



**FINAL BUSINESS AND REGULATORY IMPACT ASSESSMENT
(ref: 2013/25)**

**SUSTAINABILITY LABELLING FOR NON DOMESTIC BUILDINGS –
SCHOOLS**

**AMENDMENT OF THE BUILDING (SCOTLAND) REGULATIONS 2004
AND GUIDANCE FOR SECTION 7: SUSTAINABILITY, OF THE
TECHNICAL HANDBOOKS**

BUILDING STANDARDS DIVISION

May 2013

BUSINESS AND REGULATORY IMPACT ASSESSMENT

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1.0 TITLE OF PROPOSAL

Sustainability labelling for new non domestic buildings – schools: Amendment of the Building (Scotland) Regulations 2004 and accompanying guidance for Section 7: Sustainability, of the Technical Handbooks.

2.0 PURPOSE AND INTENDED EFFECT

2.1 Background

Scottish building regulations set standards for the health, safety and welfare of persons in and around buildings, furthering the conservation of fuel and power and furthering the achievement of sustainable development. These standards are supported by guidance contained in the Technical Handbooks. The building regulations apply to new buildings and to buildings being converted, altered or extended.

The Building (Scotland) Act 2003 introduced the intent of building regulations to further the achievement of sustainable development. On 1st of May 2011 sustainability labelling was introduced to the Scottish building regulations. Applicable to all new buildings, the principles build upon the degree of sustainability already embedded within the building regulations.

The labelling system in Section 7 of the Technical Handbooks rewards new buildings that meet the 2010 building standards with a Bronze level label. Further optional upper levels are defined by Silver, Gold and Platinum. These have been created through identifying cost-effective benchmarks verifiable through the building warrant system.

The system can be utilised by developers or planners who may wish to demonstrate their environmental commitment by referring to the sustainability labels. Section 7 also includes levels that identify whether buildings incorporate a low or zero carbon generating technology (LZCGT).

Sustainability was fully developed for domestic buildings but only addressed Carbon Dioxide (CO₂) emissions for non domestic buildings. This proposal is to fully extend sustainability labelling to all new school buildings.

For school buildings, the criteria for each level seeks to balance the social, economic and environmental aspects associated within the scope of sustainability, addressing issues such as resource use through carbon dioxide emissions, energy efficiency and water use, enhanced biodiversity, improved occupant wellbeing, and flexibility and adaptability in design.

Sustainability labelling does not need to be an additional burden on development because the initial level of award (bronze and bronze active) would recognise that a

development has already achieved a measure of sustainability by simply complying with current building regulations.

The proposed performance criteria for school buildings, which have been established through working groups, include the following:

1. Carbon Dioxide (CO₂) emissions - (existing aspect)
2. Energy for thermal comfort and artificial lighting
 - a) artificial lighting control
 - b) thermal comfort control
 - c) effective control of solar gain
 - d) building management systems
 - e) draught lobby
3. Water Efficiency
 - a) water use efficiency
 - b) energy for water heating
 - c) surface water management
4. Biodiversity
 - a) allotment
 - b) naturally defined boundary
 - c) natural habitat or woodland area
 - d) biodiversity strategy document
5. Wellbeing
 - a) natural daylight
 - b) indoor air quality monitor
 - c) acoustics
 - d) room height
6. Flexibility and Adaptability
 - a) cycle storage
 - b) staff active travel facilities
 - c) pupil active travel facilities
 - d) vehicle parking and drop off areas
 - e) external teaching space
 - f) accessibility
 - g) changing places toilet
7. Material Use and Waste
 - a) recycling of solid waste
 - b) construction site waste management plan
8. Optimising Performance
 - a) user information guide
 - b) resource use display

Further detail on how each of the criteria is met is available within the public consultation document.

2.2 Objective

It is Scottish Government (SG) policy to continue to embed the principles of sustainable development in building regulations. The aim of the amendment is to embed in the Scottish building regulations a requirement for the sustainability labelling of new school buildings. To achieve the above, the following objectives have been identified:

- to recognise the level of sustainability achieved by the 2013 building regulations (**bronze** level);
- to encourage the adoption of even more demanding sustainability standards with optional higher levels of achievement (**silver** and **gold** levels);
- to adopt a sustainability labelling system for schools that can operate within the scope of the building standards system in Scotland;
- to encourage consistency between local authorities in supplementary planning guidance on sustainable construction for schools; and
- to give simple benchmarks that can be referred to when local authorities aspire to developments that meet a higher measure of sustainability for schools.

