

# *Towards a Sustainable Energy Policy for Nottinghamshire*

## **POLICY FRAMEWORK**



## **Report of Consultation**

**November 2009**

**Nottinghamshire Sustainable Energy Planning Partnership**



Front Cover: Middle picture is with kind permission of Trent Park Developments of Nottingham. It shows part of the River Crescent scheme at Colwick.

# **Towards a Sustainable Energy Policy for Nottinghamshire: Revised Draft Policy Framework: Report of Consultation (2009)**

## **1.0 Background**

1.1 The Consultation undertaken between February and April 2009 was in respect of a draft Policy Framework on sustainable energy prepared jointly by all the local planning authorities of Nottinghamshire; they wished to bring this work to wider attention since it is linked to the preparation of their development plan documents. The Framework reflects emerging national policy on planning for climate change as set out in the Supplement to Planning Policy Statement 1 and elsewhere. It suggests the introduction of higher planning-led targets for new development (i.e. required percentage inputs to new build schemes from renewable or low zero carbon energy sources) which exceed building regulations minima. Thus the Consultation was targeted at a range of built environment and energy stakeholders, especially representatives of the development industry.

1.2 The Policy Framework is essentially a body of evidence and analysis to support each council in establishing policies in development plan documents (DPD) – which form part of Local Development Frameworks (LDFs) in the new planning system. It does not purport to be a finished suite of policies; in essence, it sets out a common policy approach, incorporating recommended standards that can be tailored to the needs of the nine individual planning authorities and adopted in whatever way each chooses.

1.3 Joint partnership working has enabled the Nottinghamshire planning authorities to share the cost of employing specialist expertise to assist with parts of the Study. Modelling work was initially commissioned in 2007 to assemble this evidence and five different scenarios were subsequently explored for seven development types in Nottinghamshire – with information drawn from actual 2006 planning approvals.

1.4 The documents which were the subject of this Consultation are as follows:

- Draft Policy Framework main report entitled “Towards a Sustainable Energy Policy for Nottinghamshire”
- Executive Summary (also incorporated into the front of the main Report)
- Summary of Modelling Exercise (conducted Jan-Feb 2008)
- Draft Renewable and Low Carbon Schemes Map

## **2.0 The Process and Scope of Consultation**

2.1 The Consultation documents were launched on 20 February 2009 when a Seminar took place at County Hall, West Bridgford, attended by officers from participating Councils and invitees from a range of other stakeholder groups.

Copies of the four documents were made available at each council planning office across the county (incl. the City Council) and could be accessed by a link from Nottinghamshire County Council's website. Owing to ten days delay in web access being achieved, the consultation period was extended from 3 April until 17 April 2009.

- 2.2 At the launch event and on the website, the Nottinghamshire Sustainable Energy Partnership (NSEPP) confirmed that the Report of Consultation would summarise the views expressed at the Seminar and would analyse any subsequent written comments received during the consultation period. This has been completed in a table entitled "Feedback from Respondents to the Consultation Draft Policy Framework" which recommends proposed changes to the document; it is located in Appendix 2 of this report.
- 2.3 The process employed for the Consultation relied upon the Partnership identifying key interested parties, principally developers and their agents (who regularly submit applications in the county) and inviting them specifically to the Seminar and/or to make comments on the document. An Executive Summary was sent out with each letter of invitation and the 300+ recipients were urged to refer to the Main Report which could be ordered or downloaded.
- 2.4 The Seminar on 20 February 2009 was attended by 45 people, each of whom received a copy of the two launched documents (NB the Summary of Modelling Exercise was available for reference only). The morning highlight was the presentations from the two principal speakers, Mike Rainbow from Arup and Jerome Baddley from Nottingham Energy Partnership (NEP), who are both energy consultants from private sector. Time was allowed for a long Question and Answer (Q & A) session. The chair was taken by Tony Ward of Broxtowe BC, as chair of the NSEPP, and a welcome was given by the County Council's Sustainability Manager, Philip Keynes.
- 2.5 The Programme for the Seminar is attached as Appendix 1 of this report and a transcript of the Q & A session is included in Appendix 3. As some of the recording was unfortunately inaudible; there are evident gaps in parts of the transcript.
- 2.6 Written comments were subsequently received from nine organisations, two of which were partner authorities. The Feedback Table in Appendix 2 plots the principal points raised and the formal response of NSEPP. Respondents were encouraged at the Seminar and on the website to use the Structured Responses Questionnaire (SRQ) and the majority did so, as reflected in the layout of the table. The SRQ posed a series of open questions (see Appendix 2) to prompt views on key sections of the Main Report (i.e. the draft Policy Framework).
- 3.0 Summary of Consultation Responses
- 3.1 The content of the written comments received in March and April 2009 has been set out, in summary form where appropriate, under the headings of the individual questions/answers, and then incorporated into the Feedback Table in Appendix 2.

- 3.2 The exercise attracted detailed comments from four developers/planning consultants. There was concern about the viability of investment required in further 'planning gains' in a deep recession, but there were no objections in principle to the chosen method of improving energy performance through the planning process or indeed to the proposed twin-track approach.
- 3.4 The robustness of the evidence base to support future policies for local development plan documents was questioned. There was also some criticism that a detailed, updated review of potential energy sources in the county was required and that the draft low carbon energy schemes map was not sufficiently integrated into the text.
- 3.4 On the other hand, an environmental group was keen to examine the case for setting higher renewable/low carbon target levels, towards 15 or 20%, especially for non-domestic schemes and in specified development areas. There was widespread support for enabling a consistent policy approach across the county.
- 3.5 Unsurprisingly, the verbal responses at the Consultation Seminar were less specific to the text of the draft Policy Framework. As the transcript in Appendix 3 indicates, many of the comments picked up general points made by or to the speakers on matters such as biomass resource assessment, the consultation on the definition of zero carbon and the need for planner training. There was a plea to simplify the document and to find a path between 'burden' and 'undue burden' for developers.

#### 4.0 Conclusions

- 4.1 After full consideration of the feedback comments, NSEPP has progressed to a final Policy Framework, which can subsequently be utilised more readily as a local evidence base in support of any targets emerging from development plan documents across the county.
- 4.2 As referred to in paragraph 3.1 above, the Feedback Table's Actions column charts a series of proposed changes that can be made to the draft Policy Framework before it can be signed off by NSEPP. It is anticipated that these changes will be finalised by late October 2009 after which time:
- a) the proposals of the Final Report will be considered and adopted by partner local authorities in whole or in part
  - b) the final document will have a limited print run and be placed on the County Council's and other linked/partner websites
  - c) publicity and dissemination will be arranged, alongside a pilot programme of training for local authority planning officers.



