

# EPBD Compliance is **NOT** Optional

ESTA Nottingham Event  
17<sup>th</sup> April 2008

# **UK measures to implement the Energy Performance of Buildings Directive**

17<sup>th</sup> April 2008

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## Overview of the EPBD requirements

- Details of measures to be implemented
  - EPCs
  - DECS
  - Air-conditioning
- Applicable Buildings
- Timetable for Implementation
- Enforcement and penalties
- Q & A

## European Directive 2002/91 – The Energy Performance of Buildings Directive

### Technical Requirements

- Articles 3, 4, 5, 6

### Legal Requirements

- England & Wales Statutory Instruments
  - SI 2006 No.652 Part L Building Regulations

## European Directive 2002/91 – The Energy Performance of Buildings Directive

### Administrative Requirements

- Articles 7, 8, 9 & 10

### Legal Requirements

- England & Wales Statutory Instruments
- Energy Performance of Buildings Regulations
  - SI 2007 No. 991
  - SI 2007 No. 1669
  - SI 2007 No. 3302
  - SI 2008 No. 647

## **Original SI is in 8 parts and 2 schedules**

- Part 1 - Definitions
- Part 2 – EPCs
- Part 3 – DECAs
- Part 4 – Air Conditioning
- Part 5 – Energy Assessors
- Part 6 - Register
- Part 7 - Enforcement
- Part 8 – Duty to cooperate/application to Crown
- Schedule 1 – CIF Dates
- Schedule 2 – Amendments to Building Regs for EPCs on construction

## What is a Building?

For a building to fall within the requirements it must:

- have a roof and walls; and
- use energy to condition the indoor climate. This is the case where the building has any of the following fixed services: heating, mechanical ventilation or air conditioning.

A building can either be:

- the whole of a building; or
- part of a building, where the part is designed or altered to be used separately.

## Relevant Person

- (a) In relation to a building which is to be sold, the seller
- (b) In relation to a building which is to be rented out, the prospective landlord
- (c) In relation to a building in circumstances where Reg 9 (on Construction EPCs) applies, the person responsible for carrying out the construction work
- (d) In relation to an air-conditioning system, the person who has control of the operation of the system

## Exception for DEC's

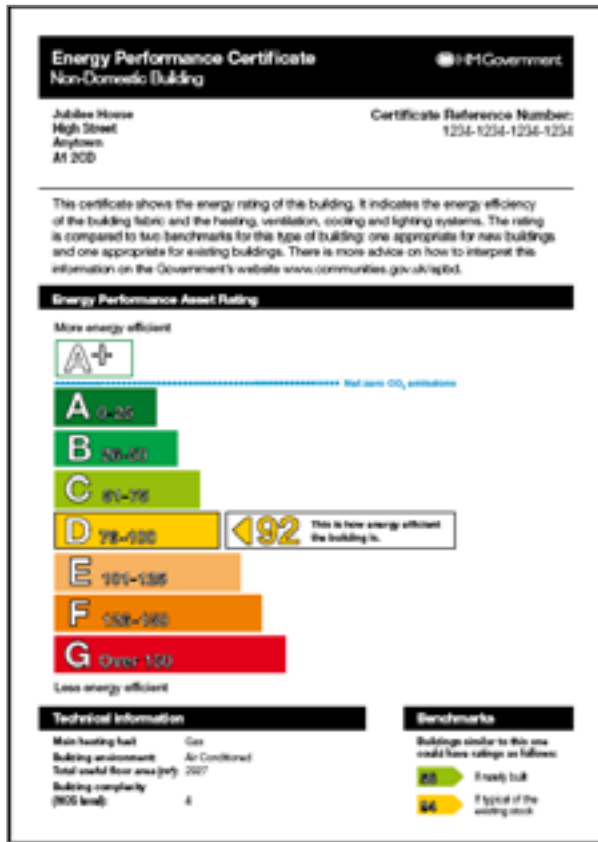
- The relevant person is the occupier

## EPCs for dwellings



- **When it's required**
  - When a home (dwelling) is sold, rented or built
- **Approved Calculation Methods**
  - SAP, RdSAP
  - Asset rating
    - Energy Efficiency Rating
    - Environmental Impact (CO<sub>2</sub>) Rating
- **Energy Assessor**
  - Visits the property (as necessary) and produces the certificate and Recommendations Report
- **Lodgement**
  - Certificate is lodged in the domestic register

