



WHITE PEAK Planning

**APP/W0340/W/20/3265460**

Appeal by Bloor Homes and Sandleford Farm  
Partnership

Sandleford Park, Newbury

**APP/20** – Appendices to Proof of Evidence on  
matters of Sustainability and Energy Performance.

Christopher Michael Garratt  
BSc (Hons), MA, MSc, MRTPI, PIEMA

April 2021

Ref: 2017.013.045

White Peak Planning Ltd  
Didsbury Business Centre  
137 Barlow Moor Road  
Manchester  
M20 2PW

T: 0845 410 0117  
E: [info@whitepeakplanning.co.uk](mailto:info@whitepeakplanning.co.uk)

[www.whitepeakplanning.co.uk](http://www.whitepeakplanning.co.uk)

## Contents

**Appendix 1:** Extract from Delegated Report for Application 15/02300/OUTMAJ

**Appendix 2:** Extract from Delegated Report for Application 16/00106/OUTMAJ

**Appendix 3:** Extract from Delegated Report for Application 16/03309/OUTMAJ

**Appendix 4:** Technical Note by Briary Energy

## **Appendix 1: Extract from Delegated Report for Application 15/02300/OUTMAJ**

### **SUSTAINABLE CONSTRUCTION AND ENERGY**

Policy CS3 of the Core Strategy specifically requires the development of Sandford Park to be delivered with on-site renewable energy.

Policy CS15 of the Core Strategy sets out the requirements for Sustainable Construction and Energy Efficiency. In respect of this application, this policy seeks all residential development to achieve Code for Sustainable Homes (CfSH) Level 6, and, for non-residential development a minimum standard of construction achieving BREEAM Excellent.

Policy CS15 also requires major development to achieve zero carbon for residential development and a 20% reduction in CO<sub>2</sub> emissions for non-residential development from 2014, increasing to zero carbon from 2019. As stated in this policy, the reduction in CO<sub>2</sub> emissions should be based on the estimated CO<sub>2</sub> emissions of the development after the installation of energy efficiency measures related to either the Code for Sustainable Homes, BREEAM or equivalent method has been applied. The footnote to the policy acknowledges that requirements for zero carbon are in line with stated Government aspirations (at the time of the production of the Core Strategy) which may be subject to change.

The Vision for Sandford Park looks to the development of Sandford to mitigate against climate change and minimise carbon dioxide emissions through maximising sustainable design and construction techniques. Strategic Objective 13 of the Sandford Park SPD reiterates that a key delivery outcome is to achieve development on site in a way that maximises the potential for carbon reduction, sustainable construction and renewable energy generation.

The Sandford Park SPD provides three specific development principles in respect of renewable energy.

Principle R1 considers that:

‘The development at Sandford 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.’

The supporting text to this principle identifies that due to Sandford 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. It also notes that 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.

Principle R2 of the Sandford Park SPD considers 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. The potential of micro-grids for Sandford Park should be considered at the design stage. This will need to consider the co-location of other heat sinks, both existing and new, such as commercial buildings, schools, Newbury College and affordable housing. The contribution towards decentralised renewable

energy is noted as being a potential catalyst for other decentralised energy development to come forward with the ambition of creating a heat network within Newbury.

Principle R3 of the Sandford Park SPD notes that a design code or design principles will be established through the planning application to embody sustainable design and construction principles, including the Code for Sustainable Homes requirement. The supporting text confirms that, at the time of production of the SPD, it was envisaged that 95% of the site will be developed after 2016, when the Government have stated (at that time) they will include a zero carbon standard and the Core Strategy will require a Code for Sustainable Homes Level 6 for all new residential development.

Quality Design SPD – Part 4, sets out a number of sustainable design techniques that should be incorporated into new development.

## **Residential Development**

Since the production of the Core Strategy and Sandford Park SPD the following material considerations in respect of this application have been identified:

- Written Ministerial Statement and accompanying note titled 'Building Regulations' dated 13th March 2014;
- Queen's Speech (June 2014);
- Section 43 of the Deregulation Act 2015;
- Written Ministerial Statement titled 'Planning update March 2015' by Eric Pickles MP on 25th March 2015;
- Report titled 'Fixing the foundations: Creating a more prosperous nation' (July 2015);
- Housing and Planning Act 2016.

The Written Ministerial Statement (March 2014) highlighted that many of the requirements of the Code for Sustainable Homes (CfSH) would be consolidated into the Building Regulations and that the CfSH would be 'wound down' following a reconsideration of its role and substantial changes to its content. The note supporting this statement stated that the Government proposed a 'Building Regulations only' approach with no optional additional local standards in excess of the provisions set out in Part L of the Building Regulations.

The Queens Speech (June 2014) reaffirmed the Government's commitment to implementing zero carbon standards for new homes from 2016.

Section 43 of the Deregulation Act 2015 amends Section 1 of the Planning and Energy Act 2008 to remove the Local Planning Authorities ability to set local energy targets that go beyond the requirements of Building Regulations, Part L. The Deregulation Bill received Royal Assent on 26th March 2015 and is now known as the Deregulation Act 2015.

The Written Ministerial Statement by Eric Pickles in March 2015 confirms that:

'From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. This includes any policy requiring any level of the Code for Sustainable Homes to be achieved by new development; the government has now withdrawn the code, aside from the management of legacy cases.'

The Written Ministerial Statement (March 2015) goes on to consider that:

‘For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015.

This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code level 4 equivalent.’

