

Building regulations: The Scottish equivalent to the Passivhaus standard (Stage Two)

Scottish Government Consultation

To: All Chief Executives, Main Contacts and APSE Contacts in Scotland. For information only England, Northern Ireland and Wales.

1. Executive Summary

The Scottish Government is seeking views on the second stage of proposals to introduce a Scottish equivalent to the Passivhaus standard through amendments to the Scottish Building Regulations and associated technical handbooks. This consultation follows the first stage undertaken in 2024 (see [APSE briefing 24-46](#)), which concluded that existing powers within Scotland's building standards framework were sufficient to deliver a Scottish equivalent to the Passivhaus standard through changes to the [Building \(Scotland\) Regulations 2004](#) and the supporting technical handbooks, without the need for new primary legislation.

The proposals aim to improve the energy efficiency and environmental performance of new buildings by introducing more ambitious energy demand targets, revised compliance methodologies, enhanced ventilation and overheating standards, and strengthened assurance requirements throughout the design and construction process. The Scottish Government expects these measures to deliver buildings with significantly lower energy demand, improved occupant comfort and better long-term operational performance while supporting Scotland's statutory climate commitments.

The consultation also considers whether the internationally recognised [Passivhaus Planning Package](#) (PHPP) should be accepted as an alternative methodology for demonstrating compliance, alongside the proposed Scottish methodology. Views are sought on new primary and secondary compliance metrics, performance targets for domestic and non-domestic buildings, and changes to post-construction verification.

For local authorities, the proposals have implications across a number of service areas including building standards, housing, property and asset management, climate change and decarbonisation, procurement, and capital infrastructure investment. Councils will play a central role both as regulators responsible for verifying compliance and as major

builders/commissioners of new housing and public buildings. The consultation therefore presents an important opportunity for local authorities to influence the practicality, resourcing and implementation of the proposed standards before they are introduced from Autumn 2029.

Responses are due by **Friday 16th October 2026**.

[Click here](#) for further information and to submit your response.

[Click here](#) to read the full report.

2. Overview

The Scottish Government has launched this Stage Two consultation to seek views on detailed proposals for including a Scottish equivalent to the Passivhaus standard through amendments to the [Building \(Scotland\) Regulations 2004](#) and supporting Technical Handbooks for [domestic](#) and [non-domestic](#) buildings. The consultation builds on the outcomes of the first stage consultation, which concluded that equivalent building performance could be achieved through changes to Scotland's existing building standards framework, rather than adopting Passivhaus certification in legislation. The proposals are intended to support the delivery of Scotland's net zero ambitions by requiring new buildings to achieve significantly higher standards of energy efficiency, environmental performance and occupant comfort, while also strengthening compliance and quality assurance throughout the design and construction process.

Policy context and rationale

[The Climate Change \(Scotland\) Act 2009](#), as amended, commits Scotland to achieving net zero greenhouse gas emissions by 2045. Buildings account for around 15% of Scotland's greenhouse gas emissions, with the majority of these emissions arising from the heating of residential and public buildings. Improving the energy performance of new developments has therefore been identified as a key component of achieving these statutory climate targets.

In response to Alex Rowley MSP's [Proposed Domestic Building Environmental Standards \(Scotland\) Bill](#) in 2022, the then Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights confirmed that the Scottish Government would make legislation to deliver a "Scottish equivalent to the Passivhaus Standard". Rather than requiring developers to obtain Passivhaus certification, the Scottish Government proposes embedding equivalent performance outcomes within Scotland's existing building standards system through revised energy and environmental standards.

The consultation therefore proposes a new regulatory framework that places greater emphasis on reducing overall energy demand, improving the thermal performance of building fabric, enhancing ventilation and indoor air quality, minimising overheating risks, and strengthening compliance throughout the construction process. Alongside revised energy

targets, the proposals also seek to improve assurance that buildings perform as intended once completed, helping to narrow the long-recognised performance gap between design expectations and operational performance.

By reducing operational energy demand, improving ventilation and indoor air quality, and strengthening construction assurance, the Scottish Government hopes the new standard will support the achievement of Scotland's statutory [2045 Net Zero targets](#), [2040 Fuel Poverty targets](#) and [2030 Child Poverty targets](#) as well as wider Scottish Government policy objectives, including those set out in the [Environment Strategy](#), [Heat in Buildings Strategy](#) and [Housing to 2040](#).

