



# Energy Performance of Buildings

## A consultation on changes to The Energy Performance of Buildings Regulations 2012, No. 3118

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**The views expressed in this response are an official response to the Consultation by the Chartered Institution of Building Services Engineers**

The Chartered Institution of Building Services Engineers is the professional body that exists to:

*‘support the Science, Art and Practice of building services engineering, by providing our members and the public with first class information’*

CIBSE members are the engineers who design, install, operate, maintain and refurbish the energy using systems installed in buildings, including homes, and are specifically trained in the assessment of heat loss from building fabric and the design of energy using systems for the provision of heating and hot water, lighting, ventilation and cooling and small power distribution in homes. Many CIBSE members work in the public sector in general and in higher education in particular.

CIBSE has over 20,000 members, of whom around 75% operate in the UK and many of the remainder in the Gulf, Hong Kong and Australasia. Many are actively involved in the energy management of commercial buildings for larger businesses, and so this consultation is highly relevant to us and to our members.

As an Institution CIBSE publishes Guidance and Codes which provide best practice advice and are internationally recognised as authoritative. The CIBSE Knowledge Portal, makes our Guidance available online to all CIBSE members and is the leading systematic engineering resource for the building services sector. Over the last twentyone months it has been accessed over 200,000 times, and is used regularly by our members to access the latest guidance material for the profession. Currently we have users in over 170 countries, demonstrating the world leading position of UK engineering expertise in this field.

**NOTE:** CIBSE is a registered charity with a responsibility to serve the public interest by the provision of first class information for public benefit, and this consultation response has been developed with that purpose. This response is the sole contribution of the Institution to the consultation exercise. CIBSE owns a subsidiary company, CIBSE Certification Ltd. This is a UKAS accredited certification business, which under UKAS rules is required to operate impartially and separately from CIBSE. It may submit a separate response along with other members of the ‘Property Energy Professionals Association’ (PEPA), which is a trade body that exists to promote the interests of energy assessor schemes. Any such submission is made independently by the energy certification business for its own commercial purposes and not on behalf of the parent charity. CIBSE’s views are solely as set out below.

## Consultation question responses

**Q1: Do you agree that the threshold of the current air-conditioning inspection regime should be increased to include only air-conditioning systems and combined systems with an effective rated output of over 70kW?**

**a. Yes**

**b. No inspect air-conditioning systems and combined systems with an effective rated output of over 12kW.**

**If your answer is no, please explain your reasoning [maximum 250 words] and provide supporting evidence if possible.**

CIBSE is fully aware of the rationale for proposing to raise the threshold for inspections to 70kW. In reality we have evidence which we have submitted in the past that compliance with the current regime is weak and enforcement is weaker, due to the many other demands on the enforcement authority. The proposed change might not have huge real impact, although the impact assessment might suggest otherwise as it is based on unsubstantiated levels of compliance. In practice CIBSE suggests that many systems in the range 12-70kW are currently not inspected.

However, the current SARS CoV 2 outbreak changes many of the working assumptions behind the consultation. CIBSE published its view that [airborne transmission is a risk and that it should be addressed as a precautionary measure](#) at the end of April 2020. In early May we published [more detailed guidance](#) on the operation of ventilation systems in the current circumstances. In that guidance (which has just been further updated to version 3) we explain that the need to provide higher levels of outside air and to avoid recirculation should for the time being take precedence over energy efficiency.

In the light of the outbreak, CIBSE does not recommend changing the inspection requirements. We believe that there is a serious risk of public confusion between energy efficiency focussed inspections and any more health based inspection. Whilst the EPBD does not address ventilation hygiene, using the TM44 approach on a building that is being operated in line with the current guidance for providing safe ventilation in the current circumstances will lead to advice to contradict the health and safety based guidance.

This could lead to a situation in which HSE is citing CIBSE guidance for ventilation systems on its website and MHCLG is advocating energy efficiency inspections which could generate conflicting recommendations in separate legislation.

If we do not change the current regulations, we will still be in line with the revised EPBD. Rather than changing the threshold, MHCLG might wish to consider instructions to air conditioning inspectors to familiarise themselves with the CIBSE SARS CoV 2 guidance and to adapt their inspection reports in the light of that guidance for the time being.

A by product of this approach would be to provide Ministers with an opportunity to diverge from EU practice in order better to protect public health in the current circumstances.

Given that a further consultation is planned on changes to the Regulations beyond the end of the transition period and the uncertainty around the response to SARS CoV 2 there may be a strong case to defer any action on the Regulations until after the transition period. This would also allow the government to consider the wider changes to the Directive such as the greater focus on building automation systems.

**Q2: The analysis of impact makes a number of assumptions on the number and level of rated outputs of heating systems and air-conditioning systems and combined systems and the cost of inspections, etc.**

**Do you think the assumptions in the analysis of impact are fair and reasonable?**

**a. Yes**

**b. No**

**Please explain your reasoning and provide any evidence to support this [maximum 250 words].**

Given the current circumstances we believe that the analysis needs to be revisited and the assumptions reviewed against safe working procedures. The Institution is willing to assist in such a review on the basis that it would be in the public interest.

**Q3: Do you have any information on the number of combined air-conditioning and ventilation systems; or combined heating and ventilation systems, in buildings in England and Wales?**

**a. Yes**

**b. No**

**If you answered yes, please provide evidence on how many there are in England and Wales with an effective rated output between 12 kW and 70 kW and how many above with an effective rated output of 70 kW as this information will contribute to a fuller impact assessment of changes to the regulations.**

The Institution has already provided input to the analysis. Ever since the original introduction of the regulations this has been a topic of some debate and the data is patchy.