However, it should be noted that since the Written Ministerial Statement (March 2015) the Government stated in July 2015 that it no longer intends to proceed with the zero carbon homes target in 2016.

The Written Ministerial Statement (March 2015) considers in respect of decision taking that:

‘From the date the Deregulation Bill 2015 is given Royal Assent until 30 September 2015: The government’s policy is that planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency.

Planning permission may still be granted on the basis of existing Local Plan and neighbourhood plan policies on access, internal space, and water efficiency, even though they may have a degree of conflict with the new national technical standards. Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.

From 1 October 2015: Existing Local Plan, neighbourhood plan, and supplementary planning document policies relating to water efficiency, access and internal space should be interpreted by reference to the nearest equivalent new national technical standard. Decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy.’

The Written Ministerial Statement (March 2015) then concludes that:

‘If, in the light of experience in implementing this policy statement, the government considers that it is not being accorded sufficient weight by planning authorities, we will consider bringing forward new legislation to secure implementation.’

The ‘Fixing the Foundations’ report (July 2015) was presented to Parliament by the Chancellor of the Exchequer, George Osborne. Paragraph 9.17 the report states:

‘The government will therefore: repeat its successful target from the previous Parliament to reduce net regulation on housebuilders. The government does not intend to proceed with the zero carbon Allowable Solutions carbon offsetting scheme, or the proposed 2016 increase in on-site energy efficiency standards, but will keep energy efficiency standards under review,

recognising that existing measures to increase energy efficiency of new buildings should be allowed time to become established.’

The Housing and Planning Act 2016 includes an amendment to the Building Act 1984 which places a duty to review minimum energy performance requirements and that the Secretary of State carries out a review of any minimum energy performance requirements. This maintains the Government’s position that it does not intend to commit to the introduction of zero carbon homes.

The application submission, including the Energy and Sustainability Statement, Planning Statement and Design and Access Statement, set out the proposals for sustainable design and construction techniques and energy efficiency. The submitted Design and Access Statement in its vision states that the new development will embrace sustainable design and construction techniques, and, will aim to optimise energy-efficiency of buildings and minimise energy demand of buildings through an efficient building envelope.

The submitted Planning Statement considers that the Written Ministerial Statement titled ‘Planning update March 2015’ supersedes the requirements for residential development to achieve CfSH Level 6 as required by the Core Strategy. Therefore, the Planning Statement concludes that ‘the residential dwellings at Sandford Park will be constructed in accordance with prevailing Building Regulations only as intended by Government.’

The applicant’s Planning Statement considers that Principle R1 of the Sandford Park SPD has been achieved through the adoption of a building fabric-led approach in accordance with an Energy Hierarchy. That, it states, would ensure new residential dwellings will meet the requirements of prevailing Building Regulations and once implemented, help contribute to the delivery of the Government’s zero carbon homes initiative.

In respect of Principle R3 of the Sandford Park SPD, the submitted Planning Statement considers that the Written Ministerial Statement (2015) withdraws the requirement for CfSH and as such there is no longer a national policy basis against which to enforce this requirement. Therefore, the residential dwellings at Sandford Park will be constructed in accordance with prevailing Building Regulations only as intended by Government.

The submitted Energy and Sustainability Statement supports the conclusions reached in the applicants’ Planning Statement and confirms that, in respect of Policy CS15 of the Core Strategy, ‘the dwellings at Sandford Park are designed to meet the requirements of prevailing Building Regulations only and will not be certified to a level of the CfSH, or designed to meet the requirements of particular elements of the CfSH.’

In respect of the requirements for CO<sub>2</sub> reduction for residential development, set out in Policy CS15 of the Core Strategy, the submitted Energy and Sustainability Statement considers that ‘the amendment to the Planning and Energy Act 2008, which will not allow local authorities to require energy performance standards beyond the requirements of Building Regulations, was likely to be commenced alongside the adoption of the zero carbon homes standard in late 2016. However, now that the zero carbon standard will not be adopted, it is likely that the amendment to the Planning and Energy Act 2008 will be commenced sooner than planned.’

The submitted Energy and Sustainability Statement considers that CfSH Level 4 requires an average 19% improvement upon Building Regulations in terms of CO<sub>2</sub> reduction. The Statement then considers that as Policy CS15 requires a 20% improvement against Building Regulations, this goes beyond the mandatory requirement of CfSH Level 4 and therefore, cannot be applied by the Local Planning Authority as there is no policy based justification for an alternative level of CO<sub>2</sub> reduction.

Policy CS15 of the Core Strategy requires a 20% reduction in CO<sub>2</sub> emissions from 2014 and zero carbon from 2016 for residential development, after the installation of energy efficiency measures related to CfSH.

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.

### **Non-residential Development**

The submitted Planning Statement considers that in respect of non-residential development this will be 'expected to meet the BREEAM Excellent construction standard.' The submitted Energy and Sustainability Statement confirms that 'appropriate non-residential buildings at Sandford Park will be certified to BREEAM Excellent' and provides a BREEAM pre-assessment demonstrating how this target will be achieved.

As the planning application is currently in outline for most of the site with only residential buildings proposed in DPN1, for which detailed approval is sought at the present time, the detailed design of the non-residential development has not yet been produced. Therefore, the BREEAM pre-assessment estimators have been prepared based on a set of assumptions.

A full BREEAM assessment and certification can be secured by condition, should the application be approved. Such a condition is considered to accord with the NPPF.