The Scottish Government intends that the revised standards would come into force from Autumn 2029, providing sufficient time for local authorities, developers and the wider construction sector to prepare for implementation.

Why local authorities should engage

Local authorities have a significant interest in the proposals due to their dual role as both regulators and providers of new developments. Councils are responsible for delivering Building Standards verification services and will therefore be required to assess compliance with any revised energy and environmental standards. At the same time, local authorities commission and manage substantial programmes of new council housing, schools, leisure facilities and other public buildings, meaning the proposed changes will directly influence design standards, procurement, project costs and long-term asset management.

The consultation also aligns closely with wider local authority priorities, including progressing with local net zero ambitions, improving energy efficiency, reducing fuel poverty, enhancing climate resilience and ensuring public buildings deliver lower operational costs over their lifetime. As many of the proposals will affect both regulatory processes and council-led construction projects, engagement provides an opportunity for local authorities to help shape a framework that is practical to implement while delivering the intended environmental and energy performance outcomes.

3. Consultation Questions

The consultation questions are categorised as follows:

Topic	Questions
Overview of the Scottish equivalent to the Passivhaus standard	3
Primary compliance metric – delivered energy	1
Secondary compliance metric – space heating demand	1
Level of challenge for new dwellings	4
Method of target set for new dwellings	2
Fabric performance for new dwellings	1
Standard 6.1 approved compliance for methodologies for new dwellings	2

Level of challenge for new non-domestic buildings	3
Method of target setting for new non-domestic buildings	2
Fabric performance for new non-domestic buildings	1
Standard 6.1 approved compliance methodologies for new non-domestic buildings	2
Ventilation and indoor air quality	3
Overheating	1
Compliance and Assurance	7
About you	8
Evaluation	2

The consultation questions are available in full below:

The [consultation paper](#) contains full background information for this consultation. You may find it useful to read or refer to while responding.

1. With reference to the Partial Business and Regulatory Impact Assessment (BRIA) at [Annex A of the consultation paper](#), are you able to provide any information, in confidence, that could aid in the production of the final BRIA? If you answered 'Yes', please contact the review team at: bsdenergystandardsreview@gov.scot
Yes; No
2. Do you have any comments on the merits of introducing the standard on a mandatory basis through a phased implementation? Please provide a summary of the reasons for your view.
Yes; No
3. Do you have any comments on the merits of introducing the proposed standard initially on a voluntary basis? Please provide a summary of the reasons for your view.
Yes; No
4. Do you agree with the proposal to present unregulated loads as information within reported outputs from the compliance calculation? Please provide a summary of the reasons for your view.
Yes; No
5. Do you agree with the proposal to introduce a target space heating rate that only includes elements of the specification related to the fabric performance? Please provide a summary of the reasons for your view.
Yes; No

6. Do you have any comments on the roof U-value proposals across the Good and Best Practice options, noting that these represent a relaxation in the level of challenge for this element? Please provide a summary of the reasons for your view.

Yes; No

7. What uplift to the current energy standards for new dwellings do you consider appropriate as an outcome of this review? Please provide a summary of the reasons for your view.

Option 1: 'Good Practice' standard (6% emissions reduction);

Option 2: 'Best Practice' standard (37% emissions reduction);

Option 3: Retain current standard (0% emissions reduction);

Other (please specify)

8. Do you support an approach to enable recognition of higher efficiency generation within a development regardless of whether it takes place within individual buildings or a communal heating system? Please provide a summary of the reasons for your view.

Yes; No

9. Are you currently designing or building dwellings to the February 2023 standards and able to share cost information in confidence for any of the available heat solutions? If you answered yes, please contact the review team at:

bsdenergystandardsreview@gov.scot

10. Do you support the proposal to allow the target rates for dwellings to fluctuate based only on the location, orientation, archetype and heat source of the dwelling? Please provide a summary of the reasons for your view.

Yes; No

11. Do you agree with the proposal to present the target rates for dwellings within a target range table, replacing the notional dwelling specification currently shown in Table 6.1 in the [Technical Handbook](#) for domestic buildings? Please provide a summary of the reasons for your view.

