

FINAL



Consultation Response

Material Information in Property Listing

Prepared for: Ministry of Housing, Communities & Local
Government

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1. Introduction

Elmhurst Energy are pleased that MHLG are seeking a Consultation on Material information in property listings and as such we are delighted to respond to each question in turn.

The government's consultation on Material Information in Property Listings aims to make property transactions clearer and more transparent by requiring key details to be available upfront. Elmhurst strongly supports this move and believes that energy performance information—such as EPC ratings and heat loss figures—should be treated as essential material information. Providing these details early helps buyers and renters understand the true cost of living in a property and make choices that support sustainability.

The Consultation asked 26 questions and we have answered them all below. We hope you find the responses considered and useful for taking Material Information in property listings forward in a progressive manner.

2. Questions and Answers

Consultation questions material

Question 1

Are you responding as an individual or organisation?

Organisation

Question 2

If responding as an individual - what is your name?

N/A

Question 3

If responding on behalf of an organisation - what is the name of your organisation and what is your role?

Elmhurst Energy Systems Ltd – Energy Assessors Certification Scheme

Question 4

What type of organisation are you responding on behalf of – estate agent, surveyor, conveyancer, professional body, developer, other?

Professional Body

Question 5

What do you think are the most significant issues that prevent estate agents from providing material information in property listings?

Estate agents often face challenges accessing reliable and up-to-date information early in the process. EPCs, for example, are available but not always retrieved or used effectively. Many agents also lack the confidence or training to interpret technical documents like EPCs. Additionally, some listing platforms don't make it easy to include this kind of information clearly and consistently often only A to G graphs are displayed. It is essential that consumers have link to .gov web site for full EPC data

Question 6

In addition to providing guidance, what other steps do you think government should take to support estate agents to meet their legal responsibilities with regard to material information?

For example, this may include mandatory qualifications or training, or providing standardised forms to support information gathering.

We believe the government could help by introducing standardised listing templates that include key fields like EPC ratings. Training programmes would also be valuable, helping agents understand and explain EPCs confidently. Integration of EPC data from official registers into listing platforms would streamline the process and reduce errors. For example a link to the Central register

Question 7

What action would you like to see from other organisations or property professionals, and consumers, to support estate agents with their legal responsibilities regarding material information?

We'd like to see property portals require the full EPCs as part of the listing process. Sellers should be encouraged to update their EPCs before putting their homes on the market. Professional bodies like ours can support agents with training and resources to help them use EPCs effectively. All property professionals should ensure the epc used to market the home should be up to date and reflect the property the fabric, heating and hot water technologies in the home, for fear of misrepresenting the energy efficiency of the house at the sale point.

Question 8

What information categories do you think should be included in guidance as things that would likely be considered material information?

The list below shows categories that we think may be considered material information, based on previous guidance and engagement with industry stakeholders:

price

council tax and domestic rates

tenure, including time remaining on lease (if applicable)

ground rent or service charges (if applicable)

electricity supply

water supply

sewerage

heating type

broadband

mobile signal and coverage

property type (for example, terraced, detached)

number and types of room

parking

accessibility and adaptations

rights and easements

flood risk

property construction (for example, standard, thatched roof, prefabricated)

issues with property (for example, damp, subsidence, asbestos, Japanese knotweed)

building safety defects, including fire and structural risk modifications

restrictions (for example, listed property, conservation area, restrictions on usage)

coastal erosion

planning permission

coalfield or mining area

any other category

We strongly recommend including EPC-related information in the guidance. Key elements such as the EPC rating, date of assessment, improvement recommendations, and estimated energy costs are vital for helping buyers understand the property's efficiency and potential running costs, potential EPC rating and Carbon information.

Question 9

Are there any information categories you want to highlight as data you would not consider material information? If so, why would you not consider it material information?

Elmhurst have no strong opinion

Question 10

Are there any information categories that you think should be considered material information, but which could be challenging to display in property listings in a way that is easily understood by consumers?

