



**FINAL BUSINESS AND REGULATORY IMPACT
ASSESSMENT**

**REGULATORY CONCESSIONS FOR HUTS AND BOTHIES –
AMENDMENT OF THE BUILDING (SCOTLAND)
REGULATIONS 2004**

BUILDING STANDARDS DIVISION

November 2016

Final Business and Regulatory Impact Assessment

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Business and Regulatory Impact Assessment

1. TITLE OF PROPOSAL

Amendment to the Building Regulations to introduce a new building classification for huts and bothies.

2. PURPOSE AND INTENDED EFFECT

2.1 Background

Reforest Scotland (RS) launched a 1,000 huts campaign in May 2013. The campaign focused on increasing the accessibility to huts by making them more affordable to all. RS asked Scottish Ministers to support their proposal that huts be recognised formally within the regulatory system, specifically for planning and building standards.

This was previously explained in the Ministerial submission of 11 April 2013 to Derek Mackay as the Local Government and Planning Minister and to Richard Lochhead as the Cabinet Secretary for Rural Affairs and the Environment, and the Minister for Environment and Climate Change. Ministers were supportive of their case and Mr Lochhead asked Scottish Government officials to take a proactive approach to hutting.

Scottish Planning Policy (SPP) was amended in June 2014 to recognise huts following a public consultation. Huts are now defined as:

“A simple building used intermittently as recreational accommodation (i.e. not a principal residence); having an internal floor of area no more than 30m²; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups.”

The Mountain Bothies Association (MBA) made representations to SG for mountain bothies to be recognised in a similar way to huts in a similar way to huts. The proposed definition of a hut in building regulations is consistent with that in the SPP and is expanded to include bothies.

2.2 Building Regulations

The building standards system deals with how buildings are built, extended, altered or converted. The definition of “building” in the Building (Scotland) Act 2003 is wide ranging and is defined as “any structure or erection” (with some limited exceptions). Therefore new buildings and work to existing buildings must normally meet the mandatory technical standards set out in the building regulations. New work (unless exempt) requires a building warrant to be obtained from the local authority before building work can start and before a building is occupied.

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Although this applies to most buildings and work, the building regulations include particular types of building that are exempt from both the technical and building warrant requirements (known as schedule 1 types). The building regulations also include other types of building that must still meet the technical standards, but do not require a building warrant (known as schedule 3 types).

There are three options given in this proposal, do nothing, regulate under schedule 3 (building warrant not required type) or regulate under schedule 1 (exempt type). The benefits of each are explained later herein.

2.3 Objective

The aim of the proposed changes to building regulations is to introduce a new building type to recognise huts and bothies within the regulatory framework. This will remove the regulatory burden and make these buildings more affordable whilst still maintaining safeguards.

In achieving the above, and support positive opportunities for increasing the wellbeing of people, the following objectives are identified:

- To recognise huts and bothies within the regulatory framework.
- To reduce the regulatory burden on huts and bothies to be erected, or altered, extended or demolished by removing the need for formal approval.
- To reduce risks to the health and safety of people by focussing on technical compliance of key elements of design and construction for huts bothies.
- To support the provision of an industry led Good Practice Guide containing design and construction performance recommendations.
- To align with Scottish planning policy.

2.4 Rationale for Government Intervention

RS launched the 1,000 Huts Campaign in May 2013 with the aim of building new huts located outwith cities in mostly rural areas to help to create new communities of hutters. RS would like formal recognition of huts within the regulatory system, specifically by planning and building standards. MBA have made a similar intimation to SG. Their aims tie into the National Strategic Objective “Greener” as this will contribute to people living longer, healthier lives, and live in well-designed, sustainable places. Also help people value and enjoy our built and natural environment and protect it and enhance it for future generations.

The erection of huts and bothies could be made more affordable to build if they do not need to meet with all the technical building regulations, or obtain formal approval. Currently there is a requirement for a building warrant to be obtained from the local authority before work can begin on site and thereafter a completion certificate to be accepted by the local authority before a new hut or bothy can be occupied. Scottish Planning Policy has recognised the need for huts to be formally recognised in their own right to help smooth the planning permission process.