## EPCs for non-dwellings



- **When it's required**
  - When a non-dwelling is sold, rented or built
- **Approved Calculation Methods**
  - SBEM, DSM
  - Asset rating
    - Energy Efficiency Rating
- **Energy Assessor**
  - Visits the property (as necessary) and produces the certificate and Recommendations Report
- **Lodgement**
  - Certificate will be lodged in the non-domestic register

# Relevant Buildings

An **EPC** is required on the sale or rental of a building

In addition an **EPC** is required on **construction** (Reg 8 Schedule 2) where:

- A building is erected
- A building is modified so that it has a greater or fewer number of parts designed or altered for separate use than it previously had, where the modification includes the provision or extension of any of the fixed services for heating, hot water, air conditioning or mechanical ventilation

# Relevant Buildings

An **EPC** is **not** required for sale rental or construction for:

- Buildings which are used primarily or solely as places of worship
- Temporary buildings with a planned time of use of two years or less, industrial sites, workshops and non-residential agricultural buildings with a low energy demand
- Stand-alone buildings with a total useful floor area of less than 50m<sup>2</sup> which are **not** dwellings

EPCs **are** required for Crown and Statutory Undertakers' buildings

## Display Energy Certificates

- **When it's required**
  - Where a Public Authority or Public Institution visited by the public occupies in excess of 1000 sq m in a building

- **Approved Calculation Methods**

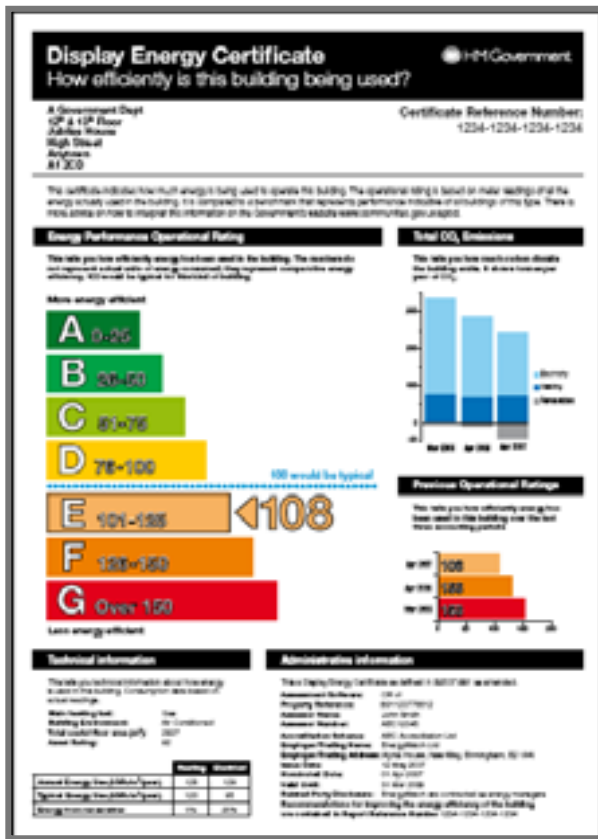
- Operational Rating software
  - OR

- **Energy Assessor**

- Visits the property (as necessary) and uses meter readings to produce the certificate and Advisory Report

