



The Church of Scotland

Official Response

Subject: Proposals for a Heat in Buildings Bill consultation
Requested by: The Scottish Government
Date: 7 March 2024
Prepared on behalf of: The Public Life and Social Justice Programme Group

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

Please include any additional comments below.

The Church of Scotland General Assembly has committed the Church to playing its part in making a Scotland a Net Zero nation. We are working towards our own goals to reduce all our greenhouse gas emissions, including those from polluting heating systems in our buildings by 2030 or as close as possible to that date. We acknowledge that for some individual congregations (local trustees responsible for their own buildings) may face administrative and financial barriers. The national Church of Scotland is committed to educating, encouraging and advising congregations on the theological imperative for action in this area, as well as what practical steps might need to be undertaken.

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

In general we are supportive of this - but we feel that to ensure a just transition to Net Zero the needs of more vulnerable groups must be taken into consideration. For example, CrossReach, the Church of Scotland's social care arm, will be hugely impacted in respect of the residential services it provides given the existing buildings it occupies for these centres. Support and dialogue with the Scottish Government would be essential in implementing such a standard for the care home sector, especially given that this timeframe is short notice for the type of planning required, when we do not yet know what the standard will be.

It would be helpful have clarity in relation to the provision of tied housing e.g. manses for clergy: To know explicitly if they are expected to be covered by the new standard. If so, we do not think it will be easy for every congregation to achieve compliance by the end of 2028, particularly those in remote or rural places where there may not be suitable alternative housing stock that meets the needs of clergy housing.

The Church of Scotland Housing and Loan Fund, like CrossReach, are responsible for the accommodation of vulnerable people, in this case elderly, often infirm, retired ministers. For their buildings they also anticipate practical challenges to achieving compliance by the end of 2028, for the following reasons:

- Finding tradespeople and the availability of materials has been challenging since the pandemic. (With so many landlords requiring work done, there is not likely to be sufficient tradespeople available to complete the work in the timescale.)
- Some elderly tenants may not cope with significant changes to their property, given their frailty. We would urge that consideration be given to allowance and flexibility in such circumstances.

- There is a concern that rental housing in the wider community will become more expensive as landlords recoup costs, and that private landlords will get out of the rental market. This will put further pressure on the already stretched market. Has there been sufficient impact assessment on the housing market of the possible result of this policy. Will it make owning (and running) a home more, or less, affordable?

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

Please include any additional comments below.

This question regarding owner-occupied homes is not directly relevant to the Church.

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

Please include any additional comments below.

We note that there is already a process underway to review EPCs, following an earlier consultation process, and while we support this in principle, clarification is needed regarding current EPCs and timescales. Will progressing work that is required by current EPCs potentially risk becoming invalid or inadequate when the new EPCs are introduced? Given that the EPC proposals are at consultation stage, this uncertainty makes it difficult to commit to new work.

Question 5

What is your view on the initial proposed list of measures to meet the minimum energy efficiency standard?

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

Please include any additional comments below.

We have no particular comment to make on this.

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

Please include any additional comments below.

Given the policy objective to reduce harmful emissions, it seems reasonable that if additional measures are possible, then they ought to be installed. Consideration would need to be given to how to enforce any new legislation with private landlords and owner occupiers.

Question 7

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

- Yes
- No
- Don't know

Please include any additional comments below.

We have no particular comment on this question.

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.
- Yes, it should be permitted for those buildings already using it and for those buildings who have no other clean heating system available.
- Yes, it should be used in wider circumstances (please describe these). Please include any additional comments below.

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

Please include any additional comments below.

While this may encourage people to make good decisions regarding property, there may be unintended social consequences that could particularly disadvantage lower income and some first time buyers. Although the cost of up-dating heating systems could be included in mortgages for home buyers, the extra costs could push mortgages out of reach for more people. Safeguards for tenants will also be needed as costs incurred by buy-to-let landlords are passed on in higher rent, and non polluting heating does not yet necessarily translate to lower heating bills for tenants. Support will be needed for elderly and vulnerable tenants to help them deal with new and more complex operating systems.

Church agencies (including CrossReach, the Housing and Loan Fund, and local congregations acquiring manses) seeking residential property would already aim to acquire properties with an EPC rating of C or above.

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.

