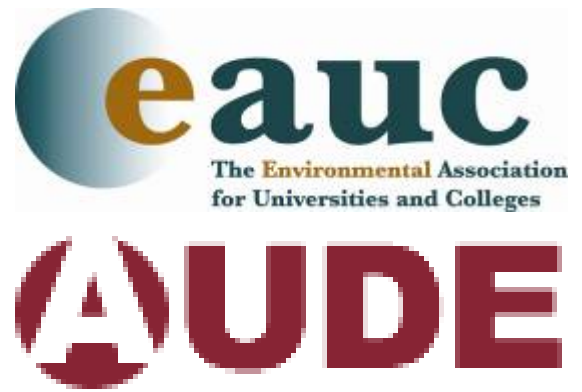


Response to be submitted by email to
buildingstandards@scotland.gsi.gov.uk
Phone 01506 600408



[Permission granted to submit late on 24 Jan 2012]

Michelle Williamson
Building Standards
Denholm House
Almondvale Business Park
Livingston EH54 6GA

EAUC-Scotland Office
% Queen Margaret University
by Musselburgh EH21 6UU

Dear Michelle Williamson

Climate Change (Scotland) Act: S.63 Regs and guidance for non domestic buildings

Please find attached the response from the Environmental Association for Universities and Colleges (EAUC-Scotland) and the Scottish Association of University Directors of Estates (SAUDE) to the above consultation. Opinions were sought from representatives of the 60 institutions within the tertiary education sector and this response incorporates them.

Colleagues were disappointed in this set of proposals which provide very little in the way of a road map which a public body – with a significant owned and operated estate – can use to chart a way to a low carbon future.

We are committed to contributing to a low carbon Scotland. We have many of the skills required to deliver this but are constrained by availability of earmarked funds. We caution against more certificates where they are just a calculation- simply creates additional burden and diverts expenditure from practical upgrades.

The consultation takes little account of the need to engage building users in contributing to reduced energy consumption and suggests the Operational Rating option is somehow an alternative to technical measures. It is our view that it will be sensible to adopt a holistic approach and combine the operational and technical measures in a programme of action to cut CO₂e emissions while at same time providing regular feedback to building users.

This needs to be done, ideally, annually showing achievements against previous years' consumption – in other words a Display Energy Certificate which we recommend as an alternative: to require us to prepare, publish and exhibit a Display Energy Certificate and accompanying Recommended Measures Report and Action Plan. Implementation timing should be closely aligned to the EPBD Recast conditioned floor area thresholds and timetables. We could implement these if sufficient funding were made available.

Our request is that you keep it simple. The Recast timetable has been in the pipeline for some time now and we consider that we could cope with a requirement to prepare DEC's for all our large / over 1,000sq.m buildings etc in the timescales set out in Recast EPBD.

Yours sincerely,

David Somervell

David Somervell, EAUC-Scotland Branch Committee Member

Respondent Information Form
Climate Change (Scotland) Act 2009: Section 63
Regulations and guidance for non domestic buildings

NB This form **must** be returned with your response to ensure that we handle your response appropriately

Group / Organisation

1. Group / Organisation Name

**Environmental Association for Universities and Colleges (EAUC-S)
 & Scottish Association of University Directors of Estates (SAUDE)**

2. Group/Org Type (please tick one)

Local Authority	<input type="checkbox"/>	Heritage/Historic Groups	<input type="checkbox"/>
Business Groups	<input type="checkbox"/>	Utilities Companies	<input type="checkbox"/>
Professional/ Industry Groups	<input type="checkbox"/>	Energy Advice / consultants	<input type="checkbox"/>
National Agencies	<input type="checkbox"/>	Health Sector	<input type="checkbox"/>
Further Education	<input checked="" type="checkbox"/>	Commercial Companies	<input type="checkbox"/>
Specialist Interest Groups	<input type="checkbox"/>	Other (Please specify) Public Body Estates	<input checked="" type="checkbox"/>

3. Contact Name

David Somervell

4. Postal Address

**Environmental Association for Universities and Colleges
 & Scottish Association of University Directors of Estates**

**c/o Queen Margaret University
 by Musselburgh**

Postcode **EH21 6UU**

Phone **0131 477 0000 [ask for Sarah Lee]**

Email [**slee@eauc.org.uk**](mailto:slee@eauc.org.uk)

5. Permissions – I am responding as a Group / Organisation

(a) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).
 Are you content for your **response** to be made available?
 Please tick as appropriate Yes

(b) 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?
 Please tick as appropriate Yes

Climate Change (Scotland) Act 2009: Section 63 Regulations and Guidance for Non Domestic Buildings

Consultation Questions

Consultees are encouraged to submit their views in electronic format. Please feel free to provide your views and comments on this form. To mark a 'yes/no' box, please double click on the relevant box and select 'checked'. To offer commentary on aspects of the consultation not addressed by specific questions, please respond under Question 13.

