

# 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".)

Professional with experience in a relevant subject

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**

Architect, Passive House Designer & Energy Consultant

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).

James York

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.**

The passive house standard is an essential methodology for delivering low energy homes, ensuring residents' comfort and well being, and significantly reducing energy bills.

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 absolutely necessary. The commercial housebuilding sector in the industry will not change without legislation. History has told us this much.

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.**

I fully support the Passive House Standard. There is no need to develop a Scottish equivalent. The Passive House Standard is tailored to be applicable to the Scottish climate and sets efficiency and performance targets accordingly. This standard has a proven track record for delivery of energy efficient homes that routinely meet the design stage targets upon completion and in use. This is something that current building standards properties fail to do time and time again.

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.**

The Passive House Standard is an essential tool for decarbonisation of our housing stock and lifting people out of fuel poverty.

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.**

The Passive House process has been proven to address the performance gap through the rigorous design standards and quality control procedures in place that the whole design team (client, consultants, contractor) need to take on board to ensure compliance.

The role of the Certifier in the Passive House Standard is to ensure that the design and construction meet the stringent requirements of the standard and that the project will indeed meet the Passive House Institute's rigorous criteria. Adoption of the criteria for Passive House in a new Scottish Standard is viable and recognises that there is a more pressing drive to get homes up to standard and less of a need to have every home certified as a Passive House.

One of the crucial roles that the certifier plays is to ensure that quality is being delivered. Their scrutiny of the design and any construction phase works serves as a second set of eyes on the project. They serve to uphold the standard and provide quality checks on design and workmanship. In this regard the role is essential in mitigating the risk of the performance gap.

Were the certifier's role to be adopted by the building control service, significant training and knowledge building would be required to facilitate this transition and ensure that quality standards are being met. This will place a significant additional burden on building control officers with extensive additional training required.

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)

I would suggest that an equivalent Scottish Standard may be better addressed by implementing a certificate of design system (much like the current energy and structural design certification processes work) where the certification process becomes the responsibility of the designer to achieve. It can then be at the client's discretion whether they wish the project to be fully certified or not. The most critical thing is that the standard is implemented with rigor and diligence by all actors involved in the process to ensure design performance targets are met at completion.

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

Reduced fuel poverty. Greater wellbeing of residents. Fewer absentee days due to better health. Better construction standards. Growth in construction sector. More Jobs. A Just Transition.

## 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.**

The Passive House Standard has been demonstrated to have a cost uplift of between 3-8% relative to a standard building standards designed home. This will decrease as the availability of/ demand for higher quality components and expertise in the delivery of passive house increase. In order to incentivise this transition greater grant funding needs to be made available to social landlords, private developers and individual home owners to not only build better new homes but retrofit existing homes to higher standards. Greater VAT discounts on Retrofit, a focus on grant funding for fabric first efficiency measures alongside renewable heat incentives would be a significant contributing factor to adoption of a new standard.

## 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.

This standard will benefit all in terms of comfort, wellbeing, health and prosperity. The Passive House Standard is a crucial tool in delivering a Just Transition.

## 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 could create new jobs in the construction industry, increase skills, improve health and wellbeing, reduce carbon emissions, facilitate a faster transition to Net Zero, improve prosperity of residents by making homes more resilient to energy cost spikes,

## 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)?

I sincerely hope that this Bill comes to fruition. This change will make such an enormous contribution to the betterment of Scottish peoples lives, the environment, and the economy.