

THE ENERGY PERFORMANCE OF BUILDINGS (CERTIFICATES AND  
INSPECTIONS) REGULATIONS (NORTHERN IRELAND) 2008

**ENERGY PERFORMANCE OF BUILDINGS  
(CERTIFICATES AND INSPECTIONS)  
(AMENDMENT) REGULATIONS  
(NORTHERN IRELAND) 2014**

**Consultation**

**Detailed summary of responses**

## Proposed amendments to the 2008 Regulations

1.1 Do you agree with the proposal to define “building element” as set out in the consultation proposals?

Category of response	Respondent identifier	Total
Respondents answering Yes with no comment	2,9,10,12	4
Respondents answering Yes with comment	4,6,7,8,13,14,15	7
Comments No. 4	This now clarifies what meaning “Building Element” has in the EPBD2 Regulations.	
Comments No. 6	<p>We are in agreement with the proposal as outlined. In defining ‘thermal element’ the Department may also wish to consider including ‘controlled elements’ under the proposed definition of ‘building element’ or ‘thermal element of the building system’.</p> <p>Under the Building Regulations definitions, ‘thermal element’ does not include windows, doors, roof windows and roof lights (defined as Controlled Elements under the current Building Regulations).</p>	
Comments No.7	This definition helps with clarity.	
Comments No.8	<p>In defining ‘thermal element’ the Department may also wish to consider including ‘controlled elements’ under the proposed definition of ‘building element’ or ‘thermal element of the building system’.</p> <p>Under the Building Regulations definitions, ‘thermal element’ does not include windows, doors, roof windows and roof lights (defined as Controlled Elements under the current Building Regulations).</p>	
Comments No 13	The Department should consider including windows, doors roof windows and roof lights in the definition of a ‘thermal element’	
Comments No 14	<p>In defining ‘thermal element’ the Department may also wish to consider including ‘controlled elements’ under the proposed definition of ‘building element’ or ‘thermal element of the building system’.</p> <p>Under the Building Regulations definitions, ‘thermal element’ does not include windows, doors, roof windows and roof lights (defined as Controlled Fittings under the current Building Regulations).</p>	
Comments No 15	<p>In defining ‘thermal element’ the Department may also wish to consider including ‘controlled elements’ under the proposed definition of ‘building element’ or ‘thermal element of the building system’.</p> <p>Under the Building Regulations definitions, ‘thermal element’ does not include windows, doors, roof windows and roof lights (defined</p>	

	as Controlled Elements under the current Building Regulations).	
<b>Respondents answering No with no comment</b>		<b>0</b>
<b>Respondents answering No with comment</b>	<b>5</b>	<b>1</b>
Comments No 5	Building element definition will not apply to windows, doors, roof windows or rooflights.	
<b>Respondents answering No View with comment</b>	<b>11</b>	<b>1</b>
Comments No 11	It would be useful to consider the inclusion of controlled elements in the definition of building element, otherwise building element if defined as a thermal element does not include windows, doors, roof windows and roof lights (defined as controlled elements under the building regulations). These elements surely are building elements?	
<b>Respondents answering No View with no comment</b>	<b>1,3</b>	<b>2</b>
<b>Total Number of Respondents</b>		<b>15</b>