## Appendix 1



# TOWARDS A COMMON SUSTAINABLE ENERGY POLICY FOR NOTTINGHAMSHIRE?

An Event for a range of stakeholders, including proposers of development, their agents, regulatory agencies and local authority planners, to consider the outcome of a specially commissioned Study that aims to establish an evidence base for a Merton Rule style policy approach across the county.

Friday 20th February 2009  
Rufford Suite, County Hall, West Bridgford  
NG2 7QP



Nottinghamshire  
Sustainable  
Energy  
Planning  
Partnership

### Programme for the Day

- 10.00** **Welcome Address by Phil Keynes**, Service Manager for Sustainability, Nottinghamshire County Council
- 10.05** **Introduction by Tony Ward** of Broxtowe Borough Council, Chair of Nottinghamshire Sustainable Energy Planning Partnership Steering Group
- 10.15** **Address by Mike Rainbow**, Associate of Arup (based at Nottingham Office):
- Emission Impossible..?** An overview of the low carbon planning agenda with reference to new private sector schemes that meet higher energy performance standards
- 10.45** **Questions** followed by a short comfort break
- 11.15** **Address by Jerome Baddley**, Sustainable Development Manager of Nottingham Energy Partnership
- The Sustainable Energy Policy Framework:** The process, the outcome and the implications for implementation
- 12.00** **Questions to the Panel**
- 12.30** **LUNCH** and depart

**Appendix 2: FEEDBACK from Respondents to CONSULTATION DRAFT POLICY FRAMEWORK**

<b>Question 1 - Do you agree with the principle of planning policy involvement in seeking to advance the use of renewable energy?</b>			
<b>Consultee</b>	<b>Main Points Raised</b>	<b>NSEPP Responses</b>	<b>Actions</b>
<b>Hunter Page Planning</b> (Jamie Lewis) Cheltenham, Glos GL50 1DZ	Yes. The Framework will not have the weight accorded to policy in the Development Plan for development control decisions. It should also be updated to reflect the content of the Regional Spatial Strategy (RSS) esp. Policies 39 & 40, which aim to provide opportunities through specific installations rather than site specific requirement.	It is accepted that the framework is principally designed to inform local development documents (LDDs). These documents will also seek to reflect and implement RSS policies. The improvement of energy performance above building regs. standards is specifically related to PPS1 Supplement and will assist in achieving indicative regional targets for renewable energy CHP and for expanding distributed generation.  Para 3.2.1 adequately reflects policies 39 and 40 of the adopted RSS.	No Change
<b>Banks Developments Ltd</b> (Lisa Horridge) Bishop Auckland	Yes. If Govt. renewable energy targets are to be met for 2010 and 2020, then all Councils should be proactive in encouraging the use of domestic and commercial types of renewable energy. The proposed policy should be based around the energy hierarchy whilst not overlooking conventional energy sources.	The Study does not presume to influence the first two elements of the energy hierarchy (i.e. reduce need and conserve as much as possible in use), but rather concentrates on energy in buildings.  The planning system <u>does</u> seek to reduce the need for energy through location/orientation of development which then saves on the task of minimising CO <sub>2</sub> emissions.	No Change
<b>Rushcliffe Borough Council</b> (Irena Paxton)	Yes. Planning Policy and Development Control involvement is essential if the use of renewable energy is to be advanced.	Noted.	No Change
<b>Friends of the Earth</b> (Nottingham)(Nigel Lee)	Yes. Planning Policy is very important in promoting renewable and low carbon energy, as required by PPS22 and PPS1 Climate Change Supplement.	Noted and welcomed.	No Change
<b>Notts CC Minerals &amp; Waste Planning Policy</b> (Tom Pilkington)	Yes. Any additional avenue to secure the use of renewable energy can only be beneficial. Sustainable development is at the heart of planning and the incorporation of renewable energy in to planning will help us strive towards this goal as well as help us meet our renewables obligation targets.	Noted.	No Change
<b>Environment Agency</b> (James Lidgett)	Yes. Essential if we are to meet Govt's 80% Co2 emission target by 2050.	Noted and agreed.	No Change
<b>Question 2 - PPS1 Supplement (para 26) requires planning authorities to have an evidenced based understanding of the local feasibility and potential for renewables and low-carbon technologies to supply new development in their area. This Study is intended to provide such an evidence based understanding.</b>			



<b>Does it achieve that aim?</b>			
<b>Consultee</b>	<b>Main Points Raised</b>	<b>NSEPP Responses</b>	<b>Actions</b>
<b>Hunter Page Planning</b> (Jamie Lewis)	The modelling exercise, as a basis for the Study, will need to be kept under systematic review as technologies and evidence (notably of market values) changes.	As with all evidence base material, it is accepted that it will be revisited in due course.	No Change
<b>Banks Developments Ltd</b> (Lisa Horridge)	No. There is no reference in the text to when and how the proposed policy will be implemented within the county or what size of development it will apply to. Will the feasible threshold be 250 dwellings (as per an answer given in the Seminar) and how will this be clarified for stand-alone renewable energy?	Section 1.5 of the Report's Introduction outlines the role of the Study as an evidence base for helping to shape individual LDFs being prepared by planning authorities across the County. Section 9.2.3 states that each authority will indicate "the type and size of development to which any approved target will be applied".	No Change
<b>Rushcliffe Borough Council</b> (Irena Paxton)	Yes. The approach adopted accords with the PPS I Supplement on 'Planning and Climate Change'.	Noted.	No Change
<b>Friends of the Earth</b> (Nottingham)	Yes.	Noted.	No Change
<b>Notts CC Minerals &amp; Waste Planning Policy</b> (Tom Pilkington)	Yes. The EMRA 2006 update of the Study should provide a solid basis to assess Nottinghamshire's energy potential, although it is perhaps slightly flawed in its failure to consider any off grid or waste heat potential. Beyond this there appears to have been a thorough examination of the County's renewable potential.	Noted.	No Change
<b>Environment Agency</b> (James Lidgett)	Yes	Noted.	No Change
<b>Question 3 - The Study concludes that policies of a Merton+ type (where a percentage of energy is required from LZC (low and zero carbon sources) would be most appropriate across all the local authorities within Nottinghamshire. (Section 8) Do you agree with this?</b>			
<b>Consultee</b>	<b>Main Points Raised</b>	<b>NSEPP Responses</b>	<b>Actions</b>
<b>Hunter Page Planning</b> (Jamie Lewis)	In the current development climate requirements above those set in the Building Regulations are often unviable, particularly on brownfield sites. Remote sites located away from centralised energy services are particularly affected. It is vital therefore that any policy approach is underlined by reference to PPS1 and PPS22 which requires that renewable energy (RE) requirements must not render development unviable.	The Policy Framework looks beyond the current slowdown in building activity, and relates essentially to the unit cost of building rather than the market value of land. Remote sites are generally well suited to on-site generation. In the consultant's work commissioned, there is nothing in the outcomes to suggest that the CO <sub>2</sub> savings set will render a scheme unviable. It may be useful to model additional costs again in due course -but build costs are likely to be the only updated input. Like with all evidence base material, it is accepted that it will be revisited in due course.	No Change

