

Our ref: A1328266

1 October 2010

Dear Chief Executive

**THE BUILDING (SCOTLAND) ACT 2003: SECTION 7 (10)
METHODS OF DEMONSTRATING COMPLIANCE WITH STANDARD 6.1
(CARBON DIOXIDE EMISSIONS) FOR NEW DWELLINGS DIRECTION 2010.**

Scottish Ministers have powers under the Building (Scotland) Act 2003 to give verifiers directions of a general or specific character as to the exercise of their functions under this Act. The enclosed Direction applies the provisions contained within paragraphs 6.1 in Schedule 5 to the Building (Scotland) Regulations 2004 as amended, to assessment of compliance of new dwellings from 1 October 2010. A background note, not forming part of the Direction, is also enclosed.

Any enquiries about the Direction should be addressed in the first instance to:

Gillian McCallum
Building Standards Division
Department for the Built Environment
Denholm House
Almondvale Business Park
LIVINGSTON
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Yours faithfully



Bill Dodds
Head of Building Standards

Copy to: Local Authority Building Standard Managers

DIRECTION

THE BUILDING (SCOTLAND) ACT 2003

SECTION 7 (10)

The Scottish Ministers in exercise of the powers conferred on them by Section 7 of the Building (Scotland) Act 2003 ("the Act") hereby make the following Direction:-

Citation and Commencement

1. This Direction to verifiers may be cited as The Building (Scotland) Act 2003 Methods of Demonstrating Compliance with Standard 6.1 (Carbon Dioxide Emissions) for New Dwellings Direction 2010 and shall commence on 1 October 2010.

Application

2. This Direction applies to any new dwelling which is the subject of a building warrant application made from 1 October 2010 to 31 December 2010, where there is a requirement to demonstrate compliance with paragraphs 6.1 of Schedule 5 to the Building (Scotland) Regulations 2004 as amended, a copy of which is provided in Annex A of this Direction.

Exercise of Functions

3. Every verifier is directed to accept the application of the Government's Standard Assessment Procedure for Energy Rating of Dwellings, both SAP 2005 and SAP 2009, as a methodology of calculation approved under regulation 7(a) of the Energy Performance of Buildings (Scotland) Regulations 2008.

Guidance

4. In terms of Section 4 of the Act Scottish Ministers have issued guidance documents, for the purpose of providing practical guidance for this provision of the building regulations. A copy of this guidance is provided in Annex B of this Direction.

Signed



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Scottish Government
Denholm House
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Date: 1 October 2010

Background Note [Not part of the Direction]

Background

1. Due to the timetabling of revisions to energy standards within building regulations in the UK and the development of both The Government's Standard Assessment Procedure for Energy Rating of Dwellings (SAP 2009) and new approved software, only a small number of approved software tools will be available to designers and verifiers on 1 October 2010. To assist in the delivery of new homes designed to the 2010 building regulations in the absence of, or reduced initial availability of, approved SAP 2009 software, an alternative means of demonstrating compliance is identified.

Purpose of the Direction

2. The purpose of this Direction is to identify, to verifiers, an alternative procedure for the assessment of compliance of new dwellings with standard 6.1 (carbon dioxide emissions) in the initial period of the 2010 building regulations. Accordingly, this Direction shall not apply to applications for building warrant made from 1 January 2011 onwards.

3. This Direction has the effect of requiring verifiers, under section 9 (2) of the Act, to recognise and assess proposals which demonstrate compliance with standard 6.1 (carbon dioxide emissions) using SAP 2005, provided the method defined in option (c) of Annex B is followed.

Standard 6.1

Every *building* must be designed and *constructed* in such a way that:

- (a) the energy performance is estimated in accordance with a methodology of calculation approved under regulation 7(a) of the Energy Performance of Buildings (Scotland) Regulations 2008; and
- (b) the energy performance of the *building* is capable of reducing carbon dioxide emissions.

Limitation:

This standard does not apply to:

- (a) alterations and extensions to *buildings*, other than alterations and extensions to *stand-alone buildings* having an area less than 50 square metres that would increase the area to 50 square metres or more, or alterations to *buildings* involving the fit-out of the *building* shell which is the subject of a continuing requirement;
- (b) *conversions of buildings*;
- (c) *non-domestic buildings* and *buildings* that are ancillary to a *dwelling* that are *stand-alone* having an area less than 50 square metres;
- (d) *buildings*, which will not be heated or cooled other than by heating provided solely for the purpose of frost protection; or
- (e) *limited life buildings* which have an intended life of less than 2 years.

Annex B

Recognised Methods of Demonstrating Compliance With Standard 6.1 (Carbon Dioxide Emissions) for New Dwellings for Building Warrant Applications Made From 1 October 2010 to 31 December 2010.

A building warrant application for one or more new dwellings, submitted from 1 October 2010 to 31 December 2010 may demonstrate compliance with standard 6.1 (carbon dioxide emissions) using one of the following methods:

- a. Calculation using SAP 2009 as set out in guidance to standard 6.1 within the 2010 Domestic Technical Handbook; or
- b. By following the simplified approach described in clause 6.1.6 of the 2010 Domestic Technical Handbook; or
- c. Calculation as option (a) but using SAP 2005, applying the following assessment process:
 - Generation of a Dwelling Emission Rate (DER) through manual input of the full target-setting specification provided in clause 6.1.2 of the 2010 Domestic Technical Handbook. This must apply the elemental specification relevant to the proposed main space heating system fuel, the standard specification for the 'notional *dwelling*' applicable to any fuel type and specification in the accompanying notes to these two tables. This figure is then used as a proxy Target Emission Rate (TER) for the proposed dwelling.
 - Carry out the normal DER calculation process under SAP 2005, using the same fuel as above but replacing the fuel package specification with the designer's proposed specification for the new dwelling. This figure is the DER for the proposed dwelling.
 - If this DER figure does not exceed the proxy TER calculated using fuel package information, then the dwelling is deemed to comply with standard 6.1.

Notes:

1. Calculation should exclude parameters for thermal mass and thermal bypass which are not required input under SAP 2005.
2. For the proxy TER, to avoid application of default 10% electric secondary heating where primary heating is gas or biomass, specify secondary heating of the same fuel and appliance efficiency as the primary heating system. For the second DER calculation, for any fuel type, either repeat this process (where no secondary heating is proposed) or input any intended secondary heating.

Option (c) will cease to be applicable on 1 January 2011.