

The Regulation of energy efficiency in existing non-domestic buildings: call for evidence

25/02/2022

Built Environment Forum Scotland (BEFS) is an umbrella body for organisations working in the built environment in Scotland. Drawing on extensive expertise in a membership-led forum, BEFS informs, debates and advocates on the strategic issues, opportunities and challenges facing Scotland's historic and contemporary built environment. BEFS is a supporting member of the [Climate Heritage Network](#).

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Other relevant consultation responses from BEFS can be seen below, as many issues overlap and demand associative consideration:

- [Draft Heat in Buildings Strategy, Achieving Net Zero Emissions in Scotland's Buildings Consultation](#)
- [Developing Scotland's Circular Economy](#)
- [Housing to 2040](#)
- [Domestic Energy Performance Certificates \(EPC\) Reform Consultation](#)
- [NPF4 Committee for Local Government, Housing and Planning – Call for Views](#)

BEFS welcomes this call for evidence on the regulation of energy efficiency on non-domestic buildings as part of the draft Heat in Buildings Strategy and notes the importance of enforcement to aid regulation. BEFS would highlight the need for regulations and protections to align, compliment and further