2.3 Rationale for Government Intervention

The SG is committed to building a sustainable future and in December 2005 it published 'Choosing our Future – Scotland's sustainable development strategy'. Individuals, businesses, local authorities and communities are taking action to change the way we use resources, plan and develop services and seize the economic opportunities that sustainable development presents.

Scottish Building Regulations have an important part to play in relation to achieving the Strategic Objectives that underpin the Scottish Government core 'Purpose'. This is particularly true in relation achieving a 'Safer & Stronger' Scotland and a 'Greener' Scotland by improving Scotland's natural and built environment and the sustainable use and enjoyment of it.

Government intervention through amending building standards can be a necessary method for achieving aspects relating to sustainability of the built environment This is clearly reflected in the current review amendments in relation to extending sustainability in school buildings.

Currently SG is developing national aspirational targets in Scotland. With aspects of sustainability being further embedded into building standards for all new buildings, an approach that offers continuity whilst also signalling and rewarding aspirational design is considered advantageous.

With energy standards continuing to be more challenging and the introduction of the Climate Change (Scotland) Act 2009, there are signs local authorities are less inclined to create their own carbon reduction targets applicable to individual buildings. A single standard for sustainable buildings points towards a more

measured approach. Some Local Development Plan Main Issue reports have referenced the Building Standards sustainability standards when preparing policies on carbon reductions. A proposal to expand sustainability for all aspects of new non domestic school buildings would provide a system that could be used consistently throughout Scotland aligning with calls from funding bodies.

Schools were selected as a pathfinder for non-domestic sustainability labelling as SG is currently 2 years into an 8 year programme to deliver a minimum of 67 schools with a budget of £1.25 bn.

Without SG intervention, sustainability labelling will only be the preserve of those who are prepared to pay extra for an assessment.

This also supports the following SG National Outcomes:

- We live in well designed, sustainable places where we are able to access the amenities and services we need
- We value and enjoy our built environment and natural environment and protect it and enhance it for future generations
- Our children have the best start in life and are ready to succeed
- Our young people are successful learners, confident individuals effective contributors and responsible citizens

3.0 CONSULTATION

3.1 Development phase

During the development phase of the proposals, the Building Standards Division (BSD) set up a Working Group (WG) to independently review and scrutinise the matters under consideration. The WG comprised of SG colleagues from Architecture and Place and Schools Estate, a Local Authority building standards officer and the Scottish Futures Trust. This was further supported by persons including a Chartered Architect, a member of the Chartered Institute of Building Services Engineers (CIBSE), a buildings energy consultant from the Building Research Establishment (BRE), as well as individuals from Scottish Property Federation and charitable bodies with roles in encouraging sustainability in schools and chaired by a representative from SUST.

Over five meetings, this group shaped the proposals ready for discussion with Scottish firms and other stakeholders.

3.2 Within Government

Discussions were held with the following divisions and agencies before and during the sustainability labelling working group which informed the development of the proposal.

- SG Schools Infrastructure Unit
- SG Learning Directorate
- SG Built Environment – Planning

- SG Architecture and Place;
- SG Sustainable Procurement
- SG Biodiversity
- Zero Waste Scotland
- Grounds for Learning
- Scottish Futures Trust
- Scottish Water
- Scottish National Heritage
- UK Communities and Local Government - Buildings Division

Each division and agency has assisted in shaping the detail of proposals to so that the criteria aligns with Government policy initiatives and delivers outcomes without duplication.

3.3 Business Consultation

In developing proposals, stake holder meetings were undertaken as part of the Scottish Firms Impact Test and included the following organisations:

- One medium size regional Architectural firm based in Glasgow
- One small business based ecologist consultation firm located in Edinburgh
- One micro acoustic consultant based in Edinburgh
- One large UK Architectural business with an office in Glasgow
- One small landscape Architect firm located in Edinburgh

3.4 Public Consultation

This Partial Business and Regulatory Impact Assessment forms part of a package issued for public consultation between 20 September and 24 December 2012.

