



WHITE PEAK Planning

APP/W0340/W/20/3265460

Appeal by Bloor Homes and Sandleford Farm
Partnership

Sandleford Park, Newbury

APP/37 - Rebuttal Proof of Evidence on matters of
Sustainability and Energy Performance

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1.0 Introduction

- 1.1.1 My name is Christopher Michael Garratt. Full details of my qualifications and experience are contained in my main Proof of Evidence (APP/19).
- 1.1.2 This Rebuttal Proof of Evidence has been prepared in response to the evidence provided by Mr Slaughter in Appendix NG2 of the LPA's Planning Proof of Evidence and also the evidence provided by Cllr Abbs on behalf of Greenham Parish Council and Newbury Town Council.
- 1.1.3 This document is not intended to be an exhaustive rebuttal and instead focusses on certain points where it is considered appropriate or helpful to respond in writing at this stage. Where a specific point has not been addressed, this does not mean that it is accepted and it may be addressed further at the Inquiry.
- 1.1.4 The evidence which I have prepared and provide for this Appeal (ref: APP/W0340/W/20/3265460) in this Rebuttal 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 Response to the evidence of Mr Slaughter

2.1.1 Paras. 2.11 and 2.12 of Mr Slaughter's evidence state:

'2.11 Since the Core Strategy and the Sandford Park SPD were written, the Government removed Code for Sustainable Homes and did not progress with the Zero Carbon Standard or Allowable Solutions.

2.12 As this did not happen, then it is considered that the development should seek to achieve zero carbon through reduction in CO₂ emissions from renewables following Footnote 74 to Core Strategy Policy CS15 which acknowledges that the requirements for zero carbon were based on the Government's stated aspirations for zero carbon to current Building Regulations. There is no evidence that this would not be deliverable or unviable in the context of the appeal site and the appeal proposal.'

2.1.2 Paras. 5.2.14 to 5.2.17 of my main Proof of Evidence address the topic of zero carbon development in relation to the requirements of Policy CS15.

2.1.3 The LPA's three most recent Annual Monitoring Reports (AMR), including the 2019 AMR published in January 2021, state 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.'

2.1.4 The LPA's Planning Policy consultation response to the planning application dated 17th September 2020 also states:

'Policy CS15 of the Core Strategy requires that major developments achieve reductions in total CO₂ emissions from renewable or low/zero carbon energy generation on site, or in the locality, unless it can be demonstrated that such provision is not technically or economically viable. CS15 related such reductions to BREEAM in respect of non-residential developments and the Code of Sustainable Homes in respect of residential developments, setting zero carbon. Policy CS15 set zero carbon requirements from 2016 for residential developments and 2019 for non-residential developments. However, 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.'

2.1.5 Both the LPA's AMR and consultation response state that the Policy CS15 requirement for zero carbon major residential development no longer applies and instead the LPA will be seeking at least a 20% reduction in CO₂ emissions.

2.1.6 Para. 2.13 of Mr Slaughter's evidence then states:

'2.13 However, if that is not accepted then at least a minimum of 20% reduction in CO₂ emissions to the energy needs of the residential development should be delivered from renewables after conforming to current Building Regulations.'

2.1.7 Para. 5.2.25 of my main Proof of Evidence proposes a planning condition securing a 19% reduction in CO₂ emissions against Part L 2013, with a proportion of this to be from low and zero carbon energy sources.

2.1.8 This approach accords with national policy and also allows for improvements to the energy efficiency of the building fabric in accordance with the energy hierarchy. Justification for this approach is included in paras. 5.2.30 to 5.2.35 of my main Proof of Evidence.

2.1.9 Paras. 3.3 to 3.5 of Mr Slaughter's evidence state:

'3.3 However the opportunities are much more extensive on a large strategic greenfield site, of this scale and size and importance. There is also potential for low carbon heating in the form of solar thermal, air and ground source heat pumps, and other renewable and low/zero energy generation, greatly contributing and assisting towards the 2030 zero carbon objective and potentially securing a zero carbon development at Sandford, providing the important catalyst for harnessing renewables in West Berkshire.

3.4 The proposed residential component of 1080 dwellings, which comprise the overwhelming majority of the proposed development on the site, both as refused and also submitted under Wheatcroft", fail to grasp the opportunity to propose and secure a definite provision of renewable and low/zero carbon energy generation on site, and not just for the minimum provision that one would expect from a 10 unit scheme, but increasing and maximising the harnessing of renewable and low carbon sustainable energy generation on the site.

3.5 Reliance on developing in accordance with the prevailing provisions of Part L of the Building Regulations at the time of construction is not adequate, sufficient or good enough. There is no justification that extensive harnessing of renewable on site is not viable as part of the appeal proposal.

3.6 The appeal proposal is no longer assessed in the context of the run-up to 2016 and its aftermath as the earlier Sandford Park proposals had been. It is assessed in 2021 following the declaration of climate emergency in the district (and indeed elsewhere) and the setting of the 2030 carbon neutral objective of the West Berkshire Environment Strategy, as well as the realisation of the climate crisis at all levels of administration and government, from the local, through to national and global.'