Yes; No

12. Do you agree with the proposal to set a provision in guidance for a maximum 'upper limit' to the declared design air infiltration rate? Please provide a summary of the reasons for your view.

Yes; No

13. Do you have any views or comments on the development and usability of the consultation version of the [HEM/Scottish wrapper for new dwellings](#)? Please provide a summary of the reasons for your view.

Yes; No

14. Do you agree with the proposal to recognise a modified version of Passivhaus Planning Package as an additional tool that implements the approved methodology for standard 6.1 'Energy demand' for new dwellings? Please provide a summary of the reasons for your view.

Yes; No

15. Do you have any comments on the cooling efficiency proposals across the Medium and High options noting that these represent a relaxation in the level of challenge for this element? Please provide a summary of the reasons for your view.

Yes; No

16. What level of uplift to the current energy standards for new non-domestic buildings do you consider should be introduced as an outcome of this review? Please provide a summary of the reasons for your view.

Option 1: 'Medium' standard (10% emissions reduction);

Option 2: 'High' standard (11.5% emissions reduction);

Option 3: Retain current standard (0% emissions reduction);

Other (please specify)

17. Do you support an approach to enable recognition of higher efficiency generation within a development regardless of whether it takes place within individual buildings or is communal? Please provide a summary of the reasons for your view.

Yes; No

18. Do you agree with the proposal to allow the building target rates to fluctuate based only on the location, building type, activity types, heat source and orientation of the new building? Please provide a summary of the reasons for your view.

Yes; No

19. Do you agree with the proposal to present the target rates for new non-domestic buildings within a target range table, replacing the notional building specification currently shown in Table 6.1 in the [Technical Handbook](#) for non-domestic buildings? Please provide a summary of the reasons for your view.

Yes; No

20. Do you agree with the proposal to set a provision in guidance for an 'upper limit' to the declared design air infiltration rate? Please provide a summary of the reasons for your view.

Yes; No

21. Do you have any views on the development and usability of the [consultation version of the Scottish SBEM v7](#)? Please provide a summary of the reasons for your view.

Yes; No

22. Do you agree with the proposal to recognise a modified version of Passivhaus Planning Package as an additional tool that implements the approved methodology for standard 6.1 'Energy demand' for new non-domestic buildings? Please provide a summary of the reasons for your view.

Yes; No

23. Do you agree with the proposal to accept any ventilation system/solution of achieving the performance sought in standard 3.14 'Ventilation'? Please provide a summary of the reasons for your view.

Yes; No

24. Do you have any views on additional guidance for Mechanical Ventilation with Heat Recovery systems that would be beneficial to be included in future guidance? If you answered 'Yes', please provide details for your response.

Yes; No

25. Do you have any views on the proposal to decouple the link between fabric air infiltration and ventilation solution? If you answered 'Yes' please provide details for your response, in particular thoughts on methodologies that could be implemented to determine the appropriate ventilation solution.

Yes; No

26. With regards to the proposal to reference the use of Passivhaus Planning Package as an additional overheating risk assessment methodology option, do you know of any risks and opportunities that should be considered to inform the development of draft guidance? If you answered 'Yes', please provide information summarising your experience.

Yes; No

27. Do you have any comments on the structure of the proposed [Building Standards Energy and Environmental Compliance Handbook](#) and its application for the production of the Energy and Environmental Design and Construction Statements? Please provide a summary of the reasons for your view.

Yes; No

28. Do you have any comments on the presentation of the principle of communication and collaboration throughout the Handbook? Please provide a summary of the reasons for your view.

Yes; No

29. Do you have any comments on how the use of the Handbook could help to mitigate the risks associated with achieving compliance? Please provide a summary of the reasons for your view.

Yes; No

30. Do you have any comments on the emphasis made within the Handbook on robust evidence gathering and effective process management to aid in achieving compliance? Please provide a summary of the reasons for your view.

Yes; No

31. Do you agree with the roles and responsibilities of the actors identified in the Handbook related to the production of the Energy and Environmental Design and Construction statements? Please provide a summary of the reasons for your view.

Yes; No

32. Do you have any comments on the use of these considerations as main themes throughout the Handbook? The Handbook focuses on five energy and environmental considerations:

- Airtight construction
- High performance insulation
- Thermal bridge free design
- Ventilation
- Optimised energy use

Please provide a summary of the reasons for your view.

