

Energy Performance Certificates

I am sure you have been inundated in the last few weeks by individuals and companies telling you how important it is that you engage their services to provide an Energy Performance Certificates (EPC) on industrial properties. Every time these organisations write or telephone me I have tried to explained to them that they are only telling half the story and they are misinterpreting the legislation.



Ian B Sloan FRICS

As the 1st October has now arrived and the legislation is now in force, I feel I must share this information with you and I would stress to you that this is a correct interpretation and the need to provide such certificates for industrial properties, of whatever size, is I believe very limited. I would recommend that you do not get involved in providing these certificates for industrial properties except in very exceptional cases.

The document which sets out the need for providing certificates can be found at <http://www.communities.gov.uk/documents/planningandbuilding/pdf/guidancenondwellings.pdf> but in order to save you reading it in detail at this moment in time I am reproducing below from Chapter 1 (page 11, Section 1.5).

Improving the energy efficiency of our buildings

Chapter 1 - Introduction

Situations where an Energy Performance Certificate (EPC) is not required

EPC's are not required on construction, sale or rent for: Industrial sites, workshops and non-residential agricultural buildings with low energy demand (see glossary of terms for a detailed description).

On page 40 of the same document:-

Glossary of Terms

Buildings which are industrial sites and workshops with low energy demand. These include buildings, or parts of buildings designed to be used separately, whose purpose is to accommodate industrial activities in spaces where the air is not conditioned. Activities that would be covered include foundries, forging and other hot processes, chemical process, food and drinks packaging, heavy engineering and storage and warehouses where, in each case, the air in the space is not fully heated or cooled. Whilst not fully heated or cooled these cases may have some local conditioning appliances such as a plaque or air heaters or air conditioners to serve people at work stations or refuges dispersed amongst and not separated from the industrial activities.

With this information in hand I have correspondence with the Trading Standards Authority and I wrote to them as follows. *(It is the Trading Standards Authority who are authorised to police this legislation):*

'As you will be aware new regulations come in from October 1st relating to Non-Domestic property and I am being approached almost daily by companies who tell me that they are able to provide a service to my clients.

My understanding of the regulations is that in the vast majority of premises where I act as agent I do not require a certificate and I would be grateful if you would confirm this fact. See for example <http://www.centre-p.co.uk/Excellent%20refurbished%20industrial%20premises.pdf>

There is an exemption within the legislation relating to industrial property where the "air is not conditioned" and where it is used for a variety of industrial and storage purposes. My understanding is that I can market a warehouse without a certificate if the only heating that is provided is for workers within the unit as opposed to heating the products within it.

Take for example a small workshop in Bodicote, Banbury <http://www.centre-p.co.uk/pdfs/Bodicote.pdf> where there is no heating within the workshop, I believe that this type of unit does not require a certificate however big. I have recently let for example a unit to a kitchen fitting company which is over 9,000 sq ft and my interpretation of the legislation, which I believe to be correct, is that this unit also would not have required a certificate if I were to re-market it after October 1st.

I would be grateful if you could respond....I do need your help on this matter'

Ian B Sloan FRICS

You will be very interested to know that I have now had a response from Trading Standards which is as follows:

*Dear Ian,
Thanks for making my task of checking the guidance easier and I confirm that the type of buildings you mention in your email would be covered by the exemption.*

September 2008

Good...my view also!

Do not waste your or your client's money....the standard Industrial unit, whatever size probably does not require a certificate. Many properties may do and I cannot guide you through the entire legislation so do take care, but please support this position...and quote me if you wish. Full details of the correspondence are available to anyone needing 'chapter-and-verse'

All comments welcome !

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