

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

Public sector body (Scottish/UK Government/Government agency, local authority, NDPB)

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).

South Lanarkshire Council

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.

The Council is partially supportive of the proposal and recognises the importance of ensuring significant progress is made in relation to zero carbon emission buildings. The Council is also aware that early investment in building to the highest standards will secure long term paybacks and prevent future, high cost retrofit programmes which can be up to three times more than delivering better new builds. The council suggests that it is therefore important to ensure that additional affordable housing grant funding is made available to help with any additional capital costs required for social housing providers as a result of changes to standards. Consideration should also be given as to how these new standards can be applied to existing buildings which will be required to significantly contribute to net-zero targets.

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.

The Council agrees the aims could be achieved more effectively through legislation which should reflect the requirements for net-zero emission standards in buildings.
It may be appropriate for these new standards to be linked with the review of the design guide for Housing for Varying Needs Standards (HfVN). Currently, compliance with HfVN standards is enforced

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through the national Affordable Housing Supply Programme and there is no requirement on private aspects of the housing sector to fully comply with HfVN standards. Legislating both aspects will ensure that a coherent approach is attained and gaps between private and social housing are eliminated in relation to space and emissions standards. This will also ensure that Passivhaus or zero carbon emission standards are not prioritised over minimum space standards due to financial constraints but sustained when delivering housing projects.

Legislating for HfVN standards to close the gap between the sectors aligns with the current Scottish Government's long term housing strategy, 'Housing to 2040' where the guiding principles is that the same quality measures should apply to all homes regardless of tenure.

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 council recognises that poor energy performance is one of the key drivers of fuel poverty and suggests that any approach that seeks to minimise or eradicate fuel poverty, simultaneously uphold the principles of sustainable development and contributes to net-zero emissions, comfortable living and wellbeing is worth further consideration.

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.

As stated at question 3, the Council is partially supportive of introducing higher building standards that attract zero carbon emissions but suggest further consultation takes pace with relevant stakeholders to fully understand the impact adopting this approach would have.

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

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 council partially supports the approach outlined in the consultation paper and would suggest that the zero carbon emission standards be applied to all new build properties inclusive of schools. Consideration should however be given to additional resources required to meet additional inspection and enforcement services required to be launched by councils, as well as additional skills set required across the industry to ensure standards are applied correctly.

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

The council suggests that there may be longer pre-construction periods because of the additional certification process required to ensure the standard is achieved at every stage of the design and construction process. In addition, there is a lack of suppliers and experience of designing and constructing to such standards in Scotland. However, the pre-construction timescales may reduce as the standards and the processes become mainstreamed and the local supply chain matures. Whilst there is currently a gap in the market in terms of labour, skills and materials, adoption of Passivhaus or net zero emissions standards could provide exciting new opportunities for apprenticeships and new jobs which could have a positive impact on the economy.

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.

The council would agree that this standard will have a significant impact on building costs however, this could lead to reduced running costs for building users. As a social housing provider this will positively impact tenants, but additional support would be required to aid meeting increased build costs. The consultation paper notes Passivhaus design standards can cost around 8% more but local evidence from partners that are currently building to a Passivhaus design standard are reporting between 10-15% more. The extra costs associated with Passivhaus design standard are in part attributed to a lack of suppliers in Scotland and lack of experience of Passivhaus construction among contractors. The council does recognise however that as the local supply chain gathers momentum, build costs would reduce. However, this is exacerbated by the fact that construction costs have gone up due to delays attributable to the effects of COVID-19 pandemic or Brexit which have resulted in increased construction/material costs and there is nothing that suggest the costs will get back to pre-COVID levels within the next five years. The Ukraine war is adding the pressure to the already constrained supply chain and construction industry and the long-term impacts of the war are yet to be experienced. The Affordable Housing Supply benchmark grant funding levels were revised last year but further adjustments (increased subsidy levels to reflect the cost of higher design standards) would need to be considered if the construction of social housing and the desired housing mix that reflects the needs of local communities is to be sustained at current levels or we risk regressing progress that has been made so far tackling homelessness and addressing the housing needs of the most vulnerable in our society.

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.

Should the cost of building materials continue to rise, and funding levels not increased, delivery of affordable housing supply programme could decrease, and this could adversely impact vulnerable homeless households or those requiring wheelchair/adapted or large family homes and a small number of households will be positively impacted by the benefits derived from high design standards.

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?

The proposals will undoubtedly have positive impacts on the environment, the occupants, and the wider population. The Council notes with the appropriate financial backing, the proposals will help maintain a stable level of economic growth and employment, whilst reducing resource consumption, producing clean passive energy, protecting the natural environment, and enabling a quality of life with improved indoor air quality.

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)?

Whilst South Lanarkshire Council is partially supportive of the bill and recognises the positive impact this may have on climate change targets, the council would suggest it already builds new homes to a high energy efficiency standard (EPC Band B) that directly benefits the tenants within these and contributes towards emissions targets. Focus should perhaps therefore be on directing resources to improving standards within existing domestic buildings to help ensure the vast majority of its homes also benefit tenants and help reduce overall emissions from the domestic building sector.