

# 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**

ARB registered Architect with 25 years experience in the design and delivery of housing for the private & social rented sectors

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).

Raymond Low

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 supportive

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

I support the efforts to improve energy efficiency in new-build housing stock. However the numbers of new houses constructed are a tiny percentage of the existing housing stock which there are no proposals to tackle, which I believe would create a two-tier housing market, significantly affecting the value of existing housing.

Also, the current passivhaus system relies heavily on the use of proprietary design software, membership of the passivhaus institute, and use of passivhaus accredited products in construction. I would be much more in favour of changes to the building regulations to improve insulation standards, improve air tightness, direct the use of low carbon heating systems and mandate the use of MVHR (including de-

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

centralised systems) rather than the much narrower passivhaus standard.

At present, the Scottish Building Regulations allow for many different approaches to meet the standards, and it would be unfortunate to lose this flexibility in the push toward net zero.

Rather than abandoning SAP, would it not be more sensible to overhaul the assessment to focus less on the cost per unit of heating and more on how energy is generated, thereby removing the penalties associated with electric heating? Bearing in mind that a heat pump (be it air source or ground source) still requires electricity to run.

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.

I do not think a bill is required. I think the same ends could be achieved through an update to the Scottish Building Regulations

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.**

The passivhaus standard is well understood and is fit for purpose. However, having worked in the social rented housing sector, I can testify that tenants are suspicious of full time mechanical ventilation which they perceive as costing money to run (which it does)

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.**

Insulate, insulate, insulate - The three things that can be done to reduce the heating load and therefore the emissions from heating in new-build housing. If houses were better insulated and heat losses reduced to the point where the occupants of the building provided the heat, emissions would be reduced to effectively zero.

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)

Neutral (neither support nor oppose)

**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.**

This new system would require a whole new group of 'verifiers' to ensure there was no performance gap between the design and the construction, whereas investment in the current verifiers i.e. Local Authority Building Control officers would be much more cost effective.

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

I can foresee houses built to this standard being valued at a premium and houses not built to this standard being de-valued, thereby penalising those not owning the most modern houses.

## 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.**

Passivhaus relies on accredited products. If Scotland were to adopt this system, the market would naturally respond to this demand by increasing costs. This cost would be passed on to the consumer by the house-builder. If improvements to the Scottish Building Standards was the route taken and the products used in construction not prescriptive, there would be no associated cost increase.

## 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?

*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)?

*No Response*