Consultee	Main Points Raised	NSEPP Responses	Actions
<b>Banks Developments Ltd</b> (Lisa Horridge)	Yes. Agree with the principle of promoting a Merton type policy which furthers the use of RE and the aim for consistency across the county.	Noted.	No Change
<b>Rushcliffe Borough Council</b> (Irena Paxton)	Yes. Providing that the percentage is higher than the 10% required by the 'Merton Rule'.	Noted.	No Change
<b>Friends of the Earth</b> (Nottingham)	It would be most desirable if agreement can be reached on a consistent approach across the county.	Agreed, although there is scope for policy variation to reflect spatial distinctiveness since there is more potential low carbon energy in specific areas (Ref: PPS1 Supplement)	No Change
<b>Notts CC Minerals &amp; Waste Planning Policy</b> (Tom Pilkington)	Yes. A consistent approach across the County seems appropriate and the Merton+ method appears to be a relatively straightforward way of calculating the requirement.	Noted.	No Change
<b>Environment Agency</b> (James Lidgett)	Yes.	Noted.	No Change

**Question 4 - As the relationship between this Study, the tightening of the Building Regulations, the Code for Sustainable Homes and the Government's drive for zero carbon buildings by 2016 and 2019 is crucial to the concluding policy proposals, has the connection been made clear? (Section 5 and 8)**

Consultee	Main Points Raised	NSEPP Responses	Actions
<b>Hunter Page Planning</b> (Jamie Lewis)	Yes.	Noted.	No Change
<b>Banks Developments Ltd</b> (Lisa Horridge)	Yes. There has been a clear connection throughout this study which identifies the need for a policy which implements renewable and sustainable energy. However in the current economic climate, an 'undue burden' will be placed on developers if it is implemented alongside the affordable housing requirement.	Councils are required to pursue affordable housing and energy/climate change performance through PPS3 and PPS1 Supplement respectively; build costs associated with implementing the Policy Framework are being considered as part of separate work that Councils are required to do in respect of affordable housing viability (PPS3).	Link with viability clarified in new para 7.1.13.
<b>Rushcliffe Borough Council</b> (Irena Paxton)	Yes. The connection is set out quite clearly, particularly in Section 5.	Noted.	No Change
<b>Friends of the Earth</b> (Nottingham)	Yes.	Noted.	No Change
<b>Notts CC Minerals &amp; Waste Planning Policy</b> (Tom Pilkington)	Yes. The information in paras. 8.3.2. and 8.5.3. make this clear and the supplementary information in footnote 6 for Table 8.1 and footnote 7 for table 8.2 adds to this.	Noted.	No Change
<b>Environment Agency</b> (James Lidgett)	Yes.	Noted.	No Change

**Question 5 - The Study promotes a twin track approach to the establishment of carbon (CO2) reduction policies – one for domestic (housing) and one for non-domestic. (Section 8). Is this appropriate?**

<b>Consultee</b>	<b>Main Points Raised</b>	<b>NSEPP Responses</b>	<b>Actions</b>
<b>Hunter Page Planning</b> (Jamie Lewis)	Yes. A twin track approach is necessary to comply with national policy guidance and buildings regs. It would place 'an undue burden' on development if the policy required an accelerated approach to domestic and esp. non-domestic building types which would make any policy requirement other than a fixed carbon reduction target unworkable.	Noted.	No Change
<b>Banks Developments Ltd</b> (Lisa Horridge)	Yes.	Noted.	No Change
<b>Rushcliffe Borough Council</b> (Irena Paxton)	Yes. This would accord with the phased tightening of the Building Regulations towards the zero carbon goal by 2016 for domestic new build or 2019 for non-domestic new build.	Noted.	No Change
<b>Friends of the Earth</b> (Nottingham)	Yes.	Noted.	No Change
<b>Notts CC Minerals &amp; Waste Planning Policy</b> (Tom Pilkington)	Yes. The different expectations for housing and industrial buildings, in addition to the different timescales, seems to provide adequate justification for the twin-track approach.	Noted.	No Change
<b>Environment Agency</b> (James Lidgett)	Yes. Important to recognise the differing levels of profitability between domestic and non-domestic developments. In order to maximise sustainable energy contributions without placing undue burdens on developers, we would not wish to see schemes compromised and in turn their wider environmental benefits.	Noted.	No Change

**Question 6 - Is the justification for the twin track policy approach clear (Section 8)?**

<b>Consultee</b>	<b>Main Points Raised</b>	<b>NSEPP Responses</b>	<b>Actions</b>
<b>Hunter Page Planning</b> (Jamie Lewis)	Yes.	Noted.	No Change
<b>Banks Developments Ltd</b> (Lisa Horridge)	No. A twin track approach is appropriate, but there needs to be clarity about why domestic and non-domestic has been differentiated, and thus why a twin track approach is necessary.	Para 8.3.2 explains the twin track approach.	No Change

