful development, failing to reduce carbon dioxide emissions through the extensive use of renewables on site and otherwise contributing to climate crisis.*
- In this respect the proposal is anachronistic, unacceptable, inappropriate, inadequate and unsatisfactory.’*
- 5.2.19 The LPA’s use of ‘in this respect’ is noted and I will therefore, not cover the topics of high quality and sustainable design in their broadest sense.
- 5.2.20 As discussed in *Section 4.5*, the development proposals and the planning application, including the Energy and Sustainability Statement, were prepared in the context of changes to national policy and legislation which took place after the adoption of the Core Strategy. During this time, the Government’s ‘direction of travel’ was towards a ‘Building Regulations only’ approach, including the removal of an LPA’s power to impose additional local energy efficiency standards.
- 5.2.21 These changes superseded the requirements of Policy CS15 and this was acknowledged in the LPA’s AMRs and decisions on the previous applications, which did not include reasons for refusal relating to carbon dioxide emissions and renewable energy generation.

- 5.2.22 The development would still need to comply with the requirements of prevailing Building Regulations and this would be the primary mechanism to ensure that the proposed residential dwellings would be of a high quality and sustainable design.
- 5.2.23 However, since the application was determined, the Government have clarified, albeit only in the immediate term, that they are not going to commence the change to the Planning and Energy Act 2008 and that LPAs can continue to set additional local energy efficiency standards.
- 5.2.24 The current position therefore, is that LPAs can impose conditions requiring new residential development to reduce its carbon dioxide emissions beyond the requirements of Part L 2013, but only up to a maximum of 19%, as set out in the 2015 Written Ministerial Statement.
- 5.2.25 In response to this, the Appellants now propose the following condition:
- ‘Applications for the approval of Reserved Matters for new residential dwellings shall include a detailed Energy Statement. The Energy Statement shall set out how the development, or phase of development, shall reduce its carbon dioxide emissions by a minimum of 19% against the requirements of Building Regulations Part L 2013. A proportion of this must be achieved through the use of low or zero-carbon energy sources.*
- In the event that changes to Building Regulations Part L come into effect requiring a reduction in carbon dioxide emissions of greater than 19% against the 2013 standard, the Energy Statement for subsequent Reserved Matters applications shall set out how the development or phase of development shall comply with the prevailing Building Regulations, including the use of low or zero-carbon energy sources.*
- The residential dwellings shall be constructed in accordance with the details set out in the submitted Energy Statement.’*
- 5.2.26 The condition will help to ensure that new residential development at Sandford Park is well designed and built to high environmental standards in accordance with ADPP2. The details of this will be set out in an Energy Statement to be submitted at Reserved Matters stage.
- 5.2.27 New residential development will exceed the energy performance standards of Part L 2013 by a minimum of 19%, which complies with the 2015 Written Ministerial Statement and goes significantly beyond the 10% reduction in carbon dioxide emissions that was accepted by the LPA’s Western Area Planning Committee for application 20/00604/FULEXT.
- 5.2.28 As described in *Section 4.5*, the Government is introducing significant reductions in carbon dioxide emissions through changes to the Building Regulations in 2021 and 2025.
- 5.2.29 Once the 2021 Building Regulations come into effect, these will require a 31% reduction in carbon dioxide emissions against Part L 2013. The Future Homes Standard, delivered through the 2025 change, will equate to a 75-80% reduction in carbon dioxide emissions compared to Part L 2013. Once these changes come into effect, the submitted Energy Statements shall describe how the proposals at Sandford Park comply with these requirements.

