

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith /
Climate Change, Environment and Infrastructure Committee
Datgarboneiddio'r sector tai preifat / Decarbonising the private housing sector
DH2P_01
Ymateb gan / Evidence from Trinity House

Dear Sir or Madam,

Thank you for the opportunity to comment on the above consultation. I wanted to take the opportunity to highlight the particular issues of decarbonising listed buildings used as tenanted properties. In my view, current law and guidance on energy efficiency are confused and unworkable in their foundation - and that foundation must be resolved before adding further layers

Generally the particular issues faced by listed buildings are misunderstood or ignored in current legislation and initiatives. A detached single-skinned (solid wall) heritage building with single-glazed sash windows simply cannot be 'energy efficient' without taking measures that harm its historic character (and require Listed Building Consent). Indeed these buildings were never designed to hold a background temperature of any sort and blocking ventilation or insulating can cause severe problems in how such a building breathes, causing severe damp problems.

Current provision around the energy efficiency of Listed Buildings are built around and upon the The Energy Performance of Buildings (England and Wales) Regulations 2012 as it is this Act which determines when an EPC is required and so whether the MEES Regs, registered exemptions and a host of other legislation applies. Part 2, regulation 5 (1)(a) states that EPCs are not required for "buildings officially protected as part of a designated environment or because of their special architectural or historical merit, in so far as compliance with certain minimum energy performance requirements would unacceptably alter their character or appearance".

The first part of this sentence is wholly unambiguous. However, the second part of the sentence adds a caveat that does not make sense. In essence it says that a Listed Building does not require an EPC, subject to what that EPC says! How would one know whether a building complied with "certain minimum energy performance requirements" if the building it did not have an EPC? Various subsequent guidance documents have sought but inevitably failed to make sense of the nonsensical.

Furthermore, who decides whether an alteration would unacceptably alter character or appearance? Much of the guidance built around the MEES Regs implies that it is the landlord – I probably do not need to highlight the weakness here. Other parts guidance defers to the Listed Building process, but this does not work either as the determination of LBC applications is a judgement call the planning officer must make

on the basis of the submitted information. Anyone can make a LBC application in such a way that it will be refused - and so say that they could not get Listed Building Consent.

Trinity House has found itself in the position of being a landlord with tenanted Listed Buildings in Wales, that it knows to have poor energy efficiency and to be incompatible with low-carbon energy solutions. The ambiguity and seemingly impossible challenge of complying with current legislation in Wales (including the Renting Homes (Wales) Act 2016) has made Trinity House too nervous for the time being about continuing to let those properties and it has withdrawn from the rental market in Wales. I do not believe that this is to the benefit of tenants or listed buildings.

I would strongly recommend that the detailed and separate consideration should be given to the applicability of future decarbonisation initiatives (and existing energy efficiency provisions) with respect to listed buildings. I would be more than happy to comment further if that were helpful.

Yours sincerely,

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