The consultation exercise was issued to 356 public, private sector and third sector organisations, Non-departmental public bodies (NDPB's), individuals and other interested parties identified and listed on the BSD consultation inventory. The consultation documents were published on the Scottish Government website and available as an electronic download, with paper copies available when requested. Additionally, awareness of the consultation was raised by an electronic mail drop to over 4,500 individuals and organisations who had previously registered to receive the BSD's electronic newsletter. The consultation was also highlighted on the BSD's section of the Scottish Government website. In addition, four dissemination events, facilitated by CIC Start on Line Scotland, were held in Glasgow, Edinburgh, Inverness and Dumfries. Around 130 industry delegates attended the events where they were given an overview of the proposed changes and advised of the consultation. All were invited to submit comments on the proposals made in the consultation paper by 12 December 2012. There were 42 responses from the following consultees:

Groups	Number
Local Authority	15
Other	6
Professional Body	5

NDPB/ Agency	2
Industry Association/Manufacturer	2
Advisory Body/Committee	1
Academic Body	1
Designer/Consultant	2
Voluntary Organisation	2
Sub Total	36
Individuals	6
TOTAL	42

A list of all consultees is appended to the consultation package which remains available on the Building Standards Division section of the Scottish Government website (<http://www.scotland.gov.uk/Topics/Built-Environment/Building/Building-standards/publications/pubconsult>). The Final Consultation Report is attached as Annex A.

The consultation responses have been shared and discussed with the Working Party in January 2013. The public feedback was generally positive, with the exception of questions relating to a Material Maintenance Document and Detailing for Deconstruction where the responses were more evenly balanced 'against' and 'for' proposals with levels at 48% and 53% respectively. There are some revisions to guidance text and additional notes to technical content, although the broad criteria topics consulted on remain the same.

4.0 OPTIONS

The following three options have been considered:

- Option 1 Do nothing;
- Option 2 Rely on existing sustainability and environmental assessment methodologies;
- Option 3 Extend sustainability labelling within building regulations and guidance for school buildings

4.1 Sectors and Groups Affected

Sectors and groups affected can be categorised as:

- a. Local Authorities or organisations procuring or occupying new school buildings, which may bear any additional costs associated with adopting improved measures of sustainability in new buildings. Although dependent on approach adopted, it is not anticipated that a large section of the population will be affected. It is important to note that achieving higher levels is optional, therefore no additional cost burden is imposed on development by this policy.
- b. Design and construction teams who would have to review existing building specifications, construction detailing and, potentially, methods of working. As noted

in (a) above, it is not anticipated that a large number of design and construction teams will be affected.

- c. Those involved with the sustainability aspects of building design and construction, who would have to familiarise themselves with any revised standards and methodologies through training, etc.
- d. Local authority verifiers, who may need to arrange additional training of staff on changes to standards and guidance, to ensure these can be verified at design submission and during construction where necessary.
- e. Consultants in the field of biodiversity and acoustics who may be called upon to provide documents in support of the system.

4.2 Benefits

In Scotland, many broad measures of sustainability are already embedded in building standards and implemented in school design at a local level. The benefits of these proposals include:

- rewarding progress in sustainable school buildings that address issues of well-being, biodiversity and flexibility in design; and that link with encouraging the creation of more sustainable communities via planning, place making and architectural design policy;
- encouraging reduced energy demand in new school buildings;
- signposting the possible future direction of building standards;
- supporting the Government's Greener Scotland agenda through improvements to the built environment;
- encouraging lower carbon emissions from new school buildings linking directly with the Government's agenda to tackle climate change; and
- promoting more efficient use of resources such as energy and water.

4.2.1 Option 1 Do nothing

The Scottish Government is committed to the objective of a Greener Scotland and to furthering the achievement of sustainable development (see 2.3). No implementation and delivery plan required therefore no implementation costs.

4.2.2 Option 2 Rely on existing sustainability and environmental assessment methodologies.

This option is to use existing voluntary independent external sustainability assessments for buildings.

This is unlikely to further increase the amount of schools buildings being built to optional higher sustainability levels beyond the current numbers. The external sustainability assessments process would remain independent and SG would have less input over the criteria entailed, the actual levels set or the likely cost in obtaining upper levels of sustainability.

Currently such assessments are generally undertaken where exemplar sustainable buildings are sought. The cost of undertaking such assessments generally excludes buildings that seek to obtain a more measured balance between the social economic and environmental aspect of sustainability to be achieved.