Consultee	Main Points Raised	NSEPP Responses	Actions
<b>Rushcliffe Borough Council</b> (Irena Paxton)	Yes. Domestic and non-domestic buildings are very different and the distinction between the two is clearly set out.	Noted.	No Change
<b>Friends of the Earth</b> (Nottingham)	Yes.	Noted.	No Change
<b>Notts CC Minerals &amp; Waste Planning Policy</b> (Tom Pilkington)	Yes. The different expectations for housing and industrial buildings, in addition to the different timescales, seems to provide adequate justification for the twin-track approach	Noted.	No Change
<b>Environment Agency</b> (James Lidgett)	Yes.	Noted.	No Change
<b>Question 7 - The Study proposes that the planning policies (for housing) to be developed by the local authorities should require a rising percentage of LZC (low and zero carbon) sourced energy in tandem with the proposed stepped tightening of Building Regulations. Is that appropriate?</b>			
Consultee	Main Points Raised	NSEPP Responses	Actions
<b>Hunter Page Planning</b> (Jamie Lewis) Cheltenham	There will be circumstances where development proposals are capable of delivering LZC sourced energy in tandem with the stepped tightening of Building Regulations. However the viability of applying such requirements will need to be established on a scheme by scheme basis and are currently considered as a significant threat to viability given prevailing market conditions. This is especially true of brownfield sites.	The Study's modelling examined the capital cost of installing different technologies against the overall build cost (£ per square metre) of the scheme irrespective of its land value or marketability. The Study takes a long term view and does not envisage any threat to viability.  It is anticipated that each scheme will be treated on its planning merits subject to the development plan and material considerations applicable at the time.	No Change
<b>Banks Developments Ltd</b> (Lisa Horridge) Bishop Auckland	Yes. It is important that the rising percentage of low carbon sourced energy runs in parallel with the tightening of building regulations. The Study does have a limited scope and has narrowly looked at individual houses with a drive for biomass sources but does this work for a full development? Will a large generator supply the new community or will each dwelling be expected to have its own generator fed by biomass storage nearby?	Noted 1 <sup>st</sup> sentence. The report has no intended slant toward biomass as an employable new technology. The ecsc modelling applies a full range of technology options to all development types and scenarios. The purpose was not to dictate the preferred type of technology without, in most cases, a more detailed assessment of the potential. PPS1 Supplement warns against limiting choice.	No Change
<b>Rushcliffe Borough Council</b> (Irena Paxton)	Yes.	Noted.	No Change
<b>Friends of the Earth</b> (Nottingham)	Yes. Both improved energy efficiency through Building Regs, etc, and progressive reduction in fossil fuel sources for energy supply should be pursued.	Noted.	No Change
Consultee	Main Points Raised	NSEPP Responses	Actions
<b>Notts CC Minerals &amp;</b>	Yes, assuming that it is possible and will not place	Noted.	No Change

<b>Waste Planning Policy</b> (Tom Pilkington)	constraints on developers that can not be met.		
<b>Environment Agency</b> (James Lidgett)	Yes.	Noted.	No Change
<b>Question 8 - The Study suggests that the rising percentage (for housing / domestic development) should start at 20%. Is that appropriate?</b>			
<b>Consultee</b>	<b>Main Points Raised</b>	<b>NSEPP Responses</b>	<b>Actions</b>
<b>Hunter Page Planning</b> (Jamie Lewis)	No. This is considered as an aspiration which does not reflect current market conditions that have deteriorated significantly since the Study was undertaken.	The Study does not purport to be a financial viability assessment taking into account current market conditions, but is based on the reasonable increasing build costs (£ per square metre) and average regulated/unregulated emissions derived from publications quoted in the main report.	No Change
<b>Rushcliffe Borough Council</b> (Irena Paxton)	Yes. It has been demonstrated in Table 7.1 that a 20% reduction can be achieved at less than 10% and typically 5% additional build cost.	Noted.	No Change
<b>Friends of the Earth</b> (Nottingham)	The aim should be as ambitious as possible.	Noted.	No Change
<b>Notts CC Minerals &amp; Waste Planning Policy</b> (Tom Pilkington)	Yes, assuming that it is possible and will not place constraints on developers that can not be met.	Noted.	No Change
<b>Environment Agency</b> (James Lidgett)	Yes.	Noted.	No Change
<b>Question 9 - The Study proposes a fixed percentage (10%) requirement for non-domestic developments against fixed benchmark data. Is that appropriate?</b>			
<b>Consultee</b>	<b>Main Points Raised</b>	<b>NSEPP Responses</b>	<b>Actions</b>
<b>Hunter Page Planning</b> (Jamie Lewis)	Partially. See responses to Qu. 8 and Qu 5. Requirements must always be set against the context of viability of schemes.	See reply to Questions 7 and 8.	See actions to questions 7 and 8.
<b>Rushcliffe Borough Council</b> (Irena Paxton)	Yes. It is a realistic requirement.	Noted.	No Change
<b>Friends of the Earth</b> (Nottingham)	Yes.	Noted.	No Change
<b>Notts CC Minerals &amp; Waste Planning Policy</b> (Tom Pilkington)	Yes. The justification provided about the difficulties of the diversity of non-industrial building appear to make this appropriate.	Noted.	No Change
<b>Environment Agency</b> (James Lidgett)	Yes.	Noted	No Change
<b>Question 10 - Is 10% a good or sensible level to set for a fixed rate requirement for non-domestic developments?</b>			
<b>Consultee</b>	<b>Main Points Raised</b>	<b>NSEPP Responses</b>	<b>Actions</b>

<b>Hunter Page Planning</b> (Jamie Lewis)	This is considered an aspiration and not one which reflects current market conditions which have deteriorated significantly since the Study was undertaken.	See Qu 8 reply. The zero-carbon target will need to be reached by 2016 (2019) so the proposed policy will effectively require developers to address it a few years earlier.	No Change
<b>Banks Developments Ltd</b> (Lisa Horridge)	Although there is an understanding that installation of on-site renewables should not render development unviable, there are no scenario examples that take into account anything else which may be required of developers.	The scenarios cover energy performance mainly measured in CO <sub>2</sub> emissions, and take into account standardised build costs as well as capital and life style costs for modelling purposes.	No Change
<b>Rushcliffe Borough Council</b> (Irena Paxton)	Yes. It is a reasonable level to achieve.	Noted.	No Change
<b>Friends of the Earth</b> (Nottingham)	Yes. The evidence suggests 10% should be accepted as a minimum for some developments. However, it is clear that there are many non-domestic developments where 20% or more would be feasible.  Consideration should be given to the possibility of setting a higher level of 15% or 20%, and examining the evidence on whether there really are any genuine reasons why particular developments cannot be designed to achieve this.	Noted.  See para. 8.5.5 for non-domestic development.  Each authority may want to go further in specified local development areas, although at present the evidence does not support this as a blanket countywide rule for non-domestic schemes.	No Change
<b>Notts CC Minerals &amp; Waste Planning Policy</b> (Tom Pilkington)	Yes, assuming that it does not constrain developers to the extent that they are unable to develop.	Noted.	No Change
<b>Environment Agency</b> (James Lidgett)	Yes.	Noted.	No Change
<b>Question 11 - Should there be reference to a threshold for the minimum size of development to which the policies would apply, or should energy policies be applicable to all development?</b>			
<b>Consultee</b>	<b>Main Points Raised</b>	<b>NSEPP Responses</b>	<b>Actions</b>
<b>Banks Developments Ltd</b> (Lisa Horridge)	Yes. PPS 22 indicates that installation of on-site ren energy should not render development unviable or place 'undue burden' on developers. How will the proposed policy be implemented to new developments below 250 dwellings? If a new development meets the required %tage of LZC sources, will this offset other planning obligations?	LPAs are required by virtue of PPS1 Supplement to pursue energy and climate change amelioration in addition to other planning matters, such as open space provision, that merit Section 106 Agreements. There is no 250 dwellings threshold indicated in the Study although the City Council has applied a 'Merton Rule' requirement from April 2008 to "new developments over 1000 sq.metres".	No change
<b>Consultee</b>	<b>Main Points Raised</b>	<b>NSEPP Responses</b>	<b>Actions</b>
<b>Rushcliffe Borough Council</b> (Irena Paxton)	No to first part and yes to second. Energy policies should be applied to all new build	Noted.	No change