1.2 Do you agree with the proposal to define “thermal element” as set out in the consultation proposals?

Category of response	Respondent identifier	Total
Respondents answering Yes with no comment	2	1
Respondents answering Yes with comment	4,6,7,8,9,10,12,13,14,15	10
Comments No. 4	The Building Regulations clearly define a thermal element and should have a similar meaning in the EPBD2 Regulations	
Comments No.6	<p>Yes, the alignment of this definition as assigned in the Building Regulations is welcomed.</p> <p>In defining ‘thermal element’ the Department may also wish to consider including ‘controlled elements’ under the proposed definition of ‘building element’ or ‘thermal element’.</p> <p>Under the Building Regulations definitions, ‘thermal element’ does not include windows, doors, roof windows and roof lights (defined as Controlled Elements under the current Building Regulations).</p>	
Comments No.7	This helps clarify and provide a consistent approach with the Building Regulations	
Comments No.8	<p>In defining ‘thermal element’ the Department may also wish to consider including ‘controlled elements’ under the proposed definition of ‘building element’ or ‘thermal element’.</p> <p>Under the Building Regulations definitions, ‘thermal element’ does not include windows, doors, roof windows and roof lights (defined as Controlled Elements under the current Building Regulations).</p>	
Comments No 9	<p>Agree with proposal although Building Regulation 43 (Renovations of a thermal element) is restrictive to warm room construction and would seem to apply to pitched roofs with insulation at flat ceiling level. This would appear to not fully correspond with Reg. 38 definition for “Renovation of a thermal element”. This anomaly comes from the current wording for Reg. 38 definition of a “thermal element” which refers to “<b>separates a conditional space</b> from ....”</p>	
Comments No 10	<p>Agree with proposal although Building Regulation 43 (Renovations of a thermal element) is restrictive to warm room construction and would seem to apply to pitched roofs with insulation at flat ceiling level. This would appear to not fully correspond with Reg. 38 definition for “Renovation of a thermal element”. This anomaly comes from the current wording for Reg. 38 definition of a “thermal element” which refers to “<b>separates a conditional space</b> from ....”</p>	
Comments No 12	<p>Agree with proposal although Building Regulation 43 (Renovations of a thermal element) is restrictive to warm room</p>	

	construction and would seem to apply to pitched roofs with insulation at flat ceiling level. This would appear to not fully correspond with Reg. 38 definition for “Renovation of a thermal element”. This anomaly comes from the current wording for Reg. 38 definition of a “thermal element” which refers to “ <b>separates a conditional space</b> from ....”	
Comments No 13	The Department should consider including windows, doors roof windows and roof lights in the definition of a ‘thermal element’	
Comments No 14	In defining ‘thermal element’ the Department may also wish to consider including ‘controlled fittings’ under the proposed definition of ‘building element’ or ‘thermal element’.  Under the Building Regulations definitions, ‘thermal element’ does not include windows, doors, roof windows and roof lights (defined as Controlled Elements under the current Building Regulations).	
Comments No 15	In defining ‘thermal element’ the Department may also wish to consider including ‘controlled elements’ under the proposed definition of ‘building element’ or ‘thermal element’.  Under the Building Regulations definitions, ‘thermal element’ does not include windows, doors, roof windows and roof lights (defined as Controlled Elements under the current Building Regulations).	
<b>Respondents answering No with no comment</b>		<b>0</b>
<b>Respondents answering No with comment</b>	<b>5,11</b>	<b>2</b>
Comments No 5	Thermal element definition as per Building Regulations (NI) 2012 does not include: windows, doors, roof windows or rooflights	
Comments No 11	It would be useful to consider the inclusion of controlled elements in the definition of building element, otherwise building element if defined as a thermal element does not include windows, doors, roof windows and roof lights (defined as controlled elements under the building regulations). These elements surely are building elements?	
<b>Respondents answering No View with comment</b>		<b>0</b>
<b>Respondents answering No View with no comment</b>	<b>1,3</b>	<b>2</b>
<b>Total Number of Respondents</b>		<b>15</b>

**1.3.** *Do you agree with the proposal to re-insert the previously deleted Regulation 7 on recommendation reports? The new regulation would then require that a recommendation report shall include recommended cost-effective measures that could be carried out in connection with a major renovation of the building envelope or technical building systems.*

