

Response ID ANON-38C3-G83S-6

Submitted to **Energy Efficient Scotland: Improving energy efficiency in owner occupied homes**

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Part 1 - Setting the energy efficiency standard for owner-occupied housing

1 Do you agree or disagree that there should be a legally-binding energy efficiency standard for owner-occupied housing?

Agree

Please explain your view.:

Agree that a standard is needed as the basis of achieving targets, BUT this must not be a "one size fits all": the standard must have inbuilt flexibility to cater for buildings of different construction types. Otherwise there would be a very high risk of wasting money and carbon on inappropriate works, and further money and carbon on subsequent rectification. The methodology for calculating the standard must not impose inappropriate modern criteria upon historic and other buildings of traditional or unconventional construction, and should take into account the actual performance of materials in historic and traditional building fabric. The ability to make this legally binding has to be questioned.

2 Do you agree or disagree that EPC Energy Efficiency Rating band C is the appropriate standard to use?

Disagree

Please explain your view.:

We do not believe that this initiative should have such reliance on EPC Energy Efficiency Ratings as a measure. UK domestic EPC Energy Efficiency Ratings are a cost/fuel poverty measure not a carbon measure. They concern themselves with fuel costs not carbon emissions unlike commercial EPCs. They do not balance other important sustainability criteria such as health, local prosperity and building longevity.

EPCs are a blunt tool producing recommendations that are over simplified and especially not suited to historic and other buildings of traditional construction.

The text of the consultation almost proves that band C is unachievable and we consider it may also be undesirable in some circumstances. We would suggest it will not be "technically feasible and cost effective" to raise all homes to an EER band of C. For example a modern house in the Highlands with photovoltaic cells, double glazing, 5* insulation, low energy lighting and heating was recently rated as E on the EPC and all that could be suggested for improvement to raise the rating to Band D were the addition of Solar water Heating and Wind Turbines, retrofit features hardly achievable by householders, especially where PV cells have already been added. If a recent house of this type with retrofit measures cannot be raised to Band C it is unlikely that most other houses would be able to do so without very extensive work which will be costly to owners and possibly damaging to the character of the property.

3 What are your views on the "fabric first" approach?

Please explain your view.:

To be effective, the fabric first option must start with repairs appropriate to the construction of the building. The fabric first option gives an exemption to those properties which do not meet EPC C, despite having all appropriate fabric energy efficiency measures and a renewable or low carbon heating source installed. Examples given of all the appropriate energy measures are air source heat pump or district heating system. This seems an unreasonable and unachievable level to be reached, well beyond the scope of the typical householder, and therefore the level of measures taken before an exemption is given should be less.

It will be appropriate as suggested to review the exemption or abeyance on a regular basis as technologies do change.

4 In your view, how can we ensure that when EPCs are used to determine compliance with the standard, they are robust and not easily open to misuse?

Please explain your view.:

By ensuring those carrying out assessments are properly trained and understand the wider issues outside the standard process. The standard/s and supporting guidance should be freely available to professionals and to homeowners, to ensure that all concerned are fully briefed. The EPC and its recommendations should not be a standardised box ticking exercise; they should specify repairs prior to installation of measures tailored to the specific building.

If EPCs are to be used to determine compliance it should be a requirement that those carrying them out on historic and traditionally-built buildings should have specialist knowledge of historic building construction and conservation.

There should be an understanding that with some Listed Buildings it may not be possible to reach the appropriate band without damage to the historic character or performance of the building: this should be determined by the Planning Authority's conservation officer.

It should be noted that some of the options proposed by an EPC report on a listed building will require listed building consent and could potentially overload the planning system with unacceptable applications for measures which are unsuitable for the building in question. A reasonableness test should be applied to distinguish work that is suitable/ feasible for historic buildings and which does not require the house holder to seek and then be refused Listed Building Consent thus demonstrating that other works are infeasible.

5 Do you think the standard should be fixed, or should it be subject to periodic review and change over time?

Please explain your view.:

The standard should be fixed below band C at present but should be subject to periodic review. There is a strong argument for changing the standard immediately, to substitute the Environmental Improvement Rating in place of the EER: this would help provide more-achievable targets. The standard should also be changed to include medium term improvement plans, based on whole-life carbon assessments of the existing building and the measures installed and to be

installed.

6 Do you agree or disagree that 2024 is the right start date for the mandatory standard to start operating?

Disagree

Please explain your view.:

Although this would normally be prioritised because of the climate emergency it might be appropriate to delay for a further year as a result of the impact of the CoVid19 situation in 2020. The desirability of 2024 as a start date is also totally dependent on industry skills and capacity, particularly in relation to traditional buildings. Too early a start date would involve a high risk of wasting__money and carbon on inappropriately-specified and /or poor quality works, and their subsequent rectification (compare the negative impacts of the 'Green Deal').

7 Do you agree or disagree with point of sale as an appropriate trigger point for a property to meet the legally-binding standard?

Disagree

Please explain your view.:

The point of major renovation would also be a sensible time to introduce a requirement for what might be quite major work.