There is a need for the Scottish Government requirements to be clearly communicated to the public and those purchasing property, and for a degree of flexibility and reasonableness in terms of compliance. For example, in some parts of the country finding available contractors to undertake work is already an issue, due to the high demand. As in Q9 the economic impact on lower income and first time buyers, as well as private sector renters should also be taken into account.

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

Please provide reasons for your view.

A cost-cap may in some circumstances be used as a reason to deliberately avoid making necessary changes. It would be better to provide support for adaptation, rather than exemptions on the basis of cost. A cost cap is a blunt tool and a system of exceptions (abeyances, exemptions) which can be tailored to the individual property or personal circumstances through an appeals process would be a more flexible approach and is more likely to bring about a just transition.

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

Please provide alternative

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

Please include any additional comments below.

- 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

Please include any additional comments below.

More information is needed on how Heat Network Zones will work, what the timescales are likely to be, and what they mean for potential customers. Is it the case that with heat networks there is only one supplier for a particular area, meaning consumers have no choice and there is no competition for heat? If so does this mean that heat networks will generally be nationalised or part-nationalised service provision, and that heat should be seen in the same way as water, rather than like electricity or telecommunications?

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

Please include any additional comments below.

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

Please include any additional comments below.

While it is helpful to consider the issue of unused heat, especially from industrial processes and air conditioning, Churches are unlikely to be directly involved.

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

Please include any additional comments below.

Utilising waste heat creates a potential opportunity to reduce costs to end users, helping to tackle high energy costs as a driver of fuel poverty.

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

Further information is needed as to how such a system would operate, who would administer it and how onerous it would be.

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

Please explain your answer:

Offering discounts to those who have moved to less polluting systems may provide more of an incentive than imposing extra taxes on those who haven't, especially in the earlier years of implementation. Enforcement will be necessary to achieve compliance.

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

Please include any additional comments below.

.....Free text box.

To ensure a just transition, where an owner or tenant is vulnerable or infirm or in financial hardship then there must be some discretion and flexibility. Consideration should also be given organisations in the community and voluntary sector; Churches want to do the right thing and support action to reduce emissions – but the practical reality is that we have a large number of old, difficult to heat and difficult to adapt properties, many of which are managed by volunteers at a local level – to ensure these local decision-makers are informed and supported in how they can best offer stewardship of the buildings in their care we need additional help and engagement from the Scottish Government.

Question 21

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

Different sectors will require different approaches and support to reach the standard. In particular charity/third sector and Church institutions may need a different approach to public authority or privately owned buildings. With many financial and property decisions relying on the work of volunteers and local trustees, consideration about how they are helped to both understand and find finance for the required work will be important. A duty on public authorities to engage with community organisations and to support charities in their areas to achieve the Heat in Buildings Standard, would help to prevent cases such as the following example:-

A church in the Highlands wanted to install a heat pump in combination with solar pv panels on the roof to help meet much of the heat pump running costs. Planners objected to the panels, and the congregation have had to pay extra for consultants as part of an appeal. Although the solar panels are about electricity generation, not heat in buildings (so technically outwith the scope of this Bill), from a congregation's point of view these are linked schemes as the pv panes would provide energy for the heat pump, making the pump economically viable. Lack of constructive dialogue with the local authority and Historic Environment Scotland have created obstacles to this church meeting the proposed standards and providing an example to others in their community of how to do it. This example would appear to expose an inconsistency in policy making between the environmental imperative versus conservation/planning and HES objections. As the current proposals do not include exclusions from the 2045 deadline for historic buildings, it would be helpful for policy to address this.

In addition, the wellbeing of vulnerable people and those in financial hardship also requires some discretion and flexibility.

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

Please include any additional comments below.

Our response to Q21 explains why more time may be needed by those, particularly in the charity/ third sector seeking permissions from local authorities and HES, and for vulnerable people and those in financial hardship. The question of availability of tradespeople to carry out work is also an important factor.

Question 23

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

As Q22.

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

Please include any additional comments below.

We have no particular comment

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); and/or
- 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)

[Multiple choice boxes]

Please include any additional comments below.

.....Free text box.

We have no particular comment

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

Please include any additional comments below

We have no particular comment

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

Please include any additional comments below

We have no particular comment

Question 28

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

We have no particular comment