

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

Owner of over 60 residential properties in Edinburgh, plus owner-director of Summerhall, Europe's biggest private multi-arts centre in Europe - also in Edinburgh - & experienced macro-economists including in city & regional economics (Cambridge Univ. trained).

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).

Robert JF McDowell

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.

This is one aspect of many that need co-ordinated government policy responses.

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.

Government policy need not always be legislated - but always must be published & either voluntary or mandatory guidance rules. If mandatory, then if there are no hostages to fortune or unwelcome collateral issues, best if first tested by an academic research team, then certainly legislation seems warranted.

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.

There are environmental technology options - evidence should be offered showing that all probable or practical choices have been considered? Assumptions about cost are likely to be wrong. First look for what fulfils the policy objective, then leave the cost to a matter of timing & financial choices; policy first, cost second.

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 whole area of building & property standards is also a matter of reporting, monitoring, & enforcement with penalties for failures to comply. These aspects are not in the consultation document. Authorities may not be willing or able to enforce rules?

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.

Scotland should aspire to leading standards & best practises. But, design matters must also embrace wider townscape issues, not least generous ancillary spaces in social housing, low-rise, & a design 'appearance' or look that bespeaks Scottish vernacular or architectural styles, not commodified housing presumptions that have no local character or quality.

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

Housing value should be enhanced - the whole process long term. Now & for foreseeable future home housing will remain households' biggest cost & lifelong asset. We should learn from housing standards on The Continent, which tend to be higher, longer-life lasting, more maintenance-free, based on longer-run commercial concerns, not short-term profit-driven!

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.

Subject to financial structures available. Our banks are 80% focused on property (far too high a %), but they can spread cost between those that hit income & those that affect asset value. Sensible innovation should include heat-pumps & better balance in energy uses & between energy types & sources.

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 question is unanswerable. Best ask for answers from an academic research team!

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?

In all likelihood, whatever the opportunities are here for sustainable gains, they are likely to be 'gamed' by 'the unscrupulous' or undermined by numpty jobsworths! A research effort is called for by intelligent analysts, backed up when policy is active by scrupulous monitoring armed with sensible proportionate penalty tools at law.

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)?

Policy is in recent decades often assumed to apply & be active simply by being passed by legislators or worse merely announced as a policy aim! The property world, especially at times of rising interest rates & housing price inflation, is beset by short-termist profiteers. How will this be guarded against?