In view of this, it is proposed to recognise huts and bothies as an exempt type under building regulations. The proposals will contribute to the better achievement of national outcomes through the government strategic objectives by:

- Facilitating people's access to the environment at a reduced cost.
- Increasing people's health and wellbeing.
- Minimising and controlling impacts on the environment.
- Encouraging people to value and protect the environment.
- Providing a less bureaucratic and streamlined approach for the design and construction of huts and bothies.
- Maintaining alignment with Scottish Planning Policy which recognises huts.
- Supporting human rights.

Aligning recognition of huts and bothies in building regulations to the Scottish Planning Policy reinforces connections across the Directorate for Local Government and Communities. This also positions the approach to huts and bothies consistently within a wider context of Scottish Government work supporting the creation of Sustainable Communities.

3.0 CONSULTATION

3.1 Within Government

Building Standards Division has engaged with the following divisions and agencies during development phase of the policy.

- Local authorities, who are responsible for the administration of the building system for their own geographical area, through Local Authority Building Standards Scotland (LABSS) consortium group and strategic group meetings since 2013.
- Scottish Government Planning and Architecture Division in relation to their recent planning public consultation document and outcomes which recognise huts for planning purposes.
- The Mountain Bothies Association regarding its representations to SG for the recognition of bothies in the proposed definition.
- The Forestry Commission in relation to their proposed pilot scheme for a new hutting community outside Saline in Fife on Forestry Commission land.

In considering the best approach to deal with huts and bothies SG considered the main drivers for change. The RS campaign focused on increasing the accessibility to huts by making them more affordable to all. The Mountain Bothies Association (MBA) has also said that affordability is a key decision for them when considering either new buildings or the use of existing buildings. Unlike huts, bothies are predominantly existing buildings that have been traditionally used as shelter or are older, sometimes derelict, buildings that have been improved for use as mountain bothies.

Both RS and MBA are seeking recognition within the building regulatory system for measures or concessions to be introduced to help these buildings to be more affordable to build. At present huts and bothies will generally need a building warrant to get built, extended or altered. They will also need to meet all the relevant technical building standards.

3.2 Public Consultation

The Building Standards Division (BSD) has an extensive database of names of individuals and organisations that have expressed a specific interest in building standards and regulations.

Stakeholders on the BSD list are directly alerted to any forthcoming consultation in areas that they have expressed an interest in. As well as directly contacting stakeholders with a known interest, forthcoming consultation exercises are also promoted on the BSD homepage of the SG website and in the BSD electronic newsletter/newsflash issued to approximately 1800 stakeholders.

Proposals to amend the Building (Scotland) Regulations 2004 require to be notified to the European Commission under the provisions of Technical Standards & Regulations Directive 98/34/EC. This Directive seeks to prevent technical barriers to trade and lays down a procedure for the provision of information in the field of technical standards and regulations. A standstill period on further development was imposed by the Directive until after this consultation process was completed on 12 February 2016.

Informal consultation meetings have been held with:

- Carbeth Hutters Community Company and included a visit to the Carbeth site to help SG understand the aim of the 1,000 huts campaign.
- Mountain Bothies Association.
- RS to discuss their research on timber frame buildings.

A partial Business and Regulatory Impact Assessment formed part of the package issued for public consultation from 6 November 2015 until 12 February 2016 (12 weeks).

The consultation exercise was issued to over 600 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 database. The consultation documents were published on the Scottish Government website and available as an electronic download, with paper copies available if requested. Additionally, awareness of the consultation was raised by an electronic mail drop to approximately 1,800 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. All were invited to submit comments on the proposals made in the consultation paper by 12 February 2016. In total there were 123 responses from the following respondent categories.

| Respondent Category | Number | Percentage |
|----------------------|--------|------------|
| Local Authority | 18 | 15 |
| Professional Body | - | - |
| Contractor/Developer | - | - |
| Designer/Consultant | 5 | 4 |

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|------------------------------------|------------|------------|
| Academic Body | - | - |
| Industry Association/ Manufacturer | 5 | 4 |
| Other | 3 | 2 |
| Commercial Organisation | 2 | 2 |
| Voluntary Organisation | 7 | 6 |
| Housing Provider / RSL | - | - |
| NDPB/Agency | 1 | 1 |
| Advisory Body/Committee | - | - |
| Individual | 82 | 67 |
| Total | 123 | 100 |

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 majority of respondents comments agreed with the approach set out for the inclusion of a new building type in the building regulations to exempt huts and bothies. There is recognition that the new building type should be supported by a Good Practice Guide (GPG). The guide will provide detailed guidance on the construction of these buildings and will cover the key legislative safeguards proposed as well as measures suggested by respondents in the consultation responses.