Policy CS15 requires 20% reduction in CO<sub>2</sub> emissions for non-residential development from 2014, increasing to zero carbon from 2019, from renewable energy or low/zero carbon energy generation on site or in the locality of the development.

The submitted Energy and Sustainability Statement considers that it 'is expected that this reduction in CO<sub>2</sub> emissions will be achieved in part through the use of low and zero carbon energy sources, however, it is not possible at this outline stage to identify what technologies would be most appropriate and the level of CO<sub>2</sub> reduction that will be achieved.'

It is proposed that 'a feasibility study will be undertaken by completion of the Concept design stage (RIBA Stage 2) in accordance with 'Ene 04 Low carbon design'. This will identify which low and zero carbon technologies would be suitable for the non-residential buildings at Sandford Park.'

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.

## **Generation of On-site Renewable Energy and Decentralised Renewable Energy**

As previously noted, Policy CS3 specifically requires the generation of on-site renewable energy and the Sandleford Park SPD (Principle R2) seeks consideration of opportunities for the development to contribute towards decentralised renewable energy.

The submitted Planning Statement considers that, in respect of Principle R2 of the Sandleford Park SPD, the potential for Sandleford Park to contribute towards decentralised renewable energy and heat generation has been considered. However, due to the uncertainty regarding the Government's proposed future plans for the zero carbon standard the submitted Planning Statement confirms that the potential for Sandleford Park to contribute to decentralised renewable energy and heat generation has not been considered further at this stage.

It is disappointing that opportunities for decentralised renewable energy and heat generation have not been fully explored by the applicants. The submitted Planning Statement considers that the proposed development delivers the identified outcomes of the Strategic Objectives in the Sandleford Park SPD, one of which is that the development should be delivered on site in a way that maximises the potential for carbon reduction, sustainable construction and renewable energy generation.

It appears that under the claim of 'uncertainty regarding the Government's proposed future plans for the zero carbon standard' no further effort has been made to explore opportunities for decentralised renewable energy and heat generation, despite the zero carbon standard not being directly related to this matter.

The applicants have stated in their submitted Energy and Sustainability Statement that as the application is in outline the potential for Sandleford Park to contribute to decentralised renewable energy and heat generation has not been considered further at this stage. However, the application is a hybrid application which includes a detailed application for the residential development of DPN1. The absence of proposals for decentralised renewable energy and heat generation for the detailed application reduces the ability to contribute towards the comprehensive delivery of decentralised renewable energy and heat generation for the whole site. Nonetheless, it is acknowledged that decentralised renewable energy and heat generation could still be achieved through reserved matters for the remainder of the site.

The proposals do not achieve Development Principle R2 of the Sandleford 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.

## **Conclusion**

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.

## **Appendix 2: Extract from Delegated Report for Application 16/00106/OUTMAJ**

### **SUSTAINABLE CONSTRUCTION AND ENERGY**

Policy CS3 of the Core Strategy specifically requires the development of Sandford Park to be delivered with on-site renewable energy.

Policy CS15 of the Core Strategy sets out the requirements for Sustainable Construction and Energy Efficiency. In respect of this application, this policy seeks all residential development to achieve Code for Sustainable Homes (CfSH) Level 6, and, for non-residential development a minimum standard of construction achieving BREEAM Excellent.

Policy CS15 also requires major development to achieve zero carbon for residential development and a 20% reduction in CO<sub>2</sub> emissions for non-residential development from 2014, increasing to zero carbon from 2019. As stated in this policy, the reduction in CO<sub>2</sub> emissions should be based on the estimated CO<sub>2</sub> emissions of the development after the installation of energy efficiency measures related to either the Code for Sustainable Homes, BREEAM or equivalent method has been applied. The footnote to the policy acknowledges that requirements for zero carbon are in line with stated Government aspirations (at the time of the production of the Core Strategy) which may be subject to change.

The Vision for Sandford Park looks to the development of Sandford to mitigate against climate change and minimise carbon dioxide emissions through maximising sustainable design and construction techniques. Strategic Objective 13 of the Sandford Park SPD reiterates that a key delivery outcome is to achieve development on site in a way that maximises the potential for carbon reduction, sustainable construction and renewable energy generation.

The Sandford Park SPD provides three specific development principles in respect of renewable energy.

Principle R1 considers that:

‘The development at Sandford 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.’

The supporting text to this principle identifies that due to Sandford 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. It also notes that 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.

Principle R2 of the Sandford Park SPD considers 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. The potential of micro-grids for Sandford Park should be considered at the design stage. This will need to consider the co-location of other heat sinks, both existing and new, such as commercial buildings, schools, Newbury College and affordable housing. The contribution towards decentralised renewable

energy is noted as being a potential catalyst for other decentralised energy development to come forward with the ambition of creating a heat network within Newbury.

Principle R3 of the Sandford Park SPD notes that a design code or design principles will be established through the planning application to embody sustainable design and construction principles, including the Code for Sustainable Homes requirement. The supporting text confirms that, at the time of production of the SPD, it was envisaged that 95% of the site will be developed after 2016, when the Government have stated (at that time) they will include a zero carbon standard and the Core Strategy will require a Code for Sustainable Homes Level 6 for all new residential development.

Quality Design SPD – Part 4, sets out a number of sustainable design techniques that should be incorporated into new development.

