

# 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

Commercial organisation (company, business)

**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).**

Stewart and Shields are a privately owned construction company and we have built many Passivhaus homes including the first multi story Passivhaus dwellings. We believe we are one of the most experienced Passivhaus builders in Scotland. All of our dwellings have been registered with the Passivhaus Trust and we would point out to all concerned that buildings are only Passivhaus when they have been INDEPENDENTLY audited, there is no such thing as similar to Passivhaus or Passivhaus tendencies it is or it isn't Certified Passivhaus.

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).

James M Brown Director - Business Development, Stewart and Shields Ltd.27 East King Street,  
Helensburgh, G84 7QQ

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.**

It is simple Passivhaus is a proven method of achieving the goals defined by this Bill. It is the ONLY method of construction that is independently checked and verified. An analogy would be does the law let you MOT your own car? Rightly it does not, it requires an independent assessor, all other building methods are self assessed. If you allow builders to self assess there is a risk that they will cut corners or apply "that's near enough" standards. Independent assessment is essential to ensure compliance.

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.

There needs to be set standards in building regulations and legislation is the best way to enforce this. To explain myself I need to look at the horrific events that took place at Grenfell; here the industry was allowed to set standards and the industry is driven by cost and profit hence the rush to drive down commodity prices with the result that cladding was not of the required specification. Mandating a safe and effective proven standard will ensure that standards are met and maintained. Material prices will drop once the demand for the "correct" items increase and more suppliers enter the arena. The cost premium for Passivhaus will erode in a relatively short period of time.

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.**

I can fully understand the political reasons for saying a Scottish Equivalent but why reinvent the wheel? Yes bring it under Scottish control by having "Nationally appointed assessors" and make it Scottish that way. The Scottish climate has to be considered at design stage and the importance of building to those standards is of vital importance. Government controlled assessment is a method of reducing the overall cost of Passivhaus construction.

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.**

As stated before there can be no effective "Scottish Equivalent" without an effective assessment method. Simply keep the Passivhaus Standard but control and assess through a Scottish board of control.

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 process shown is very good but your own flow chart identifies the VITAL missing link and that is "Independent Assessment" of the build. The solution is simple; adopt Passivhaus as the standard and also then appoint trained and qualified assessors to slot into that gap. This will ensure the ends are met and the action will reduce the overall cost of Passivhaus implementation.

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

As Passivhaus is currently more expensive there will be a short term increase in cost but this will be recovered by not having to upgrade the stock being built now!! The cost of the expensive products will

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

reduce as demand increases!!

Senior government figures have stated the housing stock being built now is not fit for purpose and will need to be upgraded to meet known future standards despite this knowledge we continue to build knowing that a further 20 to 30% of the original cost will need to be spent in less than twelve years to meet the 2035 requirement that the Government themselves have set.

## 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 increase would be short term and slight and it will be recovered and saved upon in the coming years as the need for the upgrading of the dwellings is removed. According to councils that have used Passivhaus extensively they are achieving cost parity at least.

## 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.

My view is simple and clear; Every individual has to benefit from these changes. We will all benefit from the reduction in fuel costs and the lucky occupants of Passivhaus dwellings will benefit from improved health as Passivhaus improves air quality and is beneficial to respiratory problems.

## 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 impact of building to Passivhaus Standards would be a dramatic reduction in the amount of fuel used this benefits every individual as well as the Government. The health benefits can also positively impact the strain on the NHS again a benefit to the Government and all of the population.

## 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)?

The implementation of this bill will have far reaching benefits to society an example being the likely reduction of Child Poverty. This comes about by reducing the fuel bills of poorer families by @ £1,000 per annum. This figure was pre the current massive increases in Gas and Electricity the figure is likely to be nearer £2,000.