3.3 Business Consultation

In developing proposals, the engagement in support of the Scottish Firms Impact Test was undertaken during the public consultation. A questionnaire asking details about the proposals was issued prior to SG visiting the identified stakeholders for face to face discussions.

These were with:

- 2 Design and build companies – micro business
- 2 Architectural firms and other consultants – micro and small business
- 2 Manufacturer/supplier – small business

All of the six companies visited carried out a design and build function and had in house design professional expertise. Two companies were run by architects. Three companies were micro businesses and the other three were small businesses.

4.0 OPTIONS

4.1 Options proposed

There are three options in the regulatory framework to consider. Option 1 is do nothing. Options 2 and 3 consider varying levels of regulatory concessions in the

application of technical standards and procedures for huts and bothies.

Option 1 – Do nothing.

Option 2 – Introduce a new schedule 3 type to the building regulations for huts and bothies. This would be implemented by Amendment to the building regulations (schedule 3) to allow huts and bothies to be built without a building warrant but still needing to comply fully with building regulations and mandatory technical building standards. The scope of the huts and bothies covered by the new type would be defined for purposes of the building regulations.

Option 3 – Introduce a new schedule 1 exempt type to the building regulations for huts and bothies. This would be implemented by amendment to the building regulations (schedule 1) to introduce a new exempt type for huts and bothies. This would allow them to be built without a building warrant (as in option 2) and also exempt from building regulations. Although, they will also be exempt from the technical building standards, the new type will include legislative safeguards to maintain key public safety aspects such as: building structure, fire spread between buildings, combustion appliances and wastewater disposal system. These will be self-regulated by industry, as with all other schedule 1 and schedule 3 types, and local authorities have enforcement powers under the Building (Scotland) Act 2003. The scope of the huts and bothies covered by the new type would be defined for purposes of the building regulations.

This option removes the formal regulatory burden as no building warrant will be needed and also removes the need to comply with the building regulations. It is therefore necessary to clearly define the new type to cover only those huts and bothies intended to be exempt and define any appropriate limitations. However, the design and build of key aspects of the exempt types of huts and bothies are still important and some public safety safeguards are needed.

The use and size was carefully considered. To prevent the exempt type being used to build a new home without formal permission and full technical compliance, the type excludes use as a dwelling. The type only covers huts and bothies that are detached and are not more than 30 m² in floor area. The type also only covers huts and bothies that are single storey and do not contain a raised floor or platform that is open to the room or space into which it projects. The foregoing also aligns with planning policy.

One of the main aims of the 2003 Act is for “the health, safety and welfare of persons in and around buildings”. The proposed uniform approach is intended to improve health and safety in huts and bothies by the specific application and / limitation of regulation for the proposed building type. Also it will address the risk associated with the expected increase in numbers of such buildings and the occupants’ use of them. The risk being the likelihood of an occurrence such as an outbreak of fire and the consequences. Other things being equal the risk increases with the increase in numbers of people exposed to potential injury and loss of life.

A building containing sleeping accommodation is considered a higher risk in terms of health and safety. People sleeping can be disorientated when they wake up and this

is heightened when they are not familiar with their surroundings. For this reason sleeping accommodation will only be allowed on the ground floor of huts and bothies, and to ensure this, no raised floor areas or platforms open to the room will be allowed.

In view of the sleeping risk to occupants and the risks to adjacent buildings, SG has considered the main health and safety risks for huts and bothies. The proposed definition will continue to lay down minimum requirements to be met for these buildings. The areas identified where a level of control must be met by the 'relevant person' (normally the building owner or developer who is responsible for complying with building regulations) are as follows:

- Building structure.
- Fire spread between buildings.
- Combustion appliances.
- Wastewater disposal system.

There is a risk that the person doing the work does not understand the conditions set out in the proposed schedule 1 exemption, and that they do not know how to build a safe building. However Option 3 includes the need for a Good Practice Guide (GPG). Reforesting Scotland will develop the GPG, in conjunction with SG officials in building standards and planning, and the Forestry Commission. The GPG will provide guidance initially on one means of compliance with the building regulations and as such will be promoted as good practice for the design and construction of huts and bothies.

