

NOTICE
OF
MEETING

**INFRASTRUCTURE OVERVIEW &
SCRUTINY PANEL**

will meet on

THURSDAY, 18TH MARCH, 2021

At 7.00 pm

by

VIRTUAL MEETING - ONLINE ACCESS, ON [RBWM YOUTUBE](#)

TO: MEMBERS OF THE INFRASTRUCTURE OVERVIEW & SCRUTINY PANEL

COUNCILLORS SAYONARA LUXTON (CHAIRMAN), JON DAVEY (VICE-CHAIRMAN),
CHRISTINE BATESON, PHIL HASELER AND JOHN BALDWIN

SUBSTITUTE MEMBERS

COUNCILLORS NEIL KNOWLES, JOHN BOWDEN, SHAMSUL SHELMIM,
GURPREET BHANGRA AND GURCH SINGH

Karen Shepherd – Head of Governance - Issued: 10/03/21

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **If you have any questions about this meeting, including any opportunity for public participation, please contact Fatima Rehman (Phone: 01628 796251 fatima.rehman@rbwm.gov.uk)**

Recording of Meetings – In line with the council's commitment to transparency the Part I (public) section of the virtual meeting will be streamed live and recorded via Zoom. By participating in the meeting by audio and/or video, you are giving consent to being recorded and acknowledge that the recording will be in the public domain. If you have any questions regarding the council's policy, please speak to Democratic Services or Legal representative at the meeting.

AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	-
2.	<u>DECLARATIONS OF INTEREST</u> To receive any Declarations of Interest.	3 - 4
3.	<u>CALL IN - INTERIM SUSTAINABILITY POSITION STATEMENT</u> To consider the above call-in.	5 - 26

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

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Report Title:	Member Call In - Interim Sustainability Position Statement
Contains Confidential or Exempt Information	No – Part I
Meeting and Date:	Infrastructure Overview and Scrutiny Panel – 18 th March 2021

In accordance with Part 3 B7 and Part 4 A16 of the Constitution, the 25th February 2021 Cabinet decision relating to the item 'Interim Sustainability Position Statement' has been called in for review by the Infrastructure Overview & Scrutiny Panel.

1. REASON(S) FOR CALL IN

- 1.1. The call-in notice, submitted on 8th March 2021, stated the following reasons for calling in the decision:

Referring to Constitution 4. A.16 d):

- *A presumption to favour of openness and inclusive decision making - the ISPS has not been discussed or explained fully to Members.*
- *Clarity of aims and desired outcomes in compliance with the Council's adopted Plans and Strategies - it is unclear how this complies with the Environment & Climate Strategy nor, the Council's interim key objective of Climate Strategy.*
- *The giving of reasons for the decision and the proper recording of those reasons – the reasons for each stipulation in the ISPS have not been sufficiently set out.*

2. MEMBERS CALLING IN THE REPORT

- 2.1. The call-in notice was signed by the following Members:
- Councillor Jon Davey
 - Councillor Wisdom Da Costa
 - Councillor Helen Price
 - Councillor Lynne Jones
 - Councillor Carole Da Costa

3. PANEL OPTIONS

- 3.1. Having considered the Call-In the Overview and Scrutiny Panel may decide:
 - i. to take no further action, in which case the decision will take effect immediately;
 - ii. to refer the decision back to the decision-maker for reconsideration, setting out the nature of the Panel's concerns. The decision-maker must then re-consider the matter, taking into account the concerns of the Overview and Scrutiny Panel, before making a final decision. In the case of Cabinet as the decision maker, the Leader can call a Cabinet meeting within 5 working days to expedite the process or refer the item to the next appropriate scheduled meeting. In the case of any decision maker, consideration must take place within a maximum of 28 days;
 - iii. if the decision is considered to be outside of the budget or policy framework, to refer the matter to next scheduled ordinary full Council or an extraordinary full Council meeting within 28 days if appropriate, in which case paragraph (3.3) below will apply;
- 3.2. If, following a call-in, the Overview and Scrutiny Panel does not meet within 10 clear working days of receipt of the decision to call-in, or does meet but does not refer the matter back to the decision making person or body, or Full Council under iii above, the decision shall take effect immediately.
- 3.3. If the matter was referred to Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's view on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a committee of it, a meeting will be convened to reconsider within 5 clear working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 5 clear working days of the Council request.
- 3.4. If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

