

# 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".)

Academic with expertise in a relevant subject

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.**

The partial opposition is due to:

The building regulations should not be prescriptive standards

Scottish legislation should not financially support a commercial organisation, giving a monopoly income for training and certification

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.

Legislation should not be used to support Passivhaus design and certification.

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.**

Building housing standards should not be prescriptive, the supporting documents do not outline the Scottish equivalent. While fuel poverty needs to be eradicated focusing on energy efficiency alone is not the solution. The current energy crisis is predicted to be worse come the heating season and the forthcoming energy price cap increase, significantly affecting low income households. There are already households reporting skipped meals and the unplugging of white goods, cookers etc. There is a risk that low-income households could see switching off the MVHR as a way to save money, risking the occurrence of condensation, mould growth and build up of indoor pollutants.

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.**

The in-use carbon dioxide emission reductions require to be reduced, however the embodied carbon dioxide emissions in the building fabric need to be addressed. New housing should focus on the use of construction materials that lock in carbon dioxide.

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 opposed

**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 certification process requires to be set to ensure that all testers use the same protocols and methodology. The in-use consumption also needs to be tested to verify whether there is a performance gap. Overheating should also be assessed.

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

A monopoly given to one company.  
Market developed for building testing.  
Inequalities for companies that have little to no Passivhaus experience.

## 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 uncertainty of building contractors is likely to add to the cost of a project, as additional information is required to input to PHPP. The testing and certification costs will also increase.

## 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.

There could be overheating in the new dwellings which can affect the health of young, elderly, infirm and those with asthma and other chronic illnesses.

## 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?

Legislating for low energy homes does not enhance sustainability. Perhaps legislation for cities/towns of short distances that incorporate the wider environment can enhance local communities.

## 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)?

Clerk of works could be reintroduced to inspect construction quality.  
Dynamic simulation could be legislated for new dwellings to demonstrate that the natural ventilation design is effective for purge ventilation. MVHR is installed only for background ventilation and not purge ventilation. Overheating should be assessed during the design stage to ensure that there is no risk of

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overheating in new dwellings.

In low-income housing there is already practices that waste resources. This includes the need to bring floor coverings when moving in and removing these when leaving.

The Scottish Government have declared a climate emergency, legislation could be used used to increase the use of natural materials in construction, instead of fossil fuel derived materials.