

# Proposals for a Heat in Buildings Bill – Scottish Government Consultation

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

## 1 Executive summary

The Scottish Government has released a consultation on their proposals around new heating systems laws, and are inviting views from the public. The proposals have been introduced due to Scotland's legal target to reach net zero greenhouse gas emissions, and the fact that heating homes and buildings is Scotland's third largest cause of greenhouse gas emissions.

They plan to:

- reconfirm that the use of polluting heating systems will be prohibited after 2045; and
- as a pathway to 2045, require those purchasing a home or business premises to end their use of polluting heating systems within a fixed period following completion of the sale
- introduce a new law that will require homeowners to make sure that their homes meet a reasonable minimum energy efficiency standard by 2033
- require private landlords to meet this minimum energy efficiency standard by 2028

The consultation closes on 8 March 2024. [Click here](#) to complete the consultation. [Click here](#) to read the consultation report.

## 2 Background

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 requires the country to reach net zero by 2045 with interim targets for a 75% reduction by 2030 and 90% reduction by 2040. It would be impossible to achieve this without changing the heating systems in the majority of buildings. There has been some progress towards this already with around 5,000 heat pumps and 33,000 buildings connected to heat networks annually. While this will be financially difficult to deliver in the midst of an ongoing cost of living crisis with low incomes, some lenders are providing interest free loans and energy companies are offering the ability to spread costs in the same way they do for gas boilers. Heat network operators may also allow households and businesses to connect systems with no (or low) upfront costs. As the market for heat and energy efficiency

technologies develop, the government expects it to become more affordable and feasible to introduce further changes.

There are five points in time which residents, private landlords and building owners may be asked to meet the Heat in Buildings Standard:

1. at the end of a grace period which follows the completion of a property purchase;
2. following notice from a local authority to a building owner in a Heat Network Zone that they are required to end their use of polluting heating;
3. at the end of 2028, private landlords will need to meet the minimum energy efficiency standard
4. at the end of 2033, owner occupiers will need to meet the minimum energy efficiency standard; and
5. at the end of 2045, all building owners will need to end their use of polluting heating

In order to reach net zero, the government believes it is necessary to move from polluting heating to clean heating. This is why they are proposing to introduce a draft Bill containing the powers to create a new Heat in Buildings Standard. This will prohibit the use of polluting heating from 2045 in all buildings, and require owner occupied homes to meet a minimum energy efficiency standard by the end of 2033, and require landlords of private rented homes to meet a minimum energy efficiency standard by the end of 2028. The proposed earlier date for private landlords was outlined in the statutory 2021 Fuel Poverty Strategy.

Current estimates show around 89% of homes and 49% of non-domestic premises are using polluting heating systems. A prohibition on these would ban the use of gas boilers, oil boilers and LPG to heat or provide hot water, though this would only apply to a property's main heating system(s) to ensure Scotland's rural communities are protected from grid failures and storms with emergency backup systems. They are also considering extra time for homes and businesses which have no clean heating solutions available to them.

The government has proposed a list of measures that would allow any home owner to meet the new energy efficiency standard, and would welcome views on this. The measures would be:

- 270 mm loft insulation;
- cavity wall insulation (CWI);
- draught-proofing;
- heating controls;
- 80 mm hot water cylinder insulation;
- Suspended floor insulation

They have also recently consulted on the addition of a new fabric efficiency metric to Energy Performance Certificates, and propose the alternative option of meeting the standard based on the result of an EPC assessment. Owner occupied homes that have ended their use of polluting heating by 2033 will not be required to meet the minimum energy efficiency standard. Private rented properties would however, still be required to meet the standard even if a clean heating system had already been installed. The government do not propose to prohibit the sale of properties which do not meet the minimum energy standard by or after the backstop dates, though private rented properties would not be allowed to be leased to a new tenant if they do not meet the energy efficiency standard by the end of 2028. They are also not proposing to set a minimum energy efficiency standard for non-domestic buildings.

### **3 Consultation questions**

The Scottish Government is asking the following questions:-

1. To what extent do you support our proposal to prohibit the use of polluting heating systems in all buildings after 2045?
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)?
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?
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?
5. What is your view on the initial proposed list of measures to meet the minimum energy efficiency standard?
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?
7. Do you think that an alternative approach to setting the minimum energy efficiency standard is required?
8. Do you agree that the use of bioenergy should continue to be permitted in certain circumstances?
9. To what extent do you support the requirement to end the use of polluting heating following a property purchase?
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?

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?
12. Which of the following methods of applying a cost-cap do you support?
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?
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?
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?
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?
17. To what extent do you support our proposal to potentially require buildings with unused heat to provide this to a local heat network?
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?
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?
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?
21. Which people, businesses, or types of buildings, if any, should be eligible for a modified standard or exemptions?
22. To what extent do you support our proposals to give certain people extra time to meet the Heat in Buildings Standard?
23. Which people, businesses or types of buildings, if any, should be eligible for extra time?
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?
25. We are considering the following further duties on public sector organisations to support planning for the transition by 2038. Please tell us which option(s) you would support.
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?
27. Do you agree that the Heat Networks (Scotland) Act 2021 should be amended in light of the passage of the Energy Act 2023?

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

#### **4 APSE Comment**

APSE encourages our members to respond to the consultation by 8 March 2024 ([click here](#)), as the change to non-polluting heating systems is going to be a huge challenge for local authorities to deliver. The scale of change that needs to take place for Scotland to become a zero-carbon country by 2045 is unfathomable. Local authorities have already been at the forefront of tackling the climate crisis and will have valuable inputs that need to be taken into consideration when planning how to deal with Scotland's energy usage.

[APSE Scotland's Climate Change and Renewable Network](#) and [Housing, Construction and Building Maintenance Advisory Group](#) are fantastic resources, and have featured a range of presentations and discussions on excellence in energy and building practices. These groups are free to attend for APSE members, for more information on attending please click the links above. APSE Scotland is also holding it's annual Building and Housing conference which is taking place on the 22 and 23 February at the Glasgow Hilton. This topic is a theme that runs through the conference with speakers from Shelter, John Gilbert Architects Ltd, City of Edinburgh Council and SGN covering various presentations on meeting the affordable homes and heat in buildings targets. To view the event programme and book to attend please [click here](#)

APSE's bespoke Local Authority Energy Collaboration '[APSE Energy](#)' also has a great deal of useful resources. For more information on membership, please [click here](#).

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