8 Do you agree or disagree that responsibility for meeting the standard should pass to the buyer if the standard is not already met at point of sale, as described above?

Disagree

Please explain your views and give any evidence you have, whether you agree or disagree.:

Using Point of sale and placing the onus on new purchasers does not seem fair at a time which can already bring unexpected costs for new purchasers. At the very least the duration allowed for compliance may need to be adjusted for this to operate fairly.

9 What, if any, unintended consequences do you think could happen as a result of these proposals? For example, any positive or negative effects on the house sales market.

Please explain your view.:

Requiring change at point of sale could add uncertainties to the property market. The buyer's lawyer is likely to impose conditions on the purchase to transfer responsibility back to the seller, or substantially to reduce the offer price at a point when things should be transferring smoothly. This will be yet another disincentive to buying an existing house despite their inherent better sustainability.

There is likely to be a major impact from the 2020 crisis on house sales and pricing, and adding this into the situation could result in complete stagnation in many parts of Scotland. There might be additional worries imposed on people who are already in dire straits when they come to sell property, an action which may be resulting from desperate need.

The most significant unintended consequence from the Institute's perspective will be the possibility that historic and traditional buildings could be significantly damaged by ill thought out retro fitting to make buildings comply which were never intended or able to do so. If an onerous burden is to be placed on owners of historic properties and properties of traditional construction, much additional financial support will be necessary.

The large numbers of tenements in Scotland require special consideration if serious negative impact is not to occur. A home owner might wish to carry out work detrimental to the appearance of the building as a whole and with impact on the appearance of neighbours' homes. But it might also be detrimental to the technical performance of the building. A building-wide consensus approach on measures taken would be the only way to ensure this damaging consequence is successfully avoided. This would put a considerable pressure upon the Planning Authority. The advice of the Tenement working group should be sought.

10 Do you agree or disagree with point of major renovation as an appropriate trigger point for a property to meet the legally-binding standard?

Agree

Please explain your view.:

Agree, where the standard is to be imposed. We suggest that Listed Buildings and those of traditional or unconventional construction should be given special care as above.

11 What is your view on how "major renovation" should be defined? Should the Energy Performance of Buildings Directive definition, as described in Annex B, be used?

Please explain your view.:

The EPDB definition seems an appropriate assessment of what constitutes a major renovation

12 How could a requirement to meet the energy efficiency standard at point of major renovation be checked and enforced?

Please explain your view.:

The Planning and Building Control Authorities should be responsible for checking and enforcing compliance. However it is important that compliance with regard to Listed and Historic Buildings and other buildings of traditional construction should be carried out in conjunction with Planning Authority specialists in historic building conservation to ensure that any work done is sympathetic to the fabric and character of the building. Any changes required to such buildings should only

be carried out where appropriate and using suitably skilled and qualified professional advice and supervision.

Please explain your view.:

The Planning and Building Control Authorities should be responsible for checking and enforcing compliance.

13 What do you think would be a fair and appropriate method to ensure compliance, if the legally-binding standard is not met? What type of penalty system would be appropriate?

Please explain your view.:

An incentive scheme matched up with a penalty one would be most effective. Offering fiscal reductions for compliant properties might be an additional incentive, such as through reduced council taxes

14 Should a penalty for failing to comply with the standard be one-off or recurring?

Please explain your view.:

If penalties are imposed they should be one-off, but in any case penalties are not recommended by the Institute.

15 At what level, approximately, should any penalty be set?

Please explain your view.:

No comment

16 Are there any particular groups of people who could be adversely affected, more than others, by enforcement processes and charges?

Please explain your view.:

Owner-occupiers and repairing tenants of traditionally constructed historic properties which require major works to achieve the required levels and additional costs of doing these suitably

17 Which body or bodies should check if the standard has been complied with at the trigger point, and should be responsible for levying any penalty?

Please explain your view.:

Planning Authority for compliance upon provision of EPC from suitably accredited professional.

18 Considering the information set out in the consultation document, specifically Part One and in Annex D, what are your views on the best way to approach cost effectiveness, taking into account the trade-offs between how easy to understand and how sophisticated different definitions are, and how the different definitions might affect the number of homes that actually achieve the EPC C standard?

Please explain your view.:

No comment

19 Other than technical feasibility and cost effectiveness, are there any other reasons why a homeowner may not be able to bring their property up to EPC C at point of sale or renovation, and would need to be given an exemption or abeyance? (For example, difficulties of getting permission from other owners for common parts of buildings.)

Please explain your view.:

For historic and other buildings of traditional construction, specialist advisers and contractors will be needed, possibly with specialist investigation. These processes can take significant time and may also require listed building consent or in conservation areas and elsewhere, planning permission. Shared properties such as tenements will also take time and effort to achieve consensus and the finance to make the changes.

20 Do you agree or disagree that, even if a property can't fully meet the standard, it should be required to get as close as possible to it?

Agree

Please explain your view.:

Agree with the caveat that some buildings -especially Listed and traditional Buildings- may not be able to achieve this because of their construction and character: they should be improved only where compatible with their historic or traditional fabric performance and character.

