Annex A

The exceptions applied in this instance are:

Regulation 11 - Personal Data

While our aim is to provide information whenever possible, some information has been redacted under Regulation 11 (Personal Data) as it contains personal information and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulations (GDPR) and in Section 34(1) of the Data Protection Act 2018. This exception is not subject to the 'public interest test'.

Regulation 10(4)(e) - Internal communication

While our aim is to provide information whenever possible, in this instance an exception under Regulation 10(4)(e), internal communication, has been applied to some of the information requested.

This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exception.

We have found that, on balance, the public interest lies in favour of upholding the exception. We recognise that there is some public interest in releasing the information as part of an open, transparent and accountable government. However, this is outweighed by the greater public interest in allowing Scottish Government officials and ministers a private space to share free and frank views for the purpose of deliberation of any given policy.

Regulation 10(4)(d) – Material in the course of completion

While our aim is to provide information whenever possible, in this instance an exception under Regulation 10(4)(d), material in the course of completion, unfinished documents, or incomplete data has been applied to some of the information requested.

This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exception.

We have found that, on balance, the public interest lies in favour of upholding the exception. We recognise that there is some public interest in releasing the information as part of an open, transparent and accountable government. However, this is outweighed by the greater public interest in allowing Scottish Government officials and ministers a private space to consider draft content of documents and to ensure that factual and accurate information is released in the public domain.

Annex B

Cabinet Secretary for Rural Affairs, Land Reform and Islands
Mairi Gougeon MSP

T: 0300-244-4000
E: cabsecforralri@gov.scot

E: Scottish.Ministers@gov.scot

Michael Russell
Chair
Scottish Land Commission

27 June 2024

Dear Mike,

Land Reform (Scotland) Bill

Thank you for your continued support on the Land Reform (Scotland) Bill. When we met in February to discuss the draft proposals for the Bill, you suggested areas where the Commission could support the Government in the Bill's development, perhaps looking at ways in which it could be strengthened based on the Commission's knowledge and experience. I wanted to write to you to welcome this offer of working together.

I said when the Bill was introduced in March that I looked forward to the detailed consideration by the Scottish Parliament. I know when you gave evidence to the Net Zero, Energy and Transport Committee that you spoke about how you are already considering how some of the Bill might work in practice, such as the reporting requirements of Land Management Plans. You also noted that further work was required in areas such as the definition of land to which the provisions apply, the transfer test proposals and the role, responsibilities and functions of the Land and Communities Commissioner.

I appreciate some early discussions have already taken place between our respective officials about some of these points and that this will continue. I welcome this collaborative approach and indeed any further advice from the Commission over the course of Stage 1 of the Bill.

The Bill sets out ambitious proposals that will change how land is owned and managed in our rural and island communities. I want the legislation to be as robust as possible to ensure it fully achieves its aim.

Yours sincerely,

MAIRI GOUGEON

From: Michael Russell <[REDACTED: REGULATION 11(2)]@landcommission.gov.scot
Sent: Monday, July 1, 2024 11:35 AM
To: Cabinet Secretary for Rural Affairs, Land Reform & Islands 2024 <CabSecforRALRI@gov.scot>
Cc: Hamish Trench <<[REDACTED: REGULATION 11(2)]@landcommission.gov.scot>
Subject: Response to the letter from the Cabient Secretary re the Land Reform (Scotland) Bill

Dear Cabinet Secretary

Thank you for your letter regarding the Land Reform (Scotland) Bill and the work being done by the Commission to support and strengthen the legislation.

The Commission is undertaking careful examination of a number of aspects of the legislation including how lotting might work in practice, the criteria and nature of reporting , the role and function within the commission of the new Commissioner and the definitions of land holdings in scope.

We are also listening to and talking with other organisations and individuals who are similarly committed to ensuring that the legislation is completely fit for purpose.

We will of course share all this with your officials as we progress and we have also indicated to the NETZERO Committee that we would be happy to provide them with further information as they continue their scrutiny of the bill.

We entirely share your view that the bill must be as robust and clear as possible in order to achieve the aims that have been set for it - aims of course which the Commission strongly endorses.

In the light of the above it would I think be useful to arrange a meeting between yourself and ourselves, perhaps in the autumn when we will have more outcomes of this work to share directly with you.

Warmest regards as ever

Michael

Michael Russell
Chair - Scottish Land Commission

SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

An Lòchran
10 Inverness Campus
Inverness IV2 5NA

Cabinet Secretary for Rural Affairs, Land Reform and Islands
By email

8th February 2024

Dear Cabinet Secretary

Land Reform Bill

Following the Land Commission's Board meeting on Tuesday I was asked, as Chair, to write to you to seek an early meeting in order to raise some key matters from the Commission's perspective regarding the Land Reform Bill, which we understand you will shortly be finalising.

This piece of much anticipated legislation will dominate our work over the coming year and we would therefore like an opportunity to raise some final points with you on issues that we believe are vital to the bill.

We would wish in meeting to emphasise the evidence that lies behind all that we do, and to begin to scope out with you how our work ahead can help ensure the bill is well received on publication, is seen to reflect the need that exists for it, and helps address wider public understanding of the constraints of the devolved settlement and the effect that the current financial pressures will inevitably have had on the final proposals.

To that end we are, as a Board, willing to meet you at any time in the next fortnight or so, at any place that is convenient to you, given the importance of this matter.

We note that the *Programme for Government* in 2017, following on the vesting of the Commission, stated the clear intention of the Scottish Government to "*review the unusually concentrated pattern of land ownership, including the potential risk of localised monopolies in some situations and the potential impact on the public interest"*.

That issue remains at the heart of continuing Land Reform, reiterated in the 2021 Programme for Government, at the start of this Parliament, which it declared an intention to " *tackle the scale and concentration of land ownership across rural and urban Scotland, including provision for a public interest test to apply to transfers of particularly large scale landholdings, with a presumption in favour of community buy-out when the test applies."*

In 2018/19 the Commission took forward, by means of an evidence-led report, a major investigation into these matters. It attracted a large number of responses and the report's conclusions underpinned our submission to the consultation on the coming piece of legislation and in particular recommended - with evidence to support such recommendations - that there be:

- *A public interest test for significant land transfer*
- *A statutory underpinning for a Land Rights and Responsibilities Review*
- *A mandatory requirement for a management plan*
- *New measures found to promote more diverse private ownership to help achieve land reform objectives*
- *Proposals for local engagement in land use change*
- *New initiatives to encourage land owner leadership and good practice*

We are immensely pleased that much of this has, we understand, informed the new bill and we look forward to seeing the detail of that on publication.

We have of course continued to publish on these and other matters and have accumulated a substantial body of well evidenced research on many aspects of land reform, including taxation and comparisons with other jurisdictions. All of that points to the essential need to ensure that Scotland continues on a clear land reform journey, which will benefit all its citizens.

The key objective for us is securing practical and implementable outcomes – so that everything we do, as well as the new bill – contributes to this progress and tackles the evidenced negative social and economic consequences of a monopolistic concentration of decision-making power in the current pattern of Scottish land ownership.

Making Scotland a better place by ensuring that people are empowered and by so doing become more prosperous is at the heart of our work and we have recently renewed that commitment in our strategic Plan, by headlining that issue of **People, Power and Prosperity.**

Finally we are concerned that, we understand, the bill may propose placing new regulatory functions in the hands of a single Commissioner within the Land Commission. We believe that these kind of responsibilities would sit best with entire Commission, vested in the Commissioners collectively, who could make use of the wide skill sets that the board as a whole brings. My predecessor set out a number of governance concerns we believe this raises, and it would be important for us to follow those up with you directly given the strong views the board has expressed on them.

We very much look forward to meeting with you and we would be pleased to set an early date at your convenience.

