

# 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".)

Politician (MSP/MP/peer/MEP/Councillor)

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).

Mark Griffin MSP

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.**

A warm, safe and affordable home is a basic human need and human right. The energy crisis that we are in now has exposed how costly our homes are to heat, and how insufficient many of our homes are at keeping us warm in the winter. The fact is, fuel poverty is a blight that has long plagued Scotland; by the end of winter 22/23 1 in 3 could be in fuel poverty – choosing between starving or freezing.

The ongoing climate crisis has given us cause to decarbonise our heating and improve the fabric of them, but the process has barely begun with little detail from government about the costs, disruption and systems that the process that would entail. Householders lack confidence about the transition and are rightly hesitant about the upheaval, and I am aware of concerns about the ability of the grid to meet the demands of electrifying out heating.

The aspiration of this bill is the right one, to plan for a future where we do not need to retrofit homes, to future-proof them. There are homes that are being built or still at planning stage which will require costly, disruptive retrofitting in the near future, as a result this will place costly burdens on the homeowners and tenants who ultimately make that place home. Some homes, both those from private and social developers, are already being built to this Passivhaus/Scottish equivalent standard. There is clearly a small market. It is appealing then, that homes could be built requiring minimal heating, and drastically reduced monthly fuel bills that go with it. Legislating for a point in time where the standard is fully adopted,

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

encouraging upskilling the construction sector in the meantime, could make Scotland a leading player with exportable skills and knowledge.

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 required. Current standards do not go this far, and this fundamental shift for how homes are designed and built i.e. without substantial heating systems, requires legislation to set the end goal. Improvements to building standards in Scotland and across the UK have been delivered and maintained through legislation. The consultation document appears silent on the date of introduction of the standard, which would allow all parties – government, housebuilders, and buyers/landlords – to work towards, and have confidence in moving to the full adoption of the standard in line with legislation. In addition, there is clearly negotiation required around the mechanisms needed to build the market, increase skills provision, and boosting awareness of the standard; having a legal framework setting the end goal is required to focus the task at hand.

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.**

It is noted that the upfront costs of moving to Passivhaus/Scottish equivalent standard is in the region of 4-8% of the build costs. These would be sunk at the outset, and do not differ largely from reported costs of retrofitting to net zero heating systems (i.e. insulation and heat-pump retrofit). It appears sensible to bear those costs at the point of building, to enjoy minimal ongoing heating costs from day one.

Given that those on the lowest incomes are therefore most likely to be in fuel poverty, dramatically reducing the ongoing costs of heating a home would reduce fuel poverty people have to suffer. Those who are fuel poor disproportionately live in houses and flats that have poor levels of energy efficiency, with heating systems that are more expensive to run, and homes that are constructed of materials that make retrofitting more difficult, but as result of having a low income they are also less able to be able to afford to retrofit homes, or cover the long term repayments incurred. Therefore, it is sensible to move to building homes which can virtually remove day-to-day heating costs.

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.**

Our homes and workplaces contribute around 21% our emissions and eliminating those emissions from the way we heat homes is required to get to net-zero by 2045. The ongoing climate crisis has given us cause to decarbonise our heating and improve the fabric of them, but the process has barely begun with little detail from government about the costs, disruption and systems that the process that would entail. Householders lack confidence about the transition and are rightly hesitant about the upheaval, and there are homes that are being built today or still at planning stage which will require costly, disruptive retrofitting in the near future, leaving costly burdens with the homeowners and tenants who ultimately make that place home. The aspiration of this bill is the right one, to plan for a future where we do not need to retrofit homes, to future-proof them.

The performance gap – a gap between what level the housebuilder claims the house will perform per the

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?

Energy Performance Certificate (EPC) rating and what is actually delivered – is claimed to be as much as 60%.

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.**

The consultation document highlights important points about the lack of consumer protection and verification processes. The UK Government, with the agreement of the Scottish Government, is introducing an ombudsman and code, which will aid this process, but it appears sensible to have a verification process incorporated into the process of buying a new home; this may provide an opportunity to professionalise the snagging process.

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

There are clearly impacts for the house building and purchasing market, and government, housebuilders, and buyers/landlords will need time to work towards full adoption of the standard in line with legislation in a way that gives all parties confidence that it is achievable. Clearly some parts of the market – private and social – are pursuing the standard, but scaling up the market, both through regulation (that this bill would provide) and through incentives would be required. There would be a market impact on those in the business of manufacturing, installing and maintaining heating systems, but this standard will apply to new homes, leaving a market for retrofit.

## 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 consultation document highlights an increase in costs in the region of 4-8% of the build but there will also be training costs, for builders and those who design the buildings. For the consumer, both as purchaser or owner occupier/tenant, there will clearly be reduced costs of day-to-day heating. Given the exponential increases in gas and heating oil costs in 2022 and 2023, the payback period of the outlay looks reasonable. There would also be substantial health and social care savings as a result of a reduction in fuel poverty.

As the current Passivhaus market is very small, it would be expected that costs would reduce as the market for the standard grows.

## 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.

Given that those on the lowest incomes are therefore most likely to be in fuel poverty, and that poverty intersects with other inequalities, it is expected that a move to the standard would reduce socio-economic impacts on those who are less equal because of age, disability, race, religion or belief, sex, because they are pregnant, have undergone gender re-assignment, or due to their marriage and civil partnership status, or sexual orientation

Dramatically reducing the ongoing costs of heating a home would reduce their fuel poverty entirely. Those who are fuel poor disproportionately live in houses and flats that have poor levels of energy efficiency, with heating systems that are more expensive to run and homes that are constructed of materials that make retrofitting more difficult, but they are also less able to be able to afford to retrofit homes. Therefore, it is sensible to move to building homes which can virtually remove day-to-day heating costs.

## 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?

Our homes and workplaces contribute around 21% of our emissions and eliminating those emissions from the way we heat homes is required to get to net-zero by 2045. The ongoing climate crisis has given us cause to decarbonise our heating and improve the fabric of them, but the process has barely begun with little detail from government about the costs, disruption and systems that the process that would entail. Householders lack confidence about the transition and are rightly hesitant about the upheaval, and there are homes that are being built or still at planning stage which will require costly, disruptive retrofitting in the near future, which will place costly burdens on the homeowners and tenants who ultimately make that place home. The aspiration of this bill is the right one, to plan for a future where we do not need to retrofit homes, to future-proof them.

The performance gap – a gap between what level the housebuilder claims the house will perform per the Energy Performance Certificate (EPC) rating and what is actually delivered – is claimed to be as much as 60%.

## 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 Response*