

# 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)

**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).**

West Lothian Council is a local authority and social landlord with a domestic portfolio of around 14,100 homes. Since 2009 West Lothian Council have delivered 1857 new build homes for social rent. Additionally West Lothian Council have also been responsible for the development of first public sector Passivhaus early years facility. Our future new build housing programme will be designed and built to meet the pathway set out in the West Lothian Climate Change Strategy aimed at to achieving a net zero carbon emissions West Lothian by 2045 at the latest. The responses to this consultation have been agreed in discussion with West Lothian Councils Climate Change Manager and Head of Housing, Customer & Building Services.

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

**If you have requested anonymity or asked for your response not to be published, please give a reason (Note: your reason will not be published):**

Not Applicable

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).

West Lothian 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.**

West Lothian Council are generally supportive of the principal of making domestic properties as energy

Q1. Which of the following best expresses your view of the proposed Bill? Please note that this question is compulsory.

efficient as possible and fit for meeting the current and future needs of our tenants for the life time of the property. It is important to note that Passivhaus is rigid in its requirements around specific materials, manufacturers, plant etc. Any comparative standard would need to provide much more flexibility partly for procurement, supply chain, and cost reasons, while retaining the high fabric standards required. West Lothian Council would not support any proposals to make all domestic properties require Passivhaus certification.

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.

It is the view of West Lothian Council that the best way to introduce all new minimum environmental design standards for new build housing is to make these an integral part of the Scottish Building Regulations and the Building Standards – Domestic Technical Handbook.

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 proposed new standard will only apply to new building housing and will not affect the existing stock of houses in both the private and social sector. Of West Lothian Council current stock of 14,071 Social Housing only 1,857 houses (approximately 13%) have been built since 2009 and the new standards will not address fuel poverty in these existing houses. Currently West Lothian Council are aiming to meet the requirements of EESSH2 (all properties to be minimum of EPC Band B) by 2032 and we believe that this will be the most effective way of reducing fuel poverty within the social rented sector.

We would recommend that the requirements of EESSH2 (as part of SHQS) should also be applied to private rented housing to help fight fuel poverty.

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.**

Passivhaus standard currently does not specify a non-carbon emitting at the point of use heating source. Any heating system can be used such as a wood burning stove, gas boiler, a heat pump, or district heating and these can be tied with any heat emitters such as radiators, underfloor heating, split system air conditioning. As such it will not directly address the point of carbon emissions at the point of use. We do though recognise that Passivhaus aims to achieve an annual heating and cooling demand of no more than 15kWh/m<sup>2</sup> per annum and this itself will reduce the carbon output from new homes.

Any comparative standard would need to be in line with the Scottish Governments 2024 New Build Heat Standard that will require all new homes in Scotland to use heating systems which produce zero direct emissions at the point of use from 2024 onwards.

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 verification process proposed for the Scottish Standard follows the current verification process for all new build domestic properties. As such West Lothian Council has no comments on this.

The introduction of a Passivhaus Verifier for every new home would add a further layer of cost, time and certification to the existing process. We would note that our view would be for any verifier required to work within the current Building Standards Divisions to ensure a continuity of processes. If the Verifier was not to come under direct control of Building Standards Divisions, consideration would need to be given to a process of resolving any issues within the industry as a whole. Consideration needs to be given to resourcing this role as it will require additional staffing.

We would note that the current Scottish Government (SNP/Scottish Green Party Co-operation Agreement) provides a commitment to delivering 110,000 affordable homes by 2032 in addition to those which will be provided by the private sector, and we would express concern that a lack of trained and certified verifiers may cause issues with new housing supply.

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

It is difficult to determine what the market effects may be, particularly against the current economic instability within the construction market, however costs to deliver housing in general will increase. In addition, there may be supply chain issues as many of the materials, supplies and components required to deliver a Passivhaus design are sourced from abroad or from SME. In respect of the current labour market we would note that there may be shortage of contractors with suitable experience to deliver to the proposed standards, and that additional training and skills development in this area may be required.

A change in legislation may impact the ability to meet demand, with costs and time increasing as a result and subsequent delivery of housing programmes affected.

## 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.**

West Lothian Council have recently completed two nursery buildings (non-domestic) one of which was constructed to Passivhaus Standards and one which was built to meet Building standards technical handbook 2020: non-domestic. The evidence from these projects indicated a significant cost uplift to Passivhaus Standard in excess of the 4-8% quoted

As noted previously, Passivhaus is rigid in its requirements around specific materials, manufacturers, plant etc. Any comparative standard would need to provide much more flexible for procurement, material, supply chain, and cost reasons while retaining the high fabric standards required.

An increase in the region of that equivalent to the recent non domestic properties, over and above the current cost of new build housing, would reduce the number of new build homes which West Lothian

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?

Council would be able to deliver over any budgeting period and ultimately may impact on the overall government target of 110,000 new affordable homes by 2032.

## 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.

Not Applicable

## 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?

West Lothian Council are generally supportive of the principal of making domestic and non-domestic properties as energy efficient as possible and aim to do this in line with delivering the 8 priorities as set out in the Corporate Plan 2022/23 and our published Climate Change Strategy. Our priorities are:

1. Improving attainment and positive destinations for school children
2. Delivering positive outcomes and early interventions for early years
3. Minimising poverty, the cycle of deprivation and promoting equality
4. Improving the quality of life for older people
5. Improving the employment position in West Lothian
6. Delivering positive outcomes on health
7. Reducing crime and improving community safety
8. Protecting the built and natural environment

The proposed bill to introduce new minimum environmental design standards for all new-build housing to meet the Passivhaus standard or a Scottish equivalent will help West Lothian to deliver on our priorities 1, 3, 4, 5, 6, & 8 and as such West Lothian Council are generally supportive of the principal of minimum environmental standards.

In order to avoid negative impacts by the introduction of new minimum environmental standards we would reiterate the point that Passivhaus certification is rigid in its requirements and that any comparative standard would need to provide much more flexible while retaining the high fabric standards required. In addition, we would recommend that cognisance needs to be taken regarding the current number of certified Passivhaus Verifiers and the effects adding an addition layer of certification and inspection in to the process will have on housing supply.

## 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)?

Not Applicable