## **Residential Development**

Since the production of the Core Strategy and Sandford Park SPD the following material considerations in respect of this application have been identified:

- Written Ministerial Statement and accompanying note titled 'Building Regulations' dated 13th March 2014;
- Queen's Speech (June 2014);
- Section 43 of the Deregulation Act 2015;
- Written Ministerial Statement titled 'Planning update March 2015' by Eric Pickles MP on 25th March 2015;
- Report titled 'Fixing the foundations: Creating a more prosperous nation' (July 2015);
- Housing and Planning Act 2016.

The Written Ministerial Statement (March 2014) highlighted that many of the requirements of the Code for Sustainable Homes (CfSH) would be consolidated into the Building Regulations and that the CfSH would be 'wound down' following a reconsideration of its role and substantial changes to its content. The note supporting this statement stated that the Government proposed a 'Building Regulations only' approach with no optional additional local standards in excess of the provisions set out in Part L of the Building Regulations.

The Queens Speech (June 2014) reaffirmed the Government's commitment to implementing zero carbon standards for new homes from 2016.

Section 43 of the Deregulation Act 2015 amends Section 1 of the Planning and Energy Act 2008 to remove the Local Planning Authorities ability to set local energy targets that go beyond the requirements of Building Regulations, Part L. The Deregulation Bill received Royal Assent on 26th March 2015 and is now known as the Deregulation Act 2015.

The Written Ministerial Statement by Eric Pickles in March 2015 confirms that:

'From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. This includes any policy requiring any level of the Code for Sustainable Homes to be achieved by new development; the government has now withdrawn the code, aside from the management of legacy cases.'

The Written Ministerial Statement (March 2015) goes on to consider that:

‘For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015.

This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code level 4 equivalent.’

However, it should be noted that since the Written Ministerial Statement (March 2015) the Government stated in July 2015 that it no longer intends to proceed with the zero carbon homes target in 2016.

The Written Ministerial Statement (March 2015) considers in respect of decision taking that:

‘From the date the Deregulation Bill 2015 is given Royal Assent until 30 September 2015: The government’s policy is that planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency.

Planning permission may still be granted on the basis of existing Local Plan and neighbourhood plan policies on access, internal space, and water efficiency, even though they may have a degree of conflict with the new national technical standards. Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.

From 1 October 2015: Existing Local Plan, neighbourhood plan, and supplementary planning document policies relating to water efficiency, access and internal space should be interpreted by reference to the nearest equivalent new national technical standard. Decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy.’

The Written Ministerial Statement (March 2015) then concludes that:

‘If, in the light of experience in implementing this policy statement, the government considers that it is not being accorded sufficient weight by planning authorities, we will consider bringing forward new legislation to secure implementation.’

The ‘Fixing the Foundations’ report (July 2015) was presented to Parliament by the Chancellor of the Exchequer, George Osborne. Paragraph 9.17 the report states:

‘The government will therefore: repeat its successful target from the previous Parliament to reduce net regulation on housebuilders. The government does not intend to proceed with the zero carbon Allowable Solutions carbon offsetting scheme, or the proposed 2016 increase in on-site energy efficiency standards, but will keep energy efficiency standards under review,

recognising that existing measures to increase energy efficiency of new buildings should be allowed time to become established.’

The Housing and Planning Act 2016 includes an amendment to the Building Act 1984 which places a duty to review minimum energy performance requirements and that the Secretary of State carries out a review of any minimum energy performance requirements. This maintains the Government’s position that it does not intend to commit to the introduction of zero carbon homes.

The application submissions, including the Energy and Sustainability Statement, Planning Statement, set out the proposals for sustainable design and construction techniques and energy efficiency. The submitted Energy and Sustainability Statement considers the potential development of whole of the Sandlesford Strategic Site Allocation.

The submitted Design and Access Statement – Development Parcel North 1 makes no reference to sustainable design and construction techniques.

The submitted Planning Statement considers that the Written Ministerial Statement titled ‘Planning update March 2015’ supersedes the requirements for residential development to achieve CfSH Level 6 as required by the Core Strategy. Therefore, the Planning Statement concludes that ‘the residential dwellings at Sandlesford Park will be constructed in accordance with prevailing Building Regulations only as intended by Government.’

The applicant’s Planning Statement also considers that Principle R1 of the Sandlesford Park SPD has been achieved through the adoption of a building fabric-led approach in accordance with an Energy Hierarchy. That, it states, would ensure new residential dwellings will meet the requirements of prevailing Building Regulations and once implemented, help contribute to the delivery of the Government’s zero carbon homes initiative.

In respect of Principle R3 of the Sandlesford Park SPD, the submitted Planning Statement considers that the Written Ministerial Statement (2015) withdraws the requirement for CfSH and as such there is no longer a national policy basis against which to enforce this requirement. Therefore, the residential dwellings at Sandlesford Park will be constructed in accordance with prevailing Building Regulations only as intended by Government.

The submitted Energy and Sustainability Statement supports the conclusions reached in the applicants’ Planning Statement and confirms that, in respect of Policy CS15 of the Core Strategy, ‘the dwellings at Sandlesford Park are designed to meet the requirements of prevailing Building Regulations only and will not be certified to a level of the CfSH, or designed to meet the requirements of particular elements of the CfSH.’

In respect of the requirements for CO<sub>2</sub> reduction for residential development, set out in Policy CS15 of the Core Strategy, the submitted Energy and Sustainability Statement considers that ‘the amendment to the Planning and Energy Act 2008, which will not allow local authorities to require energy performance standards beyond the requirements of Building Regulations, was likely to be commenced alongside the adoption of the zero carbon homes standard in late 2016. However, now that the zero carbon standard will not be adopted, it is likely that the amendment to the Planning and Energy Act 2008 will be commenced sooner than planned.’