Michael W Russell
Chair
Scottish Land Commission

From: Michael Russell [REDACTED: REGULATION 11(2)]@mac.com
Sent: Tuesday, October 8, 2024 3:46 PM
To: DG Net Zero <DGNetZero@gov.scot>
Cc: Hamish Trench [REDACTED: REGULATION 11(2)]@landcommission.gov.scot>
Subject: Meeting on Friday

Dear Michelle

Many thanks for the interesting and engaging discussion on Friday. I am glad we got the chance to brief you about the work of the Land Commission and I have asked Hamishh to follow up with some suggestions for a visit to flesh out the issues, to take place - of course - when travel is permitted again !

In the meantime if there is any information we can provide then we would be more than pleased to do so. We will continue to offer advice and support with regard to the Land Reform Bill and , amongst other things, will also continue to bring forward ideas about taxation and finance from a land perspective.

Best wishes

Michael

Prof Michael W Russell MA FRSA
Chair, Scottish Land Commission
[REDACTED: REGULATION 11(2)]
[REDACTED: REGULATION 11(2)]
[REDACTED: REGULATION 11(2)]

From: Michael Russell [REDACTED: REGULATION 11(2)]
Sent: Thursday, May 9, 2024 3:30 PM
To: zzzCabinet Secretary for Rural Affairs, Land Reform and Islands <zzzCabSecRALRI@gov.scot>
Cc: Fiona Harrison <[REDACTED: REGULATION 11(2)]@gov.scot>; Hamish Trench <[REDACTED: REGULATION 11(2)]@landcommission.gov.scot>; Deputy Director for Land Reform, Rural and Islands Policy <DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot>
Subject: Community Land Scotland Conference tomorrow

Dear Cabinet Secretary

I attach the text of the contribution which I will make to the Community Land Scotland Conference on Friday (tomorrow) which I hope you will find interesting and constructive.

The organisers asked me to outline my vision for land reform and I am pleased to do so, starting with a very strong endorsement - on behalf of the Land Commission as well as myself - of the new Land Reform Bill.

In so doing I have pointed up the consistency of both policy and commitment to Land Reform which has been a hallmark of all the devolved governments since 1999 whilst indicating that I think it would be important now to encourage thinking about

the final outcomes of this process and how might achieve them in a way, to quote a submission on the subject from a quarter century ago which would be “reasonably fair to all parties” and would “stand the test of time.”

The Commission’s main focus over the coming months will be, as you know, the new Bill but I hope we will be able to discuss the issue of the end point with you at some stage whilst also prioritising those things we considered at our meeting in February, including the impact land reform could have on housing.

I look forward to seeing you at the CLS Conference..

I am copying this to Fiona Harrison as the DD responsible for Land Reform, and to Hamish Trench as CEO of the Land Commission.

With all good wishes

Michael W Russell

Chair

Scottish land Commission

From: Michael Russell [REDACTED: REGULATION 11(2)]@landcommission.gov.scot
Sent: Thursday, March 14, 2024 10:28 AM
To: REDACTED: REGULATION 11(2)]; Hamish Trench <[REDACTED: REGULATION 11(2)]@landcommission.gov.scot>
Cc: [REDACTED: REGULATION 11(2)]; [REDACTED: REGULATION 11(2)]; [REDACTED: REGULATION 11(2)]; [REDACTED: REGULATION 11(2)]; [REDACTED: REGULATION 11(2)]; Deputy Director for Land Reform, Rural and Islands Policy <DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot>; Director of Agriculture and Rural Economy <DirectorARE@gov.scot>; [REDACTED: REGULATION 11(2)]
Subject: Re: LR Bill - formally introduced - email to SLC

[REDACTED: REGULATION 11(2)]

Thanks for this. It is a significant moment and one I am sure that you and your colleagues will be glad to see. Though knowing bills as I do, there will of course still be plenty of excitement ahead !

We will back up our welcoming statement with other activity and look forward to working with you to see this through to the statute book.

Regards

Michael

From: [REDACTED: REGULATION 11(2)]@gov.scot
Sent: Thursday, March 14, 2024 8:52 AM
To: Hamish Trench <[REDACTED: REGULATION 11(2)]@landcommission.gov.scot>; Michael Russell [REDACTED: REGULATION 11(2)]@landcommission.gov.scot
Cc [REDACTED: REGULATION 11(2)]@gov.scot; [REDACTED: REGULATION 11(2)]@gov.scot; [REDACTED: REGULATION 11(2)]@gov.scot; [REDACTED: REGULATION 11(2)]@gov.scot; [REDACTED: REGULATION 11(2)]@gov.scot; [REDACTED: REGULATION 11(2)]@gov.scot; DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot <DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot>; DirectorARE@gov.scot <DirectorARE@gov.scot>; [REDACTED: REGULATION 11(2)]@gov.scot
Subject: RE: LR Bill - formally introduced - email to SLC

Many thanks Hamish
Thanks for the comms, really helpful

[REDACTED: REGULATION 11(2)]

From: Hamish Trench <[REDACTED: REGULATION 11(2)]@landcommission.gov.scot>
Sent: Thursday, March 14, 2024 8:45 AM

To: [REDACTED: REGULATION 11(2)]; Michael Russell [REDACTED: REGULATION 11(2)]@landcommission.gov.scot
Cc: [REDACTED: REGULATION 11(2)]; [REDACTED: REGULATION 11(2)]@gov.scot; [REDACTED: REGULATION 11(2)]@gov.scot; [REDACTED: REGULATION 11(2)]@gov.scot; [REDACTED: REGULATION 11(2)]@gov.scot; Deputy Director for Land Reform, Rural and Islands Policy <DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot>; Director of Agriculture and Rural Economy <DirectorARE@gov.scot>; [REDACTED: REGULATION 11(2)]
Subject: RE: LR Bill - formally introduced - email to SLC

Many thanks [REDACTED: REGULATION 11(2)], very good to see this out. Must be very satisfying for you all to get to this stage.

We have initial comms ready to go which is simply welcoming publication and referring back to the relevant Commission work. We will obviously then take some time to digest the detail with Commissioners, and we can pick up a fuller discussion from there.

Hamish

From: REDACTED: REGULATION 11(2)]@gov.scot
Sent: Thursday, March 14, 2024 8:25 AM
To: Hamish Trench <[REDACTED: REGULATION 11(2)]@landcommission.gov.scot>; Michael Russell [REDACTED: REGULATION 11(2)]@landcommission.gov.scot
Cc: REDACTED: REGULATION 11(2)]@gov.scot; REDACTED: REGULATION 11(2)]@gov.scot; REDACTED: REGULATION 11(2)]@gov.scot; REDACTED: REGULATION 11(2)]@gov.scot DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot; DirectorARE@gov.scot [REDACTED: REDACTED: REGULATION 11(2)]@gov.scot
Subject: LR Bill - formally introduced - email to SLC

Good Morning Hamish and Mike

Hope you are both well. Further to recent meetings and discussions in relation to the Land Reform Bill, we are pleased to advise that the Bill has now been formally introduced to the Scottish Parliament. The Bill and the accompanying documents can be found here:-
https://www.parliament.scot/bills-and-laws/bills/land-reform-scotland-bill/introduced

We appreciate that you will likely have questions and will want further discussion with the Bill team. We are only too happy to meet to discuss the proposals now you can see the full detail of the Bill and the supporting accompanying documents, and we fortunately have our regular sponsorship meeting next week in any event.

We are of course only too happy to provide any further briefing, discussion or whatever you feel in necessary to support SLC staff and the board with any aspects of the Bill.

All the best for now,

With Thanks,

[REDACTED: REGULATION 11(2)]
[REDACTED: REGULATION 11(2)]
Head of Land Reform
Email: [REDACTED: REGULATION 11(2)]
Blackberry: [REDACTED: REGULATION 11(2)]

Cabinet Secretary for Rural Affairs, Land Reform and Islands Rùnaire a' Chaibineit airson Chùisean Dùthchail, Athleasachadh Fearainn agus Eileanan Mairi Gougeon MSP/BPA abc d T : 0300 244 4000 E : scottish.ministers@gov.scot

Hamish Trench Hamish.Trench@landcommission.gov.scot
Our Reference: 202400399039
Your Reference: Land Reform Bill

14 March 2024

Dear Michael,

It was a pleasure to meet with you and your fellow Board members last month. It was our first meeting since the recent appointments with you as Chair and Dr Mackenzie and Professor Roberts as Commissioners, and I look forward to many more.