4.2 Benefits

The Scottish Government is committed to the objective of a Greener Scotland. The aim is to allow people to make better use of the environment to improve health and wellbeing.

Option 1 – Do nothing. Under the current building regulations huts and bothies will continue to meet the full set of building regulations, requiring formal permission and meeting the relevant technical building standards. This option would not assist people to make better use of the environment to improve health and wellbeing. Although this option has been considered, it will not make huts or bothies more affordable or accessible to people, and has no significant benefits and has been discounted.

Option 2 – Introduce a new schedule 3 type to building regulations for huts and bothies. This would allow them to be built without the need for a building warrant but they would still have to comply fully with the technical building standards.

This option allows huts and bothies to be built without formal permissions which gives the benefit of saving both time and money. Benefits include:

- reducing regulatory burden by not having to obtain formal building warrant approval from a local authority;
- saving time to obtain a building warrant (up to approximately 20 days);
- saving costs by not paying a building warrant fee;

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- consistency with SG planning policy.

Option 3 – Introduce new schedule 1 exempt type to building regulations for huts and bothies. This would allow them to be built without the need for a building warrant (as in option 2) and also be exempt from building regulations. As a result they will be exempt from the technical building standards; therefore new type will include backstop measures for public safety related technical aspects. Also, RS will develop a supporting Good Practice Guide (GPG).

This option provides the most significant number of benefits which include:

- reducing regulatory burden by not having to obtain formal building warrant approval from a local authority;
- saving time to obtain a building warrant (up to approximately 20 days);
- saving costs by not paying a building warrant fee;
- consistency with SG planning policy;
- reducing the build costs (materials/labour) as the technical building standards will not require to be met;
- the key health and safety aspects of these buildings are maintained such as: structure, fire spread between buildings, combustion appliances; and wastewater disposal system;
- a Good Practice Guide developed by Reforesting Scotland in conjunction with SG Building Standards and Planning, and the Forestry Commission.

4.3 Costs

Option 1 - Do nothing This option presents no implementation costs.

Option 2 – Introduce a new schedule 3 type to building regulations for huts or bothies. This would allow them to be built without the need for a building warrant but they would still have to comply fully with the technical building standards.

This option removes the formal regulatory procedural burden as no building warrant will be needed. However, the design and construction will still need to comply in full with the technical building standards. Most people will not understand what full compliance will mean to them in terms of their design and will need to seek professional advice from an architect and a structural engineer. The cost saving for a 30 m² hut will be approximately £460 (the building warrant fee for a £30,000 build cost), and less for smaller huts or improvements.

There may also be other regulatory implications with this option if the technical aspects for huts and bothies are reviewed. Schedule 5 of Regulation 9 contains the 70 technical building standards which generally apply to all buildings. To take account of the unique nature of huts and bothies, an initial review of all 70 standards has been done and 37 of the standards will need to be amended. In addition the supporting guidance on design contained in the Technical Handbooks would also need to be reviewed and amended as necessary.

The changes to legislation, the technical building standards and guidance needed appear somewhat disproportionate for such a relatively small group of buildings which pose limited and clearly defined risks. Introducing the changes would be a lengthy and time consuming exercise and would need to be heavily resourced by SG

staff. This option primarily introduces procedural concessions resulting in savings on the building warrant fee, and therefore does not help make huts and bothies much more affordable. Option 2 is not considered to be the preferred option as greater savings can be made with option 3 whilst still preserving public safety.

Option 3 – Introduce new schedule 1 exempt type to building regulations for huts and bothies. This would allow them to be built without the need for a building warrant. They will not have to meet all the technical building standards however the type includes backstop measures for public safety related technical aspects. Also RS will develop a supporting Good Practice Guide (GPG).

There are additional costs for SG to work with RS on the GPG. Cost savings for huts and bothies are expected in cases where previously there was a higher specification to meet the building regulations.

