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## A short guide to the requirements for EPC's, PEA's & HIP's for new homes in England & Wales, effective from the 6<sup>th</sup> April 2008

### Glossary

EPBD	Energy Performance in Buildings Directive
EPC	Energy Performance Certificate (with an integral recommendations report)
HIP	Home Information Pack
PEA	Predicted Energy Assessment
OCDEA	On Construction Domestic Energy Assessor

### Introduction

The purpose of this guide is to explain the regulatory requirements for EPC's, PEA's & HIP's for newly constructed homes as from the 6<sup>th</sup> April 2008 in England & Wales. The underpinning regulations and guidance from the Government has often been confusing and contradictory. This guide is not a comprehensive overview of the regulations but present key facts of what the regulations require.

### Key Facts About EPC's

- From the 6<sup>th</sup> April 2008 all new homes will require an EPC when physically completed i.e. on construction.
- The requirement for the on construction EPC is driven by the Building Regulations and NOT the HIP regulations. The HIP regulations require you to put the EPC into the HIP (if the HIP is required), but do not drive the actual requirement to produce an EPC.
- The EPC should be based on the SAP 2005 rating irrespective of which Building Regulation Approved Document it was approved against.
- From the 6<sup>th</sup> April 2008 there is no difference in requirement between a home that has been built to the 2006 Part L Regulations and a home built to the pre 2006 Part L Building Regulations. Before then, there was a difference in respect of the HIP regulations.

- When the home is physically complete, an EPC should be produced. Building Control will not issue a completion certificate until they are satisfied that this has been done. The following also applies:
  - a. if the home in question has a HIP and is still on the market, the PEA should be exchanged for the EPC.
  - b. if the home does not have a HIP (since it is exempt from the regulations) but has already been sold, then the EPC should be given to the new owner by the builder.
  - c. If the home does not have a HIP (since it is exempt from the regulations but is still on the market for sale, then the EPBD Regulations require the builder or his agent to make available the EPC free of charge to any prospective buyer or tenant at the earliest opportunity.
- The legislative guidance says that the EPC must be given to the purchaser at exchange of contract. However the CLG have clarified that for new build this may not be possible (since exchange of contract is sometimes before completion) and as soon as it becomes available is appropriate in this case.
- The EPC must be produced by an OCDEA who belongs to an Approved Accreditation Scheme, such as the NHER. The EPC can only be produced once the home is completed and the assessor has received confirmation of the “As Built” construction.

### **Key Facts About HIP's**

- From the 6<sup>th</sup> April 2008 all new homes will require a HIP unless they have been genuinely marketed before the appropriate commencement date relevant to the particular type of new home:
  - a. Four or more bedroom homes built to pre 2006 Part L standards; must have been marketed before 1<sup>st</sup> August 2007 to be exempt from having a HIP.
  - b. Three bedroom homes and smaller homes built to pre 2006 Part L standards; must have been marketed before 14<sup>th</sup> December 2007 to be exempt from having a HIP.
  - c. All homes, regardless of size, built to 2006 Part L standards; must be marketed before the 6<sup>th</sup> April 2008 to be exempt from having a HIP.
- If a home is exempt from having a HIP, it is also exempt from having a PEA.
- As previously stated in the “Key Facts About EPC's”, the requirements for EPC's in new homes is driven by the Building Regulations, NOT the HIP regulations. Even if a home is exempt from a HIP, in all cases it will still require an EPC if physical completion is on or after the 6<sup>th</sup> April 2008.

## Key Facts About PEA's

- If you are marketing a home off-plan and there is a requirement for a HIP (see “Key Facts About HIP's” section) you will need to produce a PEA to go in the HIP.
- Once the home is physically complete the PEA in the HIP should be replaced with the EPC.
- A PEA does not have to be produced by an Accredited Energy Assessor nor lodged with the central register. However, the EPC does need to be undertaken by an Accredited Energy Assessor and lodged with the central register. All EPC's produced by an NHER OCDEA will be quality assured and will be lodged with the central register.