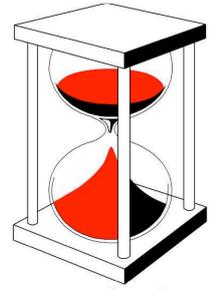




**Friends of
the Earth
Scotland**

Review of the Building (Fees) (Scotland) Regulations 2004

**A response from Friends of the Earth
Scotland and the Association for the
Conservation of Energy**



**Association
for the
Conservation
of Energy**

20 December 2007

1. Introduction

Friends of the Earth Scotland is an independent member of the Friends of the Earth International network. We undertake research, advocacy and community development activities throughout Scotland in pursuit of environmental justice and sustainability.

The Association for the Conservation of Energy (ACE) is a lobbying, campaigning and policy research organisation, and has worked in the field of energy efficiency since 1981. Our lobbying and campaigning work represents the interests of our membership: major manufacturers and distributors of energy saving equipment in the United Kingdom.

This response represents the views of Friends of the Earth Scotland and the Association for the Conservation of Energy. We welcome the opportunity to comment on the proposals.

2. Summary of main points

- We support the proposals to create incentives for low carbon new buildings, and congratulate the Scottish Building Standards Agency on the proposals.
- We believe the £20,000 threshold is too high and should be reduced to £5,000.
- We believe the 10% surcharge for buildings proposed under the current regulations is too low and should be raised to at least 20%.

3. Specific questions

3.1. Do consultees agree that the proposals would be useful in promoting future energy standards and guidance to industry?

Yes, we agree the proposals would be useful to this end.

3.2. Should the fees to the lower end of the fee scale (i.e. 0 - £20,000 estimated value) remain unaffected by this incentive?

No. We would prefer the threshold for fee incentives to be set at a lower level. As has been identified by the consultation papers, only around 20% of applications would be affected at the £20,000 threshold. We would suggest a threshold level of £5,000, which would mean that

Friends of the Earth Scotland

5 Rose Street, Edinburgh EH2 2PR

Tel 0131 243 2700 Fax 0131 2725 Email info@foe-scotland.org.uk Website www.foe-scotland.org.uk

A Scottish Charity: SC003442

Printed on 100% recycled paper

around 70% of applications would be affected while still ensuring that the smallest applications would remain unchanged.

3.3. *Do consultees consider that a 10% increase in the fees for projects with an estimated value in excess of £20,000 will be sufficient to counter-balance the income loss to verifiers by those applications eligible for a “rebate”? Evidence in support of your answer should be provided.*

We do not consider that we have sufficient evidence on the income levels of verifiers to answer this question. However, we have a comment on the effectiveness of the proposed 10% increase in fees, which we have included under point 3.7 below.

3.4. *Should Regulation 5 of the Building (Fees) (Scotland) Regulations 2004 be altered to disallow a discount when submitting a certificate of design in support of an amendment of building warrant?*

We do not have a view on this.

3.5. *Should Regulation 6 of the Building (Fees) (Scotland) Regulations 2004 be amended to allow a discount on the building warrant fee when the applicant confirms that a certificate of construction will be submitted with the completion certificate?*

We do not have a view on this.

3.6. *If regulation 6 is amended should the £20 minimum discount be abolished?*

We do not have a view on this.

3.7. *Do you have any other comments concerning the proposals?*

- We warmly welcome the proposals to create incentives for low carbon buildings, and congratulate the Scottish Building Standards Agency on these innovative suggestions. Coupled with the ambitious but achievable measures set out in the Sullivan Report published earlier this month, these proposals could make a very significant impact on reducing greenhouse gas emissions from the built environment in Scotland.
- As mentioned above, we believe that the £20,000 threshold is set too high and should be reduced to £5,000 to have a greater impact. We also suggest that the proposed 10% increase in fees for those building under current regulations is insufficient, and should be increased to at least 20% to provide a greater incentive.
- However, we believe that both the income loss to verifiers (mentioned at point 3.3 above) and the effectiveness of the proposals in delivering an increase in low-carbon new buildings should be kept under review. We believe Ministers should be prepared to adjust both the threshold and the percentage increase in fees for those building under current regulations to ensure the policy remains effective.

We trust that you are able to take these comments into account.

For further information please contact:

Chas Booth
Parliamentary Officer
Friends of the Earth Scotland and the Association for the Conservation of Energy
chas(at)ukace.org