

# 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**

I'm an Architectural Technician with over 20 years experience with the Architectural and construction sector within Scotland.

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.

Partially supportive

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

I am only partially supportive because whilst 100% improving the actual thermal performance of a building, my experience of passivhaus leads me to the conclusion that there is a lot of work required to determine what the appropriate requirements/standards should be within each area of Scotland. I've seen too many examples of buildings designed & constructed to meet the standard that fail to perform as intended because of variations in environmental conditions and how the structures are actually used compared to the assumed usage of the designers. This could be done through a series of case studies, carried out on existing passivhaus structures across the country in consultation with the occupiers of those buildings because I don't agree it's a "tried & tested building method" as stated in the proposal, tried yes, tested not

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

so much in Scotland. In addition, in the bill where it mentions Verifiers, the suggestion of appointing non-Local Authority agencies to carry out its verification is a dangerous move. The essential privatisation of Building Standards approval in England is in part responsible for the events of Grenfell. If additional standards are to be implemented then an increase in hiring of BSO's (Building Standards Officers) within local authorities would be best to maintain quality and control, something that has been slipping in recent years due to insufficient numbers of BSO's within local authorities.

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.

Scotland already has one of the highest standards to achieve in terms of building performance of a lot of countries but, as mentioned, increase in the staffing and powers of Local Authority Building Standards agencies IS necessary for ANY new legislation to be effective.

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?

Neutral (neither support nor oppose)

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

It is very likely to ensure new properties are more cost effective to run but what effect will the increase in standard have on the increase in the cost of housing, something that is already an issue.

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.**

Fully supportive of anything that reduces emissions.

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)

Partially 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.**

I think any verifier has to be part of the BCD in order to maintain impartiality and credibility.

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

Increase in the cost of new housing stock because it will lead to longer design & construction times. Also potentially a reduction in the size of properties as developers looks to squeeze in more properties to maximise profit. Which they'll do as there is currently no set minimum size for rooms within the Building Standard only for activity spaces around generic sized furniture which is based on ergonomic data that drastically out of date (e.g. the average height, weight etc. of people in the UK is vastly different to when these things were written).

## 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.**

As mentioned this will be because of longer design & construction times plus the additional time required for testing and certification upon completion.

## 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?

It would be prudent to include guidance for what the process and standards should be for alteration of these properties prior to completion and certification. It's all well and good to have this but if say Mr & Mrs Smith want put an extension onto their house or convert part of it how would the standards apply in those circumstances.

## 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)?

*No Response*