Renewable Energy Generation

- 5.2.30 RFR5 refers to the use of renewable energy generation and the ‘*significant opportunity to fully exploit the specific potential of the SSSA’s inclined south facing orientation*’.
- 5.2.31 The proposed planning condition does not specify how the reduction in carbon dioxide emissions at Sandford Park should be achieved; but does say that a proportion should be through the use of low and zero carbon energy sources, which includes for renewable energy generation.
- 5.2.32 Briary Energy are registered Energy Assessors and are advising the Appellants on how they can meet the requirements of the forthcoming changes to Part L. Briary have prepared a Technical Note (see *Appendix 4*) outlining how the 19% reduction in carbon dioxide emissions proposed in the planning condition, as well as the 2021 and 2025 changes to Part L, can be achieved.
- 5.2.33 Briary Energy recommend a ‘fabric first’ approach whereby carbon dioxide emissions are initially reduced through improvements to the building fabric, with other methods such as low and zero carbon energy sources then incorporated as a secondary measure to achieve the 19% target. This could include the use of Solar Photovoltaic panels on appropriately orientated dwellings in order to take advantage of the site’s south facing orientation. The use of low and zero carbon technologies would accord with Policies C3, CS14 and CS15 of the Core Strategy and the Sandford Park SPD.
- 5.2.34 This approach recommended by Briary Energy and secured through the proposed planning condition is consistent with the energy hierarchy referred to in Section ‘R1 Follow the energy hierarchy’ of the National Design Guide published by the Ministry of Housing, Communities & Local Government (MHCLG) (**CD8.4**). Para. 138 states:
- ‘Well-designed places and buildings follow the energy hierarchy of:*
- *reducing the need for energy through passive measures including form, orientation and fabric;*
 - *using energy efficient mechanical and electrical systems, including heat pumps, heat recovery and LED lights; and*
 - *maximising renewable energy especially through decentralised sources, including on-site generation and community-led initiatives.’*
- 5.2.35 It is wholly appropriate for the condition to allow flexibility as to how the reduction in carbon dioxide emissions will be achieved and that the details should be submitted at Reserved Matters stage once a detailed site layout for the development, or phase of development, has been prepared.

5.3 Electric Vehicle Charging

- 5.3.1 Although not specifically referred to in RFR5, the supporting text to Principle R1 of the SPD states:

‘A shift to low emission vehicles is likely over the time frame of the development so opportunities to include electrical charging points for vehicles should be explored

at the design stage of the development. This will minimise the cost and disturbance of retrofitting at a later date.'

- 5.3.2 At the current time, there is no nationally prescribed standard for the installation of electric vehicle (EV) charging points. Notwithstanding this, amongst other matters, Paragraph 105 of the National Planning Policy Framework (NPPF) emphasises the need to ensure residential developments are provided with adequate EV charging infrastructure.
- 5.3.3 In response to the above, EV charging infrastructure will be provided to each house. The infrastructure to be provided would include dedicated cabling, at 32 amps, located on the plots external wall, adjacent to the parking spaces. A power output of 7KW will be immediately achievable in this way and is the current standard for domestic charging points.
- 5.3.4 Cabling would be concealed behind a blanking plate until required for future connection and this would allow future residents to choose an appropriate EV charging unit to serve their needs. If necessary, this could be secured by planning condition.

6.0 Response to Statements of Case by Rule 6 Parties

6.1 SayNoToSandfield

- 6.1.1 Section 5 of the Statement of Case submitted by SayNoToSandfield (SNTS) (**CD5.4**) covers the topic of '*Sustainable Development and Renewables*'.
- 6.1.2 The Statement refers to appeal APP/W0340/W/20/3259595 for the conversion and re-development of existing land and buildings at Shalford Farm, Reading to create a new restaurant, estate farm shop, overnight accommodation, bakery, fermentary, cookery school and event space.
- 6.1.3 The appeal was dismissed on 8th February 2021 for the following reasons:
1. Significant intensification in the number of private vehicle trips to and from the site, conflicting with Policies ADDP1 and CS9(c) of **CD8.5**.
 2. The proposals would not achieve BREEAM Excellent as required by Policy CS15 of **CD8.5**.
- 6.1.4 The Shalford Farm site was not allocated for development and was deemed to be in an unsustainable rural location, resulting in a significant increase in private vehicle trips and associated carbon dioxide emissions.
- 6.1.5 This situation differs from the proposed scheme at Sandfield Park as the decision refers to carbon dioxide emissions from vehicles, rather than buildings. The Shalford Farm site was not allocated for development, whereas the principle of development at Sandfield Park has already been established through its allocation in the Development Plan.
- 6.1.6 In addition, the non-residential buildings at Sandfield Park will achieve the BREEAM Excellent standard, unlike at the Shalford Farm scheme.
- 6.1.7 Other comments by SNTS in relation to reductions in carbon dioxide emissions and the use of low and zero carbon energy sources have been addressed in *Section 5* of this Proof of Evidence.