- **Lodgement**

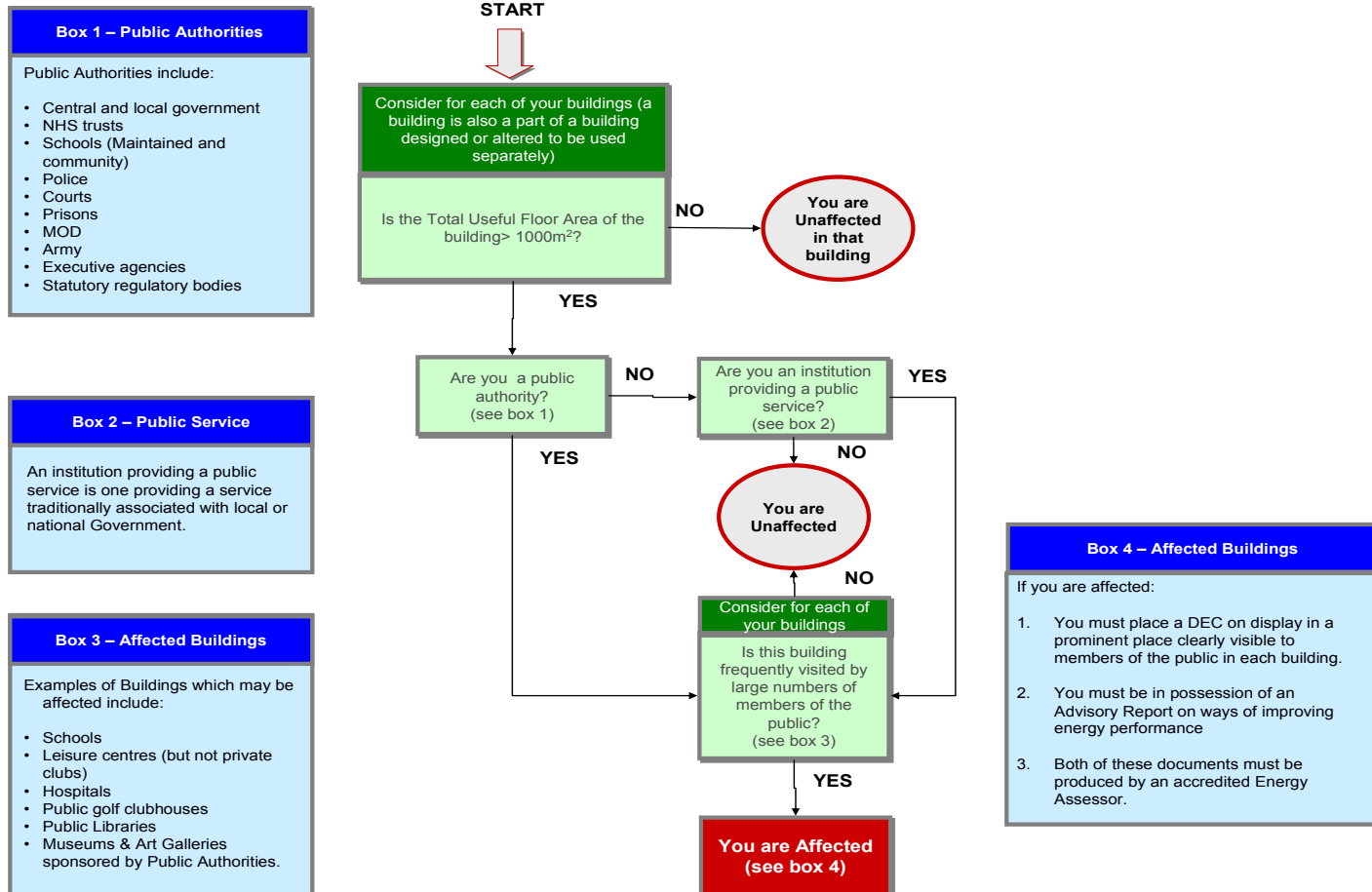
- Certificate will be lodged in the non-domestic register



