

# Proposed Domestic Building Environmental Standards (Scotland) Bill

## Introduction

A proposal for a Bill to introduce new minimum environmental design standards for all new-build housing to meet the Passivhaus standard or a Scottish equivalent in order to improve energy efficiency and thermal performance.

The consultation runs from 4 May 2022 to 27 July 2022

All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document.

Questions marked with an asterisk (\*) require an answer.

All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response.

Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded.

Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here:

[Consultation Document](#)

[Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice which explains how my personal data will be used.

## About you

Please choose whether you are responding as an individual or on behalf of an organisation.

Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

an individual

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

Member of the public

Please select the category which best describes your organisation

*No Response*

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your Full Name or the name of your organisation. (Only give the name of your organisation if you are submitting a response on its behalf). (Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Alan L. Archibald

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number.

We will not publish these details.

## **Aim and approach - Note: All answers to the questions in this section may be published (unless your response is "not for publication").**

Q1. Which of the following best expresses your view of the proposed Bill? Please note that this question is compulsory.

Fully supportive

**Please explain the reasons for your response.**

In 2022 we have seen multiple examples of the consequences of climate change. The cost of fuel have risen further since the publication of the consultation document and are predicted to rise further still. The proposal to require new homes to be built to a Passivhaus standard addresses the challenges of fuel poverty, the poor energy efficiency of much of the Scottish housing stock. Houses built to Passivhaus standards are not only better equipped to deliver a warm environment in winter but also to provide a more comfortable environment in hot weather.

Q2. Do you think legislation is required, or are there other ways in which the proposed Bill's aims could be achieved more effectively? Please explain the reasons for your response.

The need to build to these standards has been evident for a long time, but buildings are still being built to lower standards. Passivhaus approaches have been around for a long time and there are some houses built to this standard in Scotland, but far too few. Legislation looks like the only to deliver the aims of this Bill.

Q3. Which of the following best expresses your view on setting the Passivhaus standard or a Scottish equivalent as the most appropriate new build housing standards to contribute to eradicating fuel poverty?

Fully supportive

**Please explain the reasons for your response.**

Contributing to eradicating fuel poverty is an important driver for this Bill, but the need to address the Climate Emergency with greater alacrity is arguably an even stronger driver.

Q4. Which of the following best expresses your view on setting the Passivhaus standard or a Scottish equivalent as the most appropriate new build housing standards to contribute to a reduction in emissions?

Fully supportive

**Please explain the reasons for your response.**

Radical action is required to address the Climate Emergency. Emissions from housing are a significant contributor to Climate Change. Retrofitting existing housing stock that will represent about 80% of the housing stock present in 2045 by which time we need to be operating on a net zero basis will be a huge challenge. It would be madness to continue to build new houses that will require subsequent retrofitting in order to meet net zero.

Q5. Which of the following best expresses your view of the process set out to ensure that the new standards are met in all new build housing? (see pages 14 to 16 in the consultation document)

Fully supportive

**Please explain the reasons for your response, including your views on how effective the process would be in removing the 'performance gap' and on how the proposed verification process might work in practice.**

There is an over reliance on self-certification in the construction and development area. For example, my understanding of the role of a Clerk of Works was that they represented the interests of the client and checked that work was carried out as planned and to the necessary standard. As a future user of a building I was part of the group engaging with the contractor and I was astonished that the Clerk of Works was appointed part way through the project and was employed by the contractor. As I am currently looking to move home I have been monitoring the housing market and I have read multiple Home Reports and Energy Performance Certificates. I am convinced that the EPC system is not fit for purpose; it is too theoretical, does not provide evidence on the performance of the property and focuses on the cost of energy rather than energy efficiency.

Q6. What could be the market effects of the introduction of this proposal?

The proposed legislation would hopefully address a market failure, i.e. the failure of the housing market and construction sector to deliver energy efficient homes. The proposed legislation would require the implementation of an established international standard that has been applied successfully. The proposal is not for some untried theoretical solution. The resistant from some elements of the construction sector and the timid response from the Scottish Government to the recommendation from the Scottish Climate Assembly are very disappointing.

## Financial Implications

Q7. Any new law can have a financial impact which would affect individuals, businesses, the public sector, or others. What financial impact do you think this proposal could have if it became law?

some increase in costs

**Please explain the reasons for your answer, including whom you would expect to feel the financial impact of the proposal, and if there are any ways you think the proposal could be delivered more cost-effectively.**

Some increase in construction costs can be expected. Some of these increased costs could be reduced as the sector moves to Passivhaus construction at scale. The increased construction/capital costs will be more than offset by savings in running costs to the owners/tenants. There will also be savings for the likes of the NHS by reducing the impact of poor housing on health. Similar cost / benefit arguments apply to Electric Vehicles. The capital cost of Electric Vehicles is currently greater than for fossil fuel powered vehicles, but the running costs are lower so there is a net benefit in the medium to long term as well as the beneficial reduction in tailpipe emissions.

## Equalities

Q8. Any new law can have an impact on different individuals in society, for example as a result of their age, disability, gender re-assignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

What impact could this proposal have on particular people if it became law? If you do not have a view skip to next question.

Please explain the reasons for your answer and if there are any ways you think the proposal could avoid negative impacts on particular people.

*No Response*

## Sustainability

Q9. Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations.

Do you think the proposal could impact in any of these areas? If you do not have a view then skip to next question

Please explain the reasons for your answer, including what you think the impact of the proposal could be, and if there are any ways you think the proposal could avoid negative impacts?

The proposed legislation would have positive impacts on sustainability and the environment. As noted in the consultation paper the greatest contributions to energy efficiency and meeting commitments to net zero can be achieved by saving energy, i.e. energy that is not used.

## General

Q10. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

The Scottish Governments target of meeting EPC C levels for energy efficiency (and environmental impact?) is much too timid to address the Climate Emergency. The Passivhaus standard is well-established. It is not some fanciful theoretical solution of idealists. There is no need to reinvent the wheel or design a Scottish standard for energy efficiency. Can we do it. Yes we can. Just do it now.