4. APPENDICES

- 4.1. This report is supported by two appendices:
- Appendix A – Cabinet Report – Interim Sustainability Position Statement - 25th February 2021
 - Appendix B – Extract from Cabinet Minutes - 25th February 2021

5. BACKGROUND DOCUMENTS

- 5.1. This report is supported by two background documents:
- [Council Constitution – Part 4A – Purpose and Procedure Rules for O&S](#)
 - [Cabinet Agenda – 25th February 2021](#)

Report Title:	Interim Sustainability Position Statement
Contains Confidential or Exempt Information	No – Part I
Lead Member:	Councillor Stimson, Lead Member for Climate Change, Sustainability, Parks and Countryside Councillor Coppinger, Lead Member for Planning
Meeting and Date:	Cabinet - 25 th February 2021
Responsible Officer(s):	Adrien Waite, Head of Planning
Wards affected:	All

REPORT SUMMARY

1. The Royal Borough of Windsor and Maidenheads declared a climate emergency in June 2020 setting out the Council's intention to implement national policy and ensure net-zero carbon emissions are achieved by no later than 2050.
2. In December 2020 the Environment and Climate Strategy was adopted which sets out how the Borough will address the Climate Emergency across four key themes (Circular Economy, Energy, Natural Environment and Transport). The Strategy sets a trajectory which seeks to a 50% reduction in emissions by 2025.
3. A Sustainability Supplementary Planning Document will be produced in due course, however, the changes to national and local climate policy are material considerations which should be considered in the handling of planning applications and achievement of the trajectory in the Environment and Climate Strategy will require a swift response. It is therefore considered prudent and necessary to adopt an interim position statement which would clarify the Council's approach to these matters.
4. This report seeks that cabinet adopt the Interim Position Statement to be published as guidance and afforded weight as a material consideration in the planning process.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

Adopt the Interim Position Statement to be published as guidance and afforded weight as a material consideration in the planning process.

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 The National Planning Policy Framework was updated in February 2019. Paragraphs 7 and 8 set out that sustainability and measures to address climate change through mitigation, adaptation and moving to a low carbon economy are at the heart of the planning system.
- 2.2 Paragraphs 148, 149, 150, 151 and 153 of the NPPF also provide further direction and guidance. Overall, the NPPF not only confirms that achieving sustainable development, including the necessary environmental objectives, is a key purpose of the system, but it makes clear that developments should take the opportunity to seek net gains in these areas.
- 2.3 The Climate Change Section of the NPPG was also updated in March 2019 and provides clarity on certain matters. Of particular note, the section confirms that Local Authorities can set their own energy performance requirements for buildings, can require a proportion of energy to be generated by renewable and sets out types of projects and opportunities which can be pursued to mitigate climate change.
- 2.4 The UK Government has also enshrined in law a commitment that will require the UK to bring all greenhouse gas emissions to net zero by 2050. The Royal Borough of Windsor and Maidenheads declaration of a climate emergency in June 2020 sets out the Council's intention to implement national policy and ensure net-zero carbon emissions are achieved by no later than 2050.
- 2.5 In line with these commitments the Royal Borough of Windsor and Maidenhead has adopted an Environment and Climate Strategy in December 2020 which sets out how the Borough will address the Climate Emergency across four key themes (Circular Economy, Energy, Natural Environment and Transport). The Strategy sets a trajectory which seeks a 50% reduction in emissions by 2025.
- 2.6 Each of the aforementioned documents and commitments represent material planning considerations which the Borough must have regard to in the determination of planning applications, but the Borough does not currently have any guidance which sets out how these matters will be considered in planning applications. Such guidance will assist applicants to prepare applications which align with the Council's aspiration and assist officers and Councillors in determining such applications consistently.
- 2.7 The intention of the statement is not to introduce new policy but to clarify how the Borough will interpret existing policy and material considerations, as such it's weight would be limited to that of a material consideration.
- 2.8 In due course there is an intention to prepare, consult on and adopt a detailed sustainability SPD which would sit alongside the emerging Borough Local Plan. However, the preparation of such a document will take time. Considering the need to have regard to existing material considerations and seek to achieve the Council's adopted climate targets it is considered that the publication of interim guidance is prudent and necessary.

