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Dear John,

**BCSC response to CLG Consultation on EPBD Recast**

BCSC welcomes the Government Consultation on the EPBD Recast.

- **Introduction**

BCSC represents businesses operating in the retail property sector. Our mission is to promote industry best practice and advance the professional aims of the retail property industry. Our membership is a broad church of nearly 3,000 property professionals including owners, developers, retailers, surveyors, architects and public sector managers. One of our primary aims, as embedded in BCSC's Sustainability Charter, is to significantly reduce carbon emissions from buildings in the retail property sector.

We are committed to working with our members' to achieve the EU's objectives for significant energy efficiency improvements in buildings and believe that good design, and low carbon technologies should be employed in the UK's shopping centres.

- **Question 1: Do you agree that member states should retain the ability to introduce incentives for the construction and renovation of buildings which do not comply with the proposed minimum energy performance standards?**

We agree with the UK Government's position on this matter. We believe that there may be instances beyond 2014 where it is both appropriate and necessary to incentivise construction or renovation of buildings to comply with energy performance requirements.

- **Question 2: Do you agree that article 5 needs further consideration?**

We agree with the UK Government that there is still a need to further consider the cost-optimal definition.

We acknowledge that any cost-optimal definition will have to be based on certain assumptions; however, we would urge caution against basing the definition on the assumed lifetime (life-cycle) of a building.

It should be noted that the cost-optimal calculation will be determined at a given time by one property owner only. It should be acknowledged that this owner may intend to sell on the property within its lifetime (life-cycle). This means that the cost optimal calculation (as it presently stands) is somewhat unhelpful. We would recommend utilising a cost optimal calculation based on payback over time – thus enabling property owners to fully assess their position, and the costs and benefits involved.

- **Question 3: Do you agree that alternative energy systems should be considered before construction starts?**

We support the UK's position and accept that no additional impact is anticipated from the implementation of this article (7).

However, we would continue to urge Government to ensure that existing frameworks are delivering the best outcomes. BCSC supports the use of Building Regulations as the mechanism to deliver sustainability advances, and urge Government to resist handing more powers in this area to the planning system.

As noted in our response to the recent consultation on Part L of the Building Regulations, BCSC believes that the introduction of policies designed similar to that of the Merton Rule do not deliver the required flexibility to work towards meeting the UK 2010 or 2019 targets for non domestic buildings. The same is true for the EU energy performance of buildings objectives.

We believe that it is crucial that each development or buildings is assessed on its own merit. Local authority-wide sustainability targets (often relating to prescribed quotas of alternative energy) have not been shown to deliver the best results.

The Merton Rule is clearly popular with local authorities and is seen to be quick win to deliver energy reductions and improve a council's reputation in this area. However, the rule is restrictive in its application, and in certain circumstances introduces an element of risk in enabling developments to move forward.

- **Question 4: Do you agree that this article (9) needs further consideration?**

Although supportive of the UK's ambition to build all new non-domestic buildings to a zero carbon standard by 2019, BCSC does not believe that it would be appropriate to set a target for the overall number of zero carbon buildings (to include existing stock).

We believe that focus must remain on the overall reduction of carbon consumption across the building stock rather than on a particular number of units designed or refurbished to meet the zero carbon standard.

BCSC supports the UK Government's proposed definition of zero carbon, with the use of allowable solutions where necessary. We would strongly urge the EU Presidency to ensure that the EPBD Recast allows for such an interpretation of zero carbon. We do not believe that the EU Parliament's definition of net zero carbon (onsite solutions only) would be workable for every site and would therefore prohibit certain developments here in the UK from progressing.

- **Question 5: Do you support widening the scope of the directive so that DEC's must be displayed in Buildings above 250m<sup>2</sup> which are occupied by public authorities?**

We are broadly supportive of the Government's position on this issue, providing that the administrative burden does not render it an impossible task for smaller public authority buildings. We would recommend that smaller local authority/public functions such as satellite libraries and youth clubs are adequately supported in the throughout the process.

BCSC would support the UK Government in expanding the use of DEC's into the private sector. We would, going forward, also be interested to see any Government proposals to better join up the measurements of the EPC and DEC to provide a more useful (single) certificate.

- **Question 6: Do you support the proposal that property advertisements should include the building's energy performance indicator?**

We agree that advertisements for the sale or rent of buildings should include an energy performance indicator. However, it should be noted that indicators may be harder to come by for yet-to-be-built units in proposed developments. BCSC would urge Government to ensure that developers retain the right to sell property prior to its completion.

To do this, it may be appropriate to allow for the "indicator" to be drawn from Part L of the Building Regulations. This would give some guidance as to the minimum energy performance standard for the proposed unit.

- **Question 7: Do you agree that for publicly visited buildings above 250m<sup>2</sup>, an EPC should be displayed where it already exists?**

BCSC would support the display of EPC's in buildings visited by the public, where EPC's already exist for the property. However, it should be noted that there may be times when a shopping centre as a whole displays a certain rating, whilst individual units within the centre reach a different (either higher or lower) rating. This could cause some confusion.

Going forward, we would urge that the Government look into further exploring the use and display of DEC's as these clearly tackle the issue of operational performance as opposed to asset (design) performance. We acknowledge, however, that there would be a similar concern to that outlined above in multi-tenanted buildings.

- **Question 8: do you support improving the advice given in air-conditioning reports?**

BCSC is supportive of the proposed extensions to this article.

- **Question 9: Do you support the proposal that the commission should evaluate the effectiveness of the directive?**

An assessment of the effectiveness of the directive would be welcomed by BCSC members.

- **Question 10: Do you agree that member states shall provide information to building occupiers on improving energy efficiency?**

We recognise that there are many ways in which shopping centres (and the unit occupiers) can reduce their carbon emissions, via both behavioural and technological changes, and as an organisation BCSC is committed to relaying best practice in both of these areas between developers, landlords and retailers.

We would welcome the opportunity to work with the UK Government in further providing information on energy efficiency methods to our industry, and we support the revision of article 19 to make this a mandatory activity for Government.

- **Question 11: Do you agree that the commission may modify thermal characteristics taken into account in the methodology?**

We would accept modifications to the methodology, providing that such modifications were carried out in an orderly manner, allowing for an appropriate lead in time to implementation.

- **Question 12: Do you agree that the commission should be assisted by a committee made up from representatives from the member states?**

BCSC fully supports the establishment of the proposed committee. Ideally this committee should be made up of the industry and stakeholder experts from each member state.

- **Question 13: Do you agree that the proposed timetable is unrealistic?**


We support the UK's decision to revisit the implementation timetable with the Commission. We would urge the Commission and Council to set a timetable that was achievable for all member states. It is better to take time now (in the transposition and implementation processes) to ensure the successful delivery of the key energy performance objectives going forward.

- **To conclude**

We look forward to the UK Government in its further work towards improving the energy performance of buildings and to responding to the forthcoming Consultation dedicated to developing the trajectory towards the 2019 non-domestic zero carbon target.

If you would like to receive any further information at this time, please feel free to contact me.

Yours sincerely,

A handwritten signature in blue ink that reads 'Edward Cooke'.

**Edward Cooke**  
**Executive Director**  
**BCSC**