

Making Better use of Energy Performance Certificates and data

Response to consultation from the Chartered Institution of Building Services Engineers (CIBSE)

This response is submitted by CIBSE, the learned and professional body for building services engineering in the UK.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Introduction

CIBSE is the learned and professional body for building services engineers, with a global membership of around 20,000. The Institution exists to 'support the Science, Art and Practice of building services engineering, by providing our members and the public with first class information and education services and promoting the spirit of fellowship which guides our work.'

CIBSE is the standard setter and authority on building services engineering in the UK. It publishes the CIBSE Guide, Codes and other guidance material which are internationally recognised as authoritative, and sets the criteria for best practice in the profession.

Buildings account for almost 50% of carbon emissions. Whilst building services systems which heat, cool, ventilate and power everything within the building are responsible for the bulk of these emissions, innovative services design can dramatically improve their energy efficiency. Our members continue to design and create the most environmentally friendly systems in many major projects across the globe.

Whilst many building services engineers design energy using systems for buildings, other CIBSE Members have a professional interest in the operation of building services. Facilities managers are responsible for day to day running of buildings, and seek ways to improve their energy performance and reduce waste. Many CIBSE members are accredited energy assessors, and a number have contributed to the preparation of this response. In addition, a number of other CIBSE members have contributed to the preparation of the following comments on the consultation paper.

Chapter 2

Making better use of energy performance certificates and data

Question: Do you agree with our approach to giving access to 1) address level data and 2) anonymised data.

We agree with making the information more widely available on two levels. Simply put the data (if used correctly and sensibly) can be put to good use by a variety of organisations. The levels of data protection are sufficient to be useful and at the same time protect against commercial gain by misuse. The only danger with the different levels is where level 1 (address level) access is provided to an authorised organisation that has links to another company that might not be deemed appropriate for that level of access, and the need to ensure that proper and effective Chinese walls are in place.

Making the information available to local authorities with full address level information could be very useful and sensible but the focus should not only be on domestic (as suggested in paragraph 10), low carbon frameworks at a local authority level covers all emissions and non-domestic data would be particularly useful in identifying and targeting specific sectors in the commercial market for investment and improvement. This would also assist the enforcement of EPCs, DEC's and air conditioning inspections.

Whilst there is a need to tackle the "low carbon project" in manageable elements, there is also a need to avoid the risk of a silo approach in which new build and existing stock, and residential and non domestic buildings are treated as four separate streams of activity. One of the ways to achieve the significant reductions in carbon emissions called for is to identify or create and then exploit synergies across the whole stock. This should also apply to our thinking about data access. Local authorities should be able to see where there are opportunities arising from new developments in close proximity to existing stock which offers potential for improvement.

Anonymised data should be published without restrictions (as per level 3 in paragraph 11), and not only for research by academia and other bodies but also for use by commercial organisations to enable effective decisions on activity and market development to be made.

It is interesting to see that making use of ACR data available under the same framework is suggested, which of course would require positive steps towards mandatory ACR lodgement. The only data currently available with any relevance to AC has been collected via the DEC renewals (and late first year DEC's) to show what system is installed and if an inspection is required and carried out. We would like to see evidence of this data set in use and the positive impact that it should have on compliance.

CIBSE believes that early action to enable lodgement of air conditioning inspection reports would be highly beneficial to all parties.

Question: Are the safeguards relating to the sharing of address data adequate?

In terms of the safeguards they are sufficient, they lower the emphasis on safeguards and increase the emphasis on making beneficial and productive use of data.

Question: Do you agree that a list of DEC's for public buildings should be published?

For DEC's the whole register should be open access. Every DEC is a public display, and the DEC and Advisory Report are open under the Freedom of information Act. It is time that the DEC register was a public website, open to every taxpayer who has to fund poorly performing public buildings. In addition, a summary list of public buildings that have had DEC's with summaries by geographical area where DEC's have been implemented and just as relevant to highlight where public bodies have not complied would aid transparency, improving awareness and levels of enforcement.

Not only the DEC's but the advisory reports should be accessible to all, for the same reasons. Forward thinking public bodies who are taking the government's commitment to the 10:10 commitments could also be providing an action plan for energy efficiency improvements, to demonstrate how they plan to achieve the 10% target reduction from their buildings.

Chapter 3

Houses in multiple occupation

Question: Do you agree that an EPC for a HMO should be required and triggered when a room in an HMO is rented out?