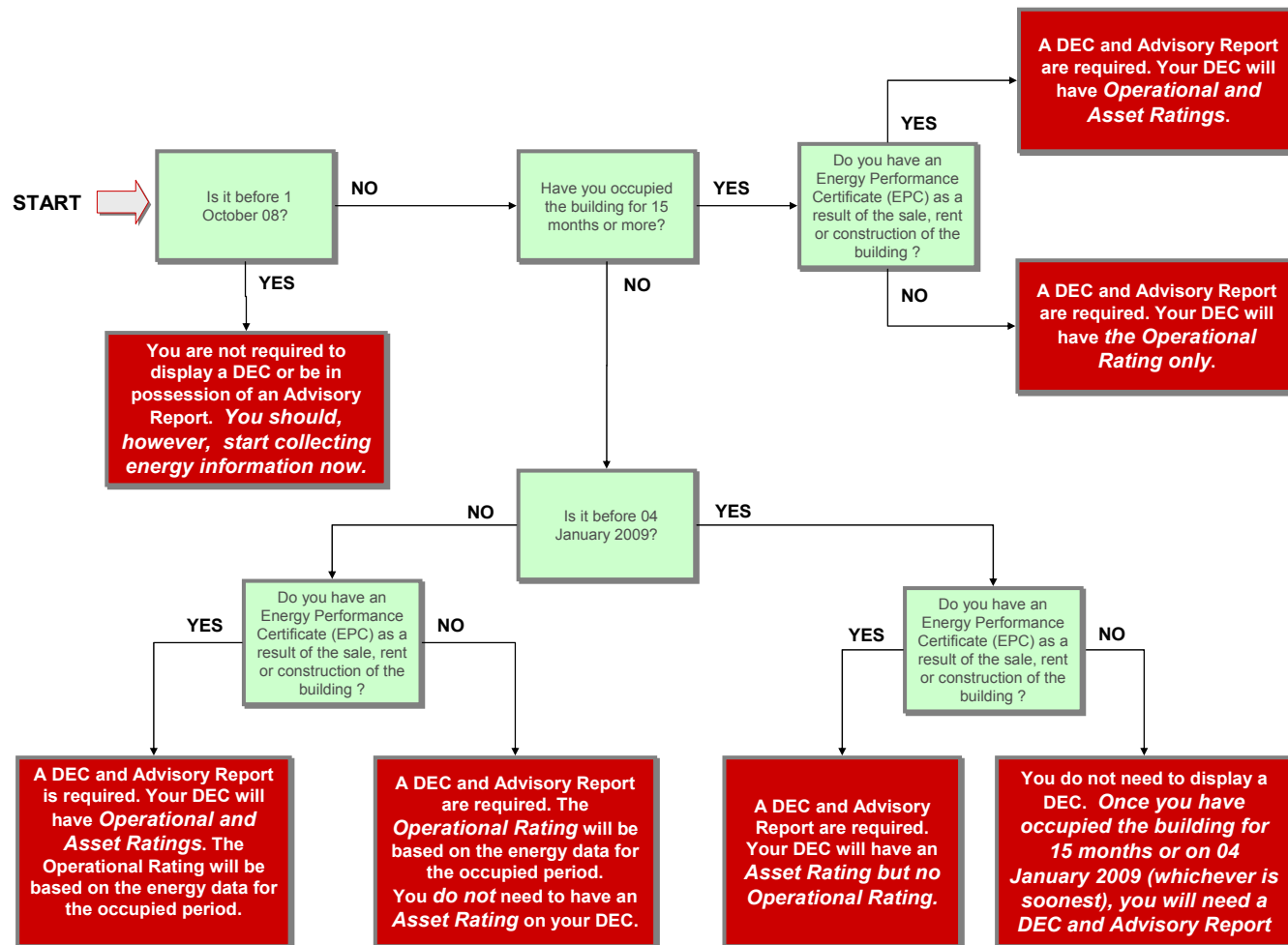
## When is a DEC Required I

A DEC and advisory report are required for ***buildings*** with a total useful floor area ***over 1,000m<sup>2</sup> occupied by public authorities*** and by ***institutions providing public services to a large number of persons and therefore frequently visited by those persons.***

## When is a DEC Required II



## When is a DEC Required III



### **DEC lead-in timetable**

20<sup>th</sup> April – another release of OR software

6<sup>th</sup> May – test environment opens

19<sup>th</sup> May – live environment available

31<sup>st</sup> May – lead-in period completes

Early June – Stakeholder debrief

# DEC Training

### “Train the trainer” course

- Course designed to familiarize trainers with the latest version of the OR software
- Proposed outline:
  - How the software works
  - Scenarios on functionalities
  - Workshop on implications of training
  - Q & A session
- 2 half day sessions on 23<sup>rd</sup> April, in the Thistle Westminster – 20 people per session
- Further sessions may be held if more people express interest
- If you would like to attend, please let me know before you leave or by email [daphne.guthrie@communities.gsi.gov.uk](mailto:daphne.guthrie@communities.gsi.gov.uk)

