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Room 4.06
Scottish Parliament
Holyrood
Edinburgh
EH99 1SP

15 March 2006

Dear Ross

The Energy Efficiency and Micro-Generation Bill Proposals

The Royal Town Planning Institute (RTPI) welcomes the opportunity to comment on the proposal to develop an Energy Efficiency and Micro-Generation Bill, which has important implications for planning policy and practice at all levels. We consider that the planning system has an important role to play in helping to address climate change through land use regulation, urban design and policy integration, although it has a limited role with regard to building specification. The provision of robust and objective policies in development plans should ensure that there is an effective statutory framework in place from which well informed and consistent decisions on micro-generation developments may be made.

The RTPI is the UK body chartered to represent the planning profession and offers these comments from the point of view of a diverse and policy neutral professional body committed to supporting devolved government in Scotland. The Institute has 1900 members in Scotland working across all sectors of central government, local government, government agencies, the voluntary sector, private consultancy, the development industry and academia. Since devolution, the Institute has empowered its RTPI in Scotland Office, together with its Scottish Executive Committee, with the responsibility for working with government and public bodies generally for the improvement of the planning system in Scotland. This is in accordance with its charter obligation to work for the public interest.

The Institute fully supports the stated aims of the proposed Energy Efficiency and Micro-Generation Bill to promote the installation of emerging small-scale renewable and low carbon energy technologies in new and existing buildings by amending building standards, setting national targets and providing financial incentives. We also endorse the positive effects which it should encourage to reduce fuel poverty particularly in relation to the provision of affordable housing. However, we consider that important progress may be made through current initiatives and by strengthening and adjusting readily available mechanisms. We

would urge that these avenues should be fully explored before further legislative provision is considered.

The Institute does not wish to comment on all the issues raised by this consultation but hopes that the points raised below under the relevant questions as set out in the consultation will be of help to you in considering further legislative needs.

The benefits of a legislative approach

The Institute notes the high level of support being given to the Climate Change and Sustainable Development Bill, currently being debated in the House of Commons. This will make provision for the reduction of emissions of greenhouse gases, the alleviation of fuel poverty, the promotion of micro-generation and the introduction of a renewable heat obligation. We consider that this will provide a useful basis from which to consider the need for further Scottish legislation.

We also consider that progress may be made through the revision of Scottish Planning Policy and related advice. These documents can play a very significant role in promoting positive planning measures. Thus the current revision of NPPG 6 on Renewable Energy should encourage positively expressed policies on the use of on-site renewable energy. It may also be appropriate to consider the need for further policy, guidance and information on best practice to be made available through updates to SPP 3 on Planning for Housing; through Planning Advice Notes such as PAN 74 on Affordable Housing; and in relation to the provision of sustainable building design through building regulations. Scottish Planning Policy could be updated to give clear guidance so that local authorities are required to deal with planning for micro-generation separately in their structure and local plans. The Institute would support a locally generated target based approach with supporting criteria based policies in response to local circumstances. We would also support the need for further planning policy guidance on climate change.

The Institute notes the current UK level work to set national sustainability standards for new housing through the introduction of a Code for Sustainable Homes. We would encourage the application of the Code to all new development. The built environment accounts for 50 per cent of Britain's carbon emissions. Therefore, if the code is effectively to mitigate the impact of climate change, a more ambitious approach is needed that also covers carbon emissions produced by new commercial buildings and the refurbishment of existing buildings. Buildings with lower sustainability standards may offer short-term economic gain for short-sighted developers, but the code could provide certainty for investors, a better deal for householders through lower fuel bills, and a model for a low-carbon future.

The Institute notes the proposals set out in the consultation paper to make it easier for householders to install solar and other technologies by removing the need and expense of applying for planning permission provided certain conditions are met. The proposed Bill would grant permitted development status to specified micro-generation technologies which have been assessed for noise and visual intrusion. This is an issue which is currently being considered as part of the investigation into the review of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and proposals for further action might wish to refer to the results of that review. In addition, the proposals under the Planning etc. (Scotland) Bill to remove a significant number of minor development applications from the planning system are in line with the proposed Bill's ambitions.

Amendment of building standards

We note the requirement to implement the EU Directive on the Energy Performance of Buildings and the current consultation by the Scottish Building Standards Agency on proposed amendments to the Building (Scotland) Regulations 2004. This review aims to reduce CO2 emissions that occur as a result of energy usage in heated/cooled new buildings and existing ones that are being converted, altered or extended and to encourage low and zero carbon energy generating technologies, such as solar water heating and photovoltaics. These provisions might be strengthened for instance by making the Code for Sustainable Homes mandatory through revision of the Building Regulations and subject to independent assessment.

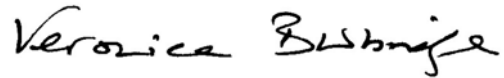
Setting targets and annual reporting of targets

As indicated above, the Institute would support an approach based on the setting of local targets with accompanying criteria for developments. We consider that a degree of flexibility will be required in responding to local circumstances. For instance it would be necessary to encourage developers to consider a range of technologies as not all technologies will be appropriate to all sites and locations. Local authorities should be encouraged to prepare criteria-based policies that focus on key local issues and reflect local circumstances, within the framework set out by national planning policy. This offers local authorities an opportunity to tailor-make their policies, ensuring that all aspects, and features, of their local area are considered. In addition, the RTPi considers that policies will be needed to address the urban design consequences of on-site technologies. We also consider that more could be done to raise awareness of the benefits of micro-renewables, to encourage pilot projects and to increase funding in this sector.

The Institute trusts that these comments are of assistance and has no objection to its comments being made available to the public in the usual way. Should you wish any clarification please do not hesitate to contact me at the RTPi Scotland,

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Yours sincerely

A handwritten signature in black ink that reads "Veronica Burbridge". The signature is written in a cursive style with a large initial 'V' and 'B'.

Veronica Burbridge

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