The benefits would be limited as market forces would determine the uptake of assessments, unless mandating upper levels from other areas of SG, such as Planning, Procurement, or School Estates Policy.

The primary benefit of such an option would be to ensure that independent assessment can address wider sustainability issues without the constraints imposed through a regulatory body.

As things stand there would be no additional implementation costs.

There are no other tangible benefits identified with this option.

4.2.3 Option 3 Extend sustainability labelling within building regulations and guidance for school buildings

Introduce an amendment to extend the sustainability standards in the Scottish building regulations for new schools.

There are a number of recognisable benefits to extending sustainability labelling of new school buildings. These are:

- to build on the reception of section 7 Sustainability for domestic buildings;
- that new school buildings could act as a pathfinder which could be expanded in future to cover all non domestic buildings;
- identifying and formally recognising national standards to allow local authorities and industry to achieve aspirational upper levels of sustainability;
- allowing an additional method to meet sustainability criteria for schools;
- formal recognition that sustainability measures would be covered within the existing verification processes as opposed to an additional process, with lower attendant costs;
- reducing energy demand for new school buildings and carbon dioxide emissions, when constructed to the progressive silver and gold levels;
- supporting the Government's agenda of tackling climate change and promoting sustainable development in Scotland;
- reducing use of finite natural resources and promoting development and adoption of systems that incorporate renewable energy sources.

Option 3 could produce the greatest benefits, primarily environmental but also some associated social and economic benefits throughout the life of the building. The manner in which the regulation and guidance within in the Technical Handbooks is implemented has the added benefit of encouraging consistency of application throughout Scotland. It also mainstreams sustainability labelling for schools.

The changes would apply to building warrant applications received for new schools, when the standards come into force.

4.3 Costs

4.3.1 Option 1: Do nothing

Reputational cost to SG for failing to embed the principle of sustainable development in Building Regulations as part of its policy for a Greener Scotland.

4.3.2 Option 2: Rely on existing sustainability and environmental assessment methodologies.

Individuals, organisations and local authorities who wish to demonstrate their sustainability credentials have to pay for independent assessors who can undertake existing independent environmental assessment methodologies

This results in additional costs due to the complexity of assessments, and considerable training required to ensure clients looking to procure a new school are aware of the outcomes of using such assessments.

Depending on the level of sustainability required and the size of the building costs, assessments can vary from around £2000 for a primary school to £20,000 for large community schools.

However due to the voluntary nature of the scheme this may not address Scottish Ministers commitment to tackle climate change and further sustainable development in Scotland. It would not necessarily introduce sustainability labelling for all new schools.

4.3.2 Option 3: Extend sustainability labelling within building regulations and guidance for school buildings

With the exception of obtaining a Bronze level label, the new sustainability standard is implemented on a voluntary basis and there is no direct cost increase beyond the cost of printing a label. The cost of providing a school building to the Silver or Gold level could be determined by several external factors, either the Local Authority seeking to procure a more sustainable school, a Planning condition by the Local Authority Planning Department or a Funding body involved with the delivery of schools. The decision will be balanced against the benefits that will accrue to building users throughout the life of a building and should not contribute disproportionately to the cost of new school buildings.

Where a higher level of sustainability is to be achieved Standard 7.1 would be amended and the supporting guidance would give a clear direction on how to comply. In a similar manner to option 2, the increase in the costs of construction to meeting the optional upper levels would likely be passed on to the funding body.

However this would be proportional to the level of sustainability label achieved including:

- an increase in the total cost of buildings being erected to silver or gold levels;
- additional time spent by the verifier in processing building warrant applications and training staff;
- additional time spent by agents/architects in training staff of the new sustainability labelling system;

The verification of sustainability that meet the optional upper levels for schools would be an expansion of the sustainability area into non domestic buildings for verifiers and would require a degree of training initially but this would be no more than with other changes to building regulations and guidance. There is, however, the potential that the private sector could propose a scheme for Approved Certifiers of Design for Sustainability Labelling.

The key benefits in terms of the cost of extending the sustainability labelling system to schools are that the building owner gains a label, paid for through the application fee. Also, the building owner may be content with that label and will not need supplementary assessments at additional cost.

Cost of new guidance and familiarisation

BSD produces technical guidance in-house. Therefore, the only cost for producing new guidance is BSD staff costs.

