

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.

on behalf of an organisation

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".)

No Response

Please select the category which best describes your organisation

Representative organisation (trade union, professional association)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).

The Association of Local Authority Chief Housing Officers (ALACHO), is the representative body of all 32 local authority housing in Scotland. The aims and objectives of the organisation are primarily, but not necessarily limited to: Promoting the interests of Scottish local housing authorities, promoting the sharing of information and good practice within Scottish local housing authorities and between local authorities and other agencies and promoting positive and productive relationships between Scottish local housing authorities and other agencies

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

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).

Association of Local Authority Chief Housing Officers (ALACHO)

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.

sherina.peek@alacho.org

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.

ALACHO members are partially supportive of the proposed Bill to introduce a 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. However, the obligation to use Passivhaus is not something we agree with as Passivhaus is a proprietary system owned and licensed by one company, if necessary, a Scottish Equivalent would be the preferred option for Local authorities. However, it should be noted that local authorities are already delivering new build homes that meet the Silver and Gold Sustainability Standard as set out in Scottish Building Standards, eliminating gas from homes and using

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

zero carbon energy solutions like heat pumps, as well as taking a fabric first approach to insulate homes to reduce the need to use the heating in homes, without the requirement being set out in a Bill. The Bill would ensure more parity within the private build sector but impact financially on local authorities already struggling to make their affordable housing development viable by increasing their costs 10% to 20% for design and build.

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 view of ALACHO members is that legislation is not necessarily need as we can use Building Standards. Under Sustainability of the Building standards point 7.1.7 Carbon dioxide emissions only at Platinum level could be enhanced to deliver the desired outcomes without having to bring in a new Bill. In addition it is not always possible to create layouts that are both efficient to photovoltaics and Passivhaus methodology, whilst also increasing density on a site so there would be a reduction in homes built on sites to meet a Scottish Government Passivhaus equivalent.

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 supportive

Please explain the reasons for your response.

ALACHO members are partially supportive but would caveat that we are concerned that given the cost of living crisis households are facing with high energy costs we inadvertently push people further into fuel poverty through decarbonisation of heat sources for more expensive electric options. There also needs to be work done by the industry to educate people on how to live and benefit from a passivhaus home, the fact that homes are not hot but instead a continuous ambient heat will be alien to some people. It is also worth noting that homes that are built to the proposed Scottish Passivhaus equivalent will cease be so, if there are any significant changes to the home, ie new extension, changing of windows or main doors that are not installed inline with the proposed Scottish Passivhaus equivalent methodology.

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 supportive

Please explain the reasons for your response.

ALACHO members are partially supportive. Building to a Scottish equivalent of Passivhaus will reduce emissions as homes are very energy efficient to heat and cool, but the same could be achieved by enhancing the sustainability standards set out in the Building Standards without having to create a Bill and incur the cost of using a proprietary system such as Passivhaus or a Scottish Equivalent. It is also worth noting that tenants will require some hand holding in regards to education on how to live in homes that have new energy efficient technologies avoid wasting energy and increasing their energy costs. This will have an added cost for local authority regarding resources each time a new tenant moves in.

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.

The responsibility of any verifying duties appears to sit with local authorities Building Control Departments, if the proposed Bill was passed their would be implications for the capacity and funding to upskill staff to be qualified Passivhaus or equivalent verifiers, this would take time to role out and embed. Verifiers should be independent to achieve non-bias scrutiny. Where things do go wrong what protections do developers have, would there be an ombudsman or would the local authority Planning Department deal with disputes, again this would need additional resource, training and funding. In regards to removing the performance gap the 2 stage approach seems to in theory mitigate the risk, however post occupancy checks need to be part of the process to ensure that homes are performing as intended when in normal use and systems are working at their optimum.

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

The market effects of the proposed Bill would potentially give Passivhaus a monopoly over the market as it is a proprietary system, so there would need to be a procurement exercise carried out to allow others to tender. It would cause a significant increase in build costs from 10% to 20% which would result in some developments not being viable for local authorities to build and given the housing shortage we are facing this was be a very problematic. An independent industry regulator would be needed, which could be the Local Authority but this would require resources and formal accreditation process set up for a Scottish Standard. There's potentially a skills shortage in the market for install and maintenance and given the current economic issues with Brexit, the war in Ukraine, inflation and Scotland's Covid recovery would their be capacity in the supply chain. Infrastructure such as sub stations would be needed to accommodate the additional capacity that would be need due to the increased demand for electricity. Lastly would tenants and occupiers see the financial benefit of having homes that are energy efficient but potentially push them into fuel poverty due to current cost of living crisis.

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.

There is a significant cost increase in building to Passivhaus standards, on average it adds an additional 10% to 20%. Local authorities are facing real issues making developments built to silver and gold standards viable due to the increasing cost of construction materials and labour shortages. Skills and training will be an essential investment if the workforce is going to be able to deliver and maintain homes built to higher more energy efficient standard, however these ongoing costs will be recouped at through increased costs to the client, in this case local authorities. Geographical location will also have a cost implication for our rural and island communities. There is no sign in the market that cost increases are slowing down and this will make it more difficult for local authorities to meet their affordable homes programme targets. Hopefully this economic storm that we are in subsidies and as demand for zero emissions technologies goes up this drives down the costs.

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 proposed Bill or enhancement of Building Standards would have both positive and negative impacts on certain groups in society. The positives for the young, elderly and vulnerable will be that their whole home will be warm and not just one room, which is often the decision tenants have to make in the winter to keep bills low. The negatives for the same group could arise if homes are not able to be cooled sufficiently in the summer time as we begin to see much higher temperature and prolonged heatwaves. How user friendly the controls and optimisation of systems for heating and hot water are could result in the elderly and those with disabilities not being able to use their systems efficiently resulting in higher energy costs.

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?

Enhancement of Building Standards would help to create a positive impact on the environment as it would set the standard for energy efficient low emission homes for the whole lifespan of the home. We need to build on work already in place to create a sustainable and circular economy to reduce waste and emissions. Care must be taken around health of tenants/occupiers and the building to ensure that issues with condensation and mould are mitigated. We also need to ensure that the technologies we in our homes for heating and hot water do not cause tenants and especially those who are vulnerable to suffer as a result of fuel poverty. The Bill could mean buying a home is no longer a housing option for some people.

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)?

Local authorities are keen to build homes that are energy efficient and zero carbon, however we are not convinced that this needs to be done though the proposed Bill. For local authorities to build to a higher standard such as a Scottish Passivhaus equivalent or enhanced Platinum sustainability standards there would need to be additional funding from Scottish Government to make current development and those in the pipeline viable. Clarity would be welcomed around any discussions Scottish Government has had with utility companies around the capacity of their infrastructure and the ability to increase their capacity and associated levels of investment needed and timeline to have more capacity. Does the Scottish Government plan to review EPC's as a move away from gas heating in homes, will mean new build homes built to Passivhaus would receive a low rating due to the cost for energy.

