

# 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

Public sector body (Scottish/UK Government/Government agency, local authority, NDPB)

**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 Community Council has significant experience in addressing planning issues on behalf of the community. This response was drafted by one of the Community Councillors who is a retired Chartered Environmentalist and was approved by the Community Council membership.

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).

Bellyeoman Community Council

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.**

The current planning system results in homes being built to the standard agreed at the time of the planning application rather than incorporating the technology/techniques which are current when the property is built. There are many examples of new homes being built without taking advantage of the latest energy conservation measures, however, it is also clear that the actual build quality of many new homes fails to achieve its expectations. This gives rise to even the limited existing conservation measures incorporated failing to deliver their design benefit.

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 is required as the current system is failing to deliver the maximum environmental benefit. Home builders and home purchasers generally seem unwilling to invest in environmental mitigation measures unless forced to do so. Thus, legislation is inevitable if change is to be achieved. Legislation will also ensure a level playing field which will not disadvantage those first movers towards greater conservation measures.

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.**

We would wish to see the Passivhaus standard applied as it gathers experience from a wider network than Scotland alone. This can offer greater experience of emerging technologies/techniques to further enhance energy conservation.

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.**

To date the focus in Scotland has been on compliance with standards which may have been agreed and legislated many years before the house is built. Setting the standard within legislation does not offer the flexibility to improve further as new, even better, methods are developed. Setting legislation which required Passivhaus to be followed removes that impediment to progress as new enhancements emerge, they can be implemented automatically.

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.**

The standard should be certified by independent verifiers. This type of process works well with the current Home Report system. Passivhaus certifiers should be required to recertify every few years to ensure high standards are maintained. Using Government or Local Authority certifiers is not recommended as this risks those individuals being stretched through the demands of other priorities/ staffing pressures within their organisation and could dilute the effectiveness of the scheme. The existing planning condition enforcement regime shows the fallibility of relying on diminished resources for compliance purposes.

Builders would be required to call in the certifiers at relevant points during the build to ensure the conservation measures were properly installed and, where relevant, operating effectively. This would also allow remedial works to be implemented where there were problems at the minimum level of disruption and cost.

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

The implementation might initially lead to some delay in house building if insufficient certifiers were available. As the likely additional cost of a Passivhaus building is around £10,000 for the average house there may be some reluctance from prospective purchasers to buy the more expensive house whilst "cheaper" non Passivhaus buildings are still available. This would be a short-term issue. Having said this, given the current energy cost forecasts, it is highly possible prospective buyers would welcome the opportunity to buy a Passivhaus rather than one which did not meet that standard. This might encourage builders to move more rapidly to building to the Passivhaus standard. One point worth mentioning is that it would be advantageous if mortgage providers were willing to support an additional loan amount to allow a Passivhaus property to be purchased.

## 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.**

The additional costs will inevitably come back to the purchasers either directly or indirectly and this cannot be avoided unless the status quo remains. This lack of progress is unacceptable if climate change is to be addressed. The additional costs will be in the implementation of the energy conservation measures within the building and the costs of the certification. Given these will represent a small proportion of the total purchase price it is expected these can be absorbed. It is worth noting that the resale value of the property will be enhanced by the conservation measures. The additional upfront costs will be more than offset by energy cost savings throughout the life of the property and this could form part of the selling points for the property. Finally, this early investment in conservation measures will obviate the need for more costly retrofitting of measures in the later life of the property if and when legislation makes this a requirement for existing properties.

## 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.

Provided these measures are applied to ALL new builds there would be no inequality. It is possible that, once the success of applying the Passivhaus standard is demonstrated, the Scottish Government would enact the same requirement on existing properties. This could bring inequalities and will have to be carefully considered. As the legal requirement to meet the standard would relate to the property and not to the ability of the home owner to fund the compliance this could burden those unable to fund the changes. This situation would be similar, but of a much higher consequence, to the monetary burden caused by the Scottish Government enacting new smoke alarm requirements on home owners which was introduced in February 2022.

## 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?

The measure will enhance sustainability as it introduces new measures to further protect the environment. It would also, most certainly, go some way to protecting the health and wellbeing of future generations.

## 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)?

One issue which will significantly influence the success of the implementation is how the existing "approved but not built" housing is to be addressed. If this is simply allowed to follow existing planning standards then it could be a number of years before all new housing met the Passivhaus standard. This would be a loss of the opportunity to maximise the benefits of implementing Passivhaus. If at all possible Passivhaus must be applied to any house which has not commenced the actual build.