

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).

Registered Social Landlord

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).

West of Scotland Housing Association

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.

I support the introduction of improved design standards that underpin Passivhaus standards which should be a fabric first approach to improving energy efficiency standards. This should be a building performance specification approach/criterion and not a certification Passivhaus approach as this is resource intensive, costs more as there are limited Passivhaus certified products available.

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.

I think legislation on the fabric first approach would be advantages and by setting the same standard across the building industry for all tenures would facilitate increased quality of workmanship, upskill the sector and over time reduce costs. Without this I believe that Passivhaus standard will remain a niche with limited uptake in the future.

Making Passivhaus a certified legislation would be challenging, resource intensive and could lead to delays with completion certificates. The legal and financial implications could also be significant if certification is not achieved on completion.

A performance led approach similar to what already existing with enhanced standards would be more effectively, manageable and deliverable.

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.

We fully support the adoption of a Scottish performance led Scottish equivalent Passivhaus Standard that focused on improving the energy efficiency of the building through increased insulation, triple glazing windows, optimize solar gain, improved air tightness and eliminating of thermal bridging. Given that the energy prices are rising and are expected to rise sharply later this year, the focus should be on reducing residents' energy usage to address fuel poverty by making homes easier to heat and installing MVHR systems to recycle heat generated from cooking, showering, appliance, and body heat to heat the home. We have concerns that if the cost of electricity does not reduce then the "No Gas" low carbon heating systems could be too expensive for some residents if their home is difficult to heat because of cold bridging and/or draughts.

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.

Improving the thermal quality and air tightness of a home reduces the energy usage required to heat the home which by default reduces emissions. However, the installation of low carbon technologies will require significant investment to deal with the increased demand for electricity. This is further exacerbated by increased demand for electric vehicle car charging facilities. As there is insufficient capacity within the network to cope with all these changes, it is likely that costs for electricity will remain high and/or increase further to fund the investment needed to support. There is also a risk that the developers including RSLs will be expected to fund upgrades or install new sub-stations to deal with the additional electricity demand created from "no gas" heating solutions. This could make projects, in particularly, affordable housing project less affordable and undeliverable.

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

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)

work in practice.

I don't support the certification process by an accredited Passivhaus verifier. I believe that a performance led specification approach with a set of criterions that is sent to building control for approval is sufficient. There are limited Passivhaus certified consultants in the UK. The cost to appoint PHPP consultant can be high, and the process is extremely time consuming to check, document and submit the required level of information/evidence for checking during the construction period. In order to achieve certification, you also need to install certified Passivhaus products which are limited in choice, difficult to source and expensive. A performance led approach would provide greater flexibility whilst still delivering the high energy efficiency standards through a fabric first approach that a fully certified Passivhaus standard would achieve.

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

Passivhaus standard is not widely used across the market indicating a need for wider education and perhaps incentivization. A lack of industry knowledge, skills, available materials, and planning limitations will be the main challenges/barriers. The non-standard products and building techniques drive up the construction costs which are already very high. The wider benefits of Passivhaus are realized at the point the property is let or sold with little benefit to the builder or property owners/managers (RSL).

An increase in skills, locally available and viable Passivhaus or similar high energy performing products will in turn further incentivise the market and may over time reduce costs.

However, we also appreciate that although Passivhaus is a mature standard elsewhere it is relatively new to Scotland and our climate is amongst the wettest in Europe. It may require a phased approach to the introduction to allow ongoing thorough performance monitoring.

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 will be an increase in costs. It is estimated that the cost to build to Passivhaus Certified Standard is around 13% more. This is due to the fact that there are limited Passivhaus accredited products and experienced builders which drives up costs and increases risks.

If building to high energy efficiency standard becomes a statutory requirement, the market over time will respond with quality improving and costs reducing.

In the meantime AHSPG should be increased to reflect the additional 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.

No comment

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?

Enhancing the buildings fabric will in turn reduce residents' energy demand and our carbon footprint which would have a positive impact on the environment. Installing MVHR systems provides constant clean filtered air, creates an ambient temperature, and reduces condensation/mould, all of which will deliver health benefits.

There is reluctance with house builders to build to Passivhaus standard due to the lack of experience, intensive resources required and financial and legal implications, if certification is not granted. This could have real economic impact on the sector if it became law. A new Scotland Passivhaus standard based on the same performance criterion but not certified would reduce risk and make Passivhaus a more attractive proposition which achieving the same outcome.

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