The submitted Energy and Sustainability Statement considers that CfSH Level 4 requires an average 19% improvement upon Building Regulations in terms of CO<sub>2</sub> reduction. The Statement then considers that as Policy CS15 requires a 20% improvement against Building Regulations, this goes beyond the mandatory requirement of CfSH Level 4 and therefore,

cannot be applied by the Local Planning Authority as there is no policy based justification for an alternative level of CO<sub>2</sub> reduction.

Policy CS15 of the Core Strategy requires a 20% reduction in CO<sub>2</sub> emissions from 2014 and zero carbon from 2016 for residential development, after the installation of energy efficiency measures related to CfSH.

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.

### **Non-residential Development**

The submitted Planning Statement considers that in respect of non-residential development this will be 'expected to meet the BREEAM Excellent construction standard.' The submitted Energy and Sustainability Statement confirms that 'appropriate non-residential buildings at Sandford Park will be certified to BREEAM Excellent' and provides a BREEAM pre-assessment demonstrating how this target will be achieved.

As the planning application seeks full permission for the residential development of part of the allocated site only, and outline permission for a primary school, the detailed design of the non-residential development has not yet been produced. Therefore, the BREEAM pre-assessment estimators have been prepared based on a set of assumptions.

A full BREEAM assessment and certification can be secured by condition, should the application be approved. Such a condition is considered to accord with the NPPF.

Policy CS15 requires 20% reduction in CO<sub>2</sub> emissions for non-residential development from 2014, increasing to zero carbon from 2019, from renewable energy or low/zero carbon energy generation on site or in the locality of the development.

The submitted Energy and Sustainability Statement considers that it 'is expected that this reduction in CO<sub>2</sub> emissions will be achieved in part through the use of low and zero carbon energy sources, however, it is not possible at this outline stage to identify what technologies would be most appropriate and the level of CO<sub>2</sub> reduction that will be achieved.'

It is proposed that 'a feasibility study will be undertaken by completion of the Concept design stage (RIBA Stage 2) in accordance with 'Ene 04 Low carbon design'. This will identify which low and zero carbon technologies would be suitable for the non-residential buildings at Sandford Park.'

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.

## **Generation of On-site Renewable Energy and Decentralised Renewable Energy**

As previously noted, Policy CS3 specifically requires the generation of on-site renewable energy and the Sandlesford Park SPD (Principle R2) seeks consideration of opportunities for the development to contribute towards decentralised renewable energy.

The submitted Planning Statement considers that, in respect of Principle R2 of the Sandlesford Park SPD, the potential for Sandlesford Park to contribute towards decentralised renewable energy and heat generation has been considered. However, due to the uncertainty regarding the Government's proposed future plans for the zero carbon standard the submitted Planning Statement confirms that the potential for Sandlesford Park to contribute to decentralised renewable energy and heat generation has not been considered further at this stage.

It is disappointing that opportunities for decentralised renewable energy and heat generation have not been fully explored by the applicants. The submitted Planning Statement considers that the proposed development delivers the identified outcomes of the Strategic Objectives in the Sandlesford Park SPD, one of which is that the development should be delivered on site in a way that maximises the potential for carbon reduction, sustainable construction and renewable energy generation.

It appears that under the claim of 'uncertainty regarding the Government's proposed future plans for the zero carbon standard' no further effort has been made to explore opportunities for decentralised renewable energy and heat generation, despite the zero carbon standard not being directly related to this matter.

It is important to note that this application for the development of a small part of the Sandlesford Strategic Site Allocation reduces the viability of provision of decentralised renewable energy, and, could prejudice future development of the remainder of the allocated site from including a form of decentralised renewable energy.

The proposals do not achieve Development Principle R2 of the Sandlesford 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.

## **Conclusion**

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, 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.

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.

## **Appendix 3: Extract from Delegated Report for Application 16/03309/OUTMAJ**

### **SUSTAINABLE CONSTRUCTION AND ENERGY**

Policy CS3 of the Core Strategy specifically requires the development of Sandford Park to be delivered with on-site renewable energy.

Policy CS15 of the Core Strategy sets out the requirements for Sustainable Construction and Energy Efficiency. In respect of this application, this policy seeks all residential development to achieve Code for Sustainable Homes (CfSH) Level 6, and, for non-residential development a minimum standard of construction achieving BREEAM Excellent.

Policy CS15 also requires major development to achieve zero carbon for residential development and a 20% reduction in CO<sub>2</sub> emissions for non-residential development from 2014, increasing to zero carbon from 2019. The reduction in CO<sub>2</sub> emissions should be based on the estimated CO<sub>2</sub> emissions of the development after the installation of energy efficiency measures related to either the Code for Sustainable Homes, BREEAM or equivalent method has been applied. The footnote to the policy acknowledges that requirements for zero carbon are in line with stated Government aspirations (at the time of the production of the Core Strategy) which may be subject to change.

The Vision for Sandford Park looks to the development of Sandford to mitigate against climate change and minimise carbon dioxide emissions through maximising sustainable design and construction techniques. Strategic Objective 13 of the Sandford Park SPD reiterates that a key delivery outcome is to achieve development on site in a way that maximises the potential for carbon reduction, sustainable construction and renewable energy generation.

The Sandford Park SPD provides three specific development principles in respect of renewable energy.