I am glad we had the opportunity and time to discuss the proposals in the Land Reform Bill. The Commission played a key role in shaping the legislation and will have a key role in ensuring its ambitions are realised. I appreciate the creation of a new Land and Communities Commissioner will have an impact on the existing dynamics of the Commission and I agree that the full Board must be able to continue to collaborate, as has worked so successfully with the Tenant Farming Commissioner.

While I look forward to the Scottish Parliament's scrutiny of the Bill and do not wish to pre-empt the will of Parliament, it was helpful to hear the Commissioners' perspectives on some of the aspects of implementing the Bill. I am keen that the Board, SLC staff and Scottish Government work in a collaborative manner with input from key external stakeholders throughout the Bill process, and indeed beyond.

I am also writing separately to Lorne MacLeod in his role as Chair of the Community Land Leadership Group, given its interest in both the Bill and the forthcoming Community Right to Buy review.

It was really helpful to discuss your work programme. The work of the SLC, including the ongoing Good Practice Programme, is absolutely critical to ensuring best practice and I want this to continue in earnest.

In the meantime, can I thank you again for meeting with us at relatively short notice and I hope you and your fellow new Commissioners continue to settle in to your new roles.

Yours sincerely

MAIRI GOUGEON

Annex C
[ADDITIONAL DOCUMENT ATTACHED SEPARATELY]

NBHS REVIEW

Ministerial Roundtable with Rural and Island Stakeholders
Meeting Note – 29 August 2024

Scottish Government Attendees
Minister for Climate Action – Dr Alasdair Allan
[REDACTED: REGULATION 11(2)] , [REDACTED: REGULATION 11(2)],
[REDACTED: REGULATION 11(2)] – Heat in Buildings

Note of Discussion

- Selected stakeholders gave statements related to the New Build Heat Standard Review.
- Stakeholders pointed out that rural areas are more susceptible to power-cuts, and therefore have to take steps to increase resilience. Woodburning stoves often have an important role to play on that front.
- Another related recurring theme was the difficulties that rural and island communities have due to geographic location. It can be difficult, expensive and time-consuming to source tradesmen to repair heat pumps.
- It was also stated that fuels such as wood and peat are often easily accessible and cheap in rural areas, this was contrasted with the cost and unreliability of electric heating sources.
- To this end, the theme of island depopulation also emerged, with some stakeholders feeling that limitations on the use of stoves would put people off moving there.
- Stakeholders also felt that wood could often be a sustainable source of fuel. The representative from Cairngorm Bothies explained how his business is considered as a pioneering off-grid development, which uses on-site fuel sources from thinnings and wood fall.
- Other stakeholders believed that guidance on proper use of stoves could lead to responsible, clean use.
- Issues relating to Crofters were raised by a representative from the Crofting Commission who felt that the NBHS contravened the rights of crofters to cut and burn peat, and raised concerns about the cost of electricity in the Highlands.

Dr Allan Closing Remarks

- Dr Allan responded to a number of the points made by stakeholders in his closing remarks
- He reiterated that there was never a stove ban.
- Picking up on the issue of getting an engineer out to the islands, the Minister noted that a power cut on the island also depends on an engineer getting out to the island to fix.
- The Minister stated that unit pricing is something we have raised with the UK government. and continue to raise the cost of gas and electricity.

- Regarding crofting legislation, the Minister stated that there is no proposal to ban the use of peat and stated the need to take account of the unusual circumstances in rural Scotland.
- Dr Allan said that it was helpful to have options for off-grid communities during power cuts, and that he is aware of the need for rural housing and the need to get the regulation right not to impede that.
- The Minister thanked everyone for attending and contributing, and welcomed further contributions and evidence to the team.

ANNEX A – FULL LIST OF EXTERNAL ROUNDTABLE ATTENDEES

External Attendees
Point and Sandwick Trust
Eigg Heritage Trust
Isle of Coll Community Council
Crofting Commission
North Ronaldsay Trust
Isle of Rum Community Trust
Scottish Land and Estates
Cairngorm Bothies
OFTEC

From: development@isleofrum.com <development@isleofrum.com>
Sent: Thursday, July 25, 2024 8:39 PM
To: 2024 Heat Standard <2024heatstandard@gov.scot>
Subject: RE: Review of the New Build Heat Standard

[REDACTED: REGULATION 11(2)],

My comments as below:

[REDACTED: REGULATION 11(2)]
Development Officer
Isle of Rum Community Trust

[REDACTED: REGULATION 11(2)]

Registered Office: Kinloch, Isle of Rum PH43 4RR Charity SC039637 Company SC321870

From: [REDACTED: REGULATION 11(2)]@gov.scot < [REDACTED: REGULATION 11(2)]@gov.scot> On Behalf Of 2024heatstandard@gov.scot
Sent: Thursday, July 25, 2024 4:27 PM
To: development@isleofrum.com; 2024heatstandard@gov.scot
Subject: RE: Review of the New Build Heat Standard

Hi [REDACTED: REGULATION 11(2)],

Many thanks for your comments, those are really useful and informative and we've saved them as evidence to be considered as part of our Review, and are looking forward to your participation in the discussion at the workshop.

We just had a few questions that would be really useful if you've got a spare minute to answer:

Wood stoves of course can break, flue needs cleaned, etc but much of that can be done with less skilled island or local mainland based contractors. The simplicity of a wood stove is a god send for an island. Not sure about semi auto wood fueled systems, maybe there is mileage there if investment is put into that nationally. We don't have any back boilers or etc, on our stoves, they are all just space heaters, but they are a brilliant technology compared to pellet, chip, oil etc which all have too many local or global external costs/risks even if the initial outlay was grant aided.

Thanks

[REDACTED: REGULATION 11(2)]

Thanks again,

[REDACTED: REGULATION 11(2)]

From: development@isleofrum.com <development@isleofrum.com>
Sent: Tuesday, July 23, 2024 5:45 PM
To: 2024 Heat Standard <2024heatstandard@gov.scot>
Subject: Review of the New Build Heat Standard

Hi,

I'd like to make some comments on the above Standard to feed into the proposed workshop planned for 06aug which I hope also to attend. This relating principally to the vital need for wood stoves in the long term in rural new builds and other domestic and public buildings, especially in island communities. And this communication provided in my role as the Development Officer for the IRCT.

IRCT currently own 16 domestic properties on Rum, which is the majority of accommodation on the island. We also own most of the developable land within the Kinloch village boundary. In all of our properties we install wood stoves, including 4 new build RIHF homes (2020). We have also installed oil boilers in all our properties (and PV panels on the new builds). Mowi and NatureScot have also installed oil heating and generally favour woodstoves too. Oil and wood stoves are the standard on Rum. We don't want to use oil, we want to escape from it, but what is the economic alternative? We have spoken to many experts, are very well connected with many other land owning community groups and others experts across Scotland, and have found no alternative to oil, certainly for domestic properties, that doesn't put the lion's share of long term cost and risk onto this fragile community land-owning island Trust and/or individual residents and businesses.

We have no access to the National Grid, our power supply is currently owned by NatureScot which produces electric from two old hydros and diesel backup. The system is ailing and in urgent need of major investment (particularly the hydro pipe, which also supplies all of our domestic water supply). We have over the years experienced significant blackouts. We and NS would like IRCT to play a significant part in ownership of the power system. We are working with them and other partners on managing the inevitable huge risks involved for IRCT in committing to an Energy Company when we ourselves have very limited people energy to commit to such a huge undertaking. It is a long term project. So at present, heat pumps are out, or for very limited experimentation as our supply just can't take it.

We own one pellet boiler which fuels our 20bed bunkhouse. It works well at that scale, but still the risks and costs are on us long term. It is vastly more expensive to service an pellet boiler than a similar sized pellet one, and engineers who will service it few and far between. Oban and now Forres are the most local we have found. That building also has a wood stove backup which provides an important focal point at the heart of the social space. This latter point is surely of huge and real significance I would say for a social animal like humans! It provides a real connection with the island, the planet and each other that no other energy source provides.

Oil is clearly (?) not the future, but wood, for rural areas at the very least, has to be part of it. Locally sourced, available, reliable, sustainable wood. It is the only significant forest product for human use produced from our timber on the island. It provides a small important business or DIY opportunity for some residents. It provides both a social and economic service. Far more healthy perhaps than say a TV as a focus (e.g. there is no TV provision in the bunkhouse, as above)!! Wood supply doesn't rely on ferries or weather. It is relatively clean, affordable and accessible for residents. It is an essential winter back up for when oil or electric supplies fail.

Pollution impact? One study suggested that 75% or our energy footprint on the Small Isles is produced by our ferry, the Loch Nevis. We love having the big ferry. It provides a lifeline service. It could be vastly better! Faster, more frequent, more reliable and much much more energy and labour efficient. A big task we very much appreciate to turn that Calmac oil tanker around across Scotland's islands. But if reducing our carbon footprint on Rum is the issue, woodstoves must be very well less than 1% of our impact and yet the service they provide is invaluable? Across Rural Scotland, other targets should be our focus and not a restriction on wood stove use. Efficiency of woodstoves, yes, and making them (and wood) more cost accessible to all. Education and support for appropriate storage and the need to use only dry wood. Not coal or coke (also for UK power stations too). These latter suggestions would be a far more positive focus for the very long term, for a progressive Scottish Government, than any restriction on wood stove use.

Thanks. I look forward to the above workshop and discussion on this topic.

[REDACTED: REGULATION 11(2)]

[REDACTED: REGULATION 11(2)]

Development Officer
Isle of Rum Community Trust

[REDACTED: REGULATION 11(2)]

Registered Office: Kinloch, Isle of Rum PH43 4RR Charity SC039637 Company SC321870

New Build Heat Standard: Review
Workshop discussion paper

1. Background

The New Build Heat Standard (NBHS)[1], as it stands, applies to new buildings applying for a building warrant from 1 April 2024 and limited conversions. These buildings are no longer permitted to use Direct Emissions (or polluting) Heating Systems (DEH) like oil and gas boilers. Instead, they need to use climate-friendly alternatives like heat pumps and heat networks[2] (also referred to as clean heating systems and Zero Direct Emissions Heating Systems (ZDEH)).

The Standard is technology neutral and does not set a hierarchy for the use of clean heating systems. The NBHS only applies to systems used for heating and cooling and does not apply to industrial process heat. Neither does the NBHS apply to the use of emergency heating systems – a provision designed to ensure resilience in the event of any interruption to supply.

Since the NBHS was introduced, significant political and public attention has arisen on the topic of woodburning stoves and their use. We acknowledge that the way in which technical guidance is currently drafted on what constitutes emergency heating can be difficult to reconcile with the nature of wood burning stoves, which are often installed for more frequent use rather than solely as emergency systems. We have also received some limited feedback on the wider use of bioenergy as part of the NBHS.

On 28 May, the Minister for Climate Action, Gillian Martin, announced in Parliament that a review of the NBHS was to take place to ensure that the regulations address concerns on local resilience. The review is now underway and is considering the role of woodburning stoves as well as the wider issue of bioenergy systems in new buildings.

The purpose of this workshop is to discuss options for the review of these regulations under the NBHS.

2. NBHS impacts

[1] The Building (Scotland) Amendment Regulations 2023 (legislation.gov.uk)
[2] Heat networks can be used regardless of their fuel source, including ones using direct emissions heat

Several impact assessments (IAs) were conducted alongside the development of the NBHS. The NBHS is expected to deliver cumulative savings of around 5.2 MtCO2e over 2024 to 2083, comprising 2.3 MtCO2e saved in the Residential sector and 3.0 MtCO2e saved in the Services sector[3].

The Business and Regulatory IA identified benefits mainly in relation to emission reduction and resulting positive outcomes for human health.

The Island Communities IA identified higher rates of ZDEH installation on islands. It established that the uptake of ZDEH technologies in new buildings in island and remote areas of Scotland does not face more significant barriers than in other parts of Scotland but did acknowledge some variation in interconnectivity[4]. However, we have been made aware, since the NBHS was implemented, of significant concerns around resilience and the use of the emergency heating provision. We will update the previous impact assessments where required based on the findings of this review.

3. Regulatory review

Officials have been reviewing views shared during the development of the regulations, as well as considering any new evidence shared since the NBHS came into force. The section below outlines the two main options arising from the review and which will serve as a basis for this workshop.
However, we know that there will be alternative options that we may not have considered. We would therefore welcome any additional ideas outside of the options below. All options explored in this paper will need to be compared to the current form of the regulations in order to identify impacts.

Any amendment to the regulations will need to:

- Address concerns on the resilience of communities during periods of extreme weather and other events which may cause the failure of the main heating system;
- Maximise emission reductions from new buildings to help achieve our wider goal of net zero by 2045 and any interim targets;
- Deliver the best outcomes for human health and the environment, including the effects of air pollution from any combustion systems; and
- Respect cultural practices – for some communities, including crofting ones, the act of cutting peat is not only a practical necessity but also a social gathering, with communities coming together to help one another; open fires are often also used in religious worship.

Any regulatory amendment identified as part of the review will need to be legally considered. The options presented in this paper do not represent a final version of a possible regulatory amendment.

[3] Figures do not exactly sum to total CCP abatement due to rounding
[4] Zero emissions heating in new buildings across Scottish Islands | ClimateXChange

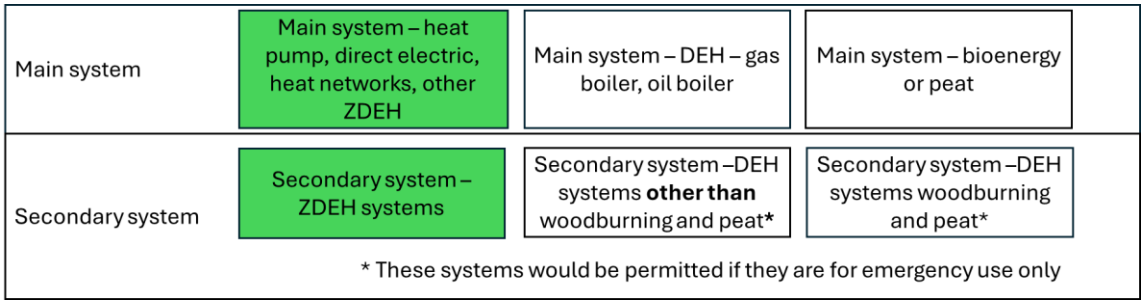
1. Option 1: implement a minor amendment to the existing emergency heating provision

Maintaining the current form of the regulations would mean that the use of DEH systems, including bioenergy ones, would remain prohibited unless provided for use in emergencies only where the main system is non-operational.

Some have expressed a view that combustion systems such as woodburning stoves should be more explicitly permitted in the legislation making them easier to install for use in emergencies.

We acknowledge that the technical guidance as currently drafted on what constitutes emergency heating can be difficult to reconcile with the nature of wood burning stoves, which are often installed for more frequent use, rather than solely as emergency systems. The technical guidance was originally intended to encourage systems which duplicate the extent of, and use the same distribution network as, the main heating system, or to use portable systems which are not captured by the NBHS.

We have had some feedback suggesting that the definition of "an emergency heating system" should be revised to more explicitly permit the use of such single combustion systems by removing any limitations on the coverage of the system – both in legislation and as set in the Building Standards technical handbooks accompanying the Standard[5]. This option is referred to as Option 1. The below figure shows systems permitted (fill) and prohibited (no fill) under Option 1.



2. Option 2: Restrict the application of the regulations to main systems only

This will allow the installation of single combustion systems to be used as secondary heating, and will mean that woodburning stoves may be installed for any purpose, including economic and aesthetic. There will be no requirement to provide justification for the purpose of installation – in contrast to the current requirement which restricts use to "emergency only".

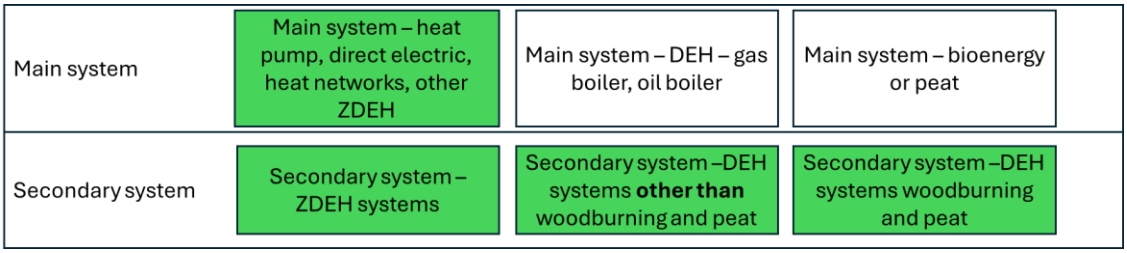
Based on EPC data, approximately 4% of new homes had secondary heating in stalled over the last three years (2021 – 2023) – this is around 2,500 of 65,500 new build homes, with over 80% (2,000) of these systems being wood-fired. Installations are significantly higher in islands postcodes, being present in 32% of new homes – again with wood-fired solutions accounting for over 80% of installations.

[5] Section 6.11.2 "Emergency heating" Building standards technical handbook April 2024: domestic - gov.scot (www.gov.scot)

This option would be consistent with the intention of developing proposals for existing buildings where the equivalent standard would focus on energy efficiency and the main heating system only[6].

A key consideration in all of this is the fact that domestic wood-burning can worsen outdoor air quality as well as air quality within the home - releasing pollutants including particulate matter (PM) which can have a range of negative impacts on human health.

The figure below shows a summary of permitted (fill) and prohibited (no fill) systems under option 2.



Discussion questions

1. Do you think the NBHS should be amended as set out in Option 1 which proposes only a minor change to the definition of “emergency heating”?
2. Do you think the NBHS should be amended to capture only the main heating system of a home or building (Option 2), therefore permitting any secondary systems to be installed? Why/ why not? If yes, should this cover both domestic and non-domestic buildings?
3. Should the provision be universal, or should there be any limitations and if so, why?
4. If yes to the above, what should those limitations be?
5. How can any negative impacts of permitting the installation of secondary systems be mitigated – e.g. poor air quality?
6. How should main heating systems and secondary systems be defined?

3. Option 3: Permit the installation of all bioenergy heating (where bioenergy comes from a sustainable source) and permit the installation of all peat systems

This goes beyond option 2 and permits the use of bioenergy and peat in main heating systems. It is akin to the position before the NBHS came into force on 1 April 2024.

The total number of new homes that use bioenergy main heating systems over the same period (2021-2023) is very low – 95 out of almost 65,000 completions, or around 0.1%. For new homes in island postcodes, there were 7 properties with a bioenergy system out of over 2,200 completions (0.3%).

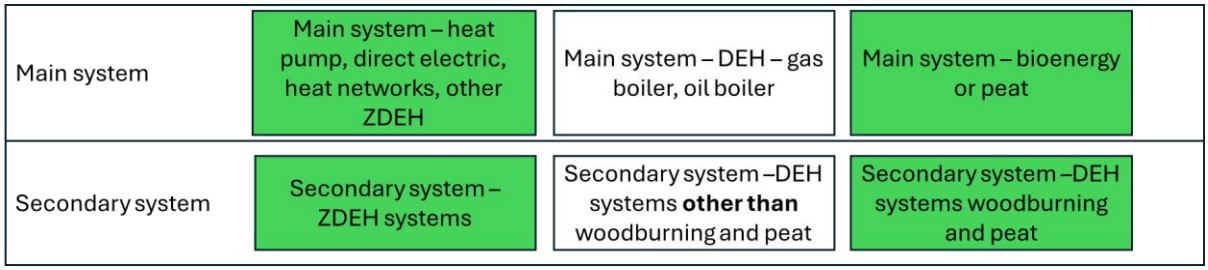
[6] Delivering net zero for Scotland's buildings - Heat in Buildings Bill: consultation - gov.scot (www.gov.scot)

In 2022, the Greenhouse Gas Inventory reported 0.08 MtCO2e emissions associated with fireplaces and closed stoves in residential properties (16% of all emissions from residential), and 0.7 MtCO2e associated with domestic peat extraction (including horticulture as well as residential use)[7].

Over the same period, approximately 950 new non-domestic buildings were completed. 12 buildings identified a form of bioenergy as their main heating fuel, whilst a further 11 are listed as 'other', which may include other bioenergy sources. Together this amounts to 2.4% of new non-domestic developments.

This approach would be consistent with the intention of proposed regulations for existing buildings where a Heat in Buildings Standard might permit the use of bioenergy where no other solutions are available.

The figure below shows a summary of permitted (fill) and prohibited (no fill) systems under option 3.



Discussion questions

1. Do you think the Standard should be amended to exclude systems operating on bioenergy and why? If yes, should this cover both domestic and non-domestic buildings?

If yes, please comment on the below?

2. Should the provision be universal, or should it have any limitations? If so, why and what should these limitations be?
3. How can any negative impacts of permitting the installation of bioenergy systems be mitigated – e.g. poor air quality?

Use of peat

Peat is a soft, porous or compressed sedimentary deposit of which a substantial portion is partly decomposed plant material with high water content (up to about 90%)[8]. More than 20% of Scotland is covered by peat and much of our drinking water filters through these peatland catchments, making them crucial for clean drinking water. 80% of peatlands have a level of degradation. Peatlands also hold most of Scotland's carbon store (they are estimated to hold the equivalent of 140 years' worth of Scotland's total annual greenhouse gas emissions) and can be home to rich plant and animal communities.

[7] Supporting documents - Scottish Greenhouse Gas Statistics 2022 - gov.scot (www.gov.scot)
[8] IPCC, Sixth annual report, 2021 Climate Change 2021: The Physical Science Basis | Climate Change 2021: The Physical Science Basis (ipcc.ch)

Please note that peat is not classed as bioenergy and is considered alongside fossil fuels[9]. Peat has associated carbon emissions from both extraction and burning. It is primarily used in rural and island areas, traditionally in agriculture, whisky production and in domestic heating and cooking. We are aware of concerns about the challenges in transitioning away from peat as fuel due to the lack of affordable alternatives and the potential exacerbation of fuel poverty. Feedback we have received has also called for the continued use of peat for traditional and cultural reasons.

Discussion questions

1. Should the NBHS include a specific provision allowing the use of peat as a fuel?
2. Should such a provision have any limitations e.g. those with crofting rights?

4. NBHS Review - next steps

Following a period of engagement over the summer, which includes this workshop, officials will finalise any agreed and required proposals for a regulatory amendment. The outcome of the review is planned for implementation as soon as possible following the end of recess (September).

5. Interaction with planning provisions – section 3F

Section 3F of the Town and Country Planning (Scotland) Act 1997 requires local authorities' development plans to contain policies requiring new buildings to be designed to avoid a specified and rising proportion of greenhouse gas emissions from their use through the installation and operation of low and zero-carbon generating technologies.

The Scottish Government is preparing legislation to repeal Section 3F. This follows the conclusion of annual reporting that the latest policy and regulatory position (NBHS and National Planning Framework 4) goes beyond what Section 3F can achieve, and that the requirement set out by 3F is no longer necessary.[10]

Our initial assessment is that business costs would not be significant because the supportive environment created by current in-force policy and regulations for the application of low and zero-carbon generating technologies in new building proposals would continue in the event of Section 3F repeal. The main benefit of the repeal is reduced procedural burdens for planning authorities, applicants for planning permission and consequently designers preparing new building designs.
Please do let us know if you have any evidence to offer around this summary, or if you would particularly like to discuss Section 3F further, no later than Friday 12 August.

From: [REDACTED: REGULATION 11(2)]@shetland.gov.uk < [REDACTED: REGULATION 11(2)]@shetland.gov.uk>
Sent: Tuesday, August 6, 2024 10:59 AM

[9] This represents the wider EU position on bioenergy use
[10] Climate Change Act – Section 72: fourteenth annual report - gov.scot (www.gov.scot)

To: [REDACTED: REGULATION 11(2)]@gov.scot>
Subject: Re: NBHS review islands workshop

Hello,

Sharing this feedback from Fair Isle [REDACTED: REGULATION 11(2)] who had hoped to attend the workshop, but unfortunately is unwell.

Do forward on any slides that you get from this -

Its a big issue - some points from FI perspective if there is a chance to bring it up:

- Off grid isles currently do not have the power capacity for electrical heating systems. - especially if it isnt a heatpump (storage heaters and panels will require higher KWH loads).
- You could also argue that a combination of heat pump and wood burner is a good economical and environmental way to go - (heat pump for base temperature and burner for extreme lows and as a back up).
- You could also argue that having these technologies will cause great expense due to skill shortages on the isles to maintain systems and will incur huge costs in bringing experienced contractors to the isle for maintenance.
- Buildings have poor EPC rating and are often traditional croft buildings - funding isn't available to both tenants and nts to help with energy efficiency upgrades.
- Poor EPC will also mean electric heating is more ineffective
- Additional Electric heating will be powered through backup diesel generators which are more polluting than oil boilers and especially burners.

[REDACTED: REGULATION 11(2)]
Community Involvement and Development Officer
South Mainland and Fair Isle

Shetland Islands Council
Community Planning and Development

[REDACTED: REGULATION 11(2)]
[REDACTED: REGULATION 11(2)]
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Solarhus, 3 North Ness Business Park, Lerwick, ZE1 0LZ
https://www.shetland.gov.uk/community_planning_dev
https://www.facebook.com/shetland.community.hub

My working days are Monday – Thursday

From: [REDACTED: REGULATION 11(2)]@scottishlandandestates.co.uk>
Sent: Monday, August 5, 2024 2:01 PM
To: [REDACTED: REGULATION 11(2)]@gov.scot>
Cc: [REDACTED: REGULATION 11(2)]@gov.scot>; [REDACTED: REGULATION 11(2)]@gov.scot>
Subject: RE: Scottish Government Review of the New Build Heat Standard (NBHS) - invite to workshop on 30 July

Dear [REDACTED: REGULATION 11(2)],

I have attached the briefing we circulated to MSPs prior to the debate at the end of May. This has good resources that you should find helpful in respect of woodlands. A particularly good resource is this one from Forest Research: https://www.forestresearch.gov.uk/tools-and-resources/fthr/biomass-energy-resources/fuel/woodfuel-production-and-supply/woodfuel-production/forestry-for-woodfuel-and-timber/economic-benfits-of-woodland-management/

While I am thinking of them, here are a couple of anecdotes that are also relevant:

Dormont Estate, Lockerbie – Built their pioneering Passivehaus affordable homes in 2011, the homes had wood burners installed in addition to solar so that the tenants had a free option for their water heating 24/7, in addition to it providing top up space heating in the winter. Under these new regulations, Dormont would have been unable to protect their tenants from energy costs in this way. The logs are provided through the estate's own woodland management. Jamie Carruthers would be very happy to show you and the team these properties. https://www.scottishhousingnews.com/articles/low-energy-housing-could-help-tackle-affordable-rural-homes-shortage

Ardlussa Estate, Isle of Jura – The current custodian's grandfather planted a commercial woodland plantation as an experiment to see if it could provide an income stream back then. The timber has failed to reach a grade that would justify shipping the timber to the mainland, or be used for construction on the island. However, this timber has by chance become ideal feedstock for the biomass district heating system. See this article in the SLE Landbusiness magazine (Winter 2023) for a bit of colour around this summary: https://misc.pagesuite.com/pdfdownload/01461197-ce34-41ac-be7a-3466a5b733c4.pdf . I am sure Andrew Fletcher would be happy to talk through the value of his biomass to this part of Jura to your team if that would be a help. When I saw him the other day, he told me that the timber left in his grandfather's plantation is likely to see out two generations by which time he is optimistic that island resilience might have caught up and mean they won't be left high and dry.

As far as **domestic and non/domestic** is concerned, in rural and island areas they suffer from the same challenges. They should not be treated differently. The issue around the NBHS is locational. In economically challenging times rural businesses also suffer from their own form of fuel poverty as energy prices have risen, and they certainly suffer from the same electricity outages as domestic. Some rural industries are energy greedy and bioenergy is a good solution, especially where waste heat can be used to heat neighbouring properties.

I am also concerned by the risk that “emergency heating” as defined leaves diesel generators and gas fires as the go-to solution. Timber and peat must be an option. Emergency heating options in remote areas need to be able to source the fuel locally. Diesel and gas are often many miles and sometimes a ferry away – journeys that can’t always be, and most probably shouldn’t be undertaken when electricity transmission fails.

It would be good to catch up again on this.

Kind regards,

[REDACTED: REGULATION 11(2)]

[REDACTED: REGULATION 11(2)]
Policy Adviser (Rural Property)
Scottish Land & Estates
M: [REDACTED: REGULATION 11(2)]

From: [REDACTED: REGULATION 11(2)]@gov.scot>
Sent: Tuesday, July 30, 2024 4:53 PM
To: [REDACTED: REGULATION 11(2)]scottishlandandestates.co.uk>
Cc: [REDACTED: REGULATION 11(2)]@gov.scot; [REDACTED: REGULATION 11(2)]@gov.scot
Subject: RE: Scottish Government Review of the New Build Heat Standard (NBHS) - invite to workshop on 30 July

Thanks for coming along, [REDACTED: REGULATION 11(2)], and for your contributions.

You mentioned some information around surplus/ timber materials which can’t be used in other ways and therefore domestic burning makes sense in those circumstances. We’ll check what info forestry colleagues have but grateful for any research on this you think would be handy to have as part of the review, especially one which may include commentary around proportions of heat demand satisfied/ number of properties that can be supplied etc.

Would also really welcome views around the domestic/ non-domestic split question – seemed that opinion was variable on whether both should be treated the same.

Happy to catch up again later in August as we bring the engagement phase to an end and a final option/ drafting is emerging – if so, let me know what your availability may be.

Many thanks,

[REDACTED: REGULATION 11(2)]

From: [REDACTED: REGULATION 11(2)]@scottishlandandestates.co.uk>
Sent: Tuesday, July 30, 2024 3:33 PM

To: [REDACTED: REGULATION 11(2)]@gov.scot>
Cc: [REDACTED: REGULATION 11(2)]@gov.scot>; [REDACTED: REGULATION 11(2)]@gov.scot>
Subject: RE: Scottish Government Review of the New Build Heat Standard (NBHS) - invite to workshop on 30 July

Hi [REDACTED: REGULATION 11(2)],
Thanks very much for holding the workshop. Please let me know if there is anything you want to pick up further with me.
Kind regards,
[REDACTED: REGULATION 11(2)]

[REDACTED: REGULATION 11(2)]
Policy Adviser (Rural Property)
Scottish Land & Estates
M: [REDACTED: REGULATION 11(2)]

From: [REDACTED: REGULATION 11(2)]@gov.scot>
Sent: Thursday, July 25, 2024 6:26 PM
Cc: [REDACTED: REGULATION 11(2)]@gov.scot; [REDACTED: REGULATION 11(2)]@gov.scot
Subject: FW: Scottish Government Review of the New Build Heat Standard (NBHS) - invite to workshop on 30 July

Dear Stakeholder,

Please find attached a discussion paper for the NBHS Review Workshop on Tues 30 July, setting out the options which we will aim to explore with you on the day. We are also keen to hear any alternative options that you may have.

