

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".)

Professional with experience in a relevant subject

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".)

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation

Former housing professional for ----- Scottish council. My remit covered the Council's new build housing programme and energy efficiency.

Please select the category which best describes your organisation

No Response

Please choose one of the following:

I would like this response to be published anonymously

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).

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 opposed

Please explain the reasons for your response.

The Passivhaus standard, while excellent for energy efficiency, can be an issue for health within a property if it is not properly ventilated. It is also wildly expensive to build to a Passivhaus standard. I entirely agree that we need to increase the energy efficiency of the existing building stock, but for the money required to develop Passivhaus properties it would make more sense to add solar generation and battery storage to a well insulated and heat pump heated new build property. A number of rural and island off gas grid areas already use renewable heating and generation which would seem to be a better option than passivhaus.

There is also no link whatsoever between retrofitting existing housing stock and a new build passivhaus

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

standard. None of the properties being developed currently will need insulation upgrades over their lifetime. Many will have new zero carbon heating and renewable generation and battery storage fitted at some point in the future, but that would also be the case for Passivhaus properties. Older housing stock that requires upgrading will still require upgrading if an enhanced Passivhaus standard comes in for new builds. Ironically, a new Passivhaus standard may actually reduce the number of empty properties that are renovated and brought back into use because the standards would be much harder for renovated buildings to achieve. This would be a detrimental step as the embodied carbon within those buildings and the fact that a lot of the carbon heavy elements of construction, like the external concrete of stone walls, are already in place. If you want to provide housing that helps reduce carbon and our impact on the climate, push for more to be done on bringing empty homes back into use with energy efficiency grants and funding support for young people and families looking to live in an area.

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 proposed Bill has the potential to harm an already overstretched housing market. Scotland needs many more new build houses that have very good energy efficiency, not a smaller number of exceptionally energy efficient properties. I think encouraging more properties to be built to the Passivhaus standard is a great thing, but enforcing it as a required standard will have a huge impact on a construction market already struggling with materials costs, labour shortages and a recovery from Covid.

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 opposed

Please explain the reasons for your response.

The households most at risk of fuel poverty are either in older energy inefficient housing stock which requires upgrading, and these households won't be helped in any way by a higher new build standard. The other set of households are poorer households in social rented housing stock which even when built to a Passivhaus standard the household can struggle to afford to run due to low incomes and high energy costs. So while a Passivhaus property is cheaper to run, it is more expensive to build, so any savings made from running the property effectively would probably be lost due to higher rents to pay for the higher costs of development.

If you want to eradicate fuel poverty enhance support for retrofitting the existing housing stock and where possible adding renewable generation and storage so households don't need to purchase as much energy from the grid. Enhance the development of mid-market rent and low cost home ownership options to give lower income and younger households options beside the private rented sector and an already overcrowded social rented sector, don't waste time on tweaking what are already adequate building regulations. Tackle the real issues.

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?

Partially opposed

Please explain the reasons for your response.

Passivhaus will no doubt help reduce emissions compared to the current standards simply because it is more efficient. However, I think it would be more appropriate to move away from mains gas towards renewable district heating and heat pumps, as well as enhancing the amount of renewable generation. Mains gas, while cheaper than electric (partly due to the fact electric has so many additional taxes that gas

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?

doesn't have), is hugely more harmful in terms of carbon. If you want to reduce emissions change the heating systems for ones that are more efficient and use renewable energy. I have a heat pump in my house and have been responsible for installing hundreds of them in properties across ------. They are efficient, work well and generally get on with it themselves. The scare stories in the press are generally from people who haven't actually ever had a heat pump. There should be a stop on new mains gas and oil heating for new builds before Passivhaus is thought about.

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)

Neutral (neither support nor oppose)

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.

The proposal isn't that much different to the current system. I do fear that much like the retrofit sector bureaucracy is getting in the way of actually doing the work. There is such a huge machine of people including the new Retrofit Coordinators who add very little but significant extra cost. They are also very difficult to source in rural and island areas. What happens if there isn't an accredited Passivhaus verifier in your community, or the only one available will cost hundreds of Pounds because they are based somewhere else and need to travel by ferry etc to undertake the inspection? That's not an issue for urban Scotland, but it is for rural and island Scotland where building costs are already significantly higher.

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

I think the market effects would be harmful. The construction sector would need further upskilling, at a time when they are struggling for staff in general. Building Standards teams that are already stretched would be stretched further. Materials costs would go up even further and fewer houses would be built. At a time when we are desperate for a significant increase in housing provision. There is already too much Planning and Building Standards regulation. Planning is the key reason why we have a housing shortage. While Planning is needed it is currently too restrictive, rigid, burdensome and bureaucratic. NPF4 looks like it is going to hand even more power and control to an already over the top Planning sector.

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?

a significant 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.

The financial impact would generally fall on the person or organisation paying the final bill. Which is generally the Scottish Government/taxpayer or private households.

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.

It would make it harder for anyone to access new build housing. Those most impacted will probably be younger people because of the fact they are already the most impacted by the current housing market.

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?

All new build properties being of Passivhaus standard would certainly help on the environmental front, but the proposal tweaks something that is already quite good. It doesn't focus on areas that could make a lot more difference. In fact it will take away resources and capacity from things like retrofitting, which really do help improve health, wellbeing and climate outcomes.

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)?

I applaud your desire to do something in this area and to put forward ideas. I know that's not easy. However, in this case I think the resources would be better focused on retrofit and tackling issues that are in dire need of attention, rather than tweaking something that is already pretty good.