	and possibly major refurbishment of domestic dwellings but not at this stage to domestic extensions or small extensions to non-domestic buildings. There should certainly be <u>no</u> threshold for minimum size of new build.		
<b>Notts CC Minerals &amp; Waste Planning Policy</b> (Tom Pilkington)	Yes. Energy policies should be applicable to all development. I would assume that size does not always dictate energy consumption and regardless of this there should be an intention to increase the LZC energy in all buildings.	Noted.	No change
<b>Environment Agency</b> (James Lidgett)	Yes.	Noted	No change
<b>Question 12 - Does Section 4 adequately reflect the energy potential of the area?</b>			
<b>Consultee</b>	<b>Main Points Raised</b>	<b>NSEPP Responses</b>	<b>Actions</b>
<b>Hunter Page Planning</b> (Jamie Lewis)	Yes. More focus should be given to developing renewable energy facilities by local authorities, energy generators and other public bodies as set out in RSS Policy 40.	Agreed.	No change
<b>Banks Developments Ltd</b> (Lisa Horridge)	<p>No. As the text itself identifies: "This section intends to give an overview of the known energy sources that can be utilised in the county drawn from existing resource studies conducted at regional, sub regional and city level". There is no evidence that the report has looked at any new areas within the county with potential energy sources. It has merely collecting together the individual studies already conducted over the county.</p> <p>The draft diagram titled, 'Nottinghamshire Renewable and Low-Carbon Energy Schemes,' is not linked very well to the text within the report. It is not clear as to what the existing energy schemes are and where the proposed locations for new schemes will be.</p> <p>This section should also include the potential for stand-alone renewable energy schemes alongside LZC sources in the area.</p>	<p>It is acknowledged that regional and sub-regional information sources are in the process of being updated. They provide a starting point but there is scope for more detailed resource assessment, utilising the RSS Partial Review report by AECOM on Renewable Energy Targets as a starting point.</p> <p>Noted. There is potential for further work mapping the extent of the potential resource across the county or its constituent districts/HMAs.</p>	<p>Section 4 updated to reflect new AECOM targets report 6/09)</p> <p>There is scope for further mapping of the extent of the potential resource on a district basis.</p>
<b>Consultee</b>	<b>Main Points Raised</b>	<b>NSEPP Responses</b>	<b>Actions</b>
<b>Rushcliffe Borough Council</b> (Irena Paxton)	Yes. Section A appears to be very comprehensive.	Noted.	

<b>Friends of the Earth</b> (Nottingham)	<p>Yes, but:</p> <p>The potential for anaerobic digestion of municipal and other wastes is probably much higher than stated (and it may be possible in future to put gas from AD into the gas grid rather than burn it to produce electricity).</p> <p>Is it appropriate to include coal gas under 'renewable energy'?</p> <p>It should also be noted that energy from incineration of municipal waste may be described as low carbon, but is not renewable energy (PPS22 preamble). It may be that figures for the non-fossil element of residual municipal waste will need to be revised downwards - a recent note from Defra says that the fossil fuel energy content of MSW is deemed to be 50% to 2013, then 60% to 2018, then 65%.<sup>1</sup></p>	The Study concentrates on sustainable energy which includes both low carbon and renewable resources, as per PPS1 supplement.	No change
<b>Notts CC Minerals &amp; Waste Planning Policy</b> (Tom Pilkington)	Yes, to the best of TP's knowledge.	Noted.	No change
<b>Environment Agency</b> (James Lidgett)	Yes.	Noted.	No change
<b>Question 13 - Does Section 7 on Key Developer Costs accurately reflect the situation (particularly the issues of land value, increased marketability of greener properties)?</b>			
<b>Consultee</b>	<b>Main Points Raised</b>	<b>NSEPP Responses</b>	<b>Actions</b>
<b>Hunter Page Planning</b> (Jamie Lewis)	No. Section 7 assumes a rising or static market based on pre-2004 construction prices (London Renewables ToolKit [2004]). It also assumes that build costs can be passed on to the landowner without affecting the willingness to sell. This is not the case currently as values have dropped to a level where landowners are unwilling to sell at today's prices.	<p>The ecsc model employed by the Study used a standardised build cost assumption of £1,000 per square metre for dwellings. £1,539 for retail and £1,023 for offices, based upon a number of sources incl. SPONS Architects' and Builders' Price Book, A Cost Review of Code for Sustainable Homes, Renewables and the London Plan as well as cost data from individual equipment manufacturers and suppliers.</p> <p>N.B. Construction capital costs are most recently based and will probably have dropped in the current recession.</p>	No change

<sup>1</sup>Waste Infrastructure Delivery Programme Information Note on Combined Heat and Power, Defra, January 2009, page 7.



<b>Consultee</b>	<b>Main Points Raised</b>	<b>NSEPP Responses</b>	<b>Actions</b>
<b>Rushcliffe Borough Council</b> (Irena Paxton)	Yes. For domestic buildings certainly. There is a greater variety of non-domestic buildings and assessments are therefore more difficult to make.	Noted.	No change
<b>Friends of the Earth</b> (Nottingham)	Don't know. The evidence given does not make it clear whether the increased value of 'greener' properties (e.g. in reduced energy consumption in use) has been fully accounted for. Nor does it seem to have fully considered the effect of a blanket policy providing a level playing field for all new development when considering the acceptable impact on land values.	A level playing field is confirmed but new properties provide only a small %age of overall building activity. It is not seen as appropriate to retrofit (and thus use the market) in the same way.	No change
<b>Notts CC Minerals &amp; Waste Planning Policy team</b> (Tom Pilkington)	Unsure.	Noted	No change
<b>Environment Agency</b> (James Lidgett)	Yes.	Noted.	No change

**Question 14 - Is the evidence for the policy targets (of a rising 20% for domestic/housing, and for 10% for non-domestic) robust and relevant?**

