



# Response to the Scottish Building Standards Agency Consultation on the Implementation of Articles 7, 8 and 9 of the EPBD

---

Submitted by:

National Home Energy Rating

August 2006

---

National Energy Centre  
Davy Avenue  
Knowlhill  
Milton Keynes  
MK5 8NE

## ***About National Home Energy Rating (NHER)***

The NHER is the UK's first and largest energy rating scheme. Members of the NHER include more than 200 Local Authorities, over 130 Housing Associations, 8 energy suppliers, over 900 builders, including the top ten, and more than 250 consultants, architects and surveyors.

Our objective is to provide excellent technical and business support for individuals and organisations who are trying to improve the energy efficiency of the homes that they are responsible for; whether they are Consultants, Energy Companies, Social Landlords or Builders.

The NHER is owned and operated by National Energy Services (NES). NES is a trading subsidiary of the National Energy Foundation, an independent charity set up in 1988 to promote energy conservation and provide help to improve energy efficiency in residential buildings. NES also owns SAVA, which provides technical and business support for Home Inspectors.

## ***Response to specific proposals***

### **1. Section 2 Proposed timetable for implementation**

It is proposed that energy performance certificates are introduced in the following stages:

- Post construction – May 2007
- At sale – Early 2008
- At rental – January 2009

***Do consultees agree with this timetable?***                      No

#### **Comments:**

- January 2009 for the introduction of energy performance certificates at rental is the latest possible date allowed by the EPBD. This is justified in paragraph 2.4 on the basis that it will allow RSLs and local authorities the opportunity to do energy ratings under the SHQS in a way that is convenient to their current working practices. However, these practices will surely need to change, and while this could equally well be used as a justification for allowing the maximum possible time for preparation, it could be risky to delay this introduction to the last moment without some reassurance that landlords have the necessary skills and procedures in place.

### **2. Section 3 Methodology and tools for generating energy performance certificates**

Paragraphs 3.16 to 3.19 describe some work in progress and some proposed work that may assist energy performance certification arrangements for landlords of dwellings.

***Do consultees agree with the way that the Agency proposes to pursue both the possibility of the use of existing energy ratings for social landlords and also the development and consultation on SERT?*** Yes with reservations

**Comments:**

- It is vital the terms 'expert' and 'independent manner' should be defined (e.g. a registered assessor who is a member of quality assured energy rating scheme), and it should be made clear that this does not apply to ratings generated at 'Level 0' or similar.
- In this context we would agree that where an expert, in an independent manner, has already calculated existing SAP or NHER ratings for dwellings and these ratings are less than 10 years old, it may be appropriate to use them for EPC purposes (after applying a conversion process).
- We would also agree that if local authorities and housing associations are committed to using SAP or NHER for the SHQS, they should also use it for producing EPCs.
- We would welcome the opportunity to comment on the proposals for SERT.

### **3. Section 4 The form of an energy performance certificate**

This section outlines the information to be displayed on an Energy Performance Certificate, a sample certificate is also given in the consultation.

***Do consultees agree with the proposed information to be displayed on an Energy Performance Certificate?*** No

**Comments:**

- The certificate should also include a SAP based rating (SAP or RDSAP) as this is a measure of energy efficiency, i.e. the amount of heat and or comfort the dwelling provides per £ spent. It is clear from research that consumers are mainly interested in saving money so while a carbon based scale is useful it needs to be alongside one that is energy efficiency based.
- The certificate should also include the surveyor/assessor name and qualifications. A unique reference number would probably also be recommended for administration and quality assurance purposes.
- Inclusion of the main heating type (including boiler type) as well as the fuel would make this much more useful in terms of enabling someone to readily assess whether a certificate was still valid or not.
- The benchmarks and recommendations sections are not appropriate (at least without significant revision) for new build certificates.

### **4. Section 4 The form of an energy performance certificate**

An option is given to remove the influence that floor area has on the banding arrangements of the certificate, i.e. although small dwellings emit more CO<sub>2</sub> per m<sup>2</sup> of floor area, overall they emit less CO<sub>2</sub>.

