

# 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**

Over 40 years experience as a housing professional specialising in strategic planning, management of Local authority and housing association stock. I have also

Over 40 years experience as a housing professional, specialising in strategic planning, management of local authority and housing association stock. More recently focussed on private sector stock condition and wrote Glasgow's Warm Homes Strategy 2017.

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).

Leslie Milne

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.

Partially opposed

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

I think it is unwise to impose the Passivhaus standard on all new build stock so soon for two reasons. First because the construction industry is not capable of delivering such a standard. Passivhaus requires very accurate measurement, specific materials which are not currently capable of being delivered by supply chains. The cost of materials is high and rising and strict supervision of contractors will be required. There

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simply are not enough suitably trained qualified clerks of work at the moment, and several years of additional trades development and proper apprenticeships would need to be funded before clients could confidently expect the necessary standards of workmanship to be achieved. Secondly, the unit costs are likely to be considerably higher than the current regime which is already very exacting for new social rented housing. In the private house building sector, these additional costs would have to be borne by purchasers, simply adding to an already inflated market, and making it even more difficult for first time buyers to get on the housing ladder. This in turn will lead to higher demand for mid market rent and social housing, where costs of construction are leading to a slowdown in out-turn units and fewer annual completions than are required.

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.

No. We have had 20 years of government intervention in the public and private housing sectors by statute. Many of these have been ill thought out and are causing more poverty, increasing unnecessary bureaucracy and regulation e.g. adding linked smoke alarms to the Tolerable Standard, so that now a much higher percentage of stock which previously met the standard comfortably will now be classed as a fail on one single item. What were the civil servants and MSPs thinking about when they suggested it and the voted it through?

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 opposed

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

Clearly there would be a benefit in terms of reducing fuel poverty but only those fortunate enough to be let a Passivhaus property or those able to afford a privately owned new dwelling built to that standard. It won't eradicate fuel poverty for tenants and owners in 95+% of the total Scottish housing stock.

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 opposed

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

See previous answer to earlier questions We are simply not ready to apply Passivhaus on a mass scale.

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 opposed

**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 will take many years to eliminate the performance gap. There is too much wishful thinking here and quoting from 'on side' sources who represent only a tiny fraction of building professionals and construction

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)

firms. The fact that the government's own advisers are wary of blanket regulation suggests that are starting to learn that government by statute has its limitations.

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

More construction firms will go bust.

## 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

## 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?

These are vague concepts which never serve any purpose. I do wish MSPs and their civil servants and advisers would stop using them in documents

## 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)?

Look before you leap.