<b>Category of response</b>	<b>Respondent identifier</b>	<b>Total</b>
<b>Respondents answering Yes with no comment</b>	<b>2,5,8,13,14</b>	<b>5</b>
<b>Respondents answering Yes with comment</b>	<b>4,6,7,9,10,12,15</b>	<b>7</b>
Comments No. 4	This proposal is welcomed in that Regulation 7 is now re-inserted and clearly defines the contents of a recommendation report which can be carried out as part of a major renovation of the building.	
Comments No. 6	It is agreed that this would make the content of the recommendation report more meaningful and effective.	
Comments No.7	This will help inform building owners of the cost-effective measures that can be taken if other building works are occurring. It is to be welcomed.	
Comments No.9	Agree with the principle however it is essential that clearer definition is required as to what would constitute a “major renovation”. Directive 2010/31/EU clause (16) and Article 2 (10) give further guidance which could be incorporated. Either in terms of a percentage of the surface of a building envelope or in terms of the value of the building”. A lack of clear definition would possibly lead to debates about the enforcement of this rule. Article 2 – 10 of Directive 2010/21/EU gives options for definitions which could be considered. This will help to avoid any possible inconsistencies with interpretation.	
Comments No 10	Agree with the principle, however it is essential that clearer definition is required as to what would constitute a “major renovation”. Directive 2010/31/EU clause (16) and Article 2 (10) give further guidance which could be incorporated. Either in terms of a percentage of the surface of a building envelope or in terms of the value of the building”. A lack of clear definition would possibly lead to debates about the enforcement of this rule. Article 2 – 10 of Directive 2010/21/EU gives options for definitions which could be considered. This will help to avoid any possible inconsistencies with interpretation.	
Comments No 12	Agree with the principle, however it is essential that clearer definition is required as to what would constitute a “major renovation”. Directive 2010/31/EU clause (16) and Article 2 (10) give further guidance which could be incorporated. Either in terms	

	of a percentage of the surface of a building envelope or in terms of the value of the building”. A lack of clear definition would possibly lead to debates about the enforcement of this rule. Article 2 – 10 of Directive 2010/21/EU gives options for definitions which could be considered. This will help to avoid any possible inconsistencies with interpretation.	
Comments No 15	It would be useful to have a detailed report included; However this would result in a difference of opinions with regard to cost - effective measures.	
<b>Respondents answering No with no comment</b>		<b>0</b>
<b>Respondents answering No with comment</b>		<b>0</b>
<b>Respondents answering No View with comment</b>		<b>0</b>
<b>Respondents answering No View with no comment</b>	<b>1,3,11</b>	<b>3</b>
<b>Total Number of Respondents</b>		<b>15</b>

**1.4.** *Do you agree with the proposal that recommendation reports in the new Regulation 7 shall include recommended cost-effective measures for individual building elements that could be carried out without the necessity for a major renovation of the building envelope or technical building systems?*

<b>Category of response</b>	<b>Respondent identifier</b>	<b>Total</b>
<b>Respondents answering Yes with no comment</b>	<b>2,5,8,9,10,11,12,13,14,</b>	<b>9</b>
<b>Respondents answering Yes with comment</b>	<b>4,6,7,15</b>	<b>4</b>
Comments No. 4	It is welcomed that Regulation 7 includes recommended cost effective measures for individual building elements.	
Comments No. 6	This will improve the functionality of the recommendation report	
Comments No.7	This will help inform building owners of the cost-effective measures that can be taken if other building works are occurring. It is to be welcomed.	
Comments No 15	It would be useful to have a detailed report included; However this would result in a difference of opinions with regard to cost - effective measures.	
<b>Respondents answering No with no comment</b>		<b>0</b>
<b>Respondents answering No with comment</b>		<b>0</b>
<b>Respondents answering No View with comment</b>		<b>0</b>
<b>Respondents answering No View with no comment</b>	<b>1,3</b>	<b>2</b>
<b>Total Number of Respondents</b>		<b>15</b>

**1.5.** *Do you agree that the new Regulation 7 will also include the wording “Any cost-effective measure which the energy assessor recommends must be technically feasible for the building to which the recommendation report relates.”?*