For example the comparative costs of Option 1 (status quo) and Option 3 (preferred option) are discussed below:

Option 1 is the status quo and in most cases a professional agent such as an architect or surveyor will be employed to submit a building warrant application on behalf of their client, and often there will be a need to involve other specialists such

as a structural engineer. This attracts professional fees, for an architect this could be on average 10% of the build cost and for the engineer could be on average £1000 per project. Therefore taking a 30 m² hut or bothy to be fully compliant with building regulations, the build cost would approximately £30,000 (based on £1,000 per m²). The building warrant fee for a £30,000 build is £460. The architects fee is £3,000 (10% of £30,000), and engineering fee is £1,000. This gives a total project cost of approximately £34,460 (i.e. £30,000 build cost plus £4,460 professional and application fees).

Option 3 is an emerging initiative and therefore it is difficult to accurately know how many huts or bothies will get built per year. Indications from industry and local authorities are that this could be about 50 per year which will be mainly towards the 30 m² upper end of the floor area limit. The build cost for a large hut or bothy (30 m²) to comply with building regulations would be about £1,000 per m²). At the other end of the spectrum the build cost for a good quality garden shed is about £333 per m². Therefore the cost for a hut or bothy within the exempt type is estimated at about £500 per m². This equates to £15,000 for a hut or bothy with a floor area of 30 m². The GPG will be available for future use and where this is followed, it is not expected that an architect and engineer will need to be engaged to the same extent.

4.4 Sectors and Groups Affected

Sectors and groups affected can be categorised as:

- a) Persons procuring or occupying new huts and bothies. It is not anticipated that a large section of the population will be affected. It is important to note that the development of new huts and bothies is optional, and the proposals mean that there is a reduction in the cost burden by development of this policy.

- b) Designers, builders and manufacturers who design and/or build the hut or bothy for themselves or for a client will have to review any existing building specification, construction detailing, and methods of working to realise savings associated with the proposed procedural and technical concessions. As noted in (a) it is not anticipated that a large number of developers will be affected.
- c) Local authority verifiers, who will need to update staff on the changes to the building regulations and about the GPG, to ensure they are providing the correct advice about huts and bothies.

5. SCOTTISH FIRMS IMPACT TEST

These face to face discussions and visits at different venues, and business premises gave the Scottish firms an opportunity to further shape the proposals.

The proposals were seen to be a significant positive effect on innovation, flexibility and design and construction freedoms including the use of products and materials, all of which can reduce costs. In addition provide existing design and build businesses the opportunity to increase their markets. The firms saw the proposals as a means to level the competition from overseas where imported buildings do not meet any building standards. This will allow Scottish firms to develop international trade and their local economies. The proposals were considered by the firms to have a similar impact on all small business.

5.1 Competition Assessment

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

Option 2 continues to seek that new huts and bothies meet the building regulations but without the need for a building warrant. This means business as usual for small businesses as this will not affect what is currently being designed, built and produced by a manufacturer. However, as formal approval by building warrant would no longer be needed, there may be micro-business affected that employ professionals (such as architects and engineers) in an advisory capacity may be affected for the reason that procurers of the huts or bothies may no longer need such professional services to the same extent. Nevertheless, as outlined above it is not anticipated to affect a large number of businesses.

Option 3 proposals similar to Option 2 will not need formal approval by building warrant. However, Option 3 would introduce technical concessions. Also, as there will be a GPG developed (for the proposed new building type) it is less likely that the procurers of huts or bothies would need professional advice to the same extent. Again, this proposal is not anticipated to affect a large number of businesses.

The Office of Fair Trading guidelines were considered in respect of this assessment and no issues were apparent regarding concerns on competition. This is because the minimum level allowed to meet the building regulations is already enforced and proposals are reducing the regulatory burden of the building regulations not adding

to it.

5.2 Test Run of Business Forms

No new forms associated with this proposal are expected.

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 possible expenditure from the legal aid fund.

The Scottish Government Legal Team has been consulted on this subject.

7.0 ENFORCEMENT, SANCTIONS AND MONITORING

7.1 Background

The proposed changes within Option 3 will require amendment to schedule 1 of regulation 3 of the Building (Scotland) Regulations 2004. There will also be input by SG and planning and building standards officials to help RS develop their GPG. There is likely to be consequential minor informative modifications the general section of the Technical Handbooks guidance (issued by the BSD of Scottish Government).

