

# 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)

**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).**

I am a director of a company, Home Energy and Data Services Limited. As an organisation, under the Building (Scotland) Act 2003, we manage and operate a certification scheme in co-ordination with the RIAS. We manage 2 certification schemes:

1. Scheme Provider for the Certification of Section 6 – Energy (Domestic)
2. Scheme Provider for the Certification of Section 6 – Energy (Non-domestic)

Each Scheme has a separate and distinct legal status, however, as far as possible, we have streamlined the process by which an applicant can become a member of each. Similar Schemes are also provided by the Building Research Establishment (BRE). They are licenced and audited by the Scottish Government.

Successful applicants become Approved Certifiers of Design, recognised by the Scottish Government as able to certify that a warrant design is compliant with the relevant parts of Section 6 – Energy of the Technical Standards.

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).

Mr. Steve Harrison  
Home Energy and Data Services Limited

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

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

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

Based on existing Scottish Government commitments to Net Zero, it is vital that the energy performance and emissions from the built environment are measured and managed effectively. In addition, new buildings, both replacement and additional stock, need to achieve net zero direct emissions under mandatory government regulation, as part of a coordinated approach to climate change mitigation. This regulation must consider both the emissions from the impact of construction and from the operational use post occupation.

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 existing legislation to ensure the appropriate standards are taken into account during the design and construction phases. However, these standards are often only adhered to on the basis of meeting a minimum performance. It is therefore vital that these standards are strengthened and that every design is verified on the basis of achieving the highest performance possible.

The Passivhaus Standard is a voluntary Scheme, which mirrors the calculation methodologies and quality assurance regime already in existence in Scotland. Where it differs is by focusing on a narrow set of design options and by setting a higher performance target. The last of these should be incorporated into Section 6 – Energy of the Technical Standards

The existing Certification of Design Schemes allow for these standards to be verified by qualified and Approved Certifiers of Design, for all works not just new build. This existing process provides the opportunity to improve the energy performance of the building design. However, this verification process is currently optional and therefore has had limited application and success to date.

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.**

Setting much higher mandatory standards is a key part to any strategy for improving the built environment. In addition, it is imperative that all new build housing is verified to ensure these standards are not only achieved, but that any additional improvements are maximised.

New affordable technology is now also available to measure the energy performance of any new build housing to ensure it actual meets the design standard. Inclusion of this technology could be mandated through regulation, to ensure it is installed prior to completion being accepted by the local authority. This will allow occupants to optimise the performance of their home.

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.**

Implementing higher standards for energy performance to the design and construction of new build housing will have an effect on reducing emissions. However, setting new standards should set the goal of minimising or where possible eliminating these emissions. Therefore, as new technology becomes available, it is also important to continually monitor the effects of any new standards post construction and during occupation.

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.**

To ensure that existing standards are maintained, the Scottish Government use the Local Authority Building Control verifiers and optional Approved Certifier of Design Schemes. However, the approved scheme process is not mandatory.

Local authorities struggle with the high number of applications and the Procedural Guidance only requires them to undertake a risk-based analysis of the energy performance of warrant applications. Approved Certifiers of Design are trained to be able to correctly complete the compliance calculations (which meet the same generic standard as the Passivhaus Planning Package - PHPP) required by the Scottish Government to demonstrate compliance with Section 6 – Energy of the Technical Standards.

From discussion with government and local authorities etc, we share their doubts with regard to the accuracy of those calculations which are submitted by those who have not necessarily undertaken any specialist training and which do not come with the guarantee of compliance provided by the Certification of Design process.

In addition to the mandating of Certifier of Design Schemes, the addition and mandating of an Approved Certifier of Construction for Energy could be used to measure the effectiveness of the design post construction and occupation.

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

Initially there may be a reluctance to change, however, existing Approved Certifier of Design Schemes have been streamlined to minimise both the time and cost of the certification process. The benefit of making these processes mandatory far exceeds any additional costs associated with adhering to these changes.

In addition, public awareness is also increasing, so it is vital that the Scottish Government is seen to be enabling these improvements. The house building industry can then use this situation to their competitive advantage.

## 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.**

There will be some additional costs associated with any change to these processes. Costs can be minimised by adopting existing standards and mandating existing processes, rather than adopting new standards that are not under the control of the Scottish Government.

Existing Certification of Design Schemes have been operational since 2007, therefore, the processes have already been streamlined to minimise any additional 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.

I am not aware that these proposals raise any issues.

## 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?

These changes can also be used to review and determine new ways of construction and post-occupancy monitoring to ensure Net-Zero is achieved and maintained.

Factory Construction of modular housing allows for the design standards to be maintained and the quality of construction to be improved. In addition, this can significantly expand a new sector of the construction industry and to improve the use locally sourced materials.

Such building techniques also offer the prospect of increasing the amount of trained and skilled local employment.

## 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)?

No