<b>Category of response</b>	<b>Respondent identifier</b>	<b>Total</b>
<b>Respondents answering Yes with no comment</b>	<b>2,5,9,10,12</b>	<b>5</b>
<b>Respondents answering Yes with comment</b>	<b>4,6,7,8,11,13,14,15</b>	<b>8</b>
Comments No. 4	This proposal is welcomed as any recommendation must be technically feasible. If this is not the case the recommendation has no merit	
Comments No. 6	This would also add value and meaning to the functionality of the recommendation report. It may also be useful to ensure that energy assessors omit some of the generic recommendations which have no relevance or benefit to the building being assessed	
Comments No.7	This will ensure that only the relevant information is received by building owner and ensure well informed decisions are made	
Comments No.8	This would be useful to ensure that energy assessors omit some of the generic recommendations which have no relevance or benefit to the building being assessed	
Comments No 11	Yes as it is important that the measures are appropriate to the building and its use to be most effective, including the omission of generic recommendations which have no relevance to the building being assessed.	
Comments No 13	This would be useful to encourage the energy assessors to omit some of the generic recommendations which have no relevance or benefit to the building being assessed.	
Comments No 14	This would be useful to ensure that energy assessors omit some of the generic recommendations which have no relevance or benefit to the building being assessed.	
Comments No 15	This would be useful to ensure that energy assessors omit some of the generic recommendations which have no relevance or benefit to the building being assessed.	
<b>Respondents answering No with no comment</b>		<b>0</b>
<b>Respondents answering No with comment</b>		<b>0</b>
<b>Respondents answering No View</b>		<b>0</b>

<b>with comment</b>		
<b>Respondents answering No View with no comment</b>	<b>1,3</b>	<b>2</b>
<b>Total Number of Respondents</b>		<b>15</b>

**1.6 Do you agree with the proposal to amend Regulation 8A to ensure that where an EPC has been issued pursuant to Regulation 6 (on construction), that the occupier shall ensure it is displayed in a prominent place, clearly visible to members of the public?**

Category of response	Respondent identifier	Total
Respondents answering Yes with no comment	5,9,12	3
Respondents answering Yes with comment	4,6,7,8,10,11,13,14,15	9
Comments No.4	Council welcome this proposal. This will provide public accessing the building with information on its energy status.	
Comments No. 6	<p>This regulation may present challenges in monitoring compliance or any enforcement actions. Enforcement officers have limited resources to ensure that the EPC will be continued to be displayed post completion of a building.</p> <p>Often the building use or nature of occupancy is not determined until after the Building Control surveyor has completed the property. If completing at 'EPB Complete' stage the finished my not have been applied/ fitted leaving opportunity for the certificate to be omitted from display.</p> <p>The definition of 'frequently' visited may be misconstrued, the Department may wish to give guidance on what is determined as frequently visited, eg does this include offices, properties where the public visit by appointment etc.</p> <p>The Department may consider defining the height from floor level of which the certificate should be displayed to take account of wheelchair users etc.</p>	
Comments No.7	This is to be welcomed to help drive upward thermal performance and customer knowledge	
Comments No.8	<p>This regulation may present challenges in monitoring compliance or any enforcement actions. Enforcement officers have limited resources to ensure that the EPC will be continued to be displayed post completion of a building.</p> <p>Often the building use or nature of occupancy is not determined until <i>after</i> the Building Control surveyor has completed the property. If completing at 'EPB Complete' stage the finished my not have been applied/ fitted leaving opportunity for the certificate to be omitted from display.</p> <p>The definition of 'frequently' visited may be misconstrued, the Department may wish to give guidance on what is determined as</p>	

