

The Building (Scotland) Amendment Regulations 2022 - Section 6 (Energy)

Equality Impact Assessment - Results

EQUALITY IMPACT ASSESSMENT - RESULTS

Title of Policy	Scottish Building Regulations: Proposed changes to Energy Standards and associated topics, including Ventilation, Overheating and Electric Vehicle Charging Infrastructure
Summary of aims and desired outcomes of Policy	Through regulations applicable to new building work, to further reduce energy demand and emissions associated with the use of buildings and mitigate potential related environmental risks for occupants of new residential buildings. Note that this assessment excludes consultation proposals for Electric Vehicle Charging Infrastructure, which will be responded to separately.
Directorate: Division: team	Local Government and Housing Building Standards Division Technical Unit

Executive summary

Review of building regulations for 2022 proposes the introduction of improved energy and environmental standards for new buildings and new building work.

These improved standards will act to reduce the energy demand in buildings and, where other factors are unchanged, reduce fuel costs for occupants and building operators whilst maintaining the quality of the building environment. The standard will also contribute to reduced greenhouse gas emissions associated with energy use in buildings at a national level. The standards are applied only where a person chooses to undertake relevant building work.

Assessment identified some minor direct benefits from the outcomes of improved standards, arising from reduced energy costs for building occupants. It also highlighted that standards which impose a regulatory burden can be more challenging for persons of more limited resources, noting evidence of inherent inequality on this issue within Scotland's population, particularly in relation to age, disability, sex and race. Given the subject of the proposal and its manner of implementation, no specific mitigations are identified for the policy.

Background

Buildings have significant implications for health, safety, the environment and our communities. Through the appropriate application of minimum building standards set by regulations, the design and construction of Scotland's built environment can benefit all owners, users and people in and around our buildings.

The building standards system in Scotland is established by the Building (Scotland) Act 2003 (the 2003 Act). The system regulates building work on new and existing buildings to provide buildings that meet reasonable standards to secure the health, safety, welfare and convenience of persons in or about buildings, further the conservation of fuel and power and the achievement of sustainable development.

Requirements applicable to building work are set through Building Regulations as a set of mandatory standards. These are simple statements on what outcomes must be achieved when undertaking building work. These standards are defined and applied at a national level and supported by a body of guidance set out in Domestic and Non-domestic Technical Handbooks. This published guidance assists by defining the scope of action expected under each standard, providing one or more examples of how compliance with the standard can be achieved. Standards can also be met through use of solutions not included in published guidance.

Public consultation on proposals to improve energy and environmental standards applicable to new buildings and new building work took place between July and November 2021.

The specific outcomes sought are for new buildings and new building work to result in lower energy demand from buildings in use and a reduction in associated greenhouse gas emissions. Additionally, changes to ventilation standards for new homes should provide assurance that improvements in

energy performance are not to the detriment of internal air quality and occupant health. Additionally, a new requirement to assess overheating risk in new dwellings and new residential buildings should provide assurance that the risk to health from excessive indoor temperatures in summer months is mitigated.

The net effect of changes will be to reduce the energy needs of buildings, including their running costs, and to maintain a healthy indoor environment. This will, however, increase the initial cost of construction. An assessment of this is provided in the accompanying Business and Regulatory Impact Assessment.

The Scope of the Equality Impact Assessment (EQIA)

Proposals seek to enable improved energy and environmental performance where building work is undertaken, to deliver direct benefit to those with an interest in affected buildings and to society in general.

Acknowledging the nature of the regulatory regime under which changes are proposed and the topic of the review, impacts will arise primarily from an increase to the cost of construction activity for affected parties and how this may present a barrier to intended actions to change buildings. This impact will be felt primarily by owners or other persons responsible for properties, who also have the right to undertake building work to their premises.

Accordingly, it was proposed that the EQIA should reflect this purpose and the impact of that outcome on those undertaking development.

Key Findings

Building regulations are standards which are applied nationally. Whilst they are implemented in a way which enables those undertaking work to choose the manner in which requirements are met, they do include significant prescription in many areas on the actions when delivering new building work.

Whilst standards should always be set at a level which is achievable nationally through currently available services and solutions, this review will raise that level of expectation on energy demand and environmental performance. And with that comes a relative increase in the cost of undertaking work. Whilst the level of increase in performance sought

under these changes is not as significant as under prior reviews, a 'law of diminishing returns' does mean that the cost/benefit of further improvement on already good standards is less positive.

Analysis of consultation responses did not highlight specific concerns which can be assigned as risks to people who may identify with one or more of the protected characteristics. However, it remains important to recognise and assess any impact that may be more keenly felt in this respect by persons considering construction work, particularly at a small-scale or domestic level.

Provisions set through the proposed regulations are applied based upon the nature of the construction work proposed. The regulations apply the same duty to all and bring the same benefits in outcome for all persons undertaking construction work. These may be of more onward benefit to some people than to others and those benefitting from improved building performance may not be the same people responsible for implementing the changes.

The assessment identified some minor direct benefits from the outcomes of improved standards. These relate to reduced energy costs for building occupants and will generally be most positive where the person occupying the building is not also responsible for the cost of works.

Recommendations and Conclusion

That proposals, if implemented, will offer a minor, but positive benefit to those who occupy and use buildings as well as broader environmental benefits through reduced associated greenhouse gas emissions. No negative benefit has been identified.

This review is being undertaken in the context of broader work across the Scottish Government to deliver change in support of Ministers' climate change objectives; reducing energy demand arising from use of buildings and action to decarbonise the heat sources we use in our buildings. The assessment has again highlighted a known issue – that the setting of standards which impose a regulatory and cost burden can deliver relatively universal benefits but can be more challenging for persons of more limited resources. There remains a degree of inherent inequality within Scotland's population on income and resources, particularly in relation to age, disability, sex and race.

However, it is also recognised that there is an overwhelming need for Scotland to respond swiftly and effectively to address the issue of climate change. Accordingly, suitably challenging standards should be applied to situations where people elect to undertake building work (this policy) as well as in situations where regulations mandate improvement, as set out more widely within our Heat in Buildings Strategy.

As a result of this assessment, no new and specific mitigations are proposed to the policy or to the building standards system which implements it.



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