Response from the Environmental Association for Universities and Colleges (EAUC-Scotland) and the Scottish Association of University Directors of Estates (SAUDE)

1. Assessment methodology

1. Do consultees consider that the assessment methodology used to produce EPCs offers a practical route to assess the energy performance of existing buildings to deliver the requirements of Section 63 regulations? Yes No

The current requirement in Scotland to produce only asset-based EPCs is not satisfactory for public bodies holding extensive estates. The output from these one-off guestimates of the energy consumption and projected CO₂e emissions from the fabric and fixed services is of little or no value in helping determine what measures to invest in to reduce climate emissions. Recast requires progressively smaller buildings to be assessed and we cannot see real value in the related expenditure.

We recommend that greater consideration be given to an Operational Rating approach along the lines in England and Wales involving internal preparation of regular reports on actual energy consumption / emissions and compare to previous years in a Display Energy Certificate (DEC) of total energy consumed in the building.

Embedding and encouraging a regular process of Metering, Monitoring and Targeting consumption reduction would assist in communicating energy consumption costs and impact to the occupants – leading to their taking actions to reduce wastage as part of mainstreamed management actions.

We recognise a need to prepare a Recommended Measures Report and Action Plan; but in our view there is no value in painstakingly preparing an electronic model of our existing buildings using SBEM or similar to generate an asset-based rating plus a computerised pick-list of standard measures.

We would prefer that a specialist building assessor spent their time researching the fuel consumption patterns, walking round the building to identify and record opportunities and write up their recommendations in a combined Recommended Measures Report and Action Plan. This could be undertaken by a qualified engineer from in-house or by accredited external person. The Report and Action Plan should then have a life of ten years or until material changes were made to the building.

Separately we are concerned that the proposals introduce another acronym [ACEP] will further confuse, alienate and put off building managers who may already have heard of EPCs as a measure to assist in improve performance of the building stock.

2. Eligibility – Green Deal

2. Are consultees content that a building 'participating' in the UK Energy Bill's 'Green Deal' be exempt from Section 63 regulations? Yes No

It appears highly unlikely that any significant investment will be made by a public body through the current proposals framed in the Green Deal. Those that do should be exempt.

The sector will likely be urging different funding mechanisms to support investment in low carbon estates for our sector.

3. Eligibility – building performance

3a. Do consultees consider that buildings constructed to the 2002 building standards or more recent standards should be exempt from the Section 63 regulations? Yes No

3b. Do consultees consider that pre 2002 buildings that have been built to or improved to meet recent energy standards should be exempt from the Section 63 regulations? Yes No

There are many buildings constructed to current building standards which would still benefit from recommendations from a skilled energy assessor compiling up a set of Recommended Measures Report and Action Plan for an organisation to implement to reduce CO2e emissions. It should be up to each responsible building owner / manager to determine whether they undertake such an assessment for this group of buildings.

It appears to be implied in this consultation that only technical measures will lead to reductions; whereas it is well known that management techniques e.g. energy savings and building user engagement programmes are also required in tandem to tackle energy waste. Please explicitly refer to these.

4. Sale or rental

4a. Do consultees consider that the assessment required as part of the regulations should be undertaken at the point of sale of a building? Yes No

4b. Do consultees consider that the assessment required as part of the regulations should be undertaken at the point of lease to a new tenant of a building? Yes No

4c. Do consultees consider that the assessment required as part of the regulations should be undertaken at the point of lease renewal to an existing tenant of a building? Yes No

This response is from the point of view of organisations with an extensive estate – which we shall continue to own and occupy for some time into the future;

It does not recognise anywhere the precedent for Display Energy Certificates elsewhere in the UK which public bodies are required to display on any building over 1,000 sq.m currently; and then – with EPBD Recast – progressively stepping down in size in previously announced steps to lower threshold of 500 sq.m and 250 sq.m by 9 Jan 2013 and 9 July 2015 respectively. This should be considered

Our experience is that the process of procuring the asset-based / SBEM calculated EPCs has been an expensive and largely unhelpful exercise which – even though many of us commissioned and paid for enhanced Recommendations Reports – has led to very little practical re-prioritisation of technical measures, very little additional knowledge and understanding of where energy is actually consumed in our buildings and a feeling that these were being prepared to satisfy some external agency rather than something which would genuinely benefit our ongoing management of the estate.