	<p>frequently visited, eg does this include offices, properties where the public visit by appointment etc.</p> <p>The Department may consider defining the height from floor level of which the certificate should be displayed to take account of wheelchair users etc.</p>
Comments No 10	<p>This regulation may present challenges in monitoring compliance or any enforcement actions. Enforcement officers have limited resources to ensure that the EPC will be continued to be displayed post completion of a building.</p> <p>Often the building use or nature of occupancy is not determined until <i>after</i> the Building Control surveyor has completed the property. If completing at 'EPB Complete' stage the finished my not have been applied/ fitted leaving opportunity for the certificate to be omitted from display.</p> <p>The definition of 'frequently' visited may be misconstrued, the Department may wish to give guidance on what is determined as frequently visited, eg does this include offices, properties where the public visit by appointment etc.</p> <p>The Department may consider defining the height from floor level of which the certificate should be displayed to take account of wheelchair users etc.</p>
Comments No 11	<p>This regulations may be difficult to ensure compliance as enforcement officers have limited resources to ensure that the EPC will be displayed post completion of the building.</p> <p>A definition of the term frequently would be required as the term is very subjective!</p>
Comments No 13	<p>The department may wish to provide guidance to the term 'frequently used'. This will prove difficult to enforce on the limited resources available to councils</p>
Comments No 14	<p>This regulation may present challenges in monitoring compliance or any enforcement actions. Enforcement officers have limited resources to ensure that the EPC will be continued to be displayed post completion of a building.</p> <p>Often the building use or nature of occupancy is not determined until <i>after</i> the Building Control surveyor has completed the property. If completing at 'EPB Complete' stage the finished my not have been applied/ fitted leaving opportunity for the certificate to be omitted from display.</p> <p>The definition of 'frequently' visited may be misconstrued, the Department may wish to give guidance on what is determined as frequently visited, eg does this include offices, properties where the public visit by appointment etc.</p>

	<p>There is no stipulation as to what length of time should the EPC be displayed (after refurbishments, redecorating etc the EPC may not be continued to be displayed).</p> <p>The Department may consider defining the height from floor level of which the certificate should be displayed to take account of wheelchair users etc.</p>	
Comments No 15	<p>This regulation may present challenges in monitoring compliance or any enforcement actions. Enforcement officers have limited resources to ensure that the EPC will be continued to be displayed post completion of a building.</p> <p>Often the building use or nature of occupancy is not determined until <i>after</i> the Building Control surveyor has completed the property. If completing at 'EPB Complete' stage the finished my not have been applied/ fitted leaving opportunity for the certificate to be omitted from display.</p> <p>The definition of 'frequently' visited may be misconstrued, the Department may wish to give guidance on what is determined as frequently visited, eg does this include offices, properties where the public visit by appointment etc.</p> <p>The Department may consider defining the height from floor level of which the certificate should be displayed to take account of wheelchair users etc.</p>	
<b>Respondents answering No with no comment</b>		<b>0</b>
<b>Respondents answering No with comment</b>		<b>0</b>
<b>Respondents answering No View with comment</b>		<b>0</b>
<b>Respondents answering No View with no comment</b>	<b>1,2,3</b>	<b>3</b>
<b>Total Number of Respondents</b>		<b>15</b>

**1.7 Any general comments about the proposals for amendments to the 2008 Regulations?**

Respondent identifier	Comment
4	The proposals in EPBD2 enhance the existing EPB regulations and incurring no costs to Assessors or Applicants is very welcome.
6	LCC is in agreement with the proposals for the amendments to the 2008 Regulations. Elected Members of LCC also expressed that there appears to be a greater awareness provided to the recipient of the EPC with regard to the recommendation report and how this document can be effectively used to improve the energy efficiency of the building to which it refers.
9	The Regulatory Impact (Item 6.1) does not appear to have taken account of the resource impact on Councils who are charged with the enforcement of the EPB Legislation.
10	The Regulatory Impact (Item 6.1) does not appear to have taken account of the resource impact on Councils who are charged with the enforcement of the EPB Legislation.
12	The Regulatory Impact (Item 6.1) does not appear to have taken account of the resource impact on Councils who are charged with the enforcement of the EPB Legislation.
13	The 18 <sup>th</sup> February 2014 amendments proposed by the Department states that an EPC may be produced based on a similar building and size with a similar energy performance. The term 'Similar' requires robust definition. Otherwise the EPC value and its merit may be compromised.