2.9 Implementation and compliance with the proposed guidance will result in some financial implication for potential applicants. However, these costs must be balanced against the key objective of addressing climate change and there are appropriate caveats to ensure that the guidance would not prejudice the viability or delivery of development. Given planning permissions are valid for 3 years the adoption of such guidance will also reduce the potential compliance gap new permissions and the uplifted building regulation which will come into force in June 2022.

Options

Table 1: Options considered

Option	Comments
Not adopt the Interim Sustainability Position Statement	Officers do not consider this would be the right approach. It would leave the Council without the detailed guidance on the interpretation of material planning considerations, this will make it more difficult for applicants to prepare applications, lead to potential inconsistency in decision making and undermine the Council’s ability to achieve the trajectory set out within the adopted Environment and Climate Strategy.
Delay adoption of the Interim Sustainability Position Statement This is not the recommended option.	Officers do not consider this would be the right approach to this important matter. This option would leave the Council with no detailed guidance to inform the development industry and residents on how material planning considerations should be address. This would make it more difficult for applicants to prepare applications, lead to potential inconsistency in decision making and undermine the Council’s ability to achieve the trajectory set out within the adopted Environment and Climate Strategy.
Adopt the Interim Sustainability Position Statement with recommended changes. This is the recommended option.	National planning policy requires, and other material consideration require the Council to give due consideration to climate change in decision making and it is good practice to provide clarity to developers and residents about the Council’s expectations.

Option	Comments
	Adoption of the Interim Sustainability Position Statement as a material consideration will assist in providing such clarity.

3. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Adoption of the Interim Sustainability Position Statement	After 25 Feb 2021	By 25 Feb 2021	Before 25 Feb 2021	Before 25 Feb 2021	Feb 2021

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 There are financial implications to this paper. The proposed approach would seek to ensure developments maximise on site efforts to mitigate their impacts on climate change and in certain circumstance would lead to the provision of an offset contribution which would assist the borough in mitigating the impacts of development on climate change. This would reduce potential costs associated with achieving the trajectory set out within the Council's Environment and Climate Strategy.

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications to this paper. The guidance is intended to provide advice on how the Council will seek to address existing material considerations within the planning process and would have the weight of a material consideration. The document would not be an adopted Supplementary Planning Document, which would require additional consultation and procedural steps.

6. RISK MANAGEMENT

Table 3: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
New development does not achieve appropriate efficiency standards or mitigate its greenhouse gas emissions to the standards necessary to achieve the aspirations of the adopted Environment and Climate Strategy.	HIGH	Adopt the Interim Sustainability Position Statement.	MEDIUM
Increased environmental standards reduce the viability and delivery of new development.	MEDIUM	The Interim Sustainability Position Statement includes appropriate caveats to ensure that viability can be taken into account where necessary.	LOW

7. POTENTIAL IMPACTS

- 7.1 Adoption of the Interim Sustainability Position Statement will improve the ability of the Planning Department to secure enhanced sustainability within the borough and provide greater clarity and consistency for applicants and residents.
- 7.2 The adoption of the statement may increase pressures on development viability, but there are appropriate mechanisms outlined to ensure viability issues did not hinder development.
- 7.3 As the Statement is intended to provide further detail and guidance on the interpretation of, rather than create new policy, it is not considered necessary to undertake an Equalities Impact Assessment (EQIA) specifically for the Statement.