**Do consultees favour the adoption of carbon dioxide emissions index for dwellings?** Yes  
with reservations

**If so what should it be called?**

- (a) Climate change impact rating**
- (b) Environmental impact rating**
- (c) Other**

*(Please offer a suggestion in the comments box below)*

**Comments:**

- If the SAP is required to be used in the majority of cases, using anything other than the DER (as proposed in section 4.1) or the Environmental Impact Rating defined in SAP 2005 would require the definition of additional calculation procedures. For the reasons given in paragraph 4.3, the Environmental Impact Rating would be preferable (and we can see no benefit in giving this a different name). The use of an index also has the benefit of avoiding the publication of an estimated CO<sub>2</sub> emissions figure that is likely, especially in Scotland, to be very different from the actual emissions produced.

## **5. Section 5 Cost-effective improvements**

A standard list of cost effective improvements is proposed to accompany the Energy Performance Certificate.

**Do consultees agree that additional energy efficiency advice can be given with an Energy Performance Certificate to supplement the cost-effective improvements?**

Yes

**Comments:**

- This should be actively encouraged and is essential if opportunities to persuade people to invest in improved energy efficiency are not to be missed. The possibility that some people might choose to invest to reduce CO<sub>2</sub> emissions as well as to reduce cost, through measures that might not be considered as 'cost effective', should not be excluded either.
- The use of leaflets could also be encouraged, and this could include information on using heating system controls etc. However, this should be focussed on providing information about the systems/equipment installed in the home in question.

## **6. Section 6 Making the energy performance certificate available**

It is considered that affixing certificates to all buildings is extremely robust way of meeting the Directive's requirements.

***Do consultees agree with the proposals for making EPCs available?*** Yes No

**Comments:**

- We agree that affixing certificates to all buildings is an extremely robust way of meeting the Directive's requirements. However, the additional cost imposed on building owners for the mounting and protection of certificates (compared to provision in a Home Information Pack or a tenancy agreement) might risk a higher rate of avoidance of compliance.
- We would suggest that a new certificate should be produced (when the property is sold or rented out) if the property has been altered or extended, insulation added, a new heating system or renewable energy technology has been installed, even if it has an existing certificate that is less than ten years old. The credibility of the certificates will be undermined if certificates that are clearly no longer applicable are allowed to be made available to prospective purchasers or tenants.

## **7. Section 7 Expertise and independence for certification purposes**

It is considered reasonable to align expertise and independence for energy certification with the SHQS and the proposed Single Survey.

***Do consultees agree with the proposal to align energy performance certification with other initiatives and policy areas of the Scottish Executive?*** Yes

**Comments:**

- Para 7.2 - EPC's for new dwellings should only be issued by expert SAP assessors working within a QA framework
- Para 7.4: The sort of organisation who is able to undertake this work needs to be confirmed. Issuing EPCs for existing dwellings needs to be limited to qualified RDSAP assessors, working in a QA framework.
- Para 7.5: / 7.8 We think that it should be explicit that the work of members is monitored and they should be required to confirm they have insurance.
- Paras 7.9 / 7.10 The approach set out in these paragraphs is acceptable based on the assumption that the compliance process described is taking place and there where training needs are identified they are addressed
- Para 7.11: If the Single Survey is to be used it is vital that EPC production is part of the surveyors' training.

## 8. Section 9 Retaining and making use of information from energy performance certificates

Four options are presented and these are:

- Option 1 – no register
- Option 2 – the building standards register
- Option 3 – a register held by a non-public body
- Option 4 – a hybrid of options 2 & 3

***After reading the four options above, in conjunction with the estimated costs given in the Intermediate Regulatory Assessment, consultees are consequently asked, which option do you prefer?***

Option 4

### **Comments:**

- The main disadvantage of this is that information will be held in different places for different sectors and this may be confusing if a property moves from one sector to another. There is also a concern about information being held in different formats. Even though SAP and RDSAP have a common data set, the data set for SERT is different.
- There is some risk that the HEED database might not always be available. Both these issues could be overcome by agreeing with the EST that a copy of the HEED data would be provided periodically to SBSA and/or the local authorities.

## 9. Section 10 Description and characterisation of large public buildings

It is considered that there is a need to elaborate on paragraph 3 of Article 7

***Do consultees agree with the description and characterization proposed for large public buildings? Yes***

### **Comments:**

None.