Principle R1 considers that:

‘The development at Sandford 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.’

The supporting text to this principle identifies that due to Sandford 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. It also notes that 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.

Principle R2 of the Sandford Park SPD considers 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. The potential of micro-grids for Sandford Park should be considered at the design stage. This will need to consider the co-location of other heat sinks, both existing and new, such as commercial buildings, schools, Newbury College and affordable housing. The contribution towards decentralised renewable

energy is noted as being a potential catalyst for other decentralised energy development to come forward with the ambition of creating a heat network within Newbury.

Principle R3 of the Sandford Park SPD notes that a design code or design principles will be established through the planning application to embody sustainable design and construction principles, including the Code for Sustainable Homes requirement. The supporting text confirms that, at the time of production of the SPD, it was envisaged that 95% of the site will be developed after 2016, when the Government have stated (at that time) they will include a zero carbon standard and the Core Strategy will require a Code for Sustainable Homes Level 6 for all new residential development.

Quality Design SPD – Part 4, sets out a number of sustainable design techniques that should be incorporated into new development and is a material consideration in the determination of planning applications.

### **Residential Development**

Since the production of the Core Strategy and Sandford Park SPD the following material considerations in respect of this application have been identified:

- Written Ministerial Statement and accompanying note titled 'Building Regulations' dated 13th March 2014;
- Queen's Speech (June 2014);
- Section 43 of the Deregulation Act 2015;
- Written Ministerial Statement titled 'Planning update March 2015' by Eric Pickles MP on 25th March 2015;
- Report titled 'Fixing the foundations: Creating a more prosperous nation' (July 2015);
- Housing and Planning Act 2016.

The Written Ministerial Statement (March 2014) highlighted that many of the requirements of the Code for Sustainable Homes (CfSH) would be consolidated into the Building Regulations and that the CfSH would be 'wound down' following a reconsideration of its role and substantial changes to its content. The note supporting this statement stated that the Government proposed a 'Building Regulations only' approach with no optional additional local standards in excess of the provisions set out in Part L of the Building Regulations.

The Queens Speech (June 2014) reaffirmed the Government's commitment to implementing zero carbon standards for new homes from 2016.

Section 43 of the Deregulation Act 2015 amends Section 1 of the Planning and Energy Act 2008 to remove the Local Planning Authorities ability to set local energy targets that go beyond the requirements of Building Regulations, Part L. The Deregulation Bill received Royal Assent on 26th March 2015 and is now known as the Deregulation Act 2015.

The Written Ministerial Statement by Eric Pickles in March 2015 confirms that:

'From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. This includes any policy requiring any level of the Code for Sustainable Homes to be achieved by new development; the government has now withdrawn the code, aside from the management of legacy cases.'

The Written Ministerial Statement (March 2015) goes on to consider that:

‘For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015.

This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code level 4 equivalent.’

However, it should be noted that since the Written Ministerial Statement (March 2015) the Government stated in July 2015 that it no longer intends to proceed with the zero carbon homes target in 2016.

The Written Ministerial Statement (March 2015) considers in respect of decision taking that:

‘From the date the Deregulation Bill 2015 is given Royal Assent until 30 September 2015: The government’s policy is that planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency.

Planning permission may still be granted on the basis of existing Local Plan and neighbourhood plan policies on access, internal space, and water efficiency, even though they may have a degree of conflict with the new national technical standards.

Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.

From 1 October 2015: Existing Local Plan, neighbourhood plan, and supplementary planning document policies relating to water efficiency, access and internal space should be interpreted by reference to the nearest equivalent new national technical standard. Decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy.’

The Written Ministerial Statement (March 2015) then concludes that:

‘If, in the light of experience in implementing this policy statement, the government considers that it is not being accorded sufficient weight by planning authorities, we will consider bringing forward new legislation to secure implementation.’

The ‘Fixing the Foundations’ report (July 2015) was presented to Parliament by the Chancellor of the Exchequer, George Osborne. Paragraph 9.17 the report states:

‘The government will therefore: repeat its successful target from the previous Parliament to reduce net regulation on housebuilders. The government does not intend to proceed with the zero carbon Allowable Solutions carbon offsetting scheme, or the proposed 2016 increase in

on-site energy efficiency standards, but will keep energy efficiency standards under review, recognising that existing measures to increase energy efficiency of new buildings should be allowed time to become established.'

The Housing and Planning Act 2016 includes an amendment to the Building Act 1984 which places a duty to review minimum energy performance requirements and that the Secretary of State carries out a review of any minimum energy performance requirements. This maintains the Government's position that it does not intend to commit to the introduction of zero carbon homes.

The application submissions, including the Energy and Sustainability Statement, Planning Statement and Design and Access Statement (DAS), set out the proposals for sustainable design and construction techniques and energy efficiency. The submitted DAS confirms that the development will promote sustainable and greener lifestyle and low carbon footprint' (section 4.4, DAS).

The applicant's Planning Statement also considers that Principle R1 of the Sandford Park SPD has been achieved through the adoption of a building fabric-led approach in accordance with an Energy Hierarchy. That, it states, would ensure new residential dwellings will meet the requirements of prevailing Building Regulations and once implemented, help contribute to the delivery of the Government's zero carbon homes initiative.

In respect of Principle R3 of the Sandford Park SPD, the submitted Planning Statement considers that the Written Ministerial Statement (2015) withdraws the requirement for CfSH and as such there is no longer a national policy basis against which to enforce this requirement. Therefore, the residential dwellings at Sandford Park will be constructed in accordance with prevailing Building Regulations only as intended by Government.