There are approximately 560 building standards professionals in Scotland although only a proportion would require to be trained for schools. The time impact per person should be no more than 1 day on training and familiarisation. The total cost for building standards professionals would be around £12k to £15k.

However, this can be off-set against Continued Professional Development (CPD) requirements. For example, building standards professionals (verifiers), architects, architectural technologists, energy consultants, etc may not incur additional costs as professional institutions demand at least 25-40 hours. This training could form part of their CPD as part of their professional membership criteria.

Capital Costs of new school buildings

Research is currently underway to assess the additional capital costs arising from the construction of school buildings to the aspirational silver and gold levels only. The final report from this project will be published on the Building Standards Division website. Any costs in meeting the optional upper levels are non-recurring construction costs, incurred where a new building is created.

5.0 SCOTTISH FIRMS IMPACT TEST

In November 2011, Building Standards Division (BSD) assembled a Working Group (WG) that included representatives from the construction industry tasked with

delivering schools, architects with expertise in sustainable design, local authority verifier and building energy consultants. The group is chaired by an expert in sustainable design and construction outwith Scottish Government. The subject matter that the group examined evolved from the existing sustainability system and previous standards that embed sustainability through the building standards system for all new buildings.

The group's five meetings between 2011 and 2013 were instrumental in developing proposals for further developing a sustainability labelling system for school buildings within the building standards system in Scotland.

The Scottish firms' impact test regards all firms with fewer than 50 full time employees as being small businesses. The majority of small firms have fewer than 10 employees and guidelines state that a concerted effort should be made to consult them over policy proposals.

BSD identified 5 individuals or organisations that fell into the category of a small business involved in the design or construction of new schools. These face-to-face discussions at different venues offered Scottish firms and other stakeholders the chance to comment on proposals. With regard to levels of sustainable construction that are optional beyond the minimum Building Standards, all consulted parties expressed a preference for the consistency given by a national labelling system. It was agreed that these proposals could meet demands made by an industry sector who voluntarily choose to exceed the Scottish minimum standards and would benefit from official recognition of this achievement.

However it was recognised that the majority of micro-businesses in the construction industry deal with the domestic market. Approximately 80% of all Building Warrant Applications in Scotland have an estimated cost of under £50K. As the proposed changes relate to new non-domestic school buildings only, the proposals will have minimal impact on the majority of small firms or micro-businesses in Scotland where they work within the domestic housing sector.

BSD undertook a desk top exercise to road test the proposal on two schools that were either recently completed or soon to be completed during the public consultation.

5.1 Competition Assessment

As the proposals will form part of national building regulations they will be implemented uniformly throughout the country. It is not envisaged that any of the four aspects identified within the Office of Fair Trading guidelines for policy makers on competition assessment. We are satisfied that the proposed changes to the building standards and guidance will not impact on competition within the market place.

Guidance has been developed that is simple to follow, verifiable and enforceable. Optional upper levels will be fixed so that as buildings incorporate more aspects of sustainable design, lower levels would become redundant instead of being revised.

Aiming for upper level recognition would be part of the normal building warrant application process.

Assessment has been based on Options 2 and 3 as Option 1 proposes no change to regulation and imposes no actions that may incur costs for small firms, including micro-businesses (those which employ less than 10 full-time employees).

Option 2 relies on using existing sustainability and environmental assessment methodologies and would result in additional costs for new schools. The cost of the environmental assessments alone (assessing both the design and post-construction stage) will vary depending on the size of the accommodation in a school and is estimated to be between £2000 - £10,000 for a primary school and between £5000 - £20,000 for a secondary school. This cost does not take account of the additional training costs to increase the pool of assessors in Scotland. Assessor training currently costs approximately £2000 for each assessor.

Proposals within Option 3 use the existing building standards system and simply introduce optional improved performance levels, keeping training needs to a minimal level.

Guidance has been developed that is simple to follow and verifiable. Voluntary upper levels will be fixed so as buildings incorporate more aspects of sustainable design, lower levels would become redundant instead of being revised. Aiming for upper level recognition would be part of the normal building warrant application process, therefore sustainability labelling should be highly accessible to applicants of all sizes and business types, including small to medium enterprises (SMEs). No separate assessor fee would be required.

Only schools constructed to the optional higher levels will be subject to the proposed changes, and the average additional cost of assessing a school would be reflected through the scaled fees for building warrant applications.

