

# 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

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.**

We are facing an extreme challenge to meet our commitments for carbon reductions by 2045. By proposing for all domestic new builds to be built to Passivhaus standard, we are ensuring provision of healthy and resilient homes where people can thrive. It can help to address fuel poverty and ensure overall proportion of carbon emissions from domestic sector is reduced. By controlling the design and construction stages and post occupancy evaluation, we are ensuring lessons can be learnt and further improvements implemented where required. Buildings built to meet current Building Regulations will need to be retrofitted before 2045 to meet the onerous carbon reduction targets. Passivhaus design not only reduces heating demand in the cold months, but assists in summer overheating issue which will become more persistent in the years to come.

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.

There is a wealth of voluntary standards available to the industry to assist in delivery of low carbon buildings. Currently very few are being widely used due to the capital cost implications and lack of understanding of the pay back periods for the upfront investment. Local Authorities are more inclined to

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deliver buildings to higher performance standards than developers, however often choosing to opt for a 'near Passivhaus' or 'low energy' buildings. This however is not often followed up with post occupancy evaluations that can present tangible data of achieved performance against design modelling. Passivhaus is a performance standard that ensures rigorous testing and evaluation at design, construction and occupancy stages. In my view it is necessary to legally regulate the performance of new dwellings, otherwise we will be faced with inconsistent interpretation of what is deemed to be an acceptable variation of low energy building and without emphasis on testing and evaluation.

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.**

As expressed in the answer to question 2 and 3.

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.**

Addressing primary energy demand is the best way of ensuring overall reduction in carbon 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)

Fully 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.**

Verification by trained professionals would be required to confirm standard has been met. Verifiers could sit within the LA Building Standards Teams, ensuring sufficient training and availability to undertake detailed site investigations. The evaluation data of post occupancy surveys and monitoring would need to be collated to confirm standards has been met as per the PHPP modelling.

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

Upskilled construction sector, more work for skilled professionals, evaluators and site management. Initial higher prices of properties that will be offset by low spend on heating, reduced reliance on the grid and reduced fuel poverty.

## 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.**

Understanding of the pay back period of the investment will be required. Health benefits to occupants in well insulated properties with good indoor air quality could reduce seasonal stress on NHS.

## 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.

The proposal would be a start to reduce fuel poverty and reliance on grid and fossil fuels. In my view it would positively affect the more vulnerable groups. However if the cost of the new housing stock will significantly increase, this could have an impact on first time buyers and affordability of new properties.

## 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?

This proposal would positively impact all areas listed in the question, reduce fuel poverty, reliance on the grid and fossil fuels and assist in decarbonisation of the building sector. To achieve the onerous reductions set for 2045 and reach embodied net zero carbon in the property and construction sector it will be necessary to retrofit the existing building stock. Not all of the buildings will be able to achieve high energy savings due to the aesthetics (listed buildings), construction method, location and orientation. This is why it is paramount to ensure that new buildings are built to the highest standard and achieve the highest carbon reductions possible, to offset carbon emissions from less favourable buildings when assessing carbon reductions in the domestic building sector as a whole.

## 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*