

# 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

Other (e.g. clubs, local groups, groups of individuals, etc.)

**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).**

Renfrewshire Labour Group, Renfrewshire Council

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).

Renfrewshire Labour Group

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

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 will be required to change and impose the quality standards expected of new build housing, especially with such radical changes to property design as Passivhaus-standard (or a Scottish equivalent) would bring. There will be substantially higher costs in building Passivhaus-standard homes which would directly impact on the provision of new homes to the market, driving up costs to house builders and then to home buyers. Consider also the current effects of inflation on the economy and the likely long term damage this will cause as incomes stagnate and prices soar.

The supply of new build affordable housing will also be impacted unless a more generous grant regime is

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afforded to local authorities and housing associations/co-ops to meet these costs. The stated aim of eliminating homelessness by the provision of building new affordable homes is already unlikely to be achieved in the medium term due to new supply delays over the last two years; adding further costs onto registered social landlords (RSLs), many of whom do not have the financial capacity to build significant amounts of units, will make this even more difficult to achieve. Passivhaus costs will directly impact on the ability of RSLs to meet government targets for new build supply.

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

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

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

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

Market ability to build new homes to this standard will be limited by the need to seek higher levels of finance to achieve the higher quality of home. Whilst the Passivhaus (or Scottish equivalent) standard will reduce/remove the need for future energy efficiency works (which will provide future efficiency in terms of reduced retro-fitting spend), it will directly put these costs onto homebuyers and rent payers, as builders and developers will not absorb them.

If the new prices of homes are beyond the ability of mortgage-holders, particularly those who are first time buyers, we may inadvertently end up with a scenario whereby the most energy efficient homes are available only to higher income households, as they will have the income to meet the higher mortgage requirements. In addition, if the supply of affordable housing drops as finances are spread to meet a higher quality but lower quantity of new affordable homes, it will mean the elimination of homelessness and wider fuel poverty will become harder to achieve.

The elimination of fuel poverty and carbon emissions from homes is a vital aim of the nation, and it is important that going forward our new homes are as energy efficient as possible so that we can achieve this. There is, however, a risk of overkill if we build all new homes to a gold standard without a joined-up strategy to make our older homes as energy efficient as possible also. For example, older home owners without the capital to pay for the necessary works may find themselves behind.

For home builders and developers, they will need to invest heavily in skills-based training for employees to adopt the new standards, modifying supply chains and creating new inspection regimes. This will incur significant front-end costs which will need to be maintained, whilst also retaining residual expertise for homes under warranty, which could see a cross-over period lasting for quite some time. If these costs can be identified, government could assist in meeting them and/or co-ordinating the sector to become as efficient as possible. However, within a highly competitive private sector house-building market, it is

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unrealistic to expect house builders to fully co-operate without compromising their financial competitiveness.

## 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?

Most Scottish social housing meets SHQS standard already. Some social landlords have the majority of their stock in former industrialised urban areas, with pre-1919 tenement properties as the core of their housing offer. New build social housing is already built to very high standards, which often exceed private sector counterparts. As social housing is predominantly targeted for the most vulnerable, there should not be additional barriers put up that prevents supply being increased.

A government faced with a constrained spending outlook will need to decide whether to significantly increase funding for retro-fitting energy efficiency measures to older properties or fund a limited number of very high quality new build properties. This may lead to an unwanted scenario whereby the wider housing sector runs a two tier offer, with many older properties becoming undesirable and difficult to let due to expense to heat and maintain. Demand for new properties would be difficult to match with supply. A social housing sector that cannot routinely let older properties may face a scenario whereby people are

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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?

compelled to take offers here by the route of homelessness households recognised by Section 5 referrals at local authority level, which may result in further cyclical homelessness and solidifying of income deprivation in these areas.

## 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)?

If legislation is sought that that all new build properties must meet an exacting very high standard, the burden of costs must be considered. If government will not help fund this, then the costs must be met somewhere (usually by the householder), which will impact on supply as described elsewhere in this response.

If government would be minded to help with funding, it could indirect support by offering incentives to builders who provide such properties (partial grant funding) and also to those who buy them (LBTT tax exemption, for example). The government should consider direct grants to cover whole cost of such properties in the social housing sector so as to maintain the current good rate of supply. It is important that society as a whole helps shoulder the burden of costs for combating climate change, so that the houses we build today meet the needs of the 21st century and beyond.

If Passivhaus (or Scottish equivalent) standards are legislated, then it must also be accompanied with a wider education programme to householders as to how these properties are built, to ensure mechanical ventilation is unimpeded (to prevent excessive moisture) and avoid the use of secondary heating sources. Passivhaus is a sea-change in housing and is not a silver bullet, but does offer huge benefits to society in terms of helping reduce fuel poverty (and indirectly increasing disposable incomes) and reducing our carbon emissions. However, it must considered as just one step of many we must take to ensure our housing as a whole is fit for purpose and as energy efficient as possible.