<b>Consultee</b>	<b>Main Points Raised</b>	<b>NSEPP Responses</b>	<b>Actions</b>
<b>Hunter Page Planning</b> (Jamie Lewis)	No. See HP answers to Q2 and Q7-13. Any development proposal which is able to meet the emerging Building Regs requirements and provide additional ren energy should be seen as exceptional in the current market.	The proposals of the Study are not viewed as exceptional and indeed, with the number of planning authorities nationwide now employing the 'Merton Rule' or a Merton Plus version, it is becoming commonplace.	No change
<b>Rushcliffe Borough Council</b> (Irena Paxton)	Yes. It is essential to set what may seem to be ambitious targets and to get developers on board. Although they cannot be controlled by the planning system, non regulated emissions are something that need to be addressed.	Noted.	No change
<b>Friends of the Earth</b> (Nottingham)	But note our comments on Qu 10 and Qu 13.	Noted.	No change
<b>Notts CC Minerals &amp; Waste Planning Policy</b> (Tom Pilkington)	Yes. Solid justification and explanation presented in Section 8 and a well reasoned evidence base in Section 7.	Noted.	No change
<b>Environment Agency</b> (James Lidgett)	Yes.	Noted.	No change

<b>Other Comments</b>			
<b>Consultee</b>	<b>Main Points Raised</b>	<b>NSEPP Responses</b>	<b>Actions</b>
<b>Banks Developments Ltd</b> (Lisa Horridge)	<p>This policy is a good step towards a sustainable future for the built environment; however, further clarity is needed in areas which currently identify flaws in the proposed policy.</p> <p>The commercial turbine used on the front cover of the Draft Policy suggests that wind turbines of this scale are to be covered by the report.</p> <p>At the seminar, however, stand-alone schemes were only mentioned in passing and a proposed commercial renewable energy policy was discussed. When will this policy be produced and will it run along side this proposed policy for LZC sourced energy?</p>	<p>Noted.</p> <p>The front cover graphics will be re-assessed.</p> <p>See answers to Questions 8 – 10.</p>	<p>Replacement picture to be inserted as part of a revised front cover design</p>
<b>Friends of the Earth</b> (Nottingham)	<p>The potential for declaring higher development area or site-specific targets (PPS1 Supp para. 26) should be fully investigated.</p>	<p>Noted.</p>	<p>No change</p>
<b>William Davis Ltd.</b> (John Coleman).	<p>Welcome the initiative of Notts authorities in working together to achieve a consistent approach.</p>	<p>Noted.</p>	<p>No change</p>
	<p>Whilst recognising the extensive timescale over which the Study has been prepared, with adjustment for emerging Govt policy, WD require more convincing of the robustness of the evidence base to support future LDD policies. Concerned that local authorities need to be more aware of local feasibility and potential for renewable/low carbon technologies.</p> <p>Also noted that the source for much of this information is outdated EMRA studies which may undermine robustness.</p>	<p>This framework aims to give a common Nottinghamshire approach, there will however be opportunities for the each Local Planning Authority to investigate broad locations and individual sites and their suitability for particular types of renewable energy.</p> <p>Noted.</p>	<p>No change</p>
	<p>Points to para. 33 of PPS 1 Supplement in respect of viability of sites for bringing to market and the expected supply &amp; pace of the housing trajectory required by PPS 3. Views a detailed viability assessment as essential to replace “the crude analysis of additional costs” carried out by ECSC &amp; NEP which did not take into account the above aspects required by Govt. It could also update the reference sources for paras. 7.1.4/5 which relate only to non-domestic buildings ie. with no evidence</p>	<p>The Study does not purport to be a financial viability assessment taking into account current market conditions, but is based on the reasonable increasing build costs (£ per square metre) and average regulated/unregulated emissions derived from publications quoted in the main report.</p>	<p>Faber Maunsell/AECOM Study 2008/09 update to EMRA work now included in para 4.1.6</p>

	of applying to a collapsing housing market		
<b>Consultee</b>	<b>Main Points Raised</b>	<b>NSEPP Responses</b>	<b>Actions</b>
<b>William Davis Ltd.</b> (John Coleman).	The use of the steadily increasing target over time for housing development appears to ignore the effects of additional costs incurred in achieving Buildings Regulations standards.	Given that building regulations are mandatory– i.e. they have to be met as a minimum by new schemes– developers have for some time known about the proposed increases in cost. The cost of introducing low carbon/renewable energy should be broadly similar over time. The aim of pegging the policy to changes in building regs is to ensure a constant level of carbon reduction from renewable sources is achieved even as buildings become more efficient.	No change
<b>English Heritage</b> (Ann Plackett)	Draws attention to various guidance documents and technical advice on energy efficiency/generation eg. Wind Energy and the Historic Environment See: <a href="http://www.helm.org.uk">www.helm.org.uk</a>	Noted.	No change

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27 May 2009 (4 June 2009) (18 June 2009)(22 June 2009)(24 June 2009)

### Appendix 3

## **TRANSCRIBED QUESTIONS AND ANSWER SESSION FROM NSEPP CONSULTATION SEMINAR ON FRIDAY 20 FEBRUARY 2009.**

### **First Session**

Question: Nigel Lee (Friends Of the Earth (FOE))

Are there circumstances in which it is better for you to actually increase carbon dioxide (CO<sub>2</sub>) emissions by specifying 10% on renewables?

Answer: Mike Rainbow (ARUP)

[Yes, I think the Nottinghamshire and Nottingham Structure Plan policies anticipated that as a whole by saying.....] *Gap in recording.*

.....attribute the emissions factor to burning biomass which accounts for typical kind of journey lengths and it is based on a 50 mile delivery radius as an average estimate. So if you are shipping in your biomass from further than that, it would be worse than that factor. I think there is recognition that the biomass supply chain in this country is well, until recently, virtually non existent, and so there is a period when, (it is a vicious circle) you cannot build a supply chain in this country if there is not a sufficient critical mass of buildings that have biomass boilers. So you have to put the boilers in first and accept there will be a period where you will have to import biomass from Canada until the local market establishes itself. It is a kind of breaking a few eggs to make an omelette. But the emissions or the estimated average emissions are built into that and it still is dramatically less damaging than gas. If anything it tells you just how bad gas and electricity are - rather than how bad biomass is.

Comment: Jerome Baddley (NEP)

We have just carried out a biomass resource assessment in the City of Nottingham and in particular examined this issue of a biomass supply chain, notably how to extend it to ensure adequate supplies, and discovered that even in the City of Nottingham, there is waste wood available through the trees you see along the River Trent and from street trees. So this resource is available with clean biomass to make into chip or pellet to give about 15,000 tonnes per annum which is fairly significant resource. The City Council is looking at developing a Biomass Processing Site to produce a local supply chain and fuel for local boilers within the City. There is a fantastically good economic case for doing that especially with the impact on cost of biomass with rising demand arising from an increasing number of biomass installations driven by the proposed local planning policy regulations, and also when the standard cost of fossil fuel goes up. So there is a lot of room for improvement with supply chain but it is a chicken and egg scenario.