8. CONSULTATION

- 8.1 The Interim Sustainability Statement has been drafted collaboratively by relevant internal teams. As the document does not intend to introduce new policy and would not form a Supplementary Planning Document it is not considered that consultation is required.
- 8.2 It is acknowledged that consultation would have been preferable, but there pressing need to provide clarity on how the Council will consider existing material considerations in the planning process. In these circumstances it is considered appropriate to adopt the guidance without further delay.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Implementation date, if not called in, is contained in Table 4.

Table 4: Implementation timetable

Date	Details
Feb 2021	Adoption of the Interim Sustainability Position Statement publication on the website.

10. APPENDICES

- 10.1 The Interim Sustainability Position Statement is included at Appendix A.

11. BACKGROUND DOCUMENTS

- 11.1 This report is supported by the following background documents:
- The National Planning Policy Framework 2019, available at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
 - The Council's adopted and 'Made' Development Plan Documents, available at: <https://www.rbwm.gov.uk/home/planning/planning-policy/development-plan>
 - The Council's emerging Borough Local Plan, available at: <https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies/draft-borough-local-plan>
 - The Council's Environment and Climate Strategy, available at: [Environment and climate strategy | Royal Borough of Windsor and Maidenhead \(rbwm.gov.uk\)](https://www.rbwm.gov.uk/environment-and-climate-strategy)

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Coppinger	Lead Member for Planning	3 rd Feb 2021	4 th Feb 2021
Cllr Stimson	Lead Member - Climate Change, Sustainability, Parks and Countryside	3 rd Feb 2021	4 th Feb 2021
Duncan Sharkey	Managing Director	3 rd Feb 2021	-
Adele Taylor	Director of Resources/ S151 Officer	3 rd Feb 2021	17 th Feb 2021
Elaine Browne	Interim Head of Law	3 rd Feb 2021	17 th Feb 2021

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision	No	

Report Author: Adrien Waite, Head of Planning

Position Statement on Sustainability and Energy Efficient Design – November 2020

Policy Background

The National Planning Policy Framework was updated in February 2019. Paragraphs 7 and 8 set out that sustainability and measures to address climate change through mitigation, adaptation and moving to a low carbon economy are at the heart of the planning system.

Paragraphs 148, 149, 150, 151 and 153 of the NPPF also provide further direction and guidance.

The NPPF not only confirms that achieving sustainable development, including the necessary environmental objectives, is a key purpose of the system, but it makes clear that developments should take the opportunity to seek net gains in these areas.

The Climate Change Section of the NPPG was also updated in March 2019 and provides clarity on certain matters. Of particular note, the section confirms that Local Authorities can set their own energy performance requirements for buildings, can require a proportion of energy to be generated by renewable and sets out types of projects and opportunities which can be pursued to mitigate climate change.

The government's expectation is that energy performance requirements are not set which would exceed 20% of the current building regulations, but this does not prevent Local Planning Authorities from seeking adequate mitigation through alternative measures such as through planning obligations.

The UK Government has also enshrined in law a commitment that will require the UK to bring all greenhouse gas emissions to net zero by 2050 following the recommendations Committee on Climate Change in 'Net Zero: The UK's contribution to stopping global warming' published May 2019.

Chapter 6 of this report identifies key near term actions to deliver this commitment including major improvements to the energy efficiency of buildings, a switch to low-carbon heating and improved infrastructure and uptake of electric vehicles.

Figure 6.2 of this report clarifies that to meet the commitment Low-regret actions including substantial energy efficiency improvements must commence immediately within 2020 to deliver this commitment.

The Royal Borough of Windsor and Maidenhead's declaration of a climate emergency in June 2020 sets out the Council's intention to implement national policy and ensure net-zero carbon emissions are achieved by no later than 2050.