5. Building size

5a. When read in conjunction with question 4 do consultees consider that all public and private buildings with a conditioned floor area greater than 1000 m² should be subject to the Section 63 regulations? Yes No

5b. Do consultees consider that the regulations should align with the area limitations for public buildings within the EPB (Scotland) Regulations, albeit not to the same timeline? Yes No

While we do not support any extension of requirements to undertake asset-based EPCs our preferred and recommended alternative – to require us to prepare, publish and exhibit a Display Energy Certificate and accompanying Recommended Measures Report and Action Plan – should be closely aligned to the EPBD Recast conditioned floor area thresholds and timetables.

Our request is that you keep it simple. The Recast timetable has been in the pipeline for some time now and we consider that we should be able to cope with a requirement to prepare DEC's for all our large / over 1,000sq.m buildings etc in the timescales.

Concern has been expressed that public bodies are more likely to comply with these regulations – we ask that adequate enforcement for privately held buildings be put in place.

6. Limited life, temporary and low energy demand buildings

6a. Do consultees consider 'limited life buildings should be exempt from the regulations? Yes No

6b. Do consultees consider temporary buildings should be exempt from the regulations? Yes No

6c. Do consultees consider 'low energy demand' buildings should be exempt from the regulations? Yes No

All these measures must be aligned to the EPBD Recast and not different, please.

7. Assessment of Carbon and Energy Performance

7a. Do consultees consider that a building that has already obtained an EPC qualifies as having been assessed under the Section 63 regulations? Yes No

7b. Do consultees support the 10 year validity period of an EPC in the context of the section 63 regulations? Yes No

We are not all convinced that the asset-based approach is appropriate but ask that any Recommended Measures Report and Action Plan undertaken by a qualified engineer from in-house or by accredited external person have a life of ten years or until material changes were made to the building. Recommend support for management tools like DEC's to bring a better understanding of flows of energy actually consumed in a building to the attention of all the occupants and especially building managers.

Occupants would be better incentivised to achieve year-on-year improvements in their performance by the recommendation to display annual consumption and emissions data.

8. Action Plan and implementation of steps to improve the building

8a. Do consultees support the proposals for an Action Plan? Yes No

8b. Do consultees consider that if owners and tenants agree a protocol for identifying operational ratings within the Action Plan then they would require to report year on year operational energy use and CO2 emissions? Yes No

8c Do consultees consider that the prescribed improvement measures should be used to set the target emissions reductions/energy performance for alternative measures? **[See comment below]** Yes No

8d. Do consultees support the alternative measures approach prepared for the Action Plan? **[See comment below]** Yes No

8e. Do consultees support that LZCT should be part of the alternative measures? **[See comment below]** Yes No

8a. Not completely clear that a separate Action Plan document is wise and suggest that there be single document which outlines Recommended Measures Report and Action Plan and spells out the priorities and how they should be achieved in an integrated way.

8b. This is effectively a requirement to display an Energy Certificate each year – which we would support – although it might be better to align the reporting requirements with the timeframe for implementation of improvement measures. It should apply across all eligible buildings.

8c. Measures are “recommended” not prescribed. It may be that there are sound reasons why other measures which come to light should be implemented before those identified in the assessment carried out and / or that some measures are not taken forward for proper reasons which the assessor was not aware of.

These decisions should be formally recorded by public bodies and available for scrutiny along with the Recommendations Report and Action Plan. However it must be noted that it is particularly difficult to predict the likely energy savings to be achieved through many recommended measures and especially when several measures might be done in parallel or even in series.

We do not recommend that a consultant’s advice/opinion should necessarily bind an organisation to achieving a specific target.

8.d We do not support any proposals to undertake more asset-based ratings as a matter of course in any / all our building stock. It is expensive, time-consuming and has proved to have little overall benefit.

We would however strongly support the concept of a Recommended Measures Report and Action Plan with timescales developed in collaboration with a skilled assessor being recorded and published in an appropriate place.

