

# Changing the way we heat our homes and buildings – A Consultation on Proposals for a Heat in Buildings Bill

## Question 1

To what extent do you support our proposal to prohibit the use of polluting heating systems in all buildings after 2045?

- Strongly support
- Somewhat support
- Neither support nor oppose
- Somewhat oppose
- Strongly oppose
- Don't know

Additional text:

*This is essential to support meeting net zero in Scotland by the statutory deadline of 2045 and will support meeting our own local net zero targets.*

## Question 2

To what extent do you agree that we should introduce a minimum energy efficiency standard to be met by private sector landlords by the end of 2028 (even if they are already using clean heating)?

- Strongly support
- Somewhat support
- Neither support nor oppose
- Somewhat oppose
- Strongly oppose
- Don't know

Additional text:

## Question 3

To what extent do you agree that we should introduce a minimum energy efficiency standard to be met in owner occupied homes (which still have a polluting heating system) by the end of 2033?

- Strongly support
- Somewhat support
- Neither support nor oppose

- Somewhat oppose
- Strongly oppose
- Don't know

Additional text:

*For this proposed timescale to be achieved there will need to be significant Government support along with appropriate incentives and grant schemes in place to make it a viable option for all property owners.*

#### Question 4

Do you agree with our proposal to set a minimum energy efficiency standard that can be met by either installing a straightforward list of measures, or showing a good level of energy efficiency based on a reformed EPC fabric efficiency metric?

- Strongly support
- Somewhat support
- Neither support nor oppose
- Somewhat oppose
- Strongly oppose
- Don't know

Additional text:

#### Question 5

What is your view on the initial proposed list of measures<sup>1</sup> to meet the minimum energy efficiency standard?

- Strongly support
- Somewhat support
- Neither support nor oppose
- Somewhat oppose
- Strongly oppose
- Don't know

Additional text:

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<sup>1</sup> Scottish Government proposed list of measures: 270 mm loft insulation; cavity wall insulation (CWI); draught-proofing; heating controls; 80 mm hot water cylinder insulation; and suspended floor insulation.

## Question 6

Do you think that properties for which most or all of the measures on the initial proposed list are not relevant should be required to meet an equivalent minimum energy efficiency standard?

- No – these properties should be considered compliant once they have installed all the measures that are appropriate for their building type, even if this is few or no measures.
- Yes – they should be required to meet the standard and additional measures should be included on the list (such as solid wall insulation, solid floor insulation and flat roof insulation), and they should be required to install all of these where feasible
- Yes – they should be required to meet the standard and additional measures should be included on the list (such as solid wall insulation, solid floor insulation and flat roof insulation), but they should only be required to install some of these where feasible and cost effective
- Yes – they should be required to meet the standard and additional measures should be included on the list (such as solid wall insulation, solid floor insulation and flat roof insulation), but they should only be required to install some of these where feasible, and they should be allowed additional time to do so

Additional text:

*EPC reform would be preferable ahead of the proposal. In addition, the language used for this and other proposals needs to be completely transparent. The term 'feasible' needs to be clarified as this indicates that a level of cost-benefit analysis would be undertaken, which could lead to the cost being prioritised and considered the main driver and/or barrier for improvement measures.*

*Significant government support will also be required to enable the measures to be delivered.*

## Question 7

Do you think that an alternative approach to setting the minimum energy efficiency standard is required?

- Yes
- No
- Don't know

## Question 8

Do you agree that the use of bioenergy should continue to be permitted in certain circumstances?

- No, it should be prohibited in all cases

- Yes, it should be permitted for those buildings already using it
- Yes, it should be permitted for those buildings who have no other clean heating system available.

Additional text:

*Permitting the use of bioenergy would be inconsistent with the definition of “direct emission heating system” in the Building (Scotland) Amendment Regulations 2023. Regulation 3 defines such a system as producing more than a negligible level of greenhouse gas emissions at the point of production of ... thermal energy during normal operation. Regulation 4 requires that “every building must be designed and constructed in such a way that the means by which the space within the building is heated or cooled and by which hot water is made available in the building is not by means of a direct emission heating system”. Bioenergy emits more than “a negligible level of greenhouse gas emissions” and there is evidence that emissions from this source are higher than is the case for fossil fuel based heating systems.<sup>2</sup> On this basis, it is not considered that it would be justified or consistent to allow bioenergy or to describe it as a ‘clean heating system’.*

*The phasing out of bioenergy installations should be aligned with the proposals for phasing out other forms of polluting heating systems and adequate funding should be provided to the owners of bioenergy installations to convert them to clean energy systems at reasonable cost.*

## Question 9

To what extent do you support the requirement to end the use of polluting heating following a property purchase?