Yes; No

33. Focusing on the associated schedules to the Handbook, do you have any comments on the actions identified to prove compliance with the standards? Please provide a summary of the reasons for your view.

Yes; No

34. What is your name?

35. Are you responding as an individual or an organisation?

Individual; Organisation

36. What is your organisation?

37. Organisations may use this space to provide additional context for their response. This could be information about, for example:

- any research your organisation undertook to inform the response
- any engagement with your members or audience undertaken to inform the response

38. The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name;

Publish response only (without name);

Do not publish response

39. What is your email address?

40. Do you consent to Scottish Government contacting you again in relation to this consultation exercise?

Yes; No

41. Where did you hear about this consultation?

Scottish Government X (Twitter);

Scottish Government Instagram;

Consultation newsletter;

Browsing the consultation hub;

Scottish Government website;

News website;

Social media/email of an organisation you follow;

Social media/email of a friend/family member;

Internet search;

Other (please specify)

42. How satisfied were you with this consultation? Please enter comments in the text box below.

Very satisfied; Slightly satisfied; Neither satisfied nor dissatisfied; Slightly dissatisfied; Very dissatisfied

43. How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation? Please enter comments in the text box below.

Very satisfied; Slightly satisfied; Neither satisfied nor dissatisfied; Slightly dissatisfied;
Very dissatisfied

4. APSE Comment

The proposed introduction of a Scottish equivalent to the Passivhaus standard represents one of the most significant changes to Scottish building standards since the introduction of the 2023 energy standards. While the proposals are intended to support Scotland's climate ambitions through more energy efficient, resilient and comfortable buildings, successful implementation will depend upon ensuring that the new requirements are practical for both housebuilding and local authority Building Standards services.

Local authorities will have an important role in delivering these changes, both through their statutory verification responsibilities and as builders/commissioners of new housing and public buildings. The proposals therefore have implications extending beyond regulatory compliance to encompass housing delivery, capital investment programmes, workforce development, procurement and long-term asset management.

APSE encourages member authorities to engage with the consultation to ensure that the final standards reflect the operational experience of councils across Scotland and provide a proportionate and deliverable framework for achieving improved building performance. Feedback from local authorities will help inform the development of regulations that aim to balance environmental ambition with deliverability, while supporting Scotland's wider net zero and public sector climate objectives.

Discussions on the way forward with building standards and decarbonisation of the public sector take place in APSE Scotland's Housing, Construction and Building Maintenance Network and Climate Change and Renewables Network. Network meetings are free to attend for APSE members. Previous presentations are available online [here](#) and upcoming meetings are listed [here](#). As highlighted within our [APSE Briefing 24-46](#) on the first stage of this consultation, Swansea Council introduced the "Swansea Standard". This fabric-first approach, achieved a 25% improvement on the current building regulations at the time of introduction. With the standard relating to the thermal performance and air tightness of a building with the emphasis on the fabric of the home.

APSE Energy also provides an excellent opportunity to discuss and share information with peers on the energy and climate change agenda, to make the most of their assets and to meet their own and national targets with regards to emissions. For more information on APSE Energy please [click here](#)

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APSE member authorities have access to a range of membership resources to assist in delivering council services. This includes our regular networks, specifically designed to bring together elected members, directors, managers and heads of service, together with trade union representatives to discuss service specific issues, innovation and new ways of delivering continuous improvement. The networks are an excellent forum for sharing ideas and discussing topical service issues with colleagues from other councils throughout the UK.

Networks are a free service included as part of your authority's membership of APSE and all end with an informal lunch to facilitate networking with peers in other councils. If you do not currently receive details about APSE network meetings and would like to be added to our list of our contacts for your service area, please email enquiries@apse.org.uk

Our national networks include:

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- Catering (School Meals)
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- Highways and Street Lighting
- Housing, Construction and Building Maintenance
- Local Authority Social Value, Procurement and Commercialisation
- Parks, Horticulture and Ground Maintenance
- Recovery and Renewal
- Renewables and Climate Change
- Roads, highways and street lighting
- Sports and Leisure Management
- Vehicle Maintenance and Transport
- Waste Management, Refuse Collection and Street Cleansing
- Armed Forces and Veterans Network

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