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Dear Sir

**Consultation on Non-domestic private rented sector
minimum energy efficiency standards**

The Institute of Historic Building Conservation is the professional body of the United Kingdom representing conservation specialists and historic environment practitioners in the public and private sectors. The Institute exists to establish the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

We are very pleased to have the chance to comment on the consultation document. The Institute's comments are as follows:

Minimum Energy Efficiency Standards, and the proposed trajectory, rely on EPCs. It is widely recognized that EPCs are significantly flawed (see "EPCs and the Whole House Approach – A Scoping Study" STBA for Historic England and the National Trust, May 2018 <http://files.site-fusion.co.uk/5a/80/5a80ceaa-eeb8-4a0a-92e3-1778d1022a59.pdf>). Improving or replacing EPCs is fundamental to success in achieving the policy objectives behind the MEES regulations, and more widely across the whole existing building stock. Getting this baseline right is essential not only to achieve the widest possible buy-in, but also to minimise wasting money and carbon on inappropriate measures and their subsequent rectification.

It is therefore deeply disappointing, as well as a demonstrably high-risk approach, that the Government has proceeded with this consultation on a proposed trajectory without waiting for publication of its own response to its EPC Call for Evidence which closed in late 2018. It is also disappointing that this consultation appears to have proceeded without either publication, or taking account, of evidence (e.g. in relation to Enforcement) which IHBC understands has been in the process of being gathered through BEIS pilot studies for the domestic Private Rented Sector.

A related issue of particular concern to IHBC and its members is in relation to potential exemptions for listed and other buildings of heritage interest (e.g. those in Conservation Areas, but also others of traditional breathable construction). The special consideration set out in paras 3.8 -14 of Parts L1B and L2B of the Building Regulations takes an admirable approach (improve the performance of historic and traditional buildings as far as their fabric and character allow), but this has been ignored by BEIS and DECC before it. While the technical chapter in the Guidance to Private Landlords sets out why such buildings require special consideration, the Government's approach on exemptions (even in the Impact Study for this proposed Trajectory) has often been unclear, confusing, and unhelpful to both landlords and local planning authorities. The process it requires landlords to go through is costly and needlessly burdensome. No clear guidance has been issued to hard-pressed local authorities, and their limited number of remaining conservation staff whose expertise (where available) will be vital to helping landlords in this process.

These issues have been compounded by giving responsibilities for Enforcement of the MEES Regulations to Local Authority Weights and Measures staff. Such staff are unlikely to have the necessary skills in recognizing and dealing with issues relating to historic and traditional buildings. What provision has been made for requiring the involvement of the relevant conservation expertise? And what, if any, information on these issues has been obtained from the as-yet-unpublished BEIS Pilots?

These issues have also to be considered in the context of massive skills and capacity challenges within the Industry, which are only just beginning to be addressed.

In conclusion, our view is that consultation on this Trajectory is premature, pending resolution of key baseline issues, notably EPCs, together with evaluation of Pilots.

The need to learn such lessons before any widespread roll-out was highlighted 5 years ago in the Solid Wall Literature Review carried out by the BRE for DECC <https://www.gov.uk/government/publications/solid-wall-heat-losses-and-the-potential-for-energy-savings-literature-review>. We suggest that all those involved need to urgently read this important study; then produce an evidence-based strategy for building the knowledge and capacity needed

Yours sincerely

Fiona Newton
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