The submitted Energy and Sustainability Statement supports the conclusions reached in the applicants' Planning Statement and confirms that, in respect of Policy CS15 of the Core Strategy, 'the dwellings at Sandford Park are designed to meet the requirements of prevailing Building Regulations only and will not be certified to a level of the CfSH, or designed to meet the requirements of particular elements of the CfSH' (paragraph 3.2.6).

In respect of the requirements for CO<sub>2</sub> reduction for residential development, set out in Policy CS15 of the Core Strategy, the submitted Energy and Sustainability Statement considers that 'the amendment to the Planning and Energy Act 2008, which will not allow local authorities to require energy performance standards beyond the requirements of Building Regulations, was likely to be commenced alongside the adoption of the zero carbon homes standard in late 2016. However, now that the zero carbon standard will not be adopted, it is likely that the amendment to the Planning and Energy Act 2008 will be commenced sooner than planned.'

The submitted Energy and Sustainability Statement considers that once the amendments have commenced 'the requirement under Policy CS15 for a 20% reduction in CO<sub>2</sub> emissions from 2014 cannot be applied by the local planning authority as a fall-back position' (paragraph 3.2.11). At the time of writing this report the amendment to the Planning and Energy Act 2008 has not commenced.

Therefore, as confirmed in the submitted Energy and Sustainability Statement, until the amendment to the Planning and Energy Act is commenced, the 2015 ministerial statement makes it clear that although Local Planning Authorities can continue to apply locally-derived targets, these cannot be set above the CfSH Level 4 equivalent in energy terms.

The submitted Energy and Sustainability Statement considers that CfSH Level 4 requires an average 19% improvement upon Building Regulations in terms of CO<sub>2</sub> reduction. The Statement then considers that as Policy CS15 requires a 20% improvement against Building Regulations, this goes beyond the mandatory requirement of CfSH Level 4 and therefore, cannot be applied by the Local Planning Authority as there is no policy based justification for an alternative level of CO<sub>2</sub> reduction.

It is disappointing that, despite the applicants' assertions that the development proposed will promote a sustainable and low carbon footprint, they do not seek to achieve even a 19% reduction in CO<sub>2</sub> emissions simply because Policy CS15 of the Core Strategy requires an additional 1% reduction in CO<sub>2</sub> emissions.

Clearly the proposed residential development runs contrary to Policy CS15 of the Core Strategy as well as the Sandleford 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 due weight.

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.

### **Non-residential Development**

The submitted Planning Statement considers that in respect of non-residential development this will be 'expected to meet the BREEAM Excellent construction standard' (paragraph 4.17). The submitted Energy and Sustainability Statement confirms that 'appropriate non-residential buildings at Sandleford Park will be certified to BREEAM Excellent'. Two BREEAM pre-assessments have been submitted demonstrating how this target could be achieved for the primary school and retail development respectively. Whilst no BREEAM pre-assessments for the office and community facilities have been provided, it is considered that a BREEAM Excellent construction standard has sufficient likelihood of being achieved.

A full BREEAM assessment and certification can be secured by condition, should the application be approved. Such a condition is considered to accord with the NPPF.

Policy CS15 requires 20% reduction in CO<sub>2</sub> emissions for non-residential development from 2014, increasing to zero carbon from 2019, from renewable energy or low/zero carbon energy generation on site or in the locality of the development.

The submitted Energy and Sustainability Statement considers that it 'is expected that this reduction in CO<sub>2</sub> emissions will be achieved in part through the use of low and zero carbon energy sources, however, it is not possible at this outline stage to identify what technologies would be most appropriate and the level of CO<sub>2</sub> reduction that will be achieved.'

It is proposed that 'a feasibility study will be undertaken by completion of the Concept design stage (RIBA Stage 2) in accordance with 'Ene 04 Low carbon design'. This will identify which low and zero carbon technologies would be suitable for the non-residential buildings at Sandleford Park.'

As the application is in outline form only, it is considered that this approach to achieving the requirements of Policy CS15 in respect of non-residential development is acceptable. Details of low and zero carbon technologies to be employed would be required as appropriate as part of any necessary future application for those parts of the site that propose non-residential development.

### **Generation of On-site Renewable Energy and Decentralised Renewable Energy**

As previously noted, Policy CS3 specifically requires the generation of on-site renewable energy and the Sandleford Park SPD (Principle R2) seeks consideration of opportunities for the development to contribute towards decentralised renewable energy.

The submitted Planning Statement states that, in respect of Principle R2 of the Sandleford Park SPD, the potential for Sandleford Park to contribute towards decentralised renewable energy and heat generation has been considered. However, due to the uncertainty regarding the Government's proposed future options and costs for Allowable Solutions, the potential for Sandleford Park to contribute to decentralised renewable energy and heat generation has not been considered further at this stage by the applicants.

It is disappointing that opportunities for decentralised renewable energy and heat generation have not been fully explored by the applicants. The submitted Planning Statement considers that the proposed development delivers the identified outcomes of the Strategic Objectives in the Sandleford Park SPD, one of which is that the development should be delivered on site in a way that maximises the potential for carbon reduction, sustainable construction and renewable energy generation.

It appears that under the claim of 'uncertainty regarding the Government's proposed future plans for the zero carbon standard' no further effort has been made to explore opportunities for decentralised renewable energy and heat generation, despite the zero carbon standard not being directly related to this matter.