- Strongly support
- Somewhat support
- Neither support nor oppose
- Somewhat oppose
- Strongly oppose
- Don’t know

Additional text:

*Although we strongly support the removal of polluting heating systems in order to support the delivery of national and local level net zero targets, there must be adequate financial support for householders to end the use of polluting heat. This consideration also applies to our response to Questions 10, 13 and 14.*

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<sup>2</sup> <https://www.chathamhouse.org/2017/02/woody-biomass-power-and-heat>

## Question 10

We are proposing to give those purchasing a property a 'grace period' to end their use of polluting heating. Do you agree with this proposal?

- Yes - the grace period should be two years
- Yes – the grace period should be three years
- Yes – the grace period should be four years
- Yes – the grace period should be five years
- No, please provide reasons for your view.

## Question 11

To what extent do you support our proposal to apply a cost-cap where people are required to end their use of polluting heating following a property purchase?

- Strongly support
- Somewhat support
- Neither support nor oppose
- Somewhat oppose
- Strongly oppose
- Don't know

Additional text:

*We would support the application of a cost-cap, but this would need to be fair and affordable to enable householders and businesses to achieve the standards without open-ended costs.*

## Question 12

Which of the following methods of applying a cost-cap do you support?

- A flat cost-cap
- A size-based cost-cap
- A purchase price-based cost-cap
- None
- Another, please suggest below

Additional text:

*We agree with the principle of a cost-cap. However, all options proposed have adverse implications primarily related to fairness and equality. A new metric should be created based solely on meeting energy efficiency standards and net zero with significant Scottish Government investment filling any identified funding gap.*

### Question 13

To what extent do you support the proposal that the Scottish Ministers should be given powers to extend the circumstances in future (beyond a property purchase) in which people could be required to end their use of polluting heating?

This could be, for example, preventing the installation of new fossil fuel boilers when replacing the heating in your home or business premises.

- Strongly support
- Somewhat support
- Neither support nor oppose
- Somewhat oppose
- Strongly oppose
- Don't know

### Question 14

To what extent do you support our proposal to provide local authorities (and Scottish Ministers) with powers to require buildings within a Heat Network Zone to end their use of polluting heating systems by a given date?

- Strongly support
- Somewhat support
- Neither support nor oppose
- Somewhat oppose
- Strongly oppose
- Don't know

Additional text:

*The importance of supporting decarbonisation and encouraging people to switch to sourcing heat from a HNZ is important to support the objectives of the Heat Networks Delivery Plan and the Council's Local Heat & Energy Efficiency Strategy (LHEES). However, the use of any powers to compel consumers to link to a Heat Network may undermine the benefits of flexibility of supply and the cost-efficiency advantages of competitive pricing. There must therefore be safeguards to ensure consumers who connect to a heat network are not penalised through loss of flexibility and choice in terms of their energy supply.*

## Question 15

To what extent do you support our proposal to provide powers to local authorities (or Scottish Ministers) that require developers to connect new buildings within Heat Network Zones to a heat network?

- Strongly support
- Somewhat support
- Neither support nor oppose
- Somewhat oppose
- Strongly oppose
- Don't know

Additional text:

*The importance of supporting decarbonisation and encouraging people to switch to sourcing heat from a HNZ is important to support the objectives of the Heat Networks Delivery Plan and the Council's Local Heat & Energy Efficiency Strategy (LHEES). However, the use of any powers to compel consumers to link to a Heat Network may undermine the benefits of flexibility of supply and the cost-efficiency advantages of competitive pricing. There must therefore be safeguards to ensure consumers who connect to a heat network are not penalised through loss of flexibility and choice in terms of their energy supply. An impact assessment should be carried out to determine the cost to developers of making a connection to a heat network and to ensure that the cost does not delay occupancy of buildings and result in additional cost to occupants.*

## Question 16

To what extent do you support our proposal to require occupiers of non-domestic properties to provide information about unused heat on their premises?

- Strongly support
- Somewhat support
- Neither support nor oppose
- Somewhat oppose
- Strongly oppose
- Don't know

## Question 17

To what extent do you support our proposal to potentially require buildings with unused heat to provide this to a local heat network?

- Strongly support
- Somewhat support

- Neither support nor oppose
- Somewhat oppose
- Strongly oppose
- Don't know

Additional text:

*This is strongly supported but there must be adequate provision for building owners, to enable the transition to take place at reasonable cost to building occupiers.*

## Question 18

We will need to have a way to monitor if people are meeting the Heat in Buildings Standard and discussed two options for this. Which do you support?