## Air Conditioning Inspections

Inspections include an assessment of system efficiency and sizing compared to the cooling requirements of the building

Advice is also to be provided to users on possible improvement or replacement of air-conditioning systems and on alternative solutions

1 Jan 2008	Commencement of air-conditioning inspections New systems installed on or after this date must be inspected within five years of being put into service
4 Jan 2009	First inspection of all existing systems over 250kW must have occurred by this date
4 Jan 2011	First inspection of all existing systems over 12kW must have occurred by this date

## Duties for Air-conditioning Inspection

- Regulation 20: Application of Part 4 for inspection of air-conditioning systems with an effective rated output of more than 12 kW
- Regulation 21: Air-conditioning systems to be inspected by an accredited energy assessor at regular intervals not exceeding 5 years
- Regulation 22: Duty to provide a written inspection report following inspection
- Regulation 23: Keeping of records
- Regulation 24: Duties upon changes of relevant person

## Assessment Methodology

- CIBSE Technical Memorandum TM44:2007 developed to satisfy the regulatory requirements
- TM44 provides advice for:
  - Energy Assessors
  - Building owners
  - Building managers
- Aim of the assessment is to provide advice on issues that affect the energy efficiency of air-conditioning systems
- It is anticipated that inspection can be carried out alongside other activities:
  - Periodic maintenance
  - Safety checks
  - F-gas checks
- Staged procedures guide the assessor through:
  - A pre-inspection review
  - Largely non-intrusive checks
  - The reporting process

## Accreditation Schemes

- Accredits the individuals to be EAs, not an organisation
- Approved by Secretary of State
- Accredited means fit and proper, qualified and having the relevant insurance
- Lodgement of EPCs & DEC's into central register
- Quality assurance of individuals through ongoing monitoring

## Accreditation Schemes

Applicant	On Construction	Non-Domestic	Display Energy Certificates	Air Conditioning	Website (external)
NES	Yes	Yes	Yes	No	<a href="http://www.nher.co.uk">www.nher.co.uk</a>
BRE	Yes	Yes	Yes	No	<a href="http://www.bre.co.uk/accreditation">www.bre.co.uk/accreditation</a>
CIBSE	Yes	Yes	Yes	Yes	<a href="http://www.cibse.org">www.cibse.org</a>
Elmhurst	Yes	Yes	Yes	No	<a href="http://www.elmhurstenergy.co.uk">www.elmhurstenergy.co.uk</a>
Northgate	Yes	Yes	Yes	No	<a href="http://www.northgate-ispublicservices.com">www.northgate-ispublicservices.com</a>
Stroma	Yes	Yes	Yes	No	<a href="http://www.stroma.com">www.stroma.com</a>
RICS	Yes	Yes	Yes	Yes	<a href="http://www.rics.org/hips">www.rics.org/hips</a>
Knauf	Yes	No	No	No	<a href="http://www.knauf.co.uk">www.knauf.co.uk</a>
CIAT	Yes	No	No	No	<a href="http://www.ciat.org.uk">www.ciat.org.uk</a>
EPC Ltd	Yes	Yes	Yes	Yes	<a href="http://www.epc-solutions.co.uk">www.epc-solutions.co.uk</a>
Quidos	Yes	Yes	Yes	Yes	<a href="http://www.quidos.co.uk">www.quidos.co.uk</a>
BESCA	No	Yes	Yes	Yes	<a href="http://www.besca.org.uk">www.besca.org.uk</a>
NAPIT	Yes	Yes	Yes	Yes	<a href="http://www.napit.org.uk">www.napit.org.uk</a>
HI Certification	Yes	Yes	Yes	Yes	<a href="http://www.hicertification.co.uk">www.hicertification.co.uk</a>