The submission version of the Borough Local Plan 2013-2033 (Incorporating proposed changes October 2019) is currently under examination. Section 5.4 addresses climate change and Policy SP2 sets out the current response to this, chapter 12 (Natural Resources) and chapter 13 (Environmental Protection) are relevant to the environmental objectives.

The Borough adopted an Environment and Climate Strategy in December 2020. The Strategy sets out how the Borough will address the Climate Emergency across four key themes (Circular Economy, Energy, Natural Environment and Transport). The declaration of

a Climate Emergency and the Environment and Climate Strategy are both significant material considerations for planning purposes.

In January 2021 the Ministry of Housing and Local Government published its response following its 2019 consultation on the Future Homes standard. The document clarifies that Part L of the building regulations will not be subject to an uplift until July 2022 and that local planning authorities will retain powers to set local energy efficiency standards for new homes.

Purpose of this Document


This document is a position statement setting out the requirements which will be sought on new developments in order to deliver on the requirements set out in the NPPF (2019), national and local commitments towards climate change and the Council's Environment and Climate Strategy.







An uplift in national standards is now not due until July 2022 and it is considered necessary to introduce to higher local standards in advance of this to achieve the trajectory set out in the Environment and Climate Strategy. This will also help to minimise transitional issues which may arise from schemes which are granted planning permission but are not commenced until after July 2022.

Given the urgent need to ensure the introduction of measures to meet these national and local commitments it is considered both prudent and necessary to publish this position statement which clarifies how the Local Planning Authority will interpret policies in the handling of planning applications in the context of updated material considerations and circumstances.

This document is a material planning consideration setting out how the Council will ensure compliance with adopted planning policy, the national planning policy framework and national commitments relating to climate change. As such, it will be given weight as a material consideration in reaching planning decisions.

Guidance and Requirements

<p>1.</p> 	<p>A. All Development proposals (except householder residential extensions and non-residential development with a floorspace of below 100sq.m) should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:</p> <ol style="list-style-type: none">1. Be lean: use less energy2. Be clean: supply energy efficiently3. Be green: use renewable energy <p>B All developments (except householder residential extensions and non-residential development with a floorspace of below 100sq.m)) should be net zero carbon, unless it is demonstrated this would not be feasible.</p> <p>C All development proposals except householder residential extensions and non-residential development with a floorspace of below 100sq.m) should include a detailed energy assessment and a completed Carbon Reporting Spreadsheet to demonstrate how the net zero target will be met.</p> <p>D As a minimum, energy assessments should include the following details:</p> <ol style="list-style-type: none">a calculation of the energy demand and carbon dioxide emissions covered by Building Regulations and, separately, the energy demand and carbon dioxide emissions from any other part of the development, including plant or equipment, that are not covered by the Building Regulations (see paragraph 5.22) at each stage of the energy hierarchyb calculation of the estimated annual energy costs to the occupants of the developmentc proposals to reduce carbon dioxide emissions through the energy efficient design of the site, buildings and services (including heat recovery solutions)d proposals to further reduce carbon dioxide emissions through the use of on-site renewable energy technologies. There is an expectation that developments maximise renewable energy generation regardless of whether minimum standards are met through other measures, as such there is an expectation 12% of the total energy demand will be met by on-site renewables, unless this is demonstrated to be unfeasible.e proposals for the storage and use or export of excess energy arising from renewable energy technologies. <p>E The net zero carbon outcome should be achieved on-site where feasible. Where it is demonstrated that this outcome cannot be fully achieved on-site, any shortfall may be provided through a cash in lieu contribution</p>
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	<p>to the Boroughs Carbon Offset Fund which will be ring fenced to secure delivery of greenhouse gas reductions elsewhere in the borough. An offset contribution will be required unless it is demonstrated this would undermine the viability of the development.</p> <p>F It will be required that all developments will be subject to compliance testing in order to ensure that the buildings meet the design performance, when there is a shortfall in performance additional contributions towards the Borough Carbon Offset fund will be sought.</p> <p>(Note - Buildings which do not achieve at least a 20% reduction of the Dwelling Emission Rate (DER)/Building Emission Rate (BER) against the Target Emission Rate (TER) based on the Building Regulations Part L 2013 and defined within the Standard Assessment Procedure (SAP) calculation model will not be acceptable.)</p>
<p>2.</p> 	<p>Major development proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate this in accordance with the following cooling hierarchy:</p> <ol style="list-style-type: none"> minimise internal heat generation through energy efficient design reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, and insulation manage the heat within the building through exposed internal thermal mass and high ceilings passive ventilation mechanical ventilation active cooling systems (ensuring they are the lowest carbon options).
<p>3.</p> 	<p>Planning Applications which propose to implement a recognised quality regime such as Passivhaus or Home Quality Mark that ensures the 'as built' performance (energy use, carbon emissions, indoor air quality, and overheating risk) matches the calculated design performance of dwellings will be looked on favourably. Where such measures are proposed compliance will be secured by the Local Planning Authority.</p>
<p>4.</p> 	<p>New build homes will be supplied via a three-phase power supply, unless this is not viable.</p>
<p>5.</p>  	<p>20% of new car parking spaces will be provided with active EV charging facilities – and passive provision (the ducting, cabling, and capacity within the Mechanical and Engineering Services) for the remaining 80% of spaces will be provided.</p>
<p>6.</p> 	<p>New build homes will be supplied with high speed internet connection to facilitate home working.</p>
<p>7.</p>	<p>Development should minimise the use of mains water by:</p>