CIBSE agrees that the whole building stock should in general be treated alike, as long as there is some benefit to be derived from requiring a certificate. The concern in this case is that the EPC on its own is addressed to people who are most unlikely to place any value on the information conveyed. How will these EPCs actually yield any benefits? If that can be demonstrated, we would support the extension in this case.

Question: Do you agree that EPCs extended to HMOs should have a validity period of 10 years?

Unless there is a clear justification for doing otherwise, yes.

Chapter 4

Energy performance certificates for short-term holiday lets

Question: Do you agree that the guidance should be amended to provide that an EPC must be produced when a holiday let is rented out on a short-term basis?

Question: Do you agree that this should only apply to holiday lets that are rented out for a combined total of four months or more of the year?

Question: Do you agree that the EPC should have a validity period of 10 years?

It is not at all clear why this is an issue. How much carbon will this save. Far better to focus on making the current law work on the main property markets, on DECs, and on air conditioning inspections, rather than creating another task for Trading Standards not to enforce.

These proposals are very likely to be a waste of time and money, a burden on the law abiding landlord, and a distraction from the strategic priorities. They will hand a PR own goal to the naysayers in the press. This is not worth doing.

Chapter 5

Energy Performance Certificates in Property Advertisements

Question: Do you agree that advertisements for the sale or rent of domestic and non-domestic property should include details of the EPC rating?

There is no doubt that mandatory display of EPC ratings should be in all advertising if for no other reason than to improve compliance. There is good evidence to suggest a large proportion of non-domestic properties available on the market do not have a valid EPC. Improving compliance will lead to the desired effect of raising awareness of energy efficiency and lowering emissions.

It is fair to suggest an approach that enables the full A to G certificate or just the letter based upon the size of the advert, though the guidance should be very specific and not open to interpretation. The most effective requirement would be for any advertisement to incorporate the EPC in full, no smaller than A6

size in a display, and when particulars are supplied the EPC AND Recommendations Report must be supplied in full to prospective buyers.

With the majority of EPC's created for non-domestic buildings taking place after a sales has been completed the incentive for the seller to invest in a quality assessment in reduced, therefore mandatory display of a rating should improve quality with more of a desire to understand and improve ratings rather than just have legal coverage. The requirement should be quite clear that the EPC is required prior to placing on the market.

Consideration should also be made to highlight the availability of the recommendations report at time of marketing/sale. The prospective owner or tenant can then also have an idea of how energy performance can be improved and enter discussions if relevant on how this could be achieved. For leased properties this could lead to the implementation of more sustainable approaches to the landlord tenant relationship through tools such as green leases.

Question: Do you agree that the scheme should be made compulsory by implementing the relevant provision in EPBD2 at an early opportunity?

It is not at all clear why any of this needs to wait for EPBD(2), its all required by the existing Directive.

Question: Do you agree with the proposed coverage of all properties advertised for sale and rent including social rented dwellings marketed through choice-based lettings?

No view.

Chapter 6

Extending Display Energy Certificates to commercial buildings

Question: Do you agree that the requirement to produce DEC's should be extended to commercial properties?

DEC's should be extended to commercial buildings as a compulsory measure. There is already a voluntary appetite for the provision of operational ratings within certain sectors and with the onset of the CRC Energy Efficiency Scheme this appetite is increasing amongst both landlords and tenants.

The coverage should extend in floor area terms to the same coverage as for public buildings with the same timeline as introduced with EPBDII, as should the same 'rules' and 'definitions'.

A key success factor in the implementation of DEC's in the commercial sector will not be development of software, as the market has sufficient coverage of tools available from the free ORCalc to a choice of commercial tools. The benchmarks used need to be reviewed to ensure that they are appropriate. The extension gives the opportunity to learn from the two full 'DEC years' that have passed for future improvement.

The major incentive to building operators to address energy use in their buildings in being presented with data about their building. DEC's provide real operational data about buildings, which operators can make full use of to improve their building performance.

Question: Do you agree that DEC's in commercial buildings should be updated every year and Advisory Reports updated every seven years in line with the current requirements for buildings occupied by public authorities?

The renewal period of a DEC is sensible and practical at one year, the commercial sector is already beginning to standardise on 'energy accounting' annually. The 'energy accounting' year becomes aligned with the requirement for a DEC.

Advisory Report validity of seven years is not practical or useful, and the opportunity should be taken to increase the value of the AR to occupiers/owners. Chapter two of this consultation seeks to improve the level of information available to improve energy efficiency in building, the AR methodology is already available and provides a good level of practical information to recipients. Reducing the validity of the AR to a more practical three years would provide a process that would be of more considerable use and increase the likely hood of implementation of recommendations. As with other area's increase the profile and importance of the AR and the quality of recommendations will also increase.

