

# 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

Representative organisation (trade union, professional association)

**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).**

Unite the Union Scotland represents around 140,000 working people and their families throughout Scotland. Unite is the UK's largest general trade union with 1.4 million members in a range of industries including transport, construction, financial services, manufacturing, print and media, the voluntary and non-profit sectors, social care, education, local government and the NHS.

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).

Unite the union Scotland

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.**

Unite accepts that radical action is required for us to meet CO2 emission targets and reduce emissions overall but ultimately to Net-zero and efficient and environmentally robust housing is one way to make a significant contribution to that.

Unite recognises the importance of addressing the climate crisis, providing energy efficient homes and delivering a sustainable environment however this must be done in conjunction with supporting communities and providing decent well paid work.

Full poverty in Scotland is at crisis point and we must take action to ensure that new houses built will eliminate fuel poverty into the future.

We do however believe that the time frame in achieving Passivhaus standards should not inhibit moving forward on retrofitting existing homes.

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.

We do not see how these proposals would be achieved without legislation.

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.**

The present energy crisis has highlighted the huge impact energy costs is having on families, households and consumers and any way to alleviate these costs should be considered.

The energy price cap increased by a massive 54% in April 2022 almost 4 times higher than in the same period in 2021, and is predicted to rise again by 65% in October.

According to the ONS two thirds (66%) of adults in Britain reported their cost of living increased in the past month, with rising energy prices a growing factor in the squeeze on household budgets. Of those who reported a rising cost of living in January 2022, 79% cited higher gas and electricity bills as a cause. We therefore agree that an 'energy first' approach provides a less costly and more sustainable way to achieve Passivhaus standards but also to cut energy costs for consumers.

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.**

Radical and rapid change is necessary to capitalise on the potential for improved housing, a successful manufacturing and renewable energy industry in Scotland, and trade unions must be central to delivering that.

This will require an economy that builds on decent jobs, fair pay and supports local communities and with that an integrated industrial strategy that will underpin a social and industrial transformation towards a sustainable future. Both the UK and Scottish Government's must ensure that workers are up-skilled or re-skilled and transitioned to new sustainable, unionised jobs which will provide fair pay and decent jobs to support them, their families and wider communities.

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.**

Ensuring standards are met would be due in part to the quality of the work being undertaken. The verification process must therefore allow for skilled, direct labour to be involved in the delivery of the work. This would ensure that the work is being undertaken by those with the appropriate skills, training, qualifications and competence, using safe and good quality materials, and that completed works are inspected for full compliance with building safety and energy efficiency standards.

This would also be an opportunity to increase apprenticeship numbers across the construction and associated sectors. This would however require increased Government investment in training and skills. Providing training for young people in 'sustainable industries' would be one way to help to improve opportunities which would contribute to climate change targets and offer careers that would assist in a just

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)

transition.

All individual operatives and apprentices shall be registered with the relevant CSCS partner scheme appropriate to their occupation. Companies shall all be registered with their relevant third party certification schemes to ensure building safety and quality standards are adhered to and monitored under an independent process, for the safety and protection of residents, clients, the tax payer and general public. This would include adherence to the standards set to meet Passivhaus criteria.

If Passivhaus standards are implemented across Scotland then procurers must also consider fair work principles and the key recommendations of the Fair Work Convention Inquiry Report, specifically four key areas:

- Contracting authorities should set an expectation that trade unions have access to workplaces on all public construction contracts. Access should be facilitated throughout the supply chain. This should also extend to housing procured using public sector funding.
- All contracting authorities should include adherence to relevant collectively bargained pay rates as a condition of contract. Introducing this as a clause within industry standards form contracts is an efficient, proportionate and transparent way to implement this and to ensure that it is applied throughout the supply chain.
- All contracting authorities should be signatories to a Fair Work Charter collectively agreed with employers and trade unions.
- Public sector bodies and construction employers at all parts of the supply chain should increase their use of direct employment and support upskilling and retraining to support high quality careers in the industry and improve attraction and retention. Support for direct employment should also reinforce a commitment never to use umbrella companies.

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

Adopting the Passivhaus model in new build housing throughout Scotland could make Scotland a world leader in sustainable housing, supporting the growth of the supply chain in Scotland and creating skills and jobs. Scotland could also lead the way in the manufacture of Passivhaus construction materials and renewable energy equipment. This could allow for the reinvigoration of manufacturing in Scotland which has seen a significant decline in the past two decades. This would require a robust manufacturing and industrial strategy for Scotland that proactively facilitates and assists the transition to a net carbon zero economy and which would allow workers to transition in to green industries. Greater strategic investment and support for green technologies across the board (wave/tidal, wind and hydrogen) are also required to assist with the 'Just Transition' process and an imaginative and forward looking model of sustainable housing should be one of them.

## 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.**

There is likely to be a small net financial impact on individuals as purchasers. There could be a situation where house prices may increase as the building costs to implement the new standards and the materials required to deliver Passivhaus are implemented. However as time progresses costs for materials are likely to reduce as the Passivhaus model becomes more widespread and economies of scale among some of the larger house builders bring costs down. However for individuals, inevitable savings made on energy may offset these initial higher costs over a normal 25 year mortgage period. Individuals as tenants may see a net financial gain on energy costs however local authorities or housing associations may seek to raise the rent costs offsetting any gain and we should be mindful of this.

Unite would be concerned that businesses could push any additional costs on to the purchaser.

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?

The public sector may experience higher costs in the Passivhaus build when compared with a 'normal' build for the reasons given above. However as a procurer of services and materials the public sector may be able to benefit from economies of scale if local authorities could work together to purchase materials spreading 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.

Unite cannot see a disadvantage on the introduction of the law on groups covered by the Equalities Act. We do see specific advantages for disabled people for example, who often have lower incomes and the new law could assist in reducing their energy costs. The construction industry should also do more to encourage more women to consider a career in construction.

## 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 contained within the Bill will go some way help to reduce carbon emissions, cut energy consumption and energy costs for Passivhaus households and make a considerable contribution towards the drive for net zero.

## 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*