

# 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".)

Member of the public

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".)

**Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation**

I am currently having a new home built for myself, which will be a certified PasivHaus

Please select the category which best describes your organisation

*No Response*

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).

David Bethune

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.**

Achieving net zero is the single most important policy that must be pursued by the Scottish government, and requiring all new-builds to be built and certified as PassivHaus (or equivalent) is an essential aspect of achieving that goal.

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. Otherwise, the volume builders will continue to build to the lowest permissible standards, in order to maintain their market share by minimising building costs.

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.**

PassivHaus standard is internationally recognised, based on sound building science and proven over several decades, as providing the lowest energy demand in both domestic housing and other buildings, including schools, universities and hospitals. It is well understood, with many existing certified PassivHaus designers and architects already practicing in Scotland. Given the impending climate disaster facing the world, there should be no excuse for NOT building to the highest standard.

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.**

Current standards, while improving, still fall far short of the possible - most likely due to lobbying by the volume building industry. Building net-zero homes is not an optional luxury, but an essential aspect of meeting international goals set at COP26.

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 process set out is essentially the same as that currently required, but requiring the higher standard set to meet PassivHaus certification. It will require training (which is available through the PassivHaus Trust) for all designers and architects in the use of PHPP, training for planners to be able to assess whether planning applications meet the required standard, builders to understand how to ensure they meet the standard, and building control officers to be able to assess plans. Certification could be undertaken by existing PH certifiers, and/or by training local authority certifiers.

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

Initially, it might cause an increase in the price of housing, but as that price is as much based on what the market dictates as the actual building costs, it should level out quite quickly once the new standard is made statutory. If it is required of all builders and new buildings, there will be no negative pressure and competition between those who choose to meet the standard and those who choose not to.

## 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.**

Slight increase in costs due to additional insulation, attendant ion to detail in design and building, and the costs associated with initial training and certification. However, the overall costs of houses is driven mainly by market demand, so should stabilise once the new legislation is bedded in.

## 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 Response*

## 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?

Yes, a positive impact on sustainability. It will assist in meeting the carbon reductions required for a future stable climate for our planet.

## 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)?

Hugely supportive. We are currently in the process of having a new home built here in the Scottish Borders, which will be PassivHaus certified, as part of our personal contribution to addressing climate change, and hope the result will encourage others in our locality to do the same. However, the need is urgent, and legislation is a must if we are to speed up the introduction of PassivHaus standards across the whole building industry.