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15 December 2022

Dear Mr Rowley,

Proposed Domestic Building Environmental Standards (Scotland) Bill: Statement under Rule 9.14.13

Further to our recent meeting on 29 November, I am now in a position to formally respond to your Bill proposal to introduce new minimum environmental design standards for all new-build housing to meet a Scottish equivalent to the Passivhaus standard.

At our meeting there was a shared recognition of the benefits of improving energy standards further, both on opportunities to further enhance energy and environmental standard for new homes, but also to increase assurance to households that the design and construction of these buildings will deliver the performance sought in practice.

I noted that the 2021 Shared Policy Programme between The Scottish Government and The Scottish Green Party includes agreement “that all new buildings where a building warrant is applied for from 2024 must use zero emissions heating as the primary heating source and meet significantly higher energy efficiency standards, as well as explicit support for passivhaus and equivalent standards”.

We discussed the recent uplift in energy standards which will now apply from February 2023 and our plans to decarbonise the heat we use in new buildings through the 2024 New Build Heat Standard. In announcing the recent changes to energy standards within building regulations in June this year, I noted the need to work together to raise standards and to develop the further actions and innovations that will be required to meet our climate targets.

A further review of energy standards, building on the above work, was planned, and initial scoping work commissioned. This will report shortly on how standards and assurance processes such as those associated with Passivhaus can be applied to set improved targets and deliver improved performance through our building standards system.

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I would like to take this opportunity to commend you for your proposal and the work you have undertaken over the past year to raise awareness and discussion on this important topic amongst a wider audience. The views collated by you and your team in response to the Bill proposal will be valuable in further developing the discussion on such a standard and how it can be most effectively defined and delivered. I have instructed officials to contact you to discuss how you and your team wish to contribute to the development of the proposal for regulatory review. This work will commence early in 2023, seeking the laying of amending regulations in mid-December 2024.

Accordingly, I am writing to advise that the Under Rule 9.14.13 of Parliament's Standing Orders, the Scottish Government will make subordinate legislation within two years, to give effect to your final proposal for a proposed Domestic Building Environmental Standards (Scotland) Bill.

As required by Standing Orders, a written statement to this effect is included in the Annex. Standing Orders also require me to repeat the statement to a meeting of the Parliament. The Parliamentary Bureau will be invited to agree to the inclusion of a statement in the business programme.

I am copying this letter to the Clerk to the Non-Government Bills Unit, who shall arrange for it to be published in the Business Bulletin as stated in Standing Orders.



PATRICK HARVIE

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Scottish Government statement under Rule 9.14.13**Proposed Domestic Building Environmental Standards (Scotland) Bill by Alex Rowley MSP**

I hereby state that the Scottish Government will make subordinate legislation within two years, to introduce new minimum environmental design standards for all new-build housing to meet a Scottish equivalent to the Passivhaus standard, in order to improve energy efficiency and thermal performance.

Accordingly, the legislation will give effect to Alex Rowley MSP's final proposal for a Domestic Building Environmental Standards (Scotland) Bill.

Patrick Harvie MSP
Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights
15 December 2022

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