6.2 Greenham Parish Council and Newbury Town Council

- 6.2.1 The joint Statement of Case submitted by Greenham Parish Council and Newbury Town Council includes a section (4.C) titled '*Environment and Sustainability*'.
- 6.2.2 The main points are:
1. There is insufficient attention to sustainability in the development as proposed.
 2. The new homes at Sandfield Park should be 'net zero'.
 3. The houses should be aligned so as to maximise the benefits of solar energy.

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- 6.2.3 Point 1 has been addressed in *Section 5* through the proposed planning condition requiring a reduction in carbon dioxide emissions and the use of low and zero carbon energy sources.
- 6.2.4 Point 2 has been addressed in paras. 5.2.14 to 5.2.17, whereby the LPA acknowledge that the policy requirement for zero carbon major residential development no longer applies.
- 6.2.5 Point 3 shall be addressed through the approval of reserved matters, as it is at this stage when a detailed site layout will be prepared. At present, the orientation of the buildings is not known.

7.0 Summary and Conclusions

- 7.1.1 I have prepared this Proof of Evidence in response to reason for refusal 5 (RFR5) of the LPA's decision notice.
- 7.1.2 I have described the Development Plan position, as set out in the Core Strategy, as well as local planning guidance in the Sandford Park SPD and other Council reports referred to in RFR5.
- 7.1.3 I have explained why Development Principles R2 and R3 of the SPD no longer apply, or were not included in RFR5.
- 7.1.4 I have explained the context in which the application was prepared, namely the changes to national policy from 2014 and the Government's 'direction of travel' towards a standardised 'Building Regulations only' approach. This includes the withdrawal of the Code for Sustainable Homes and the removal of an LPA's powers to set additional local energy efficiency standards.
- 7.1.5 I have provided an overview of the LPA's decisions on the previous planning applications at Sandford Park, none of which contained reasons for refusal relating to sustainability and energy performance.
- 7.1.6 I have referred to the LPA's inconsistent approach to the determination of other planning applications for major residential development in West Berkshire, whereby the LPA has either not sought to impose conditions requiring reductions in carbon dioxide emissions or renewable energy generation, or it has approved levels of reduction that do not comply with Policy CS15.
- 7.1.7 I have noted the LPA's comments in the Delegated Report welcoming the proposals in relation to non-residential development and the achievement of BREEAM Excellent.
- 7.1.8 I have explained that there is no policy basis for the LPA to require the proposals to be 'exemplar' or a zero carbon development and that these should not have been reasons for refusal of the application.
- 7.1.9 I have described the updated national policy position following the Government's response to its consultation on the Future Homes standard and its proposed changes to Building Regulations Part L in 2021 and 2025. In response to this I have proposed a possible planning condition requiring details to be submitted at Reserved Matters stage of how the carbon dioxide emissions of the development, or a phase of development, shall be reduced by a minimum of 19% against Part L 2013, a proportion of which shall be through the use of low and zero carbon energy sources in accordance with Policies ADPP2, CS3, CS14 and CS15. This is supported by a Technical Note in *Appendix 1* prepared by Briary Energy on behalf of the Appellants.
- 7.1.10 I have also described how the Appellants propose to provide infrastructure to enable the standard installation of electric vehicle (EV) charging points on each house.
- 7.1.11 The Appellants have responded positively to RFR5 and have addressed the LPA's concerns with the proposed planning condition requiring a minimum 19% reduction

in carbon dioxide emissions against Part L 2013, as well as the use of low and zero carbon energy sources. The imposition of this condition, the provision of infrastructure for EV charging and the proposed changes to Building Regulations Part L in 2021 and 2025 will ensure that the proposals at Sandford Park are constructed to high environmental standards in accordance with the Council's aspirations set out in Development Plan Policies ADPP2, CS3, CS14 and CS15; the Vision, Strategic Objectives and Development Principle R1 of the Sandford Park SPD and the West Berkshire Environmental Strategy.

7.1.12 I therefore, conclude that there are no reasons relating to sustainability and energy performance why the Appeal should be dismissed.