2.1.10 In the immediate term, a reduction in CO₂ emissions beyond the current Part L standard could be secured through the proposed planning condition in para. 5.2.25 of my main Proof of Evidence.

2.1.11 In relation to longer-term reductions in CO₂ emissions, Mr Slaughter's evidence does not refer to the proposed changes to Part L of the Building Regulations which shall secure significant long-term reductions in CO₂ emissions and ensure dwellings are 'zero carbon ready'.

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- 2.1.12 Appendix 4 of my main Proof of Evidence includes a Technical Note produced by Briary Energy which provides an overview of how the Appellants plan to address the proposed changes to Building Regulations Part L in 2021 and 2025.
- 2.1.13 The 2021 change will require a 31% reduction in CO₂ emissions against the current standard and this shall be addressed through improvements to building fabric and the use of low and zero carbon energy technologies such as Waste Water Heat Recovery, Flue Gas Heat Recovery Systems and Solar PV Panels.
- 2.1.14 The 2025 change will require a 75-80% reduction against the current standard and shall be addressed through improvements to building fabric and the use of low carbon technologies for heating such as air source heat pumps. Solar PV panels shall also be installed.
- 2.1.15 As stated in para. 1.9 of **CD8.30**, the Government anticipates that by meeting the Future Homes Standard: *'All homes will be 'zero carbon ready', becoming zero carbon homes over time as the electricity grid decarbonises, without the need for further costly retrofitting work'*.
- 2.1.16 The combination of the planning condition in para. 5.2.25 of my main Proof of Evidence and the proposed changes to Building Regulations Part L will ensure that the residential dwellings at Sandford Park align with the LPA's aspirations, whilst also remaining consistent with national policy.
- 2.1.17 The LPA's declaration of a climate emergency and adoption of its Environmental Strategy are acknowledged as a material consideration, but in the absence of a new adopted Local Plan that incorporates these aspirations, the Development Plan remains the Core Strategy (**CD8.5**) and that is what the proposals should be determined against.

3.0 Response to the evidence of Cllr Abbs

3.1.1 Section 3 of Cllr Abbs' Proof of Evidence assesses the roof orientation of four residential development parcels shown on the combined Illustrative Layout plan (**CD1.31**). The locations of these parcels are shown in Image 4.

3.1.2 Para 3.8 states:

'3.8 It is clear from a large number of red dots (71.25% average across the 4 areas) that the appellant has either decided to actively ignore the advantages offered by the site or has simply not considered either the natural passive solar gain available or the resulting orientation of rooflines that could easily lead to net-zero carbon homes. Therefore, it is safe to conclude that the outline indications of the layout provided by the appellant are not suitable for this location either at a macro scale (image 4) or at the detail level (images 5-8).

3.1.3 Images 5 to 8 of Cllr Abbs' Proof of Evidence purport to show indicative layouts for the four parcels, but these are actually detailed proposals submitted as part of a previous planning application (15/02300/OUTMAJ) for which 321 dwellings in the northernmost development parcel were applied for in detail. The layouts shown in Images 5 to 8 do not form part of the appeal proposals.

3.1.4 As described in Section 5 of my main Proof of Evidence, no detailed site layouts have been submitted for the appeal scheme and **CD1.31** is illustrative; therefore, the details of how CO₂ emissions are to be reduced, including through the use of low and zero carbon energy sources, are proposed to be conditioned and submitted at reserved matters stage.

3.1.5 The proposed planning condition in para. 5.2.25 of my main Proof of Evidence requires a 19% reduction in CO₂ emissions to be achieved on a site-wide or phase-wide basis, rather than by individual plot. Therefore, not all dwellings would need to have an optimal orientation for the use of Solar PV panels.

3.1.6 Paras. 4.1 and 4.2 of Cllr Abbs' Proof of Evidence state:

'4.1 All traffic modelling provided into the VISSIM tool will have been based on indicative information provided by the appellant. Clearly, any changes to the orientation of buildings and the resulting changes to the internal road structure will affect the flow of traffic within the site. That in turn could alter the loading at the various entry and exit points. The VISSIM modelling tool can take these things into account.

4.2 Given a significant change may be required on road layout to account for solar gain, it is not safe to assume the current proposals for entry and exit points are adequate or sized correctly at each location.'

3.1.7 The highway modelling is based on the development parameters shown on the submitted Parameter Plans and access drawings. No detailed site layouts have been submitted.

3.1.8 Future applications for the approval of reserved matters will need to accord with the Land Use and Access Parameter Plan (**CD1.18**), which dictates the location of

residential development and the proposed points of access, as well as the Monks Lane access drawings (**CD1.25** and **CD1.26**).

3.1.9 Paras. 5.1 and 5.2 within the conclusion state:

‘5.1 When the site was allocated, one of its criteria and the relevant standard that applied at the time, was to build net-zero carbon homes.

5.2 Given that the appellant is not aiming to build net-zero homes and does not appear to have considered even the passive solar gain available to them on the site I suggest that this application should be rejected as unsuitable for this location.’

3.1.10 The topic of zero carbon homes has been discussed within *Section 2* of this Rebuttal Proof of Evidence and as stated above, details of reductions in CO₂ emissions shall be secured through condition and submitted at reserved matters stage once detailed site layouts have been prepared.