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 the 32 Scottish local authorities, appointed as verifiers under the 2003 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 can start, unless it is an exempt type, or a type not requiring a warrant. The exempt types are set out in schedule 1 to regulation 3 of the building regulations (Option 3 proposal), and the types not requiring a building warrant are set out in schedule 3 to regulation 5 of the building regulations (Option 2 proposal). The main difference between them is that schedule 1 types are exempt from the mandatory technical building standards whereas schedule 3 types must meet all the relevant standards.

Where a building warrant is required, on completion of the work for a new building, an extension, alteration or conversion; a completion certificate certifying compliance with the building regulations must be signed and submitted by the 'relevant person' to the local authority. Only if the certificate is accepted by the local authority can such a building can be occupied. The 'relevant person' responsible for the building work is defined in section 17 of the 2003 Act.

Where a building warrant is required (i.e. for a hut or bothy that sits out with schedule 1 or 3) the proposals are subject to scrutiny of the verifiers prior to their granting a

building warrant or acceptance of a completion certificate. Local authorities have enforcement powers under the Act to ensure compliance with the approvals and building 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. Local authorities can also undertake enforcement work themselves and recover their costs from the building owner.

In any event, building owners are responsible for preventing their buildings falling into a dangerous condition. Where a building owner has failed in the duty to fulfil this responsibility; then, under section 29 of the Building (Scotland) Act 2003, powers available to the local authority can be applied to any structure meeting the Act's definition of building. These powers can be used on a building that has not been subject to building regulations. Therefore those powers will also apply to a hut or bothy exempted from building regulations to the extent proposed in Options 2 and 3. Where a local authority becomes aware of a dangerous building it has the power to rectify the situation under section 29 of the Act.

Should a local authority become aware of a building that constitutes a danger to persons in or about the building, to the public generally or to adjacent buildings or place, then the local authority has a duty to act and rectify the situation under section 29 of the Act.

8.0 IMPLEMENTATION AND DELIVERY PLAN

8.1 Implementation

The proposal will be taken forward by amending the Building (Scotland) Regulations 2004 to introduce a new exempt type for huts and bothies into schedule 1 to regulation 3.

The Technical Handbooks are the primary 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. The amendment to schedule 1 will be included in section 0 of the Technical Handbooks, which will be published in advance of the implementation date to enable those affected to assess the impact of changes.

The new building type will be supported by a Good Practice Guide (GPG). The guide will provide detailed guidance on the construction of these buildings and will cover the key legislative safeguards proposed as well as measures suggested by respondents in the consultation responses. When carrying out building work it is the duty of the 'relevant person' (normally the building owner) to comply with the requirements of the building regulations.

Publication of the Technical Handbooks is the established method of introducing changes to the building standards system and ensures that this information reaches those involved in building work subject to complying with the building regulations. This information is made available free of charge, as an electronic download from the Building Standards Division (BSD) website, www.scotland.gov.uk.

The Scottish Government will publicise the changes on the Building Standards section of the Scottish Government website and by issuing a building standards eNewsletter/alert to stakeholders. The Scottish Government will also notify all local authorities of the changes.

8.2 Implementation Period

The proposed changes to the building regulations are relevant to any party responsible for building work that is subject to the building regulations.

The proposed changes will be implemented as part of a package of changes planned for early 2017. The proposal for the new building type (type 12A) will come into effect on xxxx 2017 and will be applicable to all buildings constructed on or after that date. Stakeholders will be made aware of these changes prior to their introduction.

8.3 Post-Implementation Review

There will be continuous monitoring of the implementation of the proposals through feedback from the local authority verifiers, designers, manufacturers and building owners. These stakeholders are in regular contact with Building Standards Division, and any issues identified will offer a broad view of how proposals are being implemented, if the objective is being achieved and how it is working in practice. Issues raised in this manner become a matter of record and are used to inform any future review.

As part of the delivery plan a formal post-implementation review will take place within 10 years of these regulations coming into force. .

