

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

Commercial organisation (company, business)

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).

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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 opposed

Please explain the reasons for your response.

The minimum fabric standards in upcoming changes to Energy Standards in Scotland (as of December 2022) are already approaching Passivhaus fabric levels. With the next expected changes to Energy standards expected to increase further to reach Passivhaus levels following an appropriate period of time. Industry needs time to make the step change and upskill to be ready for such drastic change.

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 no requirement for this as additional legislation. The principles of this should be brought forward through changes to the Energy Standards and consulted on and mandated through Scottish Government Building Standards Division. Industry needs time to prepare and upskill for this step change at a suitable timeframe.

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.

There is a clear benefit to improved fabric values to reduce heating demand however our analysis on SAP 10 for the upcoming changes to energy standards (Dec 2022) show that the heat losses are getting so low that the biggest impact to energy demand will be the hot water demand, rather than heating, which is not affected by Passivhaus fabric levels. Should the focus not lie with upgrading the existing housing stock which has a much poorer fabric and relies heavily on fossil fuels to heat? We feel that this will surely have a bigger impact on mitigating national fuel poverty levels while the roadmap for increasing energy standards in new builds will continually improve on this front.

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.

A fabric first approach will reduce emissions where fossil fuel heating is used but the main contributor to emission reductions will be 2024 legislation to ensure all new build homes will be heated by zero emission heat sources. New build will likely be a small proportion of emission contributors compared to existing housing stock and other building types

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.

It is vital that the performance gap is removed or at least mitigated. The latest energy standards include the compliance plan which is being put in place to try to remove/reduce the performance gap so there is a mechanism being put in place to address this already.

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

This could represent a significant decrease in the construction of new homes. Industry needs sufficient foresight of changes to standards to allow a transition for planning, understanding financial and technical impacts and upskilling of designers and installers. If dramatic changes to standards are implemented without sufficient time the knock-on effect will be less new homes being built.

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.

This would likely cause a significant financial impact to industry with increases to capital costs to improve fabric values to Passivhaus levels. Notwithstanding the large increases of material costs due to other political factors over the past couple of years, the analysis looking at reducing carbon emissions by 57% over the current 2015 standards represented a build cost uplift over 15%.

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 view

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?

Dramatic changes to fabric values to reduce heating demand will have a positive impact to operational carbon but will likely cause a dramatic increase to embodied carbon within buildings. Low carbon highly insulative materials are not widely available currently so the Scottish Government should be looking at other mechanisms to ensure that the embodied carbon of materials are regulated so that the supply chain is in place for Passivhaus fabric values

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)?

n/a