The issue with Advisory reports is over-reliance on drop down menus and prepared answers. It is much harder for an assessor to be criticised for using ready made advice. But what really counts is where that advice is clearly tailored to and appropriate for their building. This requires greater engagement by the assessor, to deliver tailored advice to the building manager.

Chapter 7

Mandatory Lodgement of Air Conditioning Reports

Question: Do you agree that the 2007 Regulations should be amended to make it mandatory to lodge ACRs on the England and Wales non-domestic EPC register?

The market reality is that Air conditioning inspections are not happening. Whilst mandatory lodgement may help, there is no philosophical reason to argue that the introduction of this requirement will do very much to increase compliance with the air conditioning requirements.

CIBSE supports the extension of the Statutory requirements to lodge EPCs and DEC's to air conditioning reports. We would strongly encourage CLG to work with the accreditation schemes to ensure that the relevant infrastructure is put in place to enable this to be done, and to ensure that all the accreditation schemes are treated on an equal basis. Once this is done we strongly support lodgement of air conditioning inspection reports.

However, we would also suggest that making Air conditioning inspections work in practice requires enforcement action, which, in spite of all efforts to promote compliance and encourage uptake, remains stubbornly lacking. It is arguable that the current enforcement regime is not fit for purpose, and that it is inappropriate to expect Trading Standards Officers to handle this topic. Mandatory lodgement alone will not solve the problem. One only has to note the problems identified in other chapters to realise that lodgement does not ensure full compliance.

Mandatory Lodgement needs to be supported by a common reporting format and the process defined by clear, practical and easy to use software. However, Air conditioning systems come in many and very varied forms. Inspectors need flexibility in producing the detailed reports, to tailor reports to systems, and not to force reports into artificially generated administrative templates.

The lodged material needs to be the headline summary, but the engineering detail produced by truly competent inspectors should be left at the discretion of the inspector to produce and present in the most appropriate way for the site, client and systems being inspected.

Without these arrangements in place ACR's will always be destined to failure.

Question: What information would you consider should be recorded on standardised ACRs?

Similar to the EPC/DEC requirements the information required for lodgement should include Assessor details, building details, system details (AC) and recommendations made. It would not be practical for the assessor to lodge calculation and supporting information on the registry. However, the level of details to support calculations and recommendations should be available to the accreditation scheme of the assessor on request to maintain quality assurance.

As with Advisory Reports for DEC's as noted above, the real value added is when a competent air conditioning assessor is able to deliver clear, tailored advice to the client on how to improve their building, rather than a generalised and commoditised standard report formulated from a collection of drop down menus. If that is what is meant by standardised reports, then it is debateable whether the exercise will be of benefit, as research undertaken in part in the UK will demonstrate when it is published in the near future.

Question: Do you agree that the fee for lodging ACRs on the England and Wales non-domestic EPC register should remain the same as for lodging non-domestic EPCs? If not, how do you think the fee should be structured?

The published lodgement fee in all consultation documents is a point of personal frustration as an accredited assessor. The figure of £5.36 means nothing to any party other than the accreditation schemes, the 'real' lodgement fee ranges from £10 to £40 at time of writing (March 2010) and is set by the schemes with a view to cover costs of management and quality assurance, given the range there is either some very good management practices or some very bad/inconsistent quality assurance. Hence the question of 'should the lodgement fee remain the same' is irrelevant to all other than accreditation schemes. CLG should be urged to look at stabilisation and even fixing of the lodgement fee in the market to ensure stabilisation of standards between schemes.

Chapter 8

Clarifying when an Energy Performance Certificate is required

Question: Do you agree that that the 2007 Regulations should be amended as proposed to clarify when an EPC is required during the process of selling or renting out a non-domestic building?

Guidance can only be improved so much before it becomes a pure compliance issue. I believe we have a compliance issue and not a problem with the guidance available. If the decision is made to make mandatory disclosure of energy ratings in advertising I would be confident that the issue would be significantly reduced or removed.

Question: Do you agree that the option to defer making an EPC available until exchange of contracts should be removed?

The option to defer the completion of an EPC once the sales is completed and prior to contracts being exchanged should be removed as it is the preferred option today. This leads to a lowest price and quickest turnaround EPC being produced in most cases which invariably leads to lower quality. In many cases it is even unlikely that the incoming tenant or owner would even see the EPC as it becomes 'just another legal document'.

CIBSE Technical Department
25th May 2010