Efficient energy use
NZEB formalised for Dwellings

The building sector was identified as a key area in Europe’s efforts to reduce energy consumption by 20% across the European Union by 2020.

Directive 2010/31/EU on the energy performance of buildings (recast) (the "Directive") introduced the requirement of Nearly Zero Energy Buildings ("NZEB"). In simple terms, NZEB means a building with a very high energy performance, with nearly zero or a very low amount of energy required. Article 9 of the Directive requires member states to ensure all new buildings are NZEB by 31 December 2020.

The implementation of the Directive in Ireland has been piecemeal. The Building Regulations (Part L Amendment) Regulations 2017 (the "2017 Regulations") introduced NZEB requirements for new buildings and works to buildings, where the works commence from 1 January 2019, subject to certain exceptions. However, the 2017 Regulations expressly excluded dwellings from its scope. This position has now been regularised through the recently published European Union (Energy Performance of Buildings) Regulations 2019 (the "2019 Regulations") which transpose the NZEB requirements of the Directive for dwellings.

The 2019 Regulations apply to dwellings, which are defined as "a house or flat forming a separate unit of residential accommodation". The 2019 Regulations apply to (i) new dwellings and (ii) works to an existing dwelling which undergoes a major renovation, where works commence from 1 November 2019. Similar to the 2017 Regulations, the application of the 2019 Regulation is subject to certain exceptions:

(a) where a planning application is made on or before 31 October 2019 and substantial work (meaning erection of the structure of the external walls of the dwelling) has been completed by 31 October 2020; or
(b) a notice pursuant to Part 8 of the Planning and Developments Regulations 2001 has been published on or before 31 October 2019 and substantial work has been completed by 31 October 2020.

The 2019 Regulations set out the NZEB requirements which new dwellings must comply with. This includes a requirement that all oil and gas fire boilers will meet a minimum seasonal efficiency of 90%.

With respect to an existing dwelling, where the dwelling undergoes major renovation, the minimum energy performance requirement of the dwelling or a renovated part thereof should be upgraded to meet the cost optimal level of energy performance in so far as this is technically, functionally and economically feasible. “Major renovation” is defined under the 2019 Regulations as meaning: “the renovation of a building where more than 25% of the surface of the building envelope (meaning the surface of a building through which it can lose heat to the external environment or the ground including all heat loss areas of walls, windows, floors and roof) undergoes renovation”.

Stakeholders and advisers involved in the planning, design and construction of dwellings and residential developments need to be cognisant of the requirements under the 2019 Regulations. Projects currently at the planning or feasibility stage should be designed to take account of the new requirements.
**Contact us**
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