9.0 SUMMARY

9.1 Summary Costs and Benefits Table

This is a new policy that is dependent on uptake by building owners. There are only indicative figures for how many may choose to construct new huts and bothies.

| Option | Total benefit per annum: - economic, environmental, social | Total cost per annum: - economic, environmental, social - policy and administrative |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| Option 1- Do nothing | | |
| No benefits | <ul style="list-style-type: none"> Option 1 costs for a 30 m² hut or bothy with full compliance and building warrant. <p>Build cost: 30m² x £1000 =£30,000 Architect's fee 10% of build cost =£3,000</p> | |

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| | <p>Engineer's fee =£1,000 Building warrant fee =£460 Total £34,460</p> <p>Cost of 50 huts/bothies per year is: £1,723,000 (£34,460 x 50).</p> |
| <p>Option 2 – Introduce a new schedule 3 type to building regulations for huts or bothies. This would allow them to be built without the need for a building warrant but they would still have to comply fully with the technical building standards.</p> | |
| <ul style="list-style-type: none"> • Reduction in the regulatory burden by not obtaining formal building warrant approval from a local authority. • Saving the time it would take to obtain a building warrant (up to 20 days approximately). • No building warrant fee of £460 (for value of work between £20,001 - £30,000). • Consistency with SG planning policy. • This option primarily introduces procedural concessions resulting in savings on the building warrant fee, and therefore does not help make huts and bothies much more affordable. • This is not considered to be the preferred option as greater savings can be made with option 3 whilst still preserving public safety. | <ul style="list-style-type: none"> • Implementation costs for SG to amend the building regulations which will be met within current BSD budget. This includes dissemination costs. • BSD's initial review of all 70 standards has been done and 37 of the standards would need to be amended, including the Technical Handbook guidance on design and construction. Introducing these changes would be a lengthy and time consuming exercise and would need to be heavily resourced by SG staff. • Option 2 costs for a 30 m² hut or bothy with full compliance and exemption from building warrant). <ul style="list-style-type: none"> Build cost: 30m² x £1000 =£30,000 Architect's fee 10% of build cost =£3,000 Engineer's fee =£1,000 No building warrant fee =£0 Total £34,000 <p>Cost per annum of 50 huts/bothies is: £1,700,000 (£34,000 x 50). Compared with Option 1 the saving per</p> |

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| | <p>annum is £23,000 (1,723,000 minus 1,700,000).</p> |
| <p>Option 3 - Introduce new schedule 1 exempt type to building regulations for huts and bothies. This would allow them to be built without the need for a building warrant. They will not have to meet all the technical building standards however the type includes backstop measures for public safety related technical aspects such as building structure, fire spread between buildings, combustion appliances and wastewater disposal system. Option 3 includes RS development of a Good Practice Guide (GPG).</p> | |
| <ul style="list-style-type: none"> • Reduction in the regulatory burden by not obtaining formal building warrant approval from a local authority. • Saving the time it would take to obtain a building warrant (up to 20 days approximately). • Savings in architect's and engineer's fees will be available to a greater extent. • Saving building warrant fee. • Saving build costs (materials/labour) as the full building regulations do not need to be met (but still maintaining key health and safety safeguards). • Consistent with SG planning policy. • A GPG will be developed by RS in conjunction with SG Building Standards and Planning, and the Forestry Commission. | <ul style="list-style-type: none"> • Implementation costs for SG to amend the building regulations and to assist RS to develop Good Practice Guide which will be met within current BSD budget. This includes dissemination cost. • Option 3 costs for a 30 m² hut or bothie with exemption from a building warrant and from full compliance with the building regulations (but still maintaining key health and safety safeguards). In conjunction with RS's GPG. <p>Build cost: 30m² x £500 =£15,000 Architect's fee 10% of build cost =£1,500 Engineer's fee =£1,000 No building warrant fee =£0</p> <p>Total</p> <p>Cost of 50 huts/bothies per annum is: £875,000 (£17,500 x 50).</p> <p>Option 3 compared with Option 1 the saving per annum is £848,000 (1,723,000 minus 875,000).</p> |
| <p>Considering the information presented during the consultation, it is the view that Option 3 provides the most appropriate solution to meet the objective set out in paragraph 2.3 to provide a new exempt building type (type 12A) into building regulations for huts and bothies.</p> | |

9.2 Recommendation

It is recommended that a new building type 12A be introduced in Schedule 1 of the Building (Scotland) Regulations 2004. This will be supported by the development of a Good Practice Guide (GPG) by Reforesting Scotland.

10 DECLARATION AND PUBLICATION

I have read the Business and Regulatory Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed:

Date:

**Kevin Stewart
Minister for Local Government and Housing**

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