Question: Unknown Questioner

Last week I attended the Zero Carbon Hub Consultation which is going around the country at present, at which there are various government agencies saying this and what they have seen (?). What I have gleaned from this is that if you aim for Code 6 or zero carbon, it is pretty much all going to be biomass. It was decided that a country full of biomass will not actually work because it is not sustainable and therefore a zero carbon might not exist in a Government's policy for main stream; and also the on-site production of renewable energy is also in question because building a site of 250 is fine but if you have a 20 here, a 10 there and a 5 there, it is not as viable either financially or physically to produce that.

Therefore, they are now looking at offset options, and may be to build a wind farm 20 miles down the road that will be acceptable if it is hard wired in. If that is the case, and taking into account existing stock, surely we will need electric heating everywhere because it is the only renewable that we can ship around the country? However, electric is the one resource that gets penalised massively under the current standards.

Response: Mike Rainbow (ARUP)

Yes, it is a very good question. It was very remiss of me not to mention the current consultation.

There is a lot of discussion at the moment as to the definition of on-site renewables or near site renewables and, for cases where it is clearly impracticable to incorporate on site or near site, what should the response be. I think the direction that it appears likely to take is that if you can demonstrate that you genuinely cannot integrate on site (or near site) renewables which would be hard wired, then the developer pays money into a fund that may be administered by the local authority, which goes towards building a big wind turbine somewhere windier and the carbon emissions are audited, so that there is no double accounting going on, and actually it is more cost effective at that level.

You are right, I think there inevitably has to be a trend of de-carbonisation of the grid through all the renewables initiatives that are going on happen. So, we could look forward to a day, perhaps in 50 years time, when electrically heating our buildings will be the greenest option. As you say, there is going to become a pinch point on biomass in the next few decades when we are forced into that direction in any case.

I think, whilst it is clear at the moment that biomass in many cases is the obvious commercial decision, there is no one single bullet solution for the country as a whole for the remainder of the century. It is going to be a mix of solutions. I think that electrical heating is the easiest thing to retrofit that you can dream of, and biomass is the hardest.

So if you design buildings now based on electric heating, you have zero resilience in terms of what the future energy scenarios may look like. If you design buildings with biomass boilers now, you have enough space in your plant room to replace those with fuel cells or nuclear fusion or whatever comes along in the future and you do not have that option if you just go with gas or electric. You even have the option to burn

coal if we work a way of doing that cleanly because we have got loads of coal and coal/biomass hoppers and technologies are very similar. We can always go back to electric because it is a very easy solution both in terms of capital cost and in terms of space and risers and sealing voids and cabling and all of that. That would be my reaction.

Follow-up: Jerome Baddley (NEP)

Just to add onto that point re: the electrical element. If you have ground source for heating and cooling, then electric is fine; you see it provides the cooling element as well, thus building in the potential to adapt to increasing temperatures in the future. Built in climate change adaptation is the key to achieving zero carbon cooling as well for the future. Without this many buildings will end up having to retrofit carbon intensive air-conditioning to remain usable in hot summers. There are already examples of this in PFI health centres in Nottingham; Clifton LIFT has to retrofit expensive carbon intensive aircon following the summer of 2006 when parts of the naturally ventilated building became too hot to use. Also there is the flexibility to add photovoltaics or other electricity generating technology later which could power the heat pumps.

**Second Session (after break and distribution of the Main Document)**

Tony Ward (Broxtowe Borough Council)

I can confirm that we would like to compile a report of all the comments and evidence again of how that has changed the main document. I am aware that you will obviously have not had time to look at the main document today, as you will have just received it. I do not know whether we will have another event as such. I think there has always been a continuing commitment to try and train planners in this area because, whilst no one particularly has mentioned it today, we are aware that there will be a whole issue about implementation - notably how the planners receive the energy statements or receive energy information in the design and access statements in planning applications and how they are going to deal with that.

I think probably if we do hold another event later this year, in which we feed back the comments and explain what has happened to the evidence base, then it might be linked to training: i.e. how do we skill people to do this work? So we will talk about that more as a group and may be able to put something on. But in the meantime, the main thing is we need these comments and it will result in a more watertight document, so please keep the comments coming in.

Q&A Continuing

I am aware that the lady here has asked questions about permitted development (pd) and conservatories. We moved on quickly because there were 3 questions in one there. Logically, the Government should not be allowing pd as liberally as it does; it is counteracting another Government aim, but I cannot really see the pd rules changing again.

It is indicative of the leaking out system. You are trying to tighten up on energy use and sustainability but there are always situations which are not regulated; in a way it is even more important to get the regulated part of all of this right in order to

compensate for what we know we are going to have to lose, because we cannot regulate it. So it was a good point and we could not respond because there is effectively no response. Let's get good control in what we can control.

Question: Nigel Lee (FOE)

Just one question following on from one of the points earlier. If I can just first comment on what you said: I think that the training of planners will be very important because it is a new area for them. The question was whether there would be any intention on part of the districts within the County to vary the figures that are in this sub overall interest or will it be a County wide strategy? Or will the intention be to have different figures, or more detailed figures in the local areas?

Response: Tony Ward (Broxtowe Borough Council)

The original intention was to try to get an overall County wide consistent policy. I think inevitably that with eight different Councils, there might be a different political steer within those Councils which could result in different priorities and that might result in slightly different policies. If we can build on the common evidence base to try and explain the logic as to why things are slightly different, that feels a lot better than eight different Councils trying to evolve their own policies separately. The report also talks about local development areas where Councils can set high targets anyway to respond to the availability of resources like a combined district heating scheme, so I cannot imagine it will be carried out on an exclusively a county wide basis, that is the aim of doing the work. We will see what happens. Does anyone want to comment on that?

Question: Eric Rennie (Nottingham City Council)

I was just going to ask you Tony, "Does the alignment of those core strategies help in this..?"

Response: Tony Ward (Broxtowe Borough Council)

Yes, I have not explained about the Local Development Framework that the councils in the Nottingham Core Housing market area are jointly preparing - which actually includes Erewash and places immediately around Nottingham including part of Ashfield; that is: Rushcliffe, Gedling, Broxtowe and the City- are working together on a Core Strategy. It will be a key Strategic Document and there will be an Issues and Options paper released in the summer.