a incorporating water saving measures and equipment

b designing residential development so that mains water consumption would meet a target of 105 litres or less per head per day (excluding an allowance of 5 litres or less per head per day for external water consumption.)

Carbon Offset Fund

The Council will establish a Carbon Offset Fund which will be ring-fenced for the sole purpose of delivering carbon reduction projects.

The Council will adopt a price for the offsetting of carbon of £69 per tonne of CO₂e which is the 2020 carbon price set out within table 3 of the Department for Business, Energy & Industrial Strategy Green Book supplementary guidance: valuation of energy use and greenhouse gas emissions for appraisal.

The overall contribution should be calculated over 30 years (the assumed lifetime of the development's services). The total cost equates to £69 x 30 years = £2,070 per tonne of CO₂e to be offset.

The carbon offset contribution will be collected and administered through the Section 106 process with the funds ring fenced to be spend on carbon reduction projects.

The level of contribution will be calculated differently for residential and non-residential properties.

For residential properties:

The contribution will be calculated as follows:

Total Contribution = Building Emissions Contribution + Lifestyle Contribution

The Building Emissions Contribution seeks to offset both the regulated and unregulated emissions which arise from the use of the building.

The calculation will be based on SAP 10.0 performance figures and to ensure consistency in calculation the authority will adopt the Greater London Authority Carbon Reporting Spreadsheet in order to calculate the contribution. It is expected that applications be accompanied by a completed version of this spreadsheet. The spreadsheet may be updated from time to time and it is expected that applications be accompanied by the most recent version. The spreadsheet can be found at: <https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/pre-planning-application-meeting-service-0>

The Building Emissions Contribution will equal the CO₂ savings offset identified on the summary page of the spreadsheet x £69 x 30.

The Lifestyle Contribution recognises that the activities of residents within the borough generate additional emissions over and above those associated with heating and electricity use. These emissions are generally related to Aviation, Agriculture, Transport and Waste.

While aviation and agriculture are national issues which will require a national response the majority of transport and waste emissions arising from new development will be generated in the local area and it is appropriate that this impact is mitigated locally. Based on the Committee on Climate Change (Living Carbon Free: Exploring what a net-zero target means for households) and adjusting in accordance with the trajectory adopted within the Council's Environment and Climate Change Strategy the average dwelling will give rise to 16.58 tonnes of carbon dioxide emissions associated with transport and waste over a 30 year period.

