

# 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 am a qualified and U.K. registered Architect with a PassivHaus designer qualification

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 supportive

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

I am generally fully supportive because I believe these proposals go much further than the current building regulations and thus represent where we need to be in order to meet the climate goals we have set ourselves. My only scepticism arises when I see the phrase 'or Scottish equivalent'. There is no Scottish equivalent as yet to the PassivHaus (PH) standard and there is no need for one. The beauty of PH is that it is internationally flexible, measurable (thanks for PHPP) and independently verified. If a Scottish equivalent were to be proposed, despite the fact it would be unnecessary, it should have these key principals ingrained into it as well as the general building performance criteria. By doing this however, you

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would simply duplicate PH which would be costly, take too long and create confusion in a market that needs no more confusion.

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 bill is required. Working in the industry I know that building regulations, whilst really being the worst performing building you can get away with, invariably becomes the target. The only way the construction industry changes is by changing regulation and then also making it costly to avoid. This is not to say that other measures cannot help guide people on the right path before the regulation update is introduced. Further grants, training and support for buyers (i.e. a help to buy only for certified PH or Enerphit projects - encouraging the market) would help push the industry in the right direction.

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.**

Again - please see my reservations on 'a Scottish equivalent'. This is unnecessary and may be used as a loophole to those who may wish to circumvent the achievable PH standards.

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.**

When you compare and contrast the graph of the reduction in carbon targets legislated for against the current trend for building regulation improvement they are clearly not compatible (first very steep, second unimaginably flat). The PH standard is the only standard that gives the required energy reduction to meet the targets set in law.

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.**

I have not seen this section. If legislating for PH then there is already a process for ensuring the standards are met - PH certification. This is a proven process already in place and should be leaned on. Up skill and register building control officers and then find PH institute to meet the demand.

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

If unregulated then the house building industry may use the upgrade in standards as an excuse to increase home costs. This is unnecessary. Improving the standards to PH does not increase the necessary quantity or even the quality of building materials generally used in construction. But an inexperienced house builder will add in a higher % of risk. I think the best way to manage this would be with an 'open book' tapered bridging loan to house builders only for the priced-in increased risk (of not getting PH accreditation because they make a mistake in construction) which is then paid back to government on sale of the house in question.

The big market effect would be to take people out of fuel poverty by reducing energy consumption. This would then have a knock on effect of freeing up energy load to other building and industries to help them decarbonise faster. This would have a huge effect on the energy market for home owners and other sectors using the grid.

## 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 reduction 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.**

House prices generally always increase due to a multitude of factors. This is nothing however compared to the volatility of energy markets as exemplified by the current crisis and the general climate crisis. Whilst there may be a small increase to home prices (see previous response), this is manageable but it is dwarfed by the cumulative cost of energy which would be saved, year on year, by building to PH standards.

## 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 adverse affects to any particular demographic that isn't already filtered by the initial cost and financial support required in achieving home ownership. What is important to note is that if this bill was introduced 10 years ago it may have helped more people of all demographics achieve home ownership sooner by reducing their energy and rental costs - thus allowing them to save for a deposit sooner.

## 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?

Yes. It will have a significant positive contribution to all of the above for reasons that should be obvious.

## 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)?

Why was this not brought forward sooner. When is the next bill for Enerphit? This is a much bigger and potentially much more difficult issue to tackle.