

POLICY NOTE

THE BUILDING (SCOTLAND) AMENDMENT REGULATIONS 2014

SSI 2014/219

1. The above instrument is made in exercise of the powers conferred by sections 1 and 54(2) of the Building (Scotland) Act 2003. The instrument is subject to negative procedure.

Background

2. Section 1 of the Building (Scotland) Act 2003 allows Ministers to make regulations with respect to the design, construction, demolition and conversion of buildings and the provision of services, fittings and equipment in or in connection with buildings for purposes including furthering the conservation of fuel and power and furthering the achievement of sustainable development.

3. This SSI amends Schedule 5 to the Building (Scotland) Regulations 2004 (“the principal Regulations”) which contains standards applicable to the design and construction of buildings. The SSI amends existing standard 6.1, that requires that every building must be designed and constructed in such a way that (a) it meets a carbon dioxide emissions target, set using a calculation methodology approved by Scottish Ministers and (b) its energy performance is capable of reducing carbon dioxide emissions. There are limitations to standard 6.1, one of which is that it does not apply to alterations and extensions to buildings (with exceptions). The SSI comes into force on 1 October 2015.

Policy Objectives

4. This SSI and associated changes to published guidance documents are made in support of Scottish Ministers’ action to reduce carbon dioxide emissions and energy use, as part of the Scottish Government’s Climate Change Programme. This work contributes to the Scottish Government’s Greener and Healthier Strategic Objectives. In particular, it will impact on the following National Outcomes:

- We reduce the local and global environmental impact of our consumption and productions; and
- We live in well-designed, sustainable places where we are able to access the amenities and services we need.

5. This would be achieved through the introduction of revised legislative standards and guidance to reduce carbon dioxide emissions and improve energy performance of new buildings and new building work, where such work is subject to building regulations. To achieve this, the following objectives are identified:

- To deliver levels of performance in new buildings and from new building work to existing buildings that results in buildings which have lower CO₂ emissions and which are more economical to operate due to a reduced energy demand for heating, hot water, lighting, ventilation and other fixed services.
- To encourage the development and uptake of low carbon construction solutions, including improved building fabric insulation, efficient building services with effective controls and incorporation of building-integrated low carbon equipment

(LCE). All of these solutions will further the delivery of buildings with lower carbon dioxide emissions and energy demand.

6. This instrument supports the delivery of Scottish Ministers' carbon and energy reduction policies by amending Schedule 5 to the principal Regulations to extend the application of the building standard in paragraph 6.1 to include large non-domestic extensions. Under section 4 of the Building (Scotland) Act 2003, Scottish Ministers may issue guidance documents for the purpose of providing practical guidance with respect to the requirements of any provision of building regulations. To accompany this amendment to the principal Regulations, Scottish Ministers will make associated changes to these guidance documents ('Technical Handbooks') in relation to paragraph 6 of said Schedule 5.

7. The provisions made in this SSI are as follows:

- Regulation 2(2) amends Schedule 5 to the principal Regulations to add an exception to a limitation to the standard in paragraph 6.1, the effect of which is that the standard will apply to large extensions to existing non-domestic buildings so that they will be required to meet an emissions target in the same way as new buildings. It also clarifies an existing exception to the limitation.
- Regulation 2(3) makes the same clarification with regard to a similar exception to the limitation to the standard in paragraph 6.9 (energy performance certificates).
- Regulation 3 contains transitional provision.

Consultation

8. Consultation on proposed action was issued to just over 500 public, private sector and third sector organisations, Non-Departmental Public Bodies (NDPB) and individuals and interested parties identified and listed on the Building Standards Division (BSD) consultation inventory. The consultation documents were published on the BSD website as an electronic download, with paper copies issued to all individuals or organisations who requested a hard copy. A total of 1600 organisations and individuals registered with the BSD were also advised of the consultation by email. All were invited to submit comments on the proposals made in the consultation paper by 15 April 2013. In total there were 117 responses. The consultation document, responses and the consultation report and Scottish Government response are published at: <http://www.scotland.gov.uk/Publications/2013/01/4018>.

Impact Assessments

9. An Equality Impact Assessment was undertaken in association with the subject of this instrument. This identified no material issues. The results of this assessment are published at: <http://www.scotland.gov.uk/Publications/2014/08/1241>.

10. A screening exercise was carried out to determine if action proposed in association with the subject of this instrument (including associated amendments to published guidance on reducing carbon dioxide emissions and energy use in new buildings and in new building work) would require a Strategic Environmental Assessment. This determined that proposals will result in 'no or minimum environmental effects' and that a Strategic Environmental Assessment is not required. This assessment and screening determination, reference SEA/00768, is published at: <http://www.scotland.gov.uk/Topics/Environment/environmental-assessment/sea/SEAG>.

Financial Effects

11. The subject of this instrument has a material impact on the cost of delivering new buildings and new building work. Accordingly, an assessment of the overall costs and benefits associated with this instrument and associated amendments to published guidance on reducing carbon dioxide emissions and energy use in new buildings and in new building work is provided within the final Business and Regulatory Impact Assessment which is published online at: <http://scotland.gov.uk/Topics/Built-Environment/Building/Building-standards/BSD/CurrentConsultation/EnergyBRIA>.

**Scottish Government
Directorate for Local Government and Communities
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