



# INFORMATION NOTE

Subject: ENERGY PERFORMANCE OF BUILDINGS DIRECTIVE

Number: 02/14

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Who Should Read this: DIO - ODC (LMS, E&C, Utilities), PPD Project Managers and Disposals, SD Infrastructure Managers and HoE.

When it takes effect: Immediately

When it is due to expire: when superceded

Estate Management

## Document Aim

The aim of this Information Note is to raise awareness of the Energy Performance of Buildings Directive (EPBD) recast and provide information and guidance on the application of the Regulations on the defence estate.

## Background

1. The EPBD is an EU Directive designed to tackle climate change by reducing the amount of carbon produced by buildings. It came into force in 2002 and was implemented on a phased basis across the UK.

2. A recast of the Directive in 2010 introduced a number of additional provisions including:-

- Requirement for new buildings developed after 2020 to be nearly zero energy buildings, with an earlier deadline of 2019 for some public buildings
- Property advertisements to include details of the Energy Performance Certificate (EPC) rating where available

- Extension of the requirement for a Display Energy Certificate (DEC) in public buildings with a floor area over 500m<sup>2</sup>.
- Further extension to the requirement for a DEC in public buildings with a floor area of between 250m<sup>2</sup> and less than 500m<sup>2</sup> in July 2015.

3. The [Energy Performance of Buildings \(England and Wales\) Regulations 2012](#) consolidates all the provisions of the EPBD in one set of regulations. Equivalent regulations have been enacted in Scotland and Northern Ireland.

### **Application on the Defence Estate**

4. The legislation impacts on MOD as a property owner, landlord, developer and facility manager. The EPBD requires a number of certificates and reports to be produced:-

- a. Energy Performance Certificates (EPC)
- b. Display Energy Certificates (DEC)
- d. Air-conditioning Inspection Reports

### **Energy Performance Certificates (EPC)**

5. The requirement for an EPC is only triggered on sale, let or construction/modification of a building. An advisory report containing recommendations for the improvement of the energy performance of the building must accompany the EPC.

#### Disposals

6. A valid EPC and recommendations report must be made available to prospective buyers. The responsibility for funding, commissioning and making available copies of the EPC on sale of MOD buildings rests with DIO PPD Disposals.

#### Lettings

7. A valid EPC and recommendations report must be made available to prospective tenants at the earliest opportunity and a copy provided prior to entering into a contract. There is no requirement to obtain an EPC for leases in place prior to the provision coming into force or for lease renewals or extensions (i.e. no change of occupier). The requirement for an EPC is not triggered on change of service personnel in Service Family Accommodation.

8. The responsibility for funding the EPC rests with the budget holder receiving the benefit from the letting. The responsibility for commissioning and making available the EPC to prospective tenants rests with DIO ODC LMS.

#### New Build/Modification of Buildings

9. A MOD Building Regulations Compliance System (BRCS) Construction Completion Certificate will not be issued until a valid EPC has been generated for a new build or qualifying modification to a building. For MOD buildings the 'Delivery Contractor' shall be responsible for the production of the EPC and accompanying recommendations report. Copies of the EPC and recommendations report should form part of the Building Manual / Takeover documents for the project. The MOD/DIO Project Delivery Manager is responsible for ensuring EPC is provided by the Contractor and that the Energy Performance Asset Rating and Certificate Reference Number are entered onto the draft building record for the asset prior to activation by DIO IPO Data Service Team on the Infrastructure Management System.

10. EPCs and recommendations reports have to be lodged on the appropriate National or Devolved Administration Register to be valid. Where there are security concerns over the information contained in certificates and reports or the underlying information, advice should be sought from the DIO ODC E&C Building Standards.

### **Display Energy Certificates (DEC)**

11. A DEC (EPC in Scotland) must be displayed in a prominent place clearly visible to the public in MOD occupied buildings over 500m<sup>2</sup> that are frequently visited by members of the public.

12. This covers MOD occupied buildings where members of the general public (excluding MOD personnel and contractors, dependents of service personnel and non-public facing activities such as meetings) visit for the purpose of receiving a service or are granted access to the building at least once a week. While outside the scope of the Regulations a valid DEC should continue to be displayed in the nominated TLB Head Quarters building.

13. For MOD buildings leased/licensed to a third party the requirement for a DEC depends on the tenants activities. The responsibility for ensuring a valid DEC is displayed rests with the tenant. MOD as a landlord may need to provide details of energy consumption and building information if the tenant does not have direct access to the information.

14. Where the building has a total useful floor area of more than 1,000m<sup>2</sup>, the DEC is valid for 12 months. The accompanying advisory report is valid for seven years. Where the building has a total useful floor area of between 500m<sup>2</sup> and 1000m<sup>2</sup>, the DEC and advisory report are valid for 10 years. Cost effective measures identified in the Advisory Reports should be built into the site energy management plan and maintenance plan for the building.

15. For MOD occupied buildings the budget holder responsible for managing the infrastructure is responsible for funding DECs. For buildings for which DIO provides infrastructure services, DIO SD Sub-Region Infrastructure Managers (SRIM) are responsible for ensuring qualifying buildings have valid DECs funded and commissioned through the Facility Management Contract and the BSUID and Certificate Reference Number is submitted to the DIO ODC Utilities Team mailbox (DIO ODC-Utilities Energy Data (MULTIUSER)).

### **Air-conditioning Inspection Reports**

16. The Regulations require that any air-conditioning system in a building that has a collective cooling capacity larger than 12kW is inspected by an accredited energy assessor at regular intervals not exceeding 5 years.

17. For Air Conditioning systems for which DIO provides facility management services, DIO SD Sub-Region Infrastructure Managers (SRIM) are responsible for ensuring Inspection Reports are funded and commissioned through the Facility Management Contract.

18. Air-conditioning reports have to be lodged on the appropriate National or Devolved Administration Register to be valid. Where there are security concerns over the information likely to be contained in the reports or the underlying information, advice should be sought from the DIO ODC E&C Building Standards.

## Overseas

19. For buildings in other EU Member States the host nation requirements should be followed as far as practicable. Outside Europe there is no requirement for MOD to hold certificates and inspection reports to meet the requirements of the EPBD.

## Further Information

20. Further information and guidance is shown below:

### England & Wales

[The Energy Performance of Buildings \(England & Wales\) Regulations 2012](#)

[A guide to energy performance certificates for the construction sale and let of dwellings](#)

[A guide to energy performance certificates for the construction sale and let of non-dwellings](#)

[A guide to display energy certificates and advisory reports for public buildings](#)

England & Wales National Register - Operated by Landmark Information Group Ltd, can be found at [www.ndepcregister.com/](http://www.ndepcregister.com/)

### Northern Ireland

<http://www.dfpni.gov.uk/energy-performance-of-buildings>

Northern Ireland National Register - Operated by Landmark Information Group Ltd, can be found at <https://www.epbniregisternd.com/>

### Scotland

<http://www.scotland.gov.uk/Topics/Built-Environment/Building/Building-standards/publications/pubepc>

Scotland National Register – Operated by the Energy Savings Trust Scotland can be found at [www.scottishepcregister.org.uk](http://www.scottishepcregister.org.uk)