## EA Qualifications and Experience

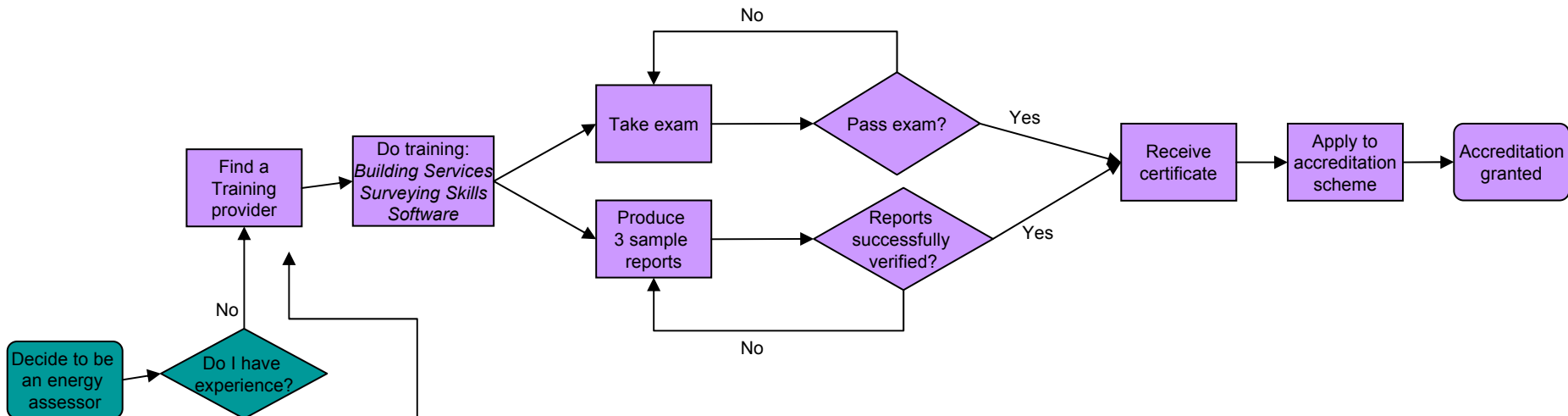
**CLG have worked with Asset Skills and a large number of stakeholders to:**

- Develop National Occupational Standards (NOS) for Energy Assessors
- Develop qualification structures
- Provide a Framework and Templates for applicants for accreditation who can prove they can already meet the NOS without undertaking an additional qualification (APEL)

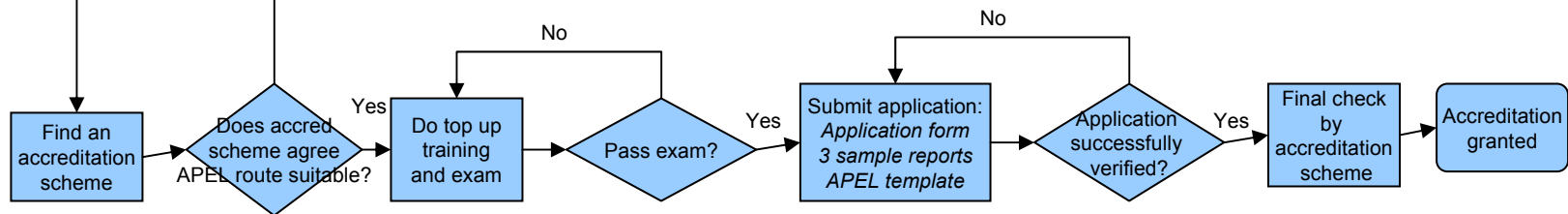
# Part 5 Energy Assessors

## Becoming an Energy Assessor Qualification and APEL Routes

### Qualification



### APEL



## Part 6 Register

There are two separate Registers both managed by Landmark on behalf of the SoS:

- Domestic Register for EPCs for Dwellings on sale, rental and construction

[www.epcregister.com](http://www.epcregister.com)

- Non-domestic register for:
  - EPCs for Non-Dwellings on sale, rental and construction
  - DECes

