

To: Laura Missingham[Laura.Missingham@ofgem.gov.uk]
Cc: Ashley Malster[Ashley.Malster@ofgem.gov.uk]; Dora Slater[Dora.Slater@ofgem.gov.uk]
From: Marcus Porter
Sent: 2012-01-30T14:29:05Z
Importance: Normal
Subject: RE: Point of heat use queries
Received: 2012-01-30T14:29:07Z

Hi Laura

Just by way of preliminary observation, in my view we shouldn't focus *too* closely on what DECCs policy intent was in considering issues of interpretation such as this one. It's important to know what the policy was and it may indeed assist in determining the meaning but there may be cases (and I think we have encountered a few!) where, properly construed, a particular provision cannot realistically be said to be in line with the declared policy intent – the definition of “date of accreditation” being a good example in my view.

Of course a policy decision may in a particular case be taken at our end to apply the legislation in a manner consistent with DECC policy notwithstanding that the wording of the Regulations does not appear to support that, but that's another matter and we in Legal must take the Regs as we find them when advising you.

The definition of “building” contained in the current Regs is not as clear as it might be and, as you know, Faye has flagged it up as a definition the wording of which NI could usefully consider tightening up when drafting their Regs. Moreover, I think we have in mind making a similar suggestion to DECC in relation to the proposed amendments to the GB Regs.

In the meantime, we have explained in detail in Vol 1 of the Guidance what approach we propose to take in deciding whether a given construction is or is not a “building” for the purposes of the current GB Regs and it's therefore incumbent on us to follow that approach unless until the Guidance is amended. I don't think that's problematic for us though as the approach seems to me to be a perfectly reasonable one.

Based then on the criteria set out in the Guidance (from which it is clear that even constructions that are not “buildings in the ordinary sense of the word, such as Portakabins, may qualify) it does seem to me to be possible in principle for a grain dryer to be a “building” within the meaning of the Regs or, failing that, a “structure”.

I wouldn't go so far as to assert that all grain driers without exception will qualify. Each application should be considered on it's own merits in order to determine whether it is “permanent” or (failing that) whether it is set to be sufficiently “long lasting” and whether it is “wholly enclosed”. It goes without saying that all other eligibility requirements must also be met.

Marcus

From: Laura Missingham
Sent: 30 January 2012 11:34
To: Marcus Porter
Cc: Ashley Malster; Dora Slater
Subject: FW: Point of heat use queries

Hi Marcus,

As flagged with you on Thursday, I have had an initial discussion with DECC about whether it was their policy intent that a grain dryer be considered a ‘building’. Andrej's initial view was that it would be DECC's preference that a grain dryer could be included as a ‘building’, although he thought it unlikely given how a building is defined in the Regulations. Andrej has asked me to ask for your view of whether a grain dryer could meet the building definition. Could you please review the attached information and provide your opinion within the next few days? Let me know if you have any questions.

Kind regards,

Laura

0207 901 1814

From: Dora Slater
Sent: 26 January 2012 14:29
To: Laura Missingham
Subject: FW: Point of heat use queries

From: Dora Slater
Sent: 19 January 2012 14:34
To: Ashley Malster
Subject: Point of heat use queries

Hi Ashley,

This is the gist of that issue we discussed on Monday that you were going to take to DECC.

We have had a number of enquiries about grain dryers and whether they meet our “building” definition. In deciding that a particular example does meet the definition (I have attached the brochure in case it is of use) it has thrown up a question about where is the point of heat use in such a situation.

In deciding that the grain dryer is a building, it is possible that the grain dryer in question is positioned adjacent to another building in

which a biomass boiler would be installed to provide heat to the dryer. This would normally mean that the installation was complete as the heat was being generated and used in more than one building.

These particular grain dryers operate using hot air blown through the grain and as currently designed, use oil or gas burners within the dryer unit to generate the heat. We have been asked about eligibility if the heat was to be provided by a biomass boiler heating water, with a heat exchanger and fan to provide heat to the dryer. I have attached a sketch of the situation

In this situation, the heating system (boiler, pipework and heat exchanger) is all contained in one building, but the heat is delivered to and used in another building (the grain dryer) by means of a fan (presumably via a duct). This raises the question of where the heat is used – is it in the dryer? If so, it can't be metered there as the heat arrives as hot air. If we said the heat is used at the point it passes through the heat exchanger to be blown by the fan into the dryer then that does not seem acceptable in terms of the definition of "use" in the Regs – for heating a space, heating water, or carrying out a process. If the heat exchanger was considered as the "use" then the installation would be simple and we would just require metering of the heat generated. But this would also open up the opportunity to allow all sorts of end uses of heat beyond the heat exchanger that contravene the spirit of the Regs – eg blowing heat into an open barn, or open air.

Since discussing the above, another issue relating to the question of "use" has arisen. Namely an enquiry about the need for a meter in a milking parlour where hot water is used to wash down the parlour. The plant room containing the boiler is in a separate building 10m away from the parlour. We would normally require a meter before the tap in the parlour to measure the heat used for wash down, but the query has been raised that instead of installing a meter at that point, they would consider having the draw off point (a hot water tap) in the plant room with the option then of either attaching a hose to the tap to deliver hot water to the parlour, or carry the hot water in buckets over to the parlour. So the question here is, where is the point of use; if the latter was opted for and the draw off point remains in the plant room, and the water is delivered by hose or bucket to the parlour – is it at the tap, or in the parlour? If in the parlour we would get into the realms of measuring heat loss via a hose or bucket.

Thanks,

Dora

Dora Slater

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on 01 Feb 2012 11:00:00 using MacroView DMF