

# 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).**

Homes for Scotland represent the all tenure home building sector in Scotland. HFS support industry on many areas including Policy, Planning and Technical whilst also engaging with Scottish Government in the delivery of new homes nation wide.

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).

Homes For Scotland

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.**

In our opinion a new 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 is not required as the current direction of travel in Building Standards Improvement already addresses this.

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.

As per the response to Q1, Additional Legislation is not required and changes in standards should be consulted on and mandated through the Scottish Government Building Standards Division as is the current situation.

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.**

Industry recognises the benefits of improved fabric first solutions in new homes in order to reduce heat demand and therefore cost to the consumer. This however will not address the area of fuel poverty across the country where the majority of people reside in existing housing stock made up generally of much older properties.

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.**

Setting a future "Scottish Standard" for New Build Homes where a fabric first approach is maintained will naturally contribute to a reduction in emissions. However, it should be noted that New Homes by percentage is only a tiny part of the jigsaw and the significant issue to be addressed is the existing housing stock across Scotland which is predominantly responsible for emissions from residential buildings. Current standards in new homes are extremely high and carbon emissions are very low indeed.

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.**

It is imperative that any gap between design intent and as built is eradicated or at the very least minimised to ensure the new and anticipated future standards are met. The Passivhaus certified route proposed however will not ensure this criteria will be met when considering the number of new homes built each year in Scotland (C 25, 000) let alone the whole of the UK (C 180,000). The number of registered Passivhaus Designers and Certifiers worldwide sits at less than 6,000 and of those only circa 350 are UK based. This obviously is only a fraction of the professionals required to design, certify and monitor the volume of new build housing that this country needs.

Should we have a Scottish Equivalent Standard by 2024/25 as is proposed then it would be reasonable to suggest that the compliance monitoring could be carried out by the Local Authority Building Control Departments (LABSS). No doubt that this will be a resourcing problem to be resolved but there is time for Scottish Government to plan, fund and action accordingly.

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

The immediate effect of imposing new standards without providing adequate time for transition, planning and investment would be significant reduction in the number of new homes of all tenure built across Scotland.

Challenges around Supply Chain, advancement of new technology, inadequate electricity supply etc would all need to be resolved and solutions implemented before new homes could be delivered across Scotland in the numbers required (circa 25,000 per year).

## 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.**

During the recent Scottish Government Consultation for Section 6 Energy, industry carried out extensive cost modelling for reducing carbon emissions by up to 57% and this evidenced an increase in construction cost in excess of 15% on constructing to 2015 Building Standards. These additional costs do not include general inflationary costs and those impacting industry because of the shortage of labour and skills across Scotland.

## 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.

There will be a very real danger that the implementation of legislation to mandate such standards in the short to medium term will push house prices higher and out of reach of first time buyers etc and will affect the affordable homes sectors ability to meet Governments targets for social housing provision especially when RSL's have such a significant challenge ahead with their retrofit programmes .

## 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?

*No Response*

## 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)?

We recommend that Government and cross party members engage with industry now to agree a plausible and pragmatic roadmap to the delivery of Net Zero Carbon all tenure new homes in Scotland.