21 Do you agree or disagree that any exemptions or abeyances from the standard should be time-limited?

Not Answered

Please explain your view.:

A standard of reasonableness should be applied here, based on the purpose behind giving abeyance or exemption.

22 Which body or bodies should take decisions about granting abeyances? Should this be done at a local level or centrally at a national level?

Please explain your view.:

For Listed and Historic Buildings and buildings of traditional construction a suitably qualified historic building professional should be involved both for home

owners and for Planning and Building Authorities, whether local or national.

Part 2 - Helping homeowners to meet the energy efficiency standard

23 The Short Life Working Group (SLWG) on Assessment propose that any new assessment regime should exist on two levels, comprising both a mandatory asset-based assessment and an optional occupancy-based assessment. What are your views on this approach? Do you agree that an occupancy assessment should be optional? Are there specific inputs that should be included in both?

Please explain your view.:

No comment

24 The SLWG on Assessment propose that the output of the assessment should be a report with tailored recommendations that set a clear pathway to both regulatory compliance (i.e. EPC band C) and zero carbon. There are conflicts between meeting the EPC rating and zero carbon. What are your views on how this can be handled/mitigated?

Please explain your view.:

Replace the EER rating with EIR. IHBC will be happy to explain its understanding of EIR further if this helps. Understanding the behaviour of materials in historic properties is essential.

25 The new assessment proposals from the SLWG on Assessment include more of an advisory role for the assessor. What are your views on the additional skills and training required to deliver this role? Are existing Domestic Energy Assessors best placed to provide the tailored recommendations? What risks and conflicts do you foresee and how would you propose to mitigate them?

Please explain your view.:

All assessors need to be trained to understand the differences between modern construction and traditional construction. For all buildings of traditional or unconventional construction, appropriately skilled assessors, designers and installers should be required. Specific detailed training is needed for advisers concerning historic building construction methods and behaviour of materials. It would be most sensible to direct the exclusive use of those with professional historic building expertise to advise on such buildings

26 The SLWG on Assessment propose that the tailored recommendations to improve energy efficiency and achieve zero carbon should consider the legal designation of buildings, obvious defects or condition issues, and local costings. Do you foresee any liability issues in this approach and if so, what suggestions do you have to mitigate them? Do you believe the inclusion of local costings to be practical and what are your thoughts on what level should be considered 'local'? Should the local cost of energy also be considered?

Please explain your view.:

Defects and condition issues identified which have a major impact on costings may operate unfairly against owners or occupiers of historic buildings in terms of compliance requirements. Repairs to traditional buildings need to be carried out by contractors competent in the materials involved: if not, there will be liability issues not only with the repairs but also with any consequent failures or poor performance of any measures which are installed. Exemption of Listed Buildings from such measures, where work is not feasible, would assist in this. Both local energy and materials costs and the ability to take suitable cost-effective measures should be considered especially in rural Scotland where such costs are already a penalty. Conversely where local energy is produced in green ways: such as by wind and hydro electricity, and heating is electric and not by burning of carbon, no further energy saving measures will impact upon CO2 emissions.

27 The SLWG on Assessment propose that the assessment should provide a theoretical indication of whether recommendations are technically feasible. Please provide your views on who should determine actual technical feasibility? Should this be a qualified installer or someone else?

Please explain your view.:

This should not be by a qualified installer; it should be the responsibility of a professional with responsibility for delivering a "whole house" assessment. In the case of historic buildings it is critical that a suitably qualified professional who understands the behaviour of historic buildings be engaged. Historic Environment Scotland might be well placed to promote an appropriate approach to such analyses.

28 In your view, what are the most important considerations for homeowners who are required to meet the legally-binding standard, in relation to skills, supply chain, consumer protection and quality assurance?

Please explain your view.:

Skills, consumer protection and quality assurance are all going to be key to home owners who will be prey to exploitation by the unscrupulous as a result of these measures.

29 What are your views on how the Quality, Skills and Consumer Protection SLWG recommendations specifically have an impact on the owner occupied sector?

Please explain your view.:

The recommendations make sense if their implementation can be guaranteed

30 In your opinion, is this the right range of Scottish Government financial support schemes? Are there any gaps, regarding either types of financial product or groups of people who may be excluded from being able to access products?

Please explain your view.:

Now that aligning with the European Commission can no longer be used as a reasonable not to, the UK must lift the current disincentive of VAT on building

repairs

31 Do you agree or disagree that grant funding from the public purse should be focused on households who are vulnerable or in fuel poverty?

Agree

Please explain your view.:

Agree. But there may need to be allowance made in the case of communally-owned buildings with a variety of incomes coming into people in different parts of a tenement.

32 In your opinion, what sources of non-government, private sector support are people most likely to want to access? (eg from banks, building societies, credit unions, mortgage providers)

Please explain your view.:

Lending Institutions are the most likely private sector resource before grant aid can be explored and accessed where appropriate.

About you

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Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

Institute of Historic Building Conservation

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

We will share your response internally with other Scottish Government 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 Scottish Government to contact you again in relation to this consultation exercise?

Yes

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Neither satisfied nor dissatisfied

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Neither satisfied nor dissatisfied

Please enter comments here.: