

**To: Chief Executives**  
**Copy to: Heads of Service and Managers**

19 September 2024

## **New Build Heat Standard Direction introduction**

Dear Chief Executive,

As you will be aware, the New Build Heat Standard (NBHS), introduced through standard 6.11 (Heating and hot water – direct emission heating system) of schedule 5 of the Building (Scotland) Regulations 2004, came into force on 1 April 2024.

On 28 May, in response to concerns raised by various parties, Gillian Martin, the former Minister for Climate Action, announced that a review of the NBHS would be undertaken in response to concerns on the use of woodburning stoves. The review is now concluding and we will implement the outcome of this by the end of December 2024. The review examined the role of both woodburning stoves and bioenergy systems more widely, as well as peat.

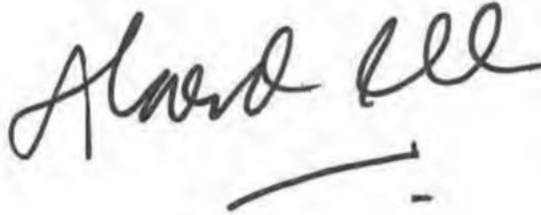
In advance of the legislative amendment and to ensure current concerns on the use of woodburning stoves and bioenergy are addressed promptly and with consistency, I am now issuing a Direction which temporarily disapplies the requirement for the installation of Zero Direct Emissions Heating systems to enable applicants to install a bioenergy or peat heating system or appliance. The Direction and accompanying explanatory note are contained in the Annex of this letter.

Issuing this follows my previous letter of 21 August 2024 seeking views on the Direction. My officials also engaged with a number of local authorities on the draft Direction via the Scottish Building Standards Hub to help with its preparation.

Further information on the Standard can be found at: [New Build Heat Standard: factsheet - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultation-papers/collections/documents/new-build-heat-standard-factsheet-2024.pdf).

For any queries on the New Build Heat Standard, you can get in touch with my officials at [2024HeatStandard@gov.scot](mailto:2024HeatStandard@gov.scot).

Yours sincerely,

A handwritten signature in black ink that reads "Alasdair Allan". The signature is written in a cursive style. Below the signature is a horizontal line with a small dash at the end, indicating the end of the signature.

**Alasdair Allan**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](https://www.lobbying.scot)

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**BUILDING REGULATIONS (DIRECT EMISSION HEATING SYSTEMS) (SCOTLAND)  
DIRECTION 2024**

The Scottish Ministers give the following Direction in exercise of the powers conferred on them by section 3 of the Building (Scotland) Act 2003 and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) This Direction may be cited as the Building Regulations (Direct Emission Heating Systems) (Scotland) Direction 2024 and comes into force on 20 September 2024.

(2) In this Direction—

“direct emission heating system” and “domestic building” have the same meaning as in the Building (Scotland) Regulations 2004<sup>1</sup>,

“biofuel” means liquid or gaseous fuel which is produced wholly from biomass,

“biomass” means material, other than fossil fuel, which is, or is derived directly or indirectly from, plant matter (such as wood), animal matter, fungi or algae,

“bioenergy or peat heating system”, in relation to a building, means a fixed combustion appliance installation the purpose of which is to produce thermal energy by which space within the building is heated or cooled, or by which hot water is made available in the building, and which for fuel is designed to use—

- (a) biofuel,
- (b) biomass,
- (c) peat.

**Relaxation of standard 6.11 – Heating and hot water – direct emission heating system**

2.—(1) The Scottish Ministers direct that paragraph 6.11 of schedule 5 of the Building (Scotland) Regulations 2004 is relaxed in relation to a domestic building as specified in paragraph (2).

(2) The relaxation is that standard 6.11 does not restrict the installation of a direct emission heating system which is a bioenergy or peat heating system.

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<sup>1</sup> S.S.I. 2004/406 as relevantly amended by S.S.I. 2023/177. Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

# Explanatory note

## Direction provisions

This Direction applies to domestic buildings as these have been the focus of the concerns raised. For non-domestic buildings, it would remain possible for an application to relax or dispense with the standard to be made on a case-by-case basis under section 3(2)(a) of the 2003 Act for a particular building or buildings should there be a need to do so.

This Direction permits, for domestic buildings, the installation of bioenergy heating (biofuels and biomass) and peat heating systems. It is akin to the position before the NBHS came into force on 1 April 2024, where no restrictions were placed on the use of either of these fuel types. Please note that peat is not classed as bioenergy and is considered alongside fossil fuels. In the context of the SAP methodology used to demonstrate compliance with standard 6.1 (Energy demand) of building regulations or to produce an Energy Performance Certificate (EPC), a heating appliance which uses peat would be classed as a 'dual fuel appliance (mineral and wood)'.

The relaxation of the standard applies to the installation of both main and secondary systems using bioenergy. Any main or secondary systems which use direct emission heating, and are not classed as bioenergy or peat would not meet standard 6.11. Bioenergy encompasses biofuels and biomass. Biofuel means liquid or gaseous fuel which is produced wholly from biomass – for example, biomethane or hydrotreated vegetable oil (HVO). Biomass means material, other than fossil fuel, which is, or is derived directly or indirectly from, plant matter (such as wood), animal matter, fungi or algae – this includes wood pellets and woodchips.

This Direction relaxes standard 6.11 to permit the installation in a domestic building of fixed combustion appliances which use wood or peat – e.g. woodburning stoves.

## Applicability of this Direction

Once it has been issued, this Direction applies to any building warrant applications for new domestic building made after 1 April 2024 where standard 6.11 applies and which are yet to be decided.

For applications for building warrants which were submitted after 1 April 2024 where a building warrant was issued, any application to amend that building warrant in respect of a bioenergy or peat heating system may be made and refer to this Direction.

## Interaction with the “emergency heating” provision

As this Direction enables the installation of bioenergy or peat heating systems in new domestic buildings, such systems need not provide justification for their installation as emergency heating or otherwise. Provisions relating to emergency heating in new domestic buildings which use other fuels or in new non-domestic buildings are unaffected.

## Future review outcome and this Direction

This Direction will be revoked once the outcome of the current review is implemented via an amendment to building regulations. The review is planned to conclude shortly with an amendment scheduled as soon as possible following recess which ends in September.

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