How do you think any information categories of this sort should be treated?

EPCs can be technical, which might make them harder to present clearly. We suggest using plain language summaries, visual indicators like energy rating bands, and links to the full certificate to help consumers understand the information and provide consumer friendly links for the next steps.

Question 11

Do you think it is reasonable for any information that could be considered material to not be included in full detail in property listings, instead with further details being provided at a later stage in the process, for example when a customer views a property?

This may be the case however the EPC should be available upfront. for example an EPC that is 5 years old may record the main heating as being a gas boiler, however at sale an Air source heat pump has been installed recently. Therefore the EPC is not reflecting the property accurately and may contravene current legislation.

Question 12

If so, what are the differences between information you think should be included in property listings vs that which should be provided at a later stage?

Refer to answer 11

Question 13

What should be the requirement on estate agents regarding material information that could require technical expertise to obtain or interpret?

Estate agents should be trained to understand the basics of EPCs and work with accredited energy assessors and accreditation schemes when needed. Working within their competencies.

Question 14

What should guidance state about estate agents working with surveyors and conveyancers to obtain or interpret technical information?

Guidance should encourage estate agents to collaborate with energy assessor, surveyors and conveyancers to ensure accurate interpretation of technical information.

Question 15

What should guidance say about estate agents working with other property professionals such as managing agents, mortgage advisers, lenders etcetera?

Can you give examples of each?

Where applicable Estate agents should work with managing agents, mortgage advisers, and lenders and Energy assessors to ensure comprehensive and accurate property information is provided to consumers. Also allowing transparency of any business relationships.

Question 16

How could guidance on material information ensure data gathered by estate agents, and supplied by sellers, is as accurate as possible?

Government should promote automated data feeds from official EPC registers and encourage sellers to provide recent EPCs.

Question 17

What else could government do to ensure information gathered by estate agents is as reliable as possible?

Government should support estate agents with validation tools and promote best practices for data accuracy. See Answer16

Question 18

What could other organisations and sellers do to ensure information gathered by estate agents is as reliable as possible?

Other organisations and sellers should ensure EPCs are current and accurate, and support estate agents with reliable documentation.

Question 19

How can we most effectively support consumers to understand their rights and responsibilities regarding material information?

Consumers should be educated on what EPCs mean and how to use them to assess energy costs and improvement potential.

Question 20

Which of these audiences do you think should be provided with guidance on material information alongside estate agents – buyers, sellers, conveyancers, surveyors, etc

Guidance should be provided from Accreditation Schemes and Qualified DEA Assessors to buyers, sellers, agents, and surveyors to ensure understanding of EPCs and material information.

Question 21

What information regarding enforcement do you think should be contained in the material information guidance?

Guidance should clarify the role of Trading Standards, penalties for omitting or misrepresenting EPCs, and how consumers can report non-compliance

For example, this may include information about the different organisations estate agents are accountable to, including details on their specific roles.

Question 22

What steps beyond those highlighted in your response to question 6 do you think government should take to support the implementation of material information guidance?

Elmhurst have no strong opinion

Question 23

What steps beyond those highlighted in question 7 do you think other organisations should take to support the implementation of material information guidance?

Industry should update systems to include EPC fields and encourage EPC updates before listing. Information from the EPC central register should be made readily available.

Question 24

Are there changes industry or individual businesses will have to make to support the effective implementation of guidance on material information which you wish to highlight?

Businesses should ensure their platforms and processes support the inclusion and visibility of EPCs in property listings.

Question 25

Do you think that material information guidance should be rolled out gradually during an implementation period?

A phased approach might allow time for training, system updates, and stakeholder engagement.

Question 26

Is there anything else, beyond the issues highlighted in the questions above, that you think needs to be included in guidance to support estate agents with their responsibilities regarding material information?

We'd like to see EPCs clearly defined as mandatory material information. The guidance should include best practice examples and encourage presenting energy data in a way that's easy for consumers to understand.

Contact Details

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please contact us at:



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