The applicants have stated in their submitted Energy and Sustainability Statement that as the application is in outline, the potential for Sandleford Park to contribute to decentralised renewable energy and heat generation has not been considered further at this stage.

The proposals do not achieve Development Principle R2 of the Sandleford 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 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.

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 this part of Policy CS3 could be achieved.

## **Conclusion**

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.

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 mitigate 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 taken by the applicants.

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.



## **Appendix 4: Technical Note - Energy Strategy for Sandleford Park, Newbury**

### **Introduction**

This technical note has been produced by Briary Energy in support of appeal APP/W0340/W/20/3265460 against the refusal of application 20/01238/OUTMAJ for residential-led development at Sandleford Park, Newbury. The description of development is:

*‘Outline planning application for up to 1,000 new homes; an 80 extra care housing units (Use Class C3) as part of the affordable housing provision; a new 2 form entry primary school (D1); expansion land for Park House Academy School; a local centre to comprise flexible commercial floorspace (A1- A5 up to 2,150 sq m, B1a up to 200 sq m) and D1 use (up to 500sq m); the formation of new means of access onto Monks Lane; new open space including the laying out of a new country park; drainage infrastructure; walking and cycling infrastructure and other associated infrastructure works.’*

To address reason for refusal 5 of West Berkshire Council’s decision notice, the appellants propose the following condition to reduce carbon dioxide emissions from new residential development beyond the requirements of Building Regulations Part L 2013 - Conservation of fuel and power:

*‘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.’*

The following section sets out how the residential development at Sandleford Park could meet the requirements of the planning condition.

The subsequent sections also describe how the residential development could meet the interim uplift to Building Regulations Part L which will come into effect in June 2022 and the adoption of the Future Homes Standard in 2025.

### **Proposed planning condition - achieving a 19% reduction**

In the preparation of the Energy Statement that shall be submitted to the Council to discharge the condition, design stage Standard Assessment Procedure (SAP) assessments will be used to determine a baseline energy demand for the development or phase of development.

In order to achieve the 19% reduction in carbon dioxide emissions required by the condition, a ‘fabric first’ approach should be adopted. This approach would prioritise improvements to the energy efficiency of the new dwellings in accordance with the energy hierarchy.

This approach would apply a fabric specification to the dwellings that exceeds the notional values as set out in Approved Document (AD) L1A (2013). An indicative fabric specification is shown in the table below against the limiting U-values included in AD L1A (2013) and this has been used by Bloor Homes on developments elsewhere.

Element	Building Regulations	Proposed
Ground Floor	0.25 W/m <sup>2</sup> k	0.24 W/m <sup>2</sup> k
External Wall	0.30 W/m <sup>2</sup> k	0.24 W/m <sup>2</sup> k
Insulation at Joists	0.20 W/m <sup>2</sup> k	0.10 W/m <sup>2</sup> k
Windows	2.00 W/m <sup>2</sup> k	1.30 W/m <sup>2</sup> k
Doors	2.00 W/m <sup>2</sup> k	1.20 W/m <sup>2</sup> k

If the specification set out in the table was adopted at Sandford Park, this will likely result in an approximate site-wide 5-6% reduction in carbon dioxide emissions against the current standards, subject to final housing mix.

To meet the 19% reduction in carbon dioxide emissions across the development or phase of development, as required by the proposed planning condition, Solar Photovoltaic (PV) panels could also be installed on suitably oriented dwellings to provide renewable energy generation.

### **Interim uplift to Part L standards**

As a stepping stone to the 2025 adoption of the Future Homes Standard, an uplift to Part L of the Building Regulations will come into effect in June 2022. New dwellings constructed under these standards will need to achieve a 31% reduction in carbon dioxide emissions, over the 2013 Part L standards.

To meet these standards, the fabric specification of new dwellings would be further improved as part of the recommended ‘fabric first’ approach, ensuring highly energy efficient dwellings.

Following energy demand reduction, each dwelling will also incorporate low and zero carbon energy technologies such as Waste Water Heat Recovery (WWHR) and Flue Gas Heat Recovery Systems (FGHRS) to address hot water demand, as well as Solar PV panels for energy generation.

This strategy has been developed and verified using the current government approved beta software BRE iSAP, based on the Future Homes Standard consultation document.



## **Future Homes Standard**

Dwellings constructed following the adoption of the Future Homes Standard (proposed for 2025) will require a carbon reduction of 75-80% over the 2013 Part L standards.

As the Government aims to phase out the use of fossil fuel sources (e.g. gas boilers) as the primary heating technology, the new dwellings will likely incorporate suitable alternative low carbon technologies such as air source heat pumps.

As air source heat pumps generate less energy than conventional gas boilers, they are most effective in new dwellings that are very energy efficient and therefore, a 'fabric first' approach should still be adopted.

Solar PV panels will then be applied to suitable dwellings in order to meet the remainder of the required carbon reduction.

In paragraph 1.9 of its response to the consultation on the Future Homes Standard, published in January 2021, the Government stated:

*'From 2025, new homes built to the Future Homes Standard will have carbon dioxide emissions at least 75% lower than those built to current Building Regulations standards.'*

*'Introducing the Future Homes Standard will ensure that the homes this country needs will be fit for the future, better for the environment and affordable for consumers to heat, with low carbon heating and very high fabric standards.'*

*'All homes will be 'zero carbon ready', becoming zero carbon homes over time as the electricity grid decarbonises, without the need for costly retrofitting work.'*