Many small builders work mainly on improving, converting or extending existing buildings. Whilst presenting a different and more complex challenge, applying sustainability labelling to create aspirational benchmarks for sustainability improvements made whilst converting existing buildings has been discussed and may be considered at a future date.

In terms of manufacturing, for Option 3, guidance within building regulations would continue to prescribe performance standards which are not dependant upon use of particular products or materials. This offers the designer the flexibility and freedom to select those products and materials which best suit the design of the building, provided that the specified performance is achieved. Building performance levels identified within Option 3 can be achieved using products and materials that are already obtainable and widely understood.

It is anticipated that manufacturers that contribute to this agenda will continue to develop and review the types of product and material offered as a response to improved standards. Similarly, achieving higher optional levels of sustainability will assist in stimulating the wider development, availability and application of newer,

more innovative solutions. These points regarding manufacturers and freedom of product development would be broadly the same if option 2 were to be adopted.

The Office of Fair Trading was consulted in respect of this assessment and no issues were raised regarding concerns on competition. This is because the minimum level allowed by the current building regulations is already enforced and only optional proposals add to the minimum level.

In summary:

- From stakeholder engagement and enquiries it is considered that these proposals will not present a significant impact on small businesses linked with designing, constructing or occupying new buildings in Scotland.
- No significant areas where issues of competition, restriction or imbalance will arise have been identified.
- All businesses in the construction of completely new buildings in Scotland will be affected, but only by each needing to create, print and submit a new sustainability label alongside a building warrant completion certificate.
- The significant cost to business is the cost of additional construction costs, but only where they opt to construct to the optional higher levels of silver and gold.

5.2 Test run of business forms

A new business form was created for the domestic labelling system and has been utilised successfully by business and all 32 local authorities. This form once adapted will suit the needs of new school buildings and will have direct read across to the current form with no complications and with negligible additional cost.

6.0 LEGAL AID IMPACT TEST

It is not envisaged that there will be any greater demands placed on the legal system by this proposal. Accordingly, it is not considered that there will be any effect on individuals' right of access to justice through availability of legal aid or on possible expenditure from the legal aid fund.

7.0 ENFORCEMENT, SANCTIONS AND MONITORING

7.1 Background

The proposed changes within Option 3 will require an amendment to the Building (Scotland) Regulations 2004, the modification of the Section 7 non domestic standard and supporting guidance given within the Technical Handbooks (issued by the Building Standards Division of the Scottish Government) that support the Regulations. The Technical Handbooks list the mandatory functional standards set out under regulation 9 of the Regulations and give guidance on ways of complying with these mandatory functional standards.

All matters relating to enforcement, sanctions and monitoring will be carried out under the existing processes, which form the building standards system in Scotland,

as set out under the Building (Scotland) Act 2003. Parties responsible for operation of this system are currently the 32 Scottish local authorities, appointed as verifiers under the Act, and the Building Standards Division, on behalf of Scottish Ministers.

7.2 Enforcement and sanctions

Work subject to the Building (Scotland) Regulations 2004 generally requires that a building warrant must be obtained before work commences and to have a completion certificate accepted once works are finished. Whether or not such work requires a building warrant is set out under Regulation 5 of the Regulations, the person responsible for the building or works, the 'relevant person' as defined in section 17 of the Building (Scotland) Act 2003), is required to ensure compliance with building regulations.

Where a building warrant is required, proposals are subject to the scrutiny of verifiers prior to approval of building warrant or acceptance of a Completion Certificate. Local authorities have enforcement powers under the Act to ensure compliance with approvals and the Regulations. Cases of non-compliance can be referred to the Procurator Fiscal and persons found guilty of offences in terms of the Act are liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5000).

7.3 Monitoring

The objective of this exercise is to further the achievement of sustainable development by embedding in the building standards system in Scotland a requirement for sustainability labelling. Building regulations are applied within a legislative framework summarised above.

Continuous monitoring of the implementation of proposals is available through feedback from local authority verifiers, designers, manufacturers, developers and clients. These parties are in regular contact with the technical officers in the Building Standards Division and the queries they raise will offer a broad view of how proposals are being implemented and if intent is being achieved. They may also identify areas where objectives may be unclear and allow clarification of these objectives as part of the ongoing review process. Issues raised in this manner become a matter of record and are used to inform the continued development of building standards and guidance.

