

**DRAFT**



# **Consultation Response**

**Scotland Building regulations -  
energy and environmental  
standards: consultation on  
proposed changes**

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## 1. Introduction

Elmhurst Energy are pleased that Scottish Government are seeking a Consultation on proposed changes to Scotland Building regulations - energy and environmental standards and as such we are delighted to respond to questions relevant to us and the industry we work in.

The Consultation asked 30 questions and we have attempted to answer all that are applicable below. We hope you find the responses considered and useful for taking Building Regulations forward in a progressive manner.

## 2. Questions and Answers

### 1. Do you broadly agree with the statements on what 'equivalent' should not mean, in delivery of amended building standards to address energy and environmental performance?

Yes

**Please provide information on why you agree or disagree or if you consider other actions need to be considered.**

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### 2. Do you broadly agree with the statements on what 'equivalent' should require consideration of, in delivery of amended building standards to address energy and environmental performance?

Yes

**Please provide information on why you agree or disagree or if you consider other actions need to be considered.**

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### 3. On the basis that HEM and SBEM are reviewed and shown to report representative outcomes, do you support the continued use of calculation tools which implement the UK methodologies?

Yes

**Please provide information on why you agree or disagree or if you consider other actions need to be considered, including your experience of PHPP as a calculation tool.**

Elmhurst fully agrees that the NCM (HEM and SBEM) should be the only method for demonstrating compliance to Building Standards. HEM is currently being validated against various energy models and has shown good correlation with PHPP. By allowing different methodologies to be used to demonstrate compliance this risks a number of unintended consequences such as a two tier compliance industry and one methodology being able to achieve compliance standards with a lower build specification than another.

### 4. Do you support retention of the current approach and the setting of relative performance targets for new buildings through an approved calculation methodology?

Yes

**Please provide information on why you agree or disagree or if you consider other actions need to be considered.**

Elmhurst supports the notional building approach to setting the performance standards for the reasons given in the consultation. Whilst there are benefits to setting standards based on absolute targets, this approach reduces flexibility compared with the relative target based on a notional dwelling. In order to meet Scotland's housing delivery targets reducing flexibility based on penalising certain forms of design by using absolute targets does not seem a sensible solution.

### 5. Do you agree with the proposal to retain delivered energy, covering only regulated energy use, as the main compliance metric for targets set under standard 6.1 (energy demand)?

Yes

**Please provide information on why you agree or disagree or if you consider other actions need to be considered.**

Elmhurst agrees that the delivered energy metric based on regulated energy use should be used to set standard 6.1. Including unregulated energy means areas of the dwelling that are outside of the control of the builder e.g. number of appliances does not seem a sensible approach for Building Standards.

**6. Do you support further consideration of the introduction of a prescriptive space heating demand limit for new buildings through building regulations?**

No

**7. Do you support the move to application of regional climate data within the approved calculation methodologies and their application within compliance targets?**

Yes

**Please provide information on why you agree or disagree or if you consider other actions need to be considered.**

Elmhurst agrees that varying weather conditions across Scotland should be taken account of when calculating performance standards. The use of local weather data must not however cause a delay in the calculation speed of the engine.

Calculations must be able to be done instantaneously as they currently are, which is an expectation of industry.

In terms of impacts on the industry this will require an increase in the number of assessments on HEM to determine compliance where a developer wants to build the same house type across different regions. Alternatively developers may take a worse case approach, use HEM to calculate which region is the most demanding for achieving compliance, then build that house design across the country. This could lead to unintended consequences such as heat pumps not being correctly sized for the actual location the dwelling is constructed at. However the same will occur if UK average weather data is used so Elmhurst supports using local weather data.

**8. Do you currently deliver new buildings that exceed 'backstop' values for fabric performance set under standard 6.2 or those used to define the notional building in guidance to standard 6.1?**

N/A

## 9. Do you have any particular views on limiting fabric infiltration through the building standards?

Yes

**If you answered 'Yes', please provide your views and any supporting information on the benefits and risks arising from greater prescription on this topic.**

A limit on fabric infiltration should be introduced as part of any future standards. This will prevent any scenarios where a home has a very high level of fabric infiltration but has still demonstrated compliance against standard 6.1 by using low/zero carbon technologies.

The standard should have limiting scores for both blower door (50 Pa) and Pulse (4 Pa) equipment types. Currently the standards only refer to blower door despite Pulse being an approved method for determining fabric infiltration.

## 10. Do you have any particular views on the means by which effective ventilation of new buildings is best achieved?

Yes

**If you answered 'Yes', please provide your views and any supporting information on the benefits and risks identified in the delivery of your projects.**

Any newly installed ventilation system in new or existing homes must be designed, installed and commissioned by members of a competency scheme. This will ensure ventilation systems are functioning correctly and mitigate any issues of inefficient use. The commissioning report from the competent person should be provided to the Building Verifier and occupant to demonstrate effective ventilation has been provided.

## 11. Specifically for new homes should further guidance be given on MVHR, generally, and through the Technical Handbooks?

Yes

**If you answered 'Yes', please describe what approach to this work you consider would be most appropriate in driving forward informed, good practice on both energy and ventilation performance.**

We believe further guidance is useful but should cover all types of continuous ventilation including MEV, DMEV and MVHR.

**12. Are there areas of newbuild design and specification you would wish to highlight as potential risks to occupant comfort that should be better addressed through the building standards?**

N/A

**13. Do you consider that Passivhaus Certification offers a feasible alternative means of compliance with standard 6.1 (energy demand)?**

No

**Please provide information on why you agree, or disagree and on the extents to which this alternative might be usefully applied in practice.**

Elmhurst does not support allowing alternative means of compliance to standard 6.1. By allowing different methodologies to be used to demonstrate compliance this risks a number of unintended consequences such as a two tier compliance industry and one methodology being able to achieve compliance standards with a lower build specification than another.

**14. Are there any other comments or observations you wish to make on the proposed components of the review which relate to building design?**

No

**15. Do you currently apply an in-house or third party compliance management process to your projects which specifically addresses energy and environmental project elements?**

No

**Consultation questions 16 to 26 are not applicable to Elmhurst/we have no strong opinions in relation to these questions.**

**27. With regards to the current approach to target setting and overheating risk, do you have experience related to either of these two issues you consider useful to inform review of the current published guidance or this review of current energy and environmental standards?**

Yes

**If you answered 'Yes', please provide information summarising your experience.**

Elmhurst would recommend that the requirements for who can perform Overheating assessments must specifically state that individuals should be members of a competency scheme due to the significant risks posed by overheating in buildings.

**Consultation questions 28 and 29 are not applicable to Elmhurst/we have no strong opinions in relation to these questions.**

**30. Do you agree with the proposal to mandate the standard in 2028, introducing changes initially as a voluntary standard from 2026?**

No

**Please provide information on why you agree or disagree or if you consider other actions need to be considered.**

Based on our responses to previous questions (using the NCM only for compliance, retaining the current compliance metrics) we do not see the need to wait until 2028 to implement the new standard. Elmhurst believes the new standard could commence in Q3-4 2026 which will give enough time for creation of a Scottish wrapper for HEM, training of existing energy assessors and general industry awareness of the new standards before implementation.



## Contact Details

Should you require any further clarification, please contact us at:



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