APPENDIX B – THE MERTON RULE: POLICY WORDING AND HOW IT IS APPLIED

The policy wording:

“The council will encourage the energy efficient design of buildings and their layout and orientation on site. All new non residential developments above a threshold of 1,000sqm will be expected to incorporate renewable energy production equipment to provide at least 10% of predicted energy requirements.

The use of sustainable building materials and the re-use of materials will also be encouraged, as will the use of recycled aggregates in the construction of buildings. This will be subject to the impact on the amenity of the local environment, taking into account the existing character of the area.”

The justification sets out that where the incorporation of renewable energy equipment would make the development unviable it will not be expected. So for example for technical reasons it may not be possible to mount solar or wind methods on a roof.

The justification also sets out the means of generating renewable energy to be photovoltaic energy, solar-powered and geo-thermal water heating, energy crops and biomass, but not energy from domestic or industrial waste.

An Outline of How the Merton Rule Is Applied

° Compliance with the policy is required as a condition of the planning consent. Until this condition is signed off the development will not be legal.

° In order that the developer can get a clear idea of the costs it will be helpful for them to enter into discussion prior to submission of an application.

° The basis for the 10% calculation is simply the energy consumption of the proposed building multiplied by the floorspace of the development.

° Where speculative commercial/industrial development is intended and the end user cannot be identified fittings are not included in this energy assessment. This results in a reduction in the electricity use with only lighting being considered.

° To work out the energy consumption we use the Energy Use Benchmarking Guides that have been produced by BRE (Building Research Establishment) for the Department of Trade and Industry (DTI). These guides give the energy consumption per metre squared for various building types eg an open plan office with natural ventilation. A total figure should be worked out separately for gas and electricity values and then combined.

° Energy consumption is then converted into carbon by multiplying by a simple fraction. This then gives the total carbon consumption for the building from which the 10% requirement can be determined. The figure is converted into carbon because of the differing quantities of carbon dioxide produced when generating electricity or producing heat from a gas boiler. Electricity generation produces more.

° This is the figure that the developer has to satisfy and it is up to them how they do it. We meet (if necessary) initially to agree this figure and can meet further to negotiate ways of meeting the target. For example if energy efficiency measures are to be incorporated as standard into the building such as energy efficient
lighting and increasing the thermal mass of the building then this will reduce the overall carbon footprint of the building thereby reducing the 10% requirement.

- It is usually cheaper to reduce the energy consumption of a building than provide renewable equipment. Therefore if a building exceeds the requirements of the forthcoming Part L of the Building Regulations then we will take this into consideration and reduce the energy consumption for the development.