- Submitting EPCs alone
- Sampling a percentage of buildings
- A combination of the two
- None, there should be no monitoring
- Another method, please suggest below or explain your selected answer

Additional text:

*It is considered that submission of EPCs should be supported by sampling as this will help ensure that properties are meeting the Standard and also assist in identifying obstacles and constraints preventing the Standard from being adequately and appropriately delivered. However, consideration must be given to how the cost of monitoring will be allocated and these costs should be fully funded by the Scottish Government.*

## Question 19

We will need to have a way to enforce the Heat in Buildings Standard. We discussed possible options to help achieve compliance. What are your views on these ideas?

- I support relying on market and financial product mechanisms such as mortgages or home/building insurance
- I support extra Council Tax and Non-domestic Rates charges, in future, for those who don't comply
- I support the introduction of civil penalties, in future, if compliance is not achieved
- I support a mixture of the above options
- I do not support any form of enforcement

Additional text:



*If Local Authorities are included in any new enforcement capacity, then additional resourcing, training and funding will be required to undertake these new functions.*

## Question 20

To what extent do you support our proposals to modify the Standard or exempt certain people from the need to meet the Heat in Buildings Standard?

- Strongly support
- Somewhat support
- Neither support nor oppose
- Somewhat oppose
- Strongly oppose
- Don't know

## Question 21

Which people, businesses, or types of buildings, if any, should be eligible for a modified standard or exemptions?

*Additional text:*

*Special consideration should be given to those who may face hardship or difficulty in meeting the regulatory requirements and in cases where it would potentially cause or further exacerbate fuel poverty.*

*We also agree that exemptions may be appropriate for buildings that are due to be demolished or if major building works have been committed to be undertaken in the near future.*

## Question 22

To what extent do you support our proposals to give certain people extra time to meet the Heat in Buildings Standard?

- Strongly support
- Somewhat support
- Neither support nor oppose
- Somewhat oppose
- Strongly oppose
- Don't know

### Question 23

Which people, businesses or types of buildings, if any, should be eligible for extra time?

*Additional text:*

*We agree that extra time might be needed for:*

- *those living in harder to treat properties (flats, tenements and traditional buildings)*
- *properties which clean heating options are currently limited (flats and tenements)*
- *buildings in areas where there are constraints to the electricity grid.*

*Special consideration should be given to those who may face hardship or difficulty in meeting the regulatory requirements and in cases where it would further exacerbate fuel poverty. There is also a risk of unacceptable financial costs being imposed on businesses.*

*Without additional time, there is potential that inappropriate fabric improvements are considered as well as heating systems that aren't suitable for the property, expensive and inefficient.*

### Question 24

To what extent do you support our proposal to require all buildings owned by a Scottish public authority to be using clean heating systems by 2038?

- Strongly support
- Somewhat support
- Neither support nor oppose
- Somewhat oppose
- Strongly oppose
- Don't know

*Additional text:*

*We agree with the principle for public authorities to be leading by example and ensure all publicly owned buildings are heated through clean heating systems. However, given the scale of the task both financially and from an infrastructure/works perspective, this proposal must be adequately supported by the Scottish Government in terms of financial backing and resourcing.*

*It is also worth noting the potential difficulty of securing materials and appropriately skilled installers of low/zero carbon technologies to deliver the necessary work to decarbonise public buildings within the timescales proposed. Exemptions should be provided where conversion is not technically feasible, where it cannot be carried out at a reasonable cost or appropriately skilled installers are unavailable.*

### Question 25

We are considering the following further duties on public sector organisations to support planning for the transition by 2038:

- Placing a new duty on public sector organisations which would, from 2025, prevent them from replacing a polluting heating system with another (unless impractical)
- Creating a new duty for each public body to develop and implement a plan to decarbonise their buildings
- Placing a new statutory reporting duty on public sector organisations to demonstrate progress towards their 2038 objective (with the potential for the 2038 then to be non-statutory)
- Placing no further statutory requirements on public sector organisations (instead relying on their ability to plan alongside our delivery and funding programmes to meet the 2038 objective)

Additional text:

*We agree with the proposed further duties to support the transition by 2038 for public sector organisations, in support of the proposal for “all buildings owned by a Scottish public authority to be using clean heating systems by the end of 2038”. However, this must also be accompanied with significant new support from the Scottish Government in terms of financial backing and resourcing in order to implement and adhere to the new duties.*

## Question 26

Do you agree with our proposals to include powers in the proposed Heat in Buildings Bill to change the current requirement in legislation for a narrowly-defined renewable heat target?

- Yes
- No
- Don't know

Additional text:

*There is inadequate information in the consultation to explain the justification to change the target.*

## Question 27

Do you agree that the Heat Networks (Scotland) Act 2021 should be amended in light of the passage of the Energy Act 2023?

- Yes
- No
- Don't know

## Question 28

Are there any further amendments to the Heat Networks (Scotland) Act 2021 that the Scottish Government should consider?

Additional text:

*No.*