

# 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**

Lengthy senior level experience in the house building industry

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 opposed

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

It is important that new homes are built to high energy efficiency standards, so the basic principle behind what you seek to achieve is not in dispute. Thermal efficiency is already required through Building Regulations, however. There are also changes coming down the line, which will eliminate gas from new homes. New build standards already therefore achieve high levels of air tightness and insulation. Past a certain point, however, there are only marginal gains to be had, which need to be balanced with costs. Insisting on Passivehaus, which is an extreme, is likely to increase costs significantly for marginal gains. We replace 1% of the built stock of new homes every year, under existing Building Regs, your efforts here would be better directed to the other 99%!

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.

No, legislation is not required, just change the Building Regulations which is the tried and tested way to adjust standards in terms of what is built. This is pointless.

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?

Partially opposed

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

I am only not ticking fully opposed, as there are benefits to well insulated and fuel efficient houses, however these do not need to be Passivhauses. Passivhaus is an extreme, it creates homes that focus on thermal efficiency not appearance or indeed what they are like to live in. They are airtight, which is not always the healthiest, that are easy to overheat in warm weather, they have quite small windows, oriented away from the south or shielded to reduce sun penetration, so you lose in terms of the light, bright and airy environments that people like to live in. You have to work hard to keep them cool in warm weather (usually by opening all the doors and windows which may be fine in the rural highlands (perhaps not in midge season) but not ideal in a city setting where there are security concerns to consider. They have electronic air changing and will be very unpleasant if this fails and have filters that need changed, at cost, not ideal for those in poverty. As in all things, there are those that want to live at the extremes and the rest of us who will probably prefer to balance cost, appearance, comfort etc and this can be achieved through good use of building regulations.

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.**

Similar to the previous response, this is not the best way to improve the energy efficiency of new build homes, as it leads you to extremes which drives the building of homes that will not be what people are wanting from their environments. You can build fuel efficient homes that fall short of Passive standards and allow people to feel the joy of sun penetration, light filled rooms and fresh air. The gains are marginal after a certain point and it would be best to find that balancing point and then define it and refine it over time using the tried and tested method of building regulations. The climate challenge from the existing housing stock is far, far, greater and might be the best place to focus future efforts. Solutions to drive deep retrofit, which is challenging probably involve investing in scaling down in size and up in production Vattenfall's heat exchanger system that will raise the temperature of heat pump output, allowing higher temperature heat pump systems that reduce the need for much larger radiators. Teaching people the value of replacing window frames, allowing improvements in historic buildings using more modern materials and perhaps using LBTT incentives, such as a rebate of the cost of retrofit completed to an agreed standard within a year of moving into a home?

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**

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)

**work in practice.**

I don't agree with the basic premise, so I therefore cannot really comment on the proposed process.

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

The build cost psf will be higher, but the way that red book valuation of properties works may mean that pricing decisions are challenging. People will be pleased to buy well insulated houses but are unlikely to want to pay a significant premium for them and building socs and banks will rely on red book (comparative) valuations which do not currently take account of thermal efficiency. If people were prepared to pay more this would be evidenced by the same people retrofitting their homes, which is not really happening at the moment. You would have far greater impact by refining current building regs for new build and working on ways to incentivise retrofit on 99 per cent of the housing stock. I have added some suggestions in another answer, but people will need to be incentivised to do this. You can use tax incentives to reduce fuel usage, use LBTT, give grants, etc. Funding research into good systems that reduce the invasive nature of retrofit will also be worth considering. Current heat pumps on the market are large, noisy and expensive and run at low temperatures meaning larger radiators or underfloor heating. There are prototype alternatives that need serious investment to scale down size and put into commercial production. District systems Scandi style also reduce costs and are worth further incentivisation. Sweden uses tax incentives to get homes onto district systems. Legislation on some of these things will help much more. Also we need to generate more electricity and politicians try and wear both hats, encouraging communities to object to all development whilst shouting about needing to use less gas etc. Electricity does not come out of walls!

## 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.**

It costs more to build these homes. You could apply a levy to land values in some ay to make a landowner pay, if you are determined to push this Bill. There are better, more impactful things you could be doing though.

## 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?

There are opportunities for manufacture of heat pumps etc and Scotland should work hard to secure these opportunities within its borders. We also need people trained in their maintenance etc. This is in no way confined to new build.

## 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)?

In general, there are so many facets to reducing carbon consumption and reducing fuel poverty, that insisting on a total extreme for new build but ignoring the wider problem of retrofitting existing homes, especially for the many in fuel poverty seems like gesture politics. Please consider how to retrofit the existing housing stock as a far better use of creativity, time and talent...