

# 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).**

response endorsed by branch executive.

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).

Highlands & Islands Green Party

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.**

Scotland has some of the worst-insulated & most inefficiently heated homes in Europe and some of the worst weather. 100 years of building standards have failed to bring our housing stock up to standards acceptable for health, comfort or affordability.

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.

Yes, legislation is needed. Bulk Housebuilders have no incentive to improve the design quality or build quality of the houses they build, as they can currently sell any poorly-designed and badly-built house.

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.

Existing building standards are weak and laxly enforced. Local authorities have few resources to monitor standards.

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 or equivalent by definition reduce energy use dramatically, and so will of course help end fuel poverty. Other standards will be too weak.

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?

**Please explain the reasons for your response.**

Passivhaus or equivalent standard by definition reduces the emissions from both the build and from lifetime use of the house. Other standards would be too weak.

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.**

We recognise that there could be savings in cost and time by having the certification done in-house by Building Control officers; however there is also the danger that a) Building Control officers will be too over-stretched to provide sufficient scrutiny of new buildings, or b) there could be perceived conflicts of interest for Building Officers being part of a Council team that awards planning permissions and issues Building Warrants and Completion Certificates - the danger of slippages of standards working their way upstream to the construction or design phases could significantly reduce the effectiveness of these standards to deliver the fuel poverty ad emissions targets they are designed to do.

We already see constraints on (eg) novel Renewable Heating or Energy Efficiency installations in areas outwith the Central Belt due to lack of qualified or accredited installers or contract managers; and the same would apply to verifiers. There needs to be at-scale upskilling of all trades & skills across ALL of Scotland from design to completion.

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

All new houses would cost more to buy, but mortgages for Passivhaus (or equivalent) houses COULD be cheaper, due to lower risk/higher confidence by lenders that owners could afford to keep up the payments. Older houses would be relatively cheaper to buy, but more expensive to heat; so overall the costs over the occupancy period could be close to each other. Passivhaus homes would attract premium prices as they entered the resale market. Some of this can be reduced by greater use of Housing Associations and other Social Housing builders. But a lot of the cost of a new house is the price of Land,

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

and a Land Value Tax - which is more robust and fair, reduces landbanking which pushes up land prices and is harder to avoid or evade - can reduce pressures on land prices.

## 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?

Don't know

**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.**

See previous answer. The answer chosen depends over what timescale you assess costs (so ticked 'don't know'). Once all new homes become Passivehaus (etc), then the overall costs of capital (buying the house) and revenue (running it) should be similar to buying and running an older house. Those people who are buying a Passivhaus for the first time MIGHT pay more for the purchase, but housebuilders and mortgage providers will find ways of 'smoothing' the mix of higher capital cost and lower revenue costs. This is less of a problem with social housing where rents can be managed. More social housing to Passivhaus standard also will achieve greater benefits (cost, comfort, health) for those who need it most.

## 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?

This proposal would have strong positive impacts across all of these areas: more sustainable designs and construction materials, better skilled workforce, quality jobs across Scotland, healthier occupants, less inequality between those who can afford to pay their way to a better house and those who cannot.

## 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)?

Much depends on how effectively the standards are designed and written - so as to be clear for architects and Housebuilders what standards must be followed - and how effectively the standards are monitored and enforced - to avoid backsliding and avoidance.