Lifestyle Contribution = £ 1,144 per residential unit.

While all residential development will give rise to Lifestyle Emissions the Council wishes to incentivise sustainable building design and as such this contribution will only be sought if a Building Emissions Contribution is required (e.g. the design of the building does not achieve net zero emissions).

For non-residential properties

The calculation will be based on SAP 10.0 performance figures and to ensure consistency in calculation the authority will adopt the Greater London Authority Carbon Reporting Spreadsheet to calculate the contribution. It is expected that applications be accompanied by a completed version of this spreadsheet. The spreadsheet may be updated from time to time and it is expected that applications be accompanied by the most recent version. The spreadsheet can be found at: <https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/pre-planning-application-meeting-service-0>

The Building Emissions Contribution will equal the CO2 savings offset identified on the summary page of the spreadsheet x £69 x 30.

Shortfall Contribution

The Shortfall Contribution seeks to address the performance gap that can arise between the modelled and actual performance of a building and ensure due diligence is taken to minimise that gap during the construction.

The legal agreement will require post construction testing and modelling.

The Shortfall contribution will equate to the difference in annual tonnage of carbon dioxide arising from regulated emissions set out in the baseline and post construction reports.

It will be calculated as follows:

(Annual Carbon Dioxide Tonnage as set out in the Completion Report – Annual Carbon Dioxide Tonnage of Baseline Report) x £69 x 30.

Reference Documents

Net Zero The UK's contribution to stopping global warming - Committee on Climate Change - May 2019

Living Carbon Free: Exploring what a net-zero target means for households

National Planning Policy Framework February 2019

Greater London Authority Energy Assessment Guidance 2018

Greater London Authority Carbon Offset Funds Guidance

Green Book supplementary guidance: valuation of energy use and greenhouse gas emissions for appraisal - 19 March 2020

Greater South East Energy Hub Guide 3 – Planning Jan 2020

Royal Borough of Windsor and Maidenhead Environment and Climate Strategy – December 2020

CABINET

THURSDAY, 25 FEBRUARY 2021

PRESENT: Councillors David Cannon, Andrew Johnson (Chairman), David Coppinger, Samantha Rayner, Stuart Carroll (Vice-Chairman), David Hilton, Gerry Clark, Donna Stimson and Ross McWilliams

Also in attendance: Councillors Bateson, Larcombe, Tisi, W Da Costa, Bhangra, Hassler, Shelim, Werner, Del Campo, Baldwin, Davey, Singh and Barbara Richardson (RBWM Property Company)

Officers: Duncan Sharkey, Kevin McDaniel, Hilary Hall, Adele Taylor, Andrew Valance, Nikki Craig, Emma Duncan, Louisa Dean, Adrian Waite and David Cook

INTERIM SUSTAINABILITY POSITION STATEMENT

Cabinet considered the report regarding the adoption of the Interim Position Statement to be published as guidance and afforded weight as a material consideration in the planning process.

The Lead Member for Climate Change, Sustainability, Parks and Countryside informed Cabinet that she was presenting this joint report with the Lead Member for Planning and Maidenhead. A Sustainability Supplementary Planning Document is planned, however, the changes to national and local climate policy are material considerations which should be considered in the handling of planning applications. To help meet the Climate Change Strategy it is considered prudent and necessary to adopt an interim position statement which would clarify the Council's approach to these matters.

The National Planning Policy Framework was updated in February 2019. Paragraphs 7 and 8 set out that sustainability and measures to address climate change through mitigation, adaption and moving to a low carbon economy are at the heart of the planning system.

When the Royal Borough declared a climate emergency we said we would be carbon neutral by 2050. When the Climate Strategy was adopted this set out how the Borough would address the Climate Emergency across four key themes: Circular Economy, Energy, Natural Environment and Transport. The Strategy sets a trajectory which seeks a 50% reduction in emissions by 2025.