## 10. Section 11 Proposals for miscellaneous energy performance certification issues

This section looks at the proposals for some issues surrounding energy performance certification, where the Directive is couched in general terms and does not contain sufficient detail.

***Do consultees have any other miscellaneous issues which surround energy performance certification and which they think need to be taken into account? Please state. Yes***

**Comments:**

- Would there also be a need for specific provisions for mobile homes?

## **11. Section 12 Boilers**

Three routes are proposed for issuing boiler advice.

***Can consultees suggest other advice routes that could be considered appropriate for use with our guidance leaflet? Yes***

**Comments:**

- Insulation installers - better heating controls are often required to obtain the most benefit from insulation measures.

## **12. Section 13 Air-conditioning inspections**

***Do consultees agree with the Article 9 proposals? Yes***

**Comments:**

- Could advice on reducing or eliminating the use of air conditioning systems also be incorporated?

## **13. General**

***Do consultees have any other comments? Yes***

**Comments:**

- Clause 3.5 suggests that an RDSAP calculation would be acceptable for the purposes of an EPC on a new dwelling. RDSAP has been developed specifically for assessing existing properties where specific information about constructions, u-values and window areas are not easily obtained. If this type of information has been used to obtain Building Regulations approval surely it would be more appropriate to take this approach in respect of the new build EPC.
- Clause 3.10 states that one way of producing an EPC for sale of existing dwellings would be to use RDSAP. If there are any acceptable alternatives, should these not be mentioned?
- Clauses 5.1 and 5.2 suggest that there are only six improvements that can be considered as cost effective (when no other work is proposed). This is very pessimistic and will lead to many missed opportunities. Additional measures that should be included and that can be identified from an RDSAP survey include replacement of older boilers, replacing inefficient off-peak electric space

and hot water heating, and installing controls such as a programmer, roomstat, TRV's and a hot water cylinder thermostat.

- The references to levels of expertise and training in section 7 are fairly weak. Procedures should be included to ensure that all assessors have demonstrated their competence and have established QA procedures to be qualified to issue EPCs.
- Manual SAP calculations are no longer permitted (paragraph 8.2).
- Separate guidance on EPCs is also likely to be needed for private rented sector landlords (paragraph 8.8).
- Does the adoption of option (b) of Article 8 (paragraph 12.1) include rented housing? If so, wouldn't different information leaflets be required for tenants and landlords?

**RESPONDENT INFORMATION FORM: A CONSULTATION BY THE SCOTTISH BUILDING STANDARDS AGENCY ON IMPLEMENTATION OF ARTICLES 7, 8 AND 9 OF THE EU DIRECTIVE ON THE ENERGY PERFORMANCE OF BUILDINGS**

Please complete the details below and return it with your response. This will help ensure we handle your response appropriately. Thank you for your help.

Name: **Mark Sreeves, Senior Consultant**

Postal Address:

**National Energy Services**

**National Energy Centre**

**Davy Avenue**

**Knowlhill**

**Milton Keynes**

**MK5 8NE**

1. Are you responding: (please tick one box)

(a) as an individual  go to Q2a/b and then Q4

(b) **on behalf of** a group/organisation  go to Q3 and then Q4 **YES**

**INDIVIDUALS**

2a. Do you agree to your response being made available to the public (in Scottish Executive library and/or on the Scottish Executive website)?

Yes (go to 2b below)

No, not at all  We will treat your response as confidential

**2b. Where *confidentiality is not requested*, we will make your response available to the public on the following basis (**please tick one** of the following boxes)**

Yes, make my response, name and address all available

Yes, make my response available, but not my name or address

Yes, make my response and name available, but not my address

**ON BEHALF OF GROUPS OR ORGANISATIONS:**

3 The name and address of your organisation **will be** made available to the public (in the Scottish Executive library and/or on the Scottish Executive website). Are you also content for your **response** to be made available?

Yes

**SHARING RESPONSES/FUTURE ENGAGEMENT**

4. We will share your response internally with other Scottish Executive policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Executive to contact you again in the future in relation to this consultation response?

Yes