If you are unable to attend the workshop we would welcome any views or comments you may have by email – our mailbox is 2024heatstandard@gov.scot.

Looking forward to speaking with you soon.

[REDACTED: REGULATION 11(2)]

From: [REDACTED: REGULATION 11(2)]
Sent: Tuesday, July 23, 2024 5:42 PM
Cc: [REDACTED: REGULATION 11(2)]gov.scot>; [REDACTED: REGULATION 11(2)]@gov.scot>
Subject: Scottish Government Review of the New Build Heat Standard (NBHS) - invite to workshop on 30 July

Dear Stakeholder,

Invite to participate – Scottish Government NBHS Review - Workshop (Rural focus) - Tuesday 30 July, 14:00-15:30

On 28 May the Minister for Climate Action announced a review of the New Build Heat Standard in response to the concerns raised regarding the reliance on biomass and solid fuel burning stoves in rural and remote areas. As part of this Review Scottish Government officials are holding a series of stakeholder workshops to gather evidence and views on the use of woodburning stoves, and bioenergy more widely within new buildings.

The New Build Heat Standard, as it stands, applies only to new buildings and certain types of conversions applying for a building warrant from 1 April 2024. Solid fuel burning stoves or other 'direct emission heating systems' can still be installed to provide 'emergency heating' where such a solution can be justified. However, we acknowledge that the way in which technical guidance is currently drafted on what constitutes emergency heating can be difficult to reconcile with the nature of wood burning stoves which are often installed for more frequent use, rather than solely as emergency systems.

As a key stakeholder, you are invited to attend this workshop which you can join via the link below. We will circulate a paper ahead of the workshop detailing the options officials have identified based on the review of evidence and previous responses to engagement. If you would like to send any evidence ahead of the workshop – we would really appreciate this at 2024heatstandard@gov.scot.

I would be grateful if you could reply to this email to **confirm if you plan to attend**.

Best regards,

[REDACTED: REGULATION 11(2)]
Heat in Buildings Division
Directorate for Energy & Climate Change
Scottish Government

[REDACTED: REGULATION 10(4)(d)]

[REDACTED: REGULATION 10(4)(e)]

[REDACTED: REGULATION 10(4)(e)]

Scottish Land&Estates

Importance of Wood-burning Stoves and Other DEH to Homes in Rural and Island Communities

Briefing – Member's Debate S6M-12917

29 May 2024

About Scottish Land & Estates

At Scottish Land & Estates (SLE), our vision is a prosperous and sustainable future for rural Scotland, delivering benefits for all. We do this by championing and supporting rural businesses that provide economic, social and environmental benefit to the countryside. Our members represent a diverse community passionate in promoting rural Scotland, and we've acted as their voice for over 100 years.

Key messages

- **SLE is calling for the New Build Heat Standard (NBHS) to be amended, and future Heat in Buildings legislation, to give flexibility to buildings in rural and island areas, that allows woodburning stoves and bioenergy systems to be installed, until such time that the technological advancements, workforce and electricity transmission networks provide rural and island communities with parity to the more accessible areas.**
- **In its current form, NBHS represents a "zero emissions at all costs" approach and disproportionately impacts those living in rural and island areas.**
- **Fuel poverty in rural and island areas is endemic. It is more common amongst those with electric heating[1] and fuel poverty is curtailed where homes have access to a woodburner.**
- **As recognised by the Climate Change Committee, bioenergy is a key part of a just transition in rural Scotland. This is because biogenic carbon is not the same as fossil carbon.**
- **Biomass is an important low emission and renewable heating option that is available to rural households, businesses and communities. It is also a useful tool in reducing fuel poverty in rural areas via small scale heat networks.**
- **There are several examples of fantastic projects and businesses across Scotland that utilise biomass for heating. Many of these are actively supported by the Scottish Government for their sustainability credentials which are ignored in the NBHS. The impact of banning stoves as a primary form of heating would disproportionately impact sustainable businesses in off grid locations.**
- **The Scottish Government must change its approach to policy making to ensure changes such as those proposed in the NBHS take in to account the impact it may have on rural communities. Inadequate rural proofing, coupled with poor communication, led to a completely avoidable situation that panicked rural communities and further eroded their trust in the Scottish Government. This cannot be allowed to happen again.**
- **We are supportive of Jamie Halcro Johnston's Motion for Debate which demonstrates both the value of woodburning stoves to heating rural homes, and the harm of Scottish Government proposals to ban them in new homes.**
- **We welcome the Minister for Climate Action's commitment to reviewing provisions in the NBHS in response to Rachael Hamilton's timely Topical Question on this topic.**

Introduction

The Scottish Government policy that saw the introduction of the New Build Heat Standard (NBHS) is a key part of the drive to make heating zero emission at point of use. SLE understands the desire for all homes to have zero emission heating, however these regulations fail to recognise the challenges faced by those living in the rural and island areas of Scotland.

[1] https://www.gov.scot/publications/scottish-house-condition-survey-2022-key-findings/pages/3-fuel-poverty/

SLE believes that rural and island areas needs to be treated differently when it comes to heating regulations for the following reasons:

- Air quality is not an issue for rural parts of Scotland
- Rural and island areas of Scotland remain susceptible to power cuts
- Rural and island areas experience significantly higher rates of fuel poverty than accessible areas
- Rural and island areas suffer from a skills shortage of qualified trades for ZDE heating systems
- Rural and island areas are more likely to have a sustainable supply of wood fuel
- Many rural and island areas are off the gas grid and have limited alternative options for heating.

Furthermore, emissions are already minimised due to the mitigating factors in design within regulations for new buildings. Building Standards today demand a high standard of energy efficiency which requires *"every building [to] be designed and constructed in such a way that... it is a nearly zero-energy building, ... capable of reducing the energy demand of the building."*[2]

Regulations on energy related products including solid fuel boilers and heaters (i.e. stoves) already require them to be "Eco-design" which means that they "*make the lowest possible environmental impact throughout the product's lifecycle"*[3].

We therefore believe a ban on woodburning stoves as an emergency or secondary form of heating is both unreasonable and unnecessary.

If new dwellings are built to the required standard and homes are airtight and well insulated to reduce the demand for heating, emissions will be minimal on the basis that use will be reduced to essential and occasional use only, i.e. when the primary heating system has failed, or to supplement a ZDE systems in particularly cold weather, or when cost of energy is prohibiting the use of a ZDE system.

SLE is calling for the NBHS to be amended, and for future Heat in Buildings legislation to give adequate flexibility to buildings in rural and island areas that allows woodburning stoves and bioenergy systems to be installed until such time that the technological advancements, workforce and electricity transmission networks provide rural and island communities with parity to more accessible areas.

Fuel Poverty

Looking at the distribution of fuel poverty in Scotland illustrates why rural Scotland needs to be treated differently when it comes to heating regulations.[4]

Three times more households in remote rural areas which are classed as extreme fuel poor (households which spend more than 20% of its adjusted net income on household fuel) compared to the proportion in accessible rural areas and in the rest of Scotland.[5] This will be due in part to the fact that the average home is 30% larger than in the rest of Scotland because more are traditional, detached properties. They are therefore harder and more expensive to heat.

For many homes, burning wood to stay warm is just as important as it was to households hundreds of years ago, especially those with older properties or in colder regions of the countryside. This is not a fashion - it is simply the reality of living off grid where there is a plentiful supply of wood.

Burning wood is currently cheaper than using gas or electricity, and free to those with their own timber supply and often free to tenants on farms and estates.

[2] Standard 6.1, Energy Demand Building Standards Domestic Technical Handbook Page 448
[3] Definition by the European Environmental Agency (https://www.eea.europa.eu/help/glossary/eea-glossary/eco-design)
[4] https://www.changeworks.org.uk/insights/a-perfect-storm-fuel-poverty-in-rural-scotland/
[5] Scottish Government: Rural Scotland Key Facts 2021

Levels of fuel poverty among households using electricity as their primary heating are consistently higher compared to households using other fuel types[6]. In some cases, this is even being exacerbated by retrofit "energy saving" improvements in existing properties. The tenant of an SLE member recently shared details of their experience of energy efficiency improvements that replaced their solid fuel stove (with back boiler heating system) with an air source heat pump, solar panels and insulation via the ECO4 grant scheme. Their electricity bills have now more than doubled[7]. They had been encouraged to take up the grant by the installers on the promise of lower bills.

Biomass is the logical choice in certain locations and for certain types of buildings and is ideal for small scale heat networks. Stracathro Estate and Leys Estates are just two examples where tenants are seeing significant savings to tenants in contrast to their potential electricity bills, but will also continue to in terms of CO^2 emissions until such time that electricity consumed from the national grid is 100% renewable.

Rural Resilience

Energy resilience is borne out of local resources, options and choice. Furthermore, bioenergy in its many forms can continue to be an important factor in reducing dependency on the grid, particularly at times of severe weather disruption.

Many rural communities will dispute the statement that "*unexpected interruption of power is rare*" [8] A fact supported by Highland Council which recommends that in winter "you might need to be self-sufficient for 72 hours". It is well publicised that after Storm Arwen as many as 4,000 people in the North East were without power for a whole week.[9] While Arwen was an *unprecedented* storm, scientists are in no doubt that severe storms are not a thing of the past and so until such times that the electricity network is completely infallible, sections of society will be vulnerable, and particularly so in those locations further from amenities. Consumer Scotland has also highlighted the issue of infrastructure resilience in rural parts of Scotland.[10]

While all boilers, whether ZDEH or otherwise, require electricity to varying degrees, woodburners offer the ideal backup and often have a hot plate which provides a basic form of cooker. In the height of winter even the most well insulated house will be cold without electricity for an extended period.

The NBHS states that there is little justification to install emergency heating because "*failure of the normal heating system can usually be addressed simply and easily through use of independent, portable heaters*"[11] **This shows a failure to understand the challenges of rural living.** Electric alternatives are useless in a power cut, unless a generator is used (diesel generators are highly polluting, while electric rely on being charged and are extremely expensive); and gas heaters fuelled with LPG gas bottles have the added challenge of acquiring replacement bottles which is not easy even without an emergency.

Sustainability

Although woodburners and biomass heating systems are emission producing, these are not the same as fossil fuel emissions. Burning fossil fuels releases carbon that has been locked up in the ground for millions of years, while burning biomass emits carbon that is part of the biogenic carbon cycle.

[6] Scottish House Condition Survey 2019

[7] Electricity consumption went from 214.9 kWh (plus 6 bags of coal) per month c.£250 (February 2023) to 1784.4 kWh in February 2024 (£539.68)

[8] Standard 6.11.2 Emergency Heating Building Standards Domestic Technical Handbook Page 484

[9] https://www.bbc.co.uk/news/business-66670452

[10] https://consumer.scot/media/lngiljpo/consumers-in-scotland-and-the-transition-to-voip-summary-report.pdf

[11] Standard 6.11.2 Emergency Heating Building Standards Domestic Technical Handbook Page 484

According to the Energy Saving Trust in their most recent report on wood fuel demand[12], "wood fuelled biomass systems in Scotland are estimated to have saved 1,624,000 tonnes of carbon dioxide equivalent (tCO2e) in 2021" which was a 6% increase on the 2020 figures.

Consideration must also be given to the developing evidence that indicates that HVO Biofuel and BioLPG is likely to be a cost effective and low emission alternative for off-grid properties.

Woodburners and biomass heating is already so prevalent for domestic and non-domestic buildings across rural Scotland because that is where local feedstock is readily available. In addition, wood fuel is a by-product of managed forestry so is part of a circular economy.

Managed forestry is proven to provide healthier and more productive woodlands with a wider variety of benefits.[13] While 44% comes from virgin timber, that includes what are essentially by-products, such as thinnings from commercial woodlands, and windblown trees that are unsuitable for the sawn timber markets. Biomass feedstock also incorporates on-site process residue such as bark, off cuts and sander dust. There is also continuing development of research into "novel" biomass crops[14] comprising fast growing species that can be grown at scale which would absorb growth in demand for traditional biomass products. Willow is already widely grown for this purpose.

Bioenergy has been identified by the Climate Change Committee as having a role to play in the transition to net zero[15], and it is known to be a low carbon and efficient option for heat networks. This is being embraced in Europe as well as the rest of the UK and SLE believes it needs to be treated in the same way in Scotland. The irony is that without biomass at home, this timber is most likely to be exported for those other countries to use as … biomass!

There are many fantastic examples of where biomass is used extremely efficiently, effectively, and sustainably. Cairngorm Bothies is one such business, however their expansion is being curtailed by government policy. Set up in 2020 as a completely off grid tourism facility, they are entirely powered by a solar farm and individual wood burning agas which provide the oven and cooking hot plate, heat water, provide heating, and the kettle. Set up by Visit Scotland's Champion for sustainable tourism, their proactive approach with respect to sustainable and regenerative tourism has won many awards and appointed ambassadors for combating climate change. Yet the NBHS means that this award winning off grid model is no longer permitted which, in the absence of alternative suitable technologies, will curtail their expansion and all the benefits to the local economy that come with that.[16]

Supply Chain

Island Communities Impact Assessment for the NBHS identified, with regard to ZDEH systems that **there is a known "*lack of sufficient specialists across these regions*** *[which] could be a constraining factor in both newbuild and retrofit situations. While there are specialists across Scotland, including on islands and in remote locations, many are reluctant to travel from the mainland to island regions due to the additional cost of travel and accommodation."* It is unfortunately that this factor was ignored in the implementation of the NBHS regulations although arguably enough to justify flexibility for the installation of a back-up system.

The Bioenergy sector in Scotland is a vital source of employment, offering diverse career pathways. In 2021 It accounted for an estimated 5,000 jobs across Scotland and provided a market value of over

[12] Wood Fuel Demand and Usage in Scotland – 2021 report

[13] https://sefari.scot/research/assessing-the-impact-of-different-management-interventions-on-perceived-woodland-benefits

[14] Report from the Supergen Bioenergy Hub Stakeholder Workshop on Novel Crops and Forestry Species as Sources of Industrial Biomass

[15] Local Government Housing & Planning Committee session 12 September 2023

[16] www.cairngormbothies.com

£860 million to the Scottish economy[17]. The role that the biomass industry plays in the rural economy is therefore significant. It is a key employer in some local authority areas, most notably Dumfries and Galloway and Highland respectively where there are the greatest number of non-domestic and domestic installations respectively but, like all industries **the biomass sector needs certainty to maintain this workforce to install and service plant into the future.**

Conclusion

Building Standards were borne out of the ashes of the Great Fire of London. By the introduction of The Building Act 1984 they also introduced "functional performance standards" setting out what in legal terms is adequate, reasonable or appropriate.

The NBHS may be adequate at reducing polluting emissions but, taking account of the other outcomes that particularly affect rural and island areas of Scotland, it is neither reasonable nor appropriate in terms of welfare, specifically relating to fuel poverty, electricity supply vulnerabilities, sustainability credentials and access to ZDEH system skilled trades.

Further information:

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[17] REA (2022) Review 2022 https://www.r-e-a.net/resources/review-22/