The intention of the statement is not to introduce new policy but to clarify how the Borough will interpret existing policy and material considerations, as such it's weight would be limited to that of a material consideration. In due course there is an intention to prepare, consult on

and adopt a detailed sustainability SPD which would sit alongside the emerging Borough Local Plan. As this will take time it was considered prudent to propose this paper.

The Lead Member for Planning, Environmental Services and Maidenhead said that at Council he mentioned that changing the black bin collection schedule was one of the first big steps towards achieving our climate change agenda. As Lead Member for Planning he was delighted to see this paper being brought forward as it was another step forward and brought clarity for our developers in meeting carbon neutral.

The Lead Member for Finance and Ascot said that this was an important step to bringing the climate strategy forward. Housing development can impact our carbon footprint so it was important to bring this down. The spreadsheet provided developers a lot of information that they needed to focus on when putting plans forward.

The Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health said that the merits of the paper for planning consideration had been mentioned. He was pleased to see the council looking to make behaviour change. He had been discussing with NHS colleagues who were supportive of the changes in bin collections and incentivising behaviour changes towards recycling and a more healthier approach to how we view the world. When thinking about the environment we can also take a public health approach and he would continue to work with his cabinet colleagues. He also mentioned that the view of our younger residents was important and this is important for his later paper.

The Lead Member for Transport and Infrastructure said that he wished to thank his fellow Lead Members for the progress being made with the strategy. There was a lot of work to do and it was important not to be complacent. The Lead Member was dedicated to her work and that was appreciated. With his portfolio charging points for vehicles were being introduced to meet the pace of development. More energy efficient vehicles, energy efficient batteries and energy efficient charging points will be coming forward over the next few years. Its important that developers and the borough take advantage of opportunities. This is an important piece of work in helping to regulate development to bring down carbon footprint and yield tangible results.

The Deputy Leader of the Council, Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor informed that she supported the paper as it showed how the Royal Borough had come so far in a short period of time.

Cllr W Da Costa addressed Cabinet and informed that he was the vice-chairman of the climate change panel. He asked if this document would apply to next weeks planning meeting. He was informed that planning applications could only be judged on existing adopted policy and that if approved this report would only be implemented after the call in period had elapsed.

Cllr Da Costa continued by saying that although the document had many good points there were also many weaknesses that could have been addressed if it had been shared by the cross party working group, especially as the two co vice chairman had not been consulted. There were thousands of existing buildings in the borough that can not be changed quickly so it was important that we introduce the highest standards now. He proposed that there should be renewable energy sources from day one and zero carbon should apply to all new buildings. Climate change will bring more rainfall and more this means potentially more landslides. We are going to face 40 degree heat regularly, are new buildings designed for this. Buildings now need to be future proof. He also suggested that members on planning panels should be trained in how to interpret the new policies so they can be applied with consistency. The Lead Member responded by saying that this was an important interim

document and that a full SPD would be introduced. The Head of Planning also informed that we had to work within existing legislation and our planning policy framework.

Cllr Davies informed that she was pleased to see the paper being brought forward but asked if there was more information that could be given on the criteria that would be used for sustainability and planning applications. The Head of Planning informed that when there was a viability issue with an application such as large developments with regards to affordable housing, there needed to be evidence given, financial assessments and an independent review. A proportionate review would be used for this policy. There would be transparent evidence within the planning system.

Cllr Singh mentioned that he supported this paper. In his ward there was a large application and asked if this policy would be relevant to that application that had just been submitted. He was informed that as the application had already been submitted and accepted it would follow existing policies.

The Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health said that this was a positive document but we have to adhere to the law and our policy framework. We should be advocating changes at a Government level. He praised the Lead Member for her work and had progressed well over the last 18 months.

RESOLVED UNANIMOUSLY: That Cabinet noted the report and:

- i) Adopted the Interim Position Statement to be published as guidance and afforded weight as a material consideration in the planning process.**