Further we would support the idea that we monitor progress and publish and display the reductions [if any achieved] – in whole energy consumption measured through meters supplying the building – via a Display Energy Certificate.

8.e We are concerned at the widespread, use of the term “renewable energy technologies” in much of these discussions about on-site generation.

It appears to us that inclusion of for example Ground or Air-Sourced Heat Pumps as “renewables” is not appropriate as they rely on grid electricity and have a tendency at peak loading / under extreme weather conditions to lose their high Coefficients of Performance (CoP) ratings and rely on direct acting peak loading of the electricity supply system just when it is least able to cope with such a load.

We support the concept and term “Low and Zero Carbon Technologies” where these include Combined Heat and Power and District Heating.

The significantly greater overall energy efficiency delivered by a CHPQA accredited installation – well matched to both heat and power load – provides a major and welcome low carbon heat source and displaces marginal grid electricity generation which is frequently from slow, load-following fossil fuelled power stations.

9. Timescale for implementation of improvement measures

9a Do the consultees consider the proposed time period reasonable for building owners to implement the Action Plan? Yes No

9b Do the consultees consider that a revised Action Plan should meet the original Action Plan period? Yes No

9.a The current proposals appear to fail to address the extensive stock of existing buildings which is neither leased nor likely to be sold in the foreseeable future – namely the estates of public and private bodies which they own and envisage owning for a while.

There is clear indication in EU documents and Scottish Ministers' guidance and direction – that publicly-funded bodies be seen to take the lead in achieving the benefits of a lower carbon status.

We would request that there be clear and distinct guidance and advice – following the lines of the Public Bodies Duties in Part 4 of the Act – for how we should approach the issue of DEC's rather than ACEPs.

9b. This should be 'No' as a new set of circumstances will prevail. However we believe it must be a full alternative to an obligation to pay for an asset-based EPC rating so long as there is a properly certified mechanism for developing and publishing a Recommended Measures Report and Action Plan.

10. Looking to the Future

10a Do consultees consider that mandatory implementation of fabric / service improvement measures may be required at a future date as part of regulations? Yes No

10b Do the consultees consider that any mandatory implementation should be run in tandem with Green Deal roll out, to allow an alternative financing option? Yes No

10a. We recognise that the retrospective application of building standards to existing stock must be introduced at some time – albeit with adequate funding support to public bodies for implementing the measures identified.

We recommend that this be more clearly flagged up in forthcoming consultation on the appropriate carbon reduction standards due in 2012.

Please consider carefully a progressive and planned staging of the requirement to align with the reduction in thresholds for EPBD Recast – 2013 and 2015 whereby refurbishment projects which have a value of more than 50% of value of building be required to bring whole up to current standards from 2013 and where refurbishment projects which have a value of more than 25% of value of building be required to bring whole up to current standards from 2015.

10.b We are not confident that the Green Deal will facilitate change for publicly-funded bodies owning and occupying their own buildings. We believe that there will need to be significant tranches of earmarked capital allocations to facilitate the investment needed to cut emissions.

11. Requirements for Assessors and Approved Organisations

11. Do consultees consider that utilising and improving the existing structures / frameworks for assessors of EPCs is most practical method for implementing S63? Yes

Please do not introduce any further sub-categories of specialist or different accreditations. We feel that there is already too much reliance on expensive training and accreditation processes rather than recognising the skill set that a qualified and experienced energy engineer or an experienced building services engineer can bring to preparation of a set of Recommended Measures and Action Plan.

12. Enforcement

12. Do consultees consider that utilising the local authorities as the enforcement authorities is the most practical solution for Section 63? Yes No

Yes, but recommend the 2% checking be commissioned by Building Standards Division or other public audit body to ensure that there is a clear independent watchdog role trying to maintain standards.

13. General – Do consultees have any other comments on the proposals?

Colleagues are disappointed in this set of proposals which provide very little in the way of a road map which a public body – with a significant owned and operated estate – can use to chart a way to a low carbon future.

The continuing promotion of asset-based ratings as the only pre-requisite for action to implement the EPBD in Scotland is disappointing.

The consultation appears to take little account of the management techniques required to engage building users in contributing to reduced energy consumption and suggests the Operational Rating option is somehow an alternative to technical measures.

This is not the case as it will be sensible to adopt a holistic approach and combine different measures in a programme of action to cut CO2e emissions while at same time providing regular feedback to building users. This needs to be done, ideally annually, showing achievements against previous years' consumption – in other words a Display Energy Certificate.