So the joint work on that is already making people think in a joined-up way about Nottingham as a conurbation and so the energy requirement/ energy use within that area should surely be looked at in a similar joint way. That will help to fire, I think, some common policies and when the issue and options document comes out, it will be interesting to see whether if we have actually managed to stay together in terms our attitude towards this sustainable energy policy.

Response: Jerome Baddley (NEP)

As times goes on, with environmental policies changing rapidly, when these policies start going through local authority systems, there may be different influences on how they should be adopted. Certainly, within the local development areas, they are going to be able to go further; and particularly, given the pyramid with the allowable solutions bit on the top, some local authorities may be allowed to take things further, if they want to. But the essential aim is to make a common minimal approach.

Question: Peter Strutton (East Midlands Development Agency (emda))

I just want to clarify another overall objective of the policy framework, but firstly I want to endorse the need for training to gain competency in the necessary skills, and to put into the pot, I can make provision next year for some professional development and professional training -so I am happy to stay in touch and see how we can that work out something together on that.

In terms of the overall objective of the proposed framework, the thing that has crystallized in my mind is to query that the concern that you had to have a percentage renewable energy production in a reducing CO<sub>2</sub> footprint driven by building regulations; but I would question if driving a CO<sub>2</sub> footprint of the CO<sub>2</sub> development necessarily means in fact a reduction, and perhaps does not mean a reduced investment in renewables. In fact it may imply an increase in investment in renewables. All you are suggesting is that your 20% policy will have a diminishing effect.

So it comes back to what the objective of the framework is: if the objective is to increase investment in renewable energy per se, then it begs the question why we are emphasizing connection of renewable energy with physical development? Should we be looking at a policy framework which it exemplifies support and even pro-actively engages with and delivers renewable energy generation infrastructure across the county and even wider area? Why is it necessarily linked to physical housing or non-housing development; it does not make sense if that is the objective?

Response: Jerome Baddley (NEP)

I think the allowable solutions element may allow developers to buy into the same sort of Section 106 Agreement i.e. potentially putting more money into renewable energy developments in the surrounding area, that may well happen.

Response: Peter Strutton (emda)

If we take wind as an example as having a hard time in the planning system. You might argue that you can deliver more investment in renewables by having a planning framework which supports it in a more pro-active way, without necessarily applying it to physical buildings, which, given the zero footprints trajectory, you might say buildings regulations are going to do that.



Response: Eric Rennie (Nottingham City Council)

I have been noticing that in authorities where their Core Strategies have been approved, they seem to have a range of policies. They have something like the Merton Rule plus type policy. They also have a wider policy about using BREEAM standards and they also have a further policy about larger off site type developments. I think what you were talking about is where you have a wind turbine set up, not related to a specific building. So you will probably end up with something like a 3 way policy coming through in the core strategies. That is not gospel, but that seems to be the way the trend is going.

Response: Richard Cooper (Nottinghamshire County Council)

Can I respond to that? The implication of what has just been said, is that, if you have got an area where renewable energy is being provided in the infrastructure, then the developers have got an opportunity to reduce the costs involved in on-site energy efficiency; therefore, you have got, if you like, a double win and it achieves what the Arup person says - that you are actually encouraging the wider infrastructure and you are benefiting the developers or benefiting the on-site developments (I can explain later).

Comment: Unknown speaker

Mine is more of a plea than a question, and the plea is to make it simple. Whatever you do you make it simple. (Background: *You are talking about planning here!*) I support my colleague over there, who I do not know, but if it can be made simple, you can actually work out the objectives and make sure that you stay within the objectives.

There is a tendency to get so involved in the process that you actually lose out on what you are actually aiming for, and I think this is really, really important. Especially, because there are people out in the world there that are like me that have got to sort this out, as well as the planners in the planning department, and so the simpler it is..... Whenever you are going through all of this, just keep at the back of your minds simplification wherever possible.

There was a French writer Santa Dupre(?). I do not know if anybody has read him, but his principle was that you get a design, and whether it is a design for this or whatever, not just a physical design, a design for policies if you like, and you actually take off everything that you do not need and when you get all the peripheral stuff out of the way, you actually get the best design you can have and it will apply here as well. Sorry about that.

Question: John Coleman - William Davis Limited

I think someone mentioned that the ecsc were asked to look at compliance about a year ago. I just wondered in the light of the depth of the recession, that we have now entered and the decline in prices and decline in land values, is that still a robust piece of evidence?

Response: Eric Rennie (Nottingham City Council)

*Various:* Have we got an answer? I do not know. It is an exceptionally difficult question to answer.

*Eric :* Whilst somebody is trying to work out a better answer, I think we have got to remember that the recession will end, please, at some point, and planning has to go on and look at the longer bigger picture. Things will change again and we will still need to have these policies in place.

Response: Mike Rainbow (ARUP)

Part of the answer is thinking back, was it in PPS1 (and PPS22) that introduced the phrase 'undue burden'. Implicitly within that phrase there is an enablement to impose a 'burden', but not an 'undue burden'. I think it is finding that path that between 'burden' and 'undue burden' that is important. I think there is not really an option to do nothing. So I think planners should always have the ability, if a developer is presenting a case, where they are legitimately able to demonstrate that this is 'undue burden' by whatever definition is prevalent at the time then I think that is fair. But I think the planners have an obligation to impose a 'burden' beyond the basic legislative framework.

I sympathise with everyone who has been involved in this process. I think the difficulty is actually arriving at something that is not too difficult (but not too easy), because there are many instances when this policy is potentially redundant or irrelevant either now or at some of these trajectory points in the future. The reason being that you are going to have to put in three times as much renewables as that just to meet Part L or just to get your B excellent points or just do whatever else you have got to do to get your B rated building. I think it is a very, very difficult game. I suppose my penny worth would be that whatever policies get implemented, then a clear understanding is that what the local authorities is trying to do is introduce a 'burden' that is in the kind of 5% type not an un-new area and it does not fall wrong side of that line into the 20% line area and it does not fall into the zero %area either. I think it is very difficult at this point to create catch-all policies that guarantee that. So maybe it is something that needs working out as it goes along, but it is not easy.

Response: Phil Delaney (Mansfield District Council)

The ecsc figures include figures for build costs and then the costs for the various technologies that add on to those build costs, and they have not measured that against house prices or land values to look at overall viability. It is just what would that policy implementation do to those build costs, so how the credit crunch affects the house prices residual individual land values etc. is not something that is considered through the ecsc word.

Closing: Philip Keynes (Nottinghamshire County Council)

We do want to hear from you and I think before we finish we should thank the speakers and the panellists for all their efforts.

