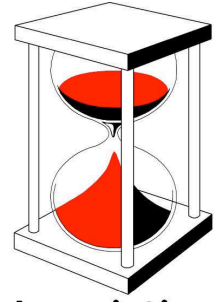




**Friends of
the Earth
Scotland**

Consultation on the single survey: Fairer for everyone

**A response from Friends of the Earth
Scotland and the Association for the
Conservation of Energy**



**Association
for the
Conservation
of Energy**

14 May 2007

1. Introduction

Friends of the Earth Scotland is a charity founded in 1978 and an independent member of the Friends of the Earth International network. We undertake research, advocacy and community development activities throughout Scotland in pursuit of environmental justice and sustainability.

Friends of the Earth Scotland welcomes the opportunity to comment on the regulations concerning better information for house sales.

2. Summary of main points

- Friends of the Earth Scotland and the Association for the Conservation of Energy are strongly supportive of the proposal to introduce mandatory seller surveys and believe that this will assist in the dissemination of energy performance certificates as required by EU Directive 2002/91/EC.
- We are somewhat surprised that neither Friends of the Earth Scotland nor the Association for the Conservation of Energy were included on the list of consultees, given the work we have undertaken in this area.
- Our principle interest concerns how the requirement to provide energy performance certificates (EPCs) will be integrated into the single surveys. We note that this has been the subject of a separate consultation by the Scottish Building Standards Agency (SBSA), but would have liked more detail on the format of certificates and how they will be incorporated into the single survey packs.

In response to questions set out on p.39 of the consultation we respond as follows:

- a) We note that the format of the EPC is not prescribed, although the required contents are specified. As we noted in our response to the consultation on implementation of directive 2002/91/EC by the SBSA, we strongly recommend that the format of this report is specified, and that it is subject of extensive public consultation to ensure it is easily understood. The Energy Saving Trust in England & Wales has undertaken such research: we suggest similar research is undertaken in Scotland, or at the very least that lessons are learned from the EST research.
- b) Our principle concern is the EPC, the format of which is not specified in the draft regulations. See also our comments under point a) above.

Friends of the Earth Scotland

Lamb's House, Burgess Street, Edinburgh, EH6 6RD

Tel 0131 554 9977 Fax 0131 554 8656 Email info@foe-scotland.org.uk Website www.foe-scotland.org.uk

A Scottish Charity: SCO03442

- c) From the regulations it is not clear who would provide the Energy Performance Certificate, as this might be done by a suitably trained and qualified RICS accredited surveyor or provided on their instruction by a specialist third party. We strongly suggest that requiring a RICS member to undertake the energy survey might increase the cost of the energy certificate, which should be avoided if possible.
- d) Your proposal not to have a 'shelf life' for the single survey may fall foul of the EU Energy Performance of Buildings Directive, which requires that energy certificates are no older than 10 years. We would suggest that even 10 years is too long a time period, and that 5 years would be preferable in the first instance, since any energy efficiency improvements undertaken by occupiers should be recognised through an up-to-date certificate. Out of date certificates could also harm the credibility of the single survey. We therefore urge that over time, the shelf life should be reduced to 3 years.
- e) As mentioned in paragraphs 26 to 28 of your consultation document, there is a proposal to maintain a register of energy performance, of which we are very supportive. Any decision about a register of single surveys should not preclude a separate energy performance register.
- f) We reiterate point c) and ask for greater clarity, so it is acceptable for the Energy Report to be prepared by a third party.

Property sale questionnaire

We have no comment to make on this part of the proposal.

Who will not have to provide a purchasers information pack?

Directive 2002/91/EC clearly applies to all buildings, and not just homes, so even if the exemptions from the Purchasers Information Pack were applicable, an energy performance certificate would still be required. We are concerned that providing the listed exemptions may create the impression that an EPC is not required. We therefore suggest the list of exemptions is shortened: specifically categories a, b, c, d should not be exempt.

Enforcing the system

We suggest that £500 is insufficient penalty for those in breach of the duty. We would suggest a penalty of approximately double the likely cost of the survey would create sufficient incentive to ensure high compliance levels.

3. Conclusion

We remain highly supportive of the seller survey incorporating an energy performance certificate. Our response is intended to reflect issues of clarity of how the seller survey system will deliver the requirements of the EU Energy Performance of Buildings Directive.

We trust that you are able to take these comments into account.

For further information please contact:

Chas Booth
Parliamentary Officer
cbooth(at)foe-scotland.org.uk