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# SPF Consultation Response

Response to Building  
(Procedure) (Scotland)  
Amendment Regulations 2024

Submitted on 10 January

## SCOTTISH PROPERTY FEDERATION

The Scottish Property Federation (SPF) is the voice for the real estate industry in Scotland. As a part of the wider British Property Federation, we include among our members: property investors, including major institutional pension and life funds; developers; landlords of commercial and residential property; and professional property consultants and advisers. Our members build Scotland's workplaces, homes, shops, schools and other facilities and the infrastructure that serves them. Our industry is therefore a core component of the Scottish economy.

## CONSULTATION SUMMARY

### Response to Building (Procedure) (Scotland) Amendment Regulations 2024

The Local Government, Housing and Planning Committee is seeking views on regulations requiring companies to submit an "energy and environmental design statement" to be submitted with an application for a building warrant. The regulations would also require an "energy and environmental construction statement" to be submitted at the same time as a completion certificate.

We highlighted membership views on the readiness of the industry, there is a crucial need of upskilling, training and resourcing in industry as well in local authorities. These additional statements will add to the compliances and documentation process and can considerably slows down the process from design to assessment.

**QUESTION 1**

**What evidence is there that new-build homes do not meet current energy and environmental requirements set out in Building Regulations and associated technical handbooks?**

Our members have expressed concerns over the rigidity of absolute targets that may not work for all building designs. There should be an approach to combine relative performance targets with a baseline threshold for thermal performance to ensure minimal energy use in all buildings. Also, focusing on air tightness and fabric upgrade will increase the embodied carbon, which is not always the most sustainable option. For example, new build homes according to Passivhaus standards will double the amount of wall insulation compared to section 6 compliant builds translating to double the amount of embodied carbon which is not offset by the savings in operational energy.

Members have also highlighted the need to carefully balance the benefits of upgrading air tightness and the risk of higher condensation levels which could create the adverse health effects.

**QUESTION 2**

**How will the introduction of energy and environmental design and construction statements drive up compliance with such energy and environmental requirements?**

We understand the introduction of new design and construction statements, but our members have relayed the concern of additional compliances and documentation considerably slows down the process from design to assessment.

**QUESTION 3**

**How much it might cost to produce such statements, and do they have the potential to slow down the construction of new homes?**

As stated in the previous answer, these additional statements will in turn slow down the construction process as well as have cost implication of hiring professional or upskilling and training to produce these additional statements. As well as it will incur additional cost and time for local authorities to carry out these assessments.

**QUESTION 4**

**What benefits do you think the Regulations are likely to bring, for example through potential improvements to the environment or energy savings for residents?**

Our members have highlighted that there should be flexibility where a tick box approach cannot be applied to all new builds. This will not be reflected in having an impact on the environment and energy savings, there should be flexibility for developers to be innovative in construction techniques that will save cost without compromising energy goals. Introduction of more stringent standards/regulations could deter smaller developments or transition to net zero.

**QUESTION 5**

**Do local authority building standards departments have the expertise and resources required to analyse such reports and undertake reasonable on-site investigation to check their veracity?**

We do agree that upskilling, training and resourcing in local authorities will be required to fulfill these additional duties. There should be a clear skills plan for the building standards department to align with the timescales of new regulations. This is will of course come with additional cost and might slow processes down in the meantime.

**QUESTION 6**

**Any other reflections you may have on the Regulations.**

We understand the focus on homes, but the Committee should also be aware that the Regulations will apply to all new build. This includes non-residential developments. There is arguably a greater variety of building types in the non-residential sector – offices, through to logistical facilities, data and laboratories in addition to public buildings.

For the energy requirements, it is very difficult to establish what the actual energy use of a building will be especially when you start to consider all of the devices that could or maybe “plugged” into the completed building. This has a very limited scope to control.

It will be helpful to have early engagement with regulatory bodies, ahead of providing the energy and environment statement. This engagement is often missing from many low-energy building projects, which can lead to delays or failure to meet standards later in the construction process. Early engagement could prevent costly adjustments later in the building and promote smoother compliance.

We suggest it may be helpful to have a compliance plan manager to oversee the project and coordinate the various actors involved in contributing to building compliance. We also recommend that the compliance process improvements include provisions for upskilling the workforce and training certification bodies on the latest techniques for energy-efficient construction, including airtightness, mechanical ventilation systems, and insulation detailing.

Incorporating requirements for post-occupancy assessments into the compliance process would help verify whether the buildings are meeting their intended energy performance goals.



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