

Organisation responding : Friends of the Earth Scotland and the Association for the Conservation of Energy
(Please mark 'personal response' if appropriate)

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Should you have any difficulties, please telephone 0131 244 7449.

Friends of the Earth Scotland and the Association for the Conservation of Energy welcome the opportunity to comment on the latest proposals for "Improving Building Standards".

Friends of the Earth Scotland (FoES) is a major environmental campaigning, policy development and research based NGO with over 5,000 members. FoES focuses heavily on issues such as climate change and has therefore a central interest in buildings and energy consumption in particular.

The Association for the Conservation of Energy (ACE) is an association of major UK-based companies, active in the energy efficiency industry. ACE is a campaigning organisation that also carries out independent policy research on energy conservation. ACE was formed in 1981, with a remit to encourage a positive national awareness of the need for and the benefits of using energy conservation in buildings, to help establish a sensible and consistent national energy efficiency policy and programme, and to increase investment on all appropriate energy saving measures.

General Comments

Friends of the Earth and ACE welcomed the Sixth Amendments to the Building Regulations which were introduced in April and recognize the energy savings which will result from them. However, in Scotland nine out of ten houses fail to meet this new standard and at the rate new houses are being built it will take one hundred years until the Scottish housing stock is up to the current standard. This is not an acceptable situation. Scotland is committed to achieving

an equitable contribution towards the UK's Kyoto targets; this will not be possible unless the energy efficiency of existing buildings is tackled. Energy use in buildings is responsible for around 40% of all UK greenhouse gas emissions, simply building new energy efficient buildings will not be good enough. Friends of the Earth and ACE believe that any new building standards must cover existing buildings in some meaningful way. In the domestic sector this would have the major knock-on benefit of aiding the Scottish Executive's target for the eradication of fuel poverty in Scotland within fifteen years. In the commercial sector this would help to improve the profitability and competitiveness of businesses.

Specific Comments

2. Purpose

2.2 This section states that "*the expanded format will be designed to accommodate changes in European legislation*". Friends of the Earth and ACE welcome this however feel that the proposed Building Standards will not be able to accommodate certain changes to European legislation unless action is taken now. The European Council of Ministers has approved a Directive on the energy performance of buildings (COM(2001)226 final). This will require the energy auditing of all buildings on change of occupancy. Furthermore, the Directive will require commercial sector buildings over an agreed size to achieve minimum energy standards. Work needs to be carried out now if this Directive is to be implemented. The UK government has already been very enthusiastic about this Directive and has stated that it will be introduced "as fast as possible". This would be an excellent opportunity to add energy auditing to the Building Standards and for Scotland to lead the way in Europe.

5. Setting Standards

5.1 The power to set minimum standards which this paragraph conveys represents an excellent opportunity to introduce minimum energy standards for some existing buildings ahead of the requirement to do so which the EC Directive on the energy performance of buildings will bring in.

5.2 The fact that "building work" includes extensions, alterations and refurbishments is to be welcomed. In practical terms this means they must conform to the building standards but this provision should go further. If a building is extended or refurbished the rest of that building should then also have to comply (at least to some extent) with the building standards.

17. Existing Buildings

This, to FoES and ACE, is the most crucial paragraph of the consultation. It could open the door to the possibility of Part J of the Building Standards applying to all buildings and not just new builds. We accept that it may be unduly onerous to require all existing buildings to comply with the standards unless public funds are made available. It should, however, be possible to implement standards which require that, where extensions and alterations are being carried out, buildings be made to comply to some degree. If work is being done, especially extensions, which would increase the environmental impact of a building, then the

overall environmental impact of that building should be considered in the public interest. A minimal approach would be to require that any extension work does not increase the overall energy use of the whole building.

Other comments:

In the original “Improving Building Standards” consultation there was discussion of whether building standards should be the same throughout Scotland and whether they should take account of site specific conditions (paragraph 3.3). In our response to that consultation we stated the need for energy efficiency ratings to be assessed using a model which takes into account climatic differences. The SAP model currently used does not do this. It is disappointing that this issue has not been addressed in this consultation.

While we accept the consultation’s conclusion that the proposals, as they stand, may not require additional resources, we would argue that additional resources should be committed to the Building Standards regime to enable the introduction of an energy auditing requirement.

Finally, we were disappointed to note that no assessment has been made on the proposals potential impact on sustainable development, especially since the Building Standards regime should be a powerful tool for delivering sustainable development.