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Dear John,

BCSC response to CLG consultation: Making better use of Energy Performance Certificates and data

BCSC welcomes the Government Consultation on the making better use of Energy Performance Certificates and data.

- **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.

It is estimated that there are now 820 centres with 13,000,000m² of lettable area in the UK, with 500,000 car spaces. Using benchmark parameters these centres are responsible for nearly 3,000,000 tonnes of CO₂ emissions, split between the tenanted areas and common areas. One of our primary aims, as embedded in our 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 in order to achieve this objective. The cost of doing so however can be prohibitive, especially in a weak economy, and therefore we believe if the Government is serious in making all commercial buildings low carbon then appropriate fiscal incentives need to be established, along with the provision of information about energy consumption and ways to reduce energy use.

Chapter 2

Question: Do you agree with our approach to giving access to 1) address level data and 2) anonymised data.

We broadly support the Government's proposals in relation to both address level data and anonymised data.

Question: Are the safeguards relating to the sharing of address data adequate?

Question: Do you agree that a list of DEC's for public buildings should be published?

We strongly support the publication of the list of DEC's for public buildings. The publicity that this could generate would focus the minds of the public on the sustainability of buildings both domestic and commercial, and this may in turn help to change occupational behaviours at home and work.

Chapter 3

Question: Do you agree that an EPC for a HMO should be required and triggered when a room in an HMO is rented out?

N/A

Question: Do you agree that EPCs extended to HMOs should have a validity period of 10 years?

N/A

Chapter 4

Question: Do you agree that the guidance should be amended to provide that an EPC must be produced when a holiday let is rented out on a short-term basis?

N/A

Question: Do you agree that this should only apply to holiday lets that are rented out for a combined total of four months or more of the year?

N/A

Question: In relation to short-term lets, do you agree that the EPC should have a validity period of 10 years?

N/A

Chapter 5

Question: Do you agree that advertisements for the sale or rent of domestic and non-domestic property should include details of the EPC rating?

BCSC acknowledges that the EPBD recast required the UK to legislate to ensure property advertisements carry the EPC rating. Given this direction, it is crucial that the UK Government implements this in a pragmatic way. An EPC A-G chart is not something that can be easily “shrunk” to fit a very small space such as a property advertisement in a newspaper. Given this logistical issue, we would urge the Government to consider one of the alternative options, such as simply listing the number rating of the property eg. 45/100.

Question: Do you agree that the scheme should be made compulsory by implementing the relevant provision in EPBD2 at an early opportunity?

As implied above, we would urge the Government to take a pragmatic approach to implementing this aspect of the Directive.

Question: Do you agree with the proposed coverage of all properties advertised for sale and rent including social rented dwellings marketed through choice-based lettings?

We are broadly happy with the coverage scope of the proposals. However, as indicated above, we urge the Government to implement these proposals sensitively.

Chapter 6

Question: Do you agree that the requirement to produce DEC's should be extended to commercial properties?

BCSC is supportive of the overarching ambition to extend DEC's to commercial properties. In the long term we believe that DEC's will provide a better form of comparative performance measurement in buildings than the existing EPC model.

We accept that there is a need for primary legislation to enable Government to make DEC's compulsory. Given that this will take time, we believe that there is scope to encourage the voluntary uptake of DEC's by organisations, ahead of the legislative change. It should be noted that many landlords have in fact already committed to utilising DEC's voluntarily.

In a multi-tenanted building such as a shopping centre, where structures of ownership can be unclear – particularly to the public, it will be important to ensure that there is clear distinction as to who is responsible for the environmental performance recorded by each visible DEC. As the intention is to name and shame those with high energy consumption by the compulsory display of energy data it is clearly important for the general public to know exactly who it is that is leaving the lights on!

We are keen to work with Government on the development of commercial DEC's, in particular to ensure that different users' energy requirements are taken into account in the methodology applied to producing the DEC rating i.e. a retailer that requires large numbers

of refrigeration units should not be compared to a fashion retailer that does not have the same requirement.

Question: Do you agree that DEC's in commercial buildings should be updated every year and Advisory Reports updated every seven years in line with the current requirements for buildings occupied by public authorities?

We accept that there would be little value in introducing compulsory DEC's without ensuring that the data within them is kept sufficiently up to date. With this in mind, we are broadly supportive of an annual update requirement.

However, it is crucial that a framework is put in place for quick and easy production of an annual DEC update without having to rely on a small number of assessors. We would therefore welcome a Government commitment to explore the option of a self assessment portal. This could allow a pre-registered occupier to input consumption data and produce an up-to-date DEC in each of the intervening years between full assessment and the advisory report publication at seven years.

Chapter 7

Question: Do you agree that the 2007 Regulations should be amended to make it mandatory to lodge ACRs on the England and Wales non-domestic EPC register?

BCSC supports the proposal to mandate the lodgement of air conditioning reports, providing that the framework established to do this is not burdensome.

Question: What information would you consider should be recorded on standardised ACRs?

- Unique reference number (URN),
- Expiry date
- Address
- Organisation
- Building owner/manager
- Name of inspector
- Rating 12kw to 250 kw or 250 kw and above
- Category packaged cooling
- Centralised system or centralised and packaged
- Non-domestic building category

Question: Do you agree that the fee for lodging ACRs on the England and Wales non-domestic EPC register should remain the same as for lodging non-domestic EPCs? If not, how do you think the fee should be structured?

Yes the fee should be similar, but no more.

Chapter 8

Question: Do you agree that that the 2007 Regulations should be amended as proposed to clarify when an EPC is required during the process of selling or renting out a non-domestic building?

BCSC would welcome this clarity.

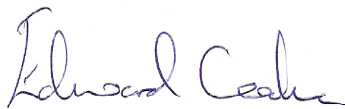
Question: Do you agree that the option to defer making an EPC available until exchange of contracts should be removed?

If EPCs are to have any impact on the decision making process involved in purchasing property then they must be made available ahead of the point at which contracts are exchanged.

We strongly believe that DEC's have a role to play in supporting the development of initiatives to reduce energy use and are willing to work with Government to ensure that the opportunity presented by their expansion is maximised.

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

Yours sincerely,



Edward Cooke, Executive Director BCSC