8.0 IMPLEMENTATION AND DELIVERY PLAN

8.1 Implementation

The proposed changes will be taken forward by amending standard 7.1 and supporting guidance within the non domestic Technical Handbooks which support compliance with the Building (Scotland) Regulations 2004. Regulations would be implemented in October 2013, using existing processes, which form the building standards system in Scotland, as set out by the Building (Scotland) Act 2003.

The Technical Handbooks are the primary reference source for compliance with building standards and, as such, are used by designers and others involved in the building process to ensure compliance with the Scottish Building Regulations. Additional guidance in section 7 of the non domestic Technical Handbooks will be published in advance of the implementation date to enable those affected to assess the impact of the changes.

The guidance to the standards will illustrate the most common way of meeting the requirements of the building standards and, thus, complying with the Building (Scotland) Regulations 2004 (as amended). When carrying out work that is subject to the building standards, it is the duty of the relevant person (normally the owner of the building) to comply with the requirements of the Regulations.

Publication in this form is the established method of introducing changes to the building standards system and ensures that information on changes reaches those involved in works that are subject to building standards. This information is made available free of charge, as an electronic download from the Building Standards Division (BSD) website, www.scotland.gov.uk/Topics/Built-Environment/Building/Building-standards.

8.2 Implementation Period

The proposed changes to the guidance within the Technical Handbooks are relevant to any party responsible for a building who intends to carry out building work that is subject to building regulations.

Proposed changes were published online during Spring 2013. Standard 7.1 and supporting guidance would come into effect in October 2013 and be applicable to all building warrant applications made on or after that date. Further, it is intended that a programme of dissemination events for stakeholders will be held around the period of introduction.

8.3 Post-implementation review

Continuous monitoring of the implementation of proposals is available through feedback from local authority verifiers, designers, manufacturers, developers and property owners. These parties are in regular contact with the technical officers in the Building Standards Division and the queries they raise will offer a broad view of how proposals are being implemented and if intent is being achieved. They may also identify areas where objectives may be unclear and allow clarification of these objectives as part of the ongoing review process. Issues raised in this manner become a matter of record and are used to inform the continued development of building standards and guidance.

As part of the delivery plan a formal post-implementation review will take place within 10 years of these regulations coming into force. Provisions have been made in parallel with the introduction of sustainability labelling for the maintenance of relevant data records, to allow for future review.

9.0 SUMMARY AND RECOMMENDATION

9.1 Summary costs and benefits table

This is a development of policy which was first introduced in May 2011 that is dependent on uptake of the voluntary upper levels by those procuring new schools. There are no figures available for how many may choose to adopt higher levels. It is however anticipated that almost all new schools would adopt the Silver level. Levels of uptake will be variable depending on funding provisions.

Option	¹ Total cost assessment costs
1 – Do nothing	No costs
2 – Rely on existing sustainability and environmental assessment methodologies.	
Scottish equivalent (aligned to bronze)	No costs
Scottish equivalent (aligned to silver and gold)	Between £3000 - £10,000 for each primary school and, between £5000 - £20,000 for each secondary school
3 - Introduce an amendment to embed in the Scottish building regulations a requirement for the sustainability labelling of new school buildings	
Bronze level	No costs
Silver level (or equivalent system)	No additional costs
Gold level (or equivalent system)	No additional costs

¹ Sustainability labelling would not add to capital construction costs beyond the costs of meeting the levels of the building regulations. The upper levels, including the aligned levels in other environmental assessment methods are optional and therefore only incur additional costs when choosing to do so. Therefore, as the additional construction costs are the same for both options 2 and 3 and are optional, for the purposes of this impact assessment, only the assessment costs incurred are provided. Further information on the costs and benefits of achieving the optional upper levels will be made available on the Scottish Government Website on publication.

Considering additional information presented during consultation, it is the view that **Option 3** provides the most appropriate solution to meet the objective set out in paragraph 2.1 to embed in the Scottish building regulations a requirement for the sustainability labelling of new school buildings.

10.0 DECLARATION

DECLARATION

I have read the Business and Regulatory Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options. I am satisfied that the business impact has been assessed with the support of businesses in Scotland.

Signed by the accountable Minister

Derek Mackay, Minister for Local Government and Planning

Date: May 2013

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