[www.ndepcregister.com](http://www.ndepcregister.com)

## EPC and RR lodgements

- You can only lodge an EPC and the associated RR together
- Lodgement fee of £1.15 will be charged by the registry for each lodgement in the Domestic register
- Lodgement fee of £5.36p will be charged by the registry for each lodgement in the Non-domestic register
- The EPC and RR are not legal until they are lodged in registry

## DEC and AR lodgements

- You can lodge a DEC, an AR or a DEC and AR as a lodgement
- Lodgement fee of £5.36p will be charged by the registry for each lodgement
- There is a provision for an Accreditation Scheme to combine DEC and AR as one lodgement
- Not legal until both DEC and AR lodged in registry

## Process overview

- Find an Energy Assessor
- Energy Assessor gets Unique Property Reference Number (UPRN) from registry
- EA uses approved calculation software to create and EPC & RR or DEC and/or AR
- If necessary (for a DEC) gets data update from Central Information Point (CIP)
- EPC & RR or DEC and/or AR transmitted to Accreditation Scheme
- Accreditation Scheme verifies and lodges EPC & RR or DEC and/or AR
- Registry confirms lodgement

## Access to the Register

- Disclosure is restricted
- Possession of the RRN allows access
- Notwithstanding has to be used for the intended purpose
- Accreditation Schemes
- Enforcement Authorities
- CLG

## Enforcement Authorities

- Trading Standards Officers for
  - EPCs on sale and rental
  - DECAs
  - Air-conditioning Inspections
- Building Control Officers for
  - EPCs on construction

EPCs on construction are tied in to the building completion process and therefore Part L compliance

## Part 7 Enforcement

- Power to require production of documents
- Penalty Charge notices
- Penalties under the Housing Act
  - To avoid a double whammy!
- Defence where EPCs are unobtainable
- Penalty amount
- Appeals, recovery of penalty charges and service of documents
- Obstruction

## Part 8 Miscellaneous

- Deals with application of the Regulations to the Crown
- Duty to cooperate
  - Places a duty on those with an interest in the building to allow the relevant person / occupier to obtain the information to enable him to provide EPCs, DECAs and Air-Conditioning Inspections

# Schedule 1 CIF Dates

Timing for roll out and implementation of  
Energy Performance Certificates, Display  
Energy Certificates  
& Air-conditioning Inspections

# Schedule 1 CIF Dates

Mar 07

Aug 07

Jan 08

Apr 08

July 08

Oct 08

Jan 09

Jan 11

Energy Performance  
of Buildings Directive  
implemented

- RIA
- SI

## Phase 1

Introduce energy certification for  
new /sold dwellings phased by  
number of bedrooms

- Predictive ESs for sale of dwellings before completion of construction
- EPCs on marketed sales of existing dwellings and new dwellings to Building Regulations 2002 or earlier

## Phase 2

Extend energy certification for dwellings

- EPCs for construction of all dwellings

## Phase 3

Introduce certification for non-dwellings

- EPCs for construction, sale or rent of all non-dwellings > 10,000m<sup>2</sup>

## Phase 4

Extend energy certification for non-dwellings

- EPCs for construction, sale or rent of all non-dwellings > 2,500m<sup>2</sup>

- Display Certificates for Public Buildings > 1000m<sup>2</sup>

## Phase 5

Extend energy certification for rented dwellings  
Extend & consolidate energy certification for non-dwellings

- EPCs for sale and rent of all remaining dwellings (including rental of private sector & social housing dwellings and non-marketed dwellings)

- EPCs for sale or rental of all remaining non-dwellings

## Phase 6

Introduce air conditioning inspections

- AC Inspections > 250 kW<sub>r</sub>

## Phase 7

Extend air conditioning inspections

- AC Inspections > 12 kW<sub>r</sub>

## Further Information

Publications and leaflets can be seen on our stand here today or on our website

**[www.communities.gov.uk/epbd](http://www.communities.gov.uk/epbd)**

**0845-365-2468**

**[help@epbduk.info](mailto:help@epbduk.info)**