

# Minimum Energy Efficiency Standards & Listed Buildings | April 2018

## England and Wales

There has been a lot of confusion about the MEES, listed buildings and Energy Performance Certificates.

Current guidance on EPCs for listed buildings states<sup>1</sup>: ‘an EPC is not currently required for a listed property or building within a conservation area when it is sold or rented in so far as compliance with minimum energy performance requirements would unacceptably alter its character or appearance’

In our view it is necessary to produce a draft EPC to understand if the efficiency measures recommended in it would alter the character and therefore determine if an EPC is legally required. If an EPC is legally required, then the listed property must meet the MEES.

There is an element of subjectivity here – it is up to the owner of the property to decide whether the change in appearance or character is unacceptable, possibly after consulting the local authority conservation officer.

If you are renting out a listed building or buildings within a conservation area and it does not have a current EPC rating of E or better, our suggested action is:

- Get a draft EPC carried out by a reputable assessor so that you know what improvements can be carried out, as it should:
  - Only include appropriate improvements, and
  - Put them in the most appropriate order, as the improvements must be carried out in the order listed in the report (i.e., you cannot leap frog to improvements lower down the list as the rating given for each improvement is only achieved if the ones above it are carried out).
- Decide whether to carry out the improvements or apply for an exemption on the Private Rented Sector (PRS) Exemptions Register. For listed buildings, the most common exemptions are likely to be that improvements:
  - would unacceptably alter its character or appearance (NB this exemption only applies to listed property or buildings within a conservation area).
  - Are not possible or practical.
  - cannot be made at no cost to the landlord using Green Deal, Energy Company Obligation (ECO) or third party grant funding, such as from a local authority. This can include not having suitable installers in your area. Any ‘no cost’ exemptions registered after 1 October 2017 may now end in April 2019, subject to the recent consultation.
  - will reduce a property’s value by more than 5%.
  - cannot be done as the required consents / permissions cannot be obtained (or only with unreasonable conditions).
- Carry out / install the improvement(s).
  - For many listed buildings, the key improvement is to improve roof insulation and replace boilers (old oil boilers can run at 50-60% efficiency compared with modern ones that are 90%+ efficient).
- Get a new EPC carried out to demonstrate the new rating.
- If all relevant improvements have been installed and the property remains below an E, register for an exemption.

## Scotland

There are no exemptions for listed buildings or buildings in conservation areas, so an EPC must be carried out with the assessor required to consider the impact and appropriateness of improvement measures on the building in question.

Our Energy Team can produce draft EPCs and manage the process for portfolios of properties for you.

**For more information, contact Kieran Crowe: [kieran.crowe@struttandparker.com](mailto:kieran.crowe@struttandparker.com) | 020 7318 4674**

<sup>1</sup> The Domestic Private Rented Property Minimum Standard. Guidance for landlords and Local Authorities on the minimum level of energy efficiency required to let domestic property under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015. Updated: April 2018.