

Ms. Paula Rice  
Sustainable Energy Ireland  
Glasnevin  
Dublin 9

22<sup>nd</sup> July 2005

Dear Ms. Rice,

**Proposed implementation of the EU Energy Performance of Buildings**

We refer to the consultation document (draft) issued in April 2005 and confirm that we have returned as requested by email the template for comments, a hard copy of which is enclosed.

Generally the Society of Chartered Surveyors supports the initiative to comply with the EU directive and considers that the economic use of depleting resources requires considerable careful management.

We have commented on the action plan in so far as it relates specifically to complying with the Directive, in a constructive and positive manner. Further specific comments and the rationale for these are highlighted in red in your draft template for comments. (Attached)

The Society considers that the proposal to couple the assessment and certifying of Building Energy Performance (BER) with a Vendor Information Pack (VIP) is fundamentally flawed and places the whole concept of the assessment in jeopardy and makes the following observations based on your own key principles.

## 1. Practicality

- The surveying and reporting on the condition of buildings requires a high level of qualified training and experience.
- The coupling of VIPs will distort normal market activity and lead to confusion among purchasers.
- To be of value a VIP will require considerable detail often not obtainable by a basic survey.
- The addition of a VIP will more than double the workload of an already ambitious programme.
- The VIP in the form proposed is not practical.

## 2. Clarity

- The clarity of the BER will be diminished as a part of a document created for a different purpose
- The value of the BER will be compromised.
- ICT systems will be over simplistic for a VIP of real value.
- The BER should be stand alone as a new yardstick.
- The coupling will create over complexity of documentation and implementation.
- A walk round basic survey is an inspection only and of little or no value to the intended end user, many of who may forgo the rigor of a proper survey by assuming that the VIP is all encompassing.
- The name Vendor Information Pack implies that a statutory requirement is placed on both residential and commercial property to produce a document for a standard consideration.

### **3. Consistency**

- Basic skills may be appropriate to the BER by supplementary training to achieve regular results ó property surveys require a higher level of skill base to achieve consistency.
- Inconsistency that will be inevitable as a consequence of basic VIP surveys by inappropriately trained inspectors will diminish the creditability of the BER
- Up to 2000 BER assessors are proposed. This will result in difficulties in achieving consistency for the BER alone amongst the existing skill base. Property surveyors require over 4 years to achieve an appropriate skill level and the consistency necessary.

### **4. Cost Efficiency**

- We concur that it may be possible to conduct a BER on an average dwelling for a sum of £300 excluding VAT. Due to the wide type variation and condition of property an additional figure of £300 for a VIP is not practical.
- A proposed increase in the assessment cost to £600 creates an undue burden on the vendor, is not sustainable and will lead to evasion due to this imposition.
- By more than doubling the workload by coupling of BER and VIP a time impediment will be incurred that will create undue stress on both the user and provider.
- Linkage will result in the perception of high cost.
- The concept of a maximum fee for BER and VIP is unsustainable, anti competitive and will invariably result in confusion and inconsistency due to the considerable variables involved in the process.

The suggestion that there is comparability with UK's pilot scheme to introduce a Home Information Pack (HIP) in 2006 is fundamentally wrong.

The differences that exist between Ireland's system of Building Control characterised by very limited approvals (e.g. Fire safety Certificates) and randomised inspections and the more prescriptive inspection regime in the UK that involves plan approvals, building approval followed by inspection on typically 10 stages during the building process. This has occurred on every property built in the UK during the last 3 decades, thus creating a huge data base held by Local Authority for evaluation of an HIP that is completely missing for creation of a VIP here in Ireland.

The DEHLG reports that some 12 - 15% of Irish homes are visited during construction by Local Authority staff. Conversely, all UK property has mandatory inspection on numerous occasions by fully qualified and experienced independent inspectors. The HIP is proposed to cover a much broader scope of investigation and reporting than proposed in the VIP.

Inspectors for BER will require appropriate insurance protection. Given that the BER is expected to be fairly non-contentious in terms of liability (cost to rectify) to the insurer, we consider that adequate insurance should be more readily forthcoming at an economic cost to the large number of BER practitioners required.

This is not the case for building surveys for the proposed VIP, where the liability to the insurer of a failure can be considerable, particularly in the upper end of the market where millions may be at stake. We consider that adequate insurance for inadequately approved and appointed inspectors will at least be expensive and in all probability unavailable unless stringent quality criteria are met.

The proposal to link BER and VIP presupposes that same will be mutually compulsory and reports will be in standardised format available to all interested parties. Implicit therefore is that it may be more equitable for the vendor to bear the cost of such surveys and that they will be carried out by competent and impartial professionals.

The effect on property value of the BER may be relatively non-contentious, conversely the impact of the VIP survey could have considerable cost implications that may strain

relationships beyond those of impartiality thereby causing conflict of interest and increasing strains on credibility and value on a linked proposal.

The Society concludes that the concept of a BER is sound. The proposal for a VIP linked to a BER is severely flawed. There are many valid reasons why the two proposals should be decoupled.

Removal of VIP will allow properly considered rollout of compliance with the EPBD within the timescale proposed and without undue stress on providers, users or market and we respectfully request that section 2.3 and daughter clauses of the Draft Action Plan be deleted.

Yours sincerely

*A.P. Smyth*

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**A.P. Smyth,  
Chief Executive,  
The Society of Chartered Surveyors**

*Fergus Merriman*

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**Fergus Merriman ASCS MRICS  
Chairman  
Building Surveying Division  
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Copy to: Mr Dick Roche, T.D.,  
Minister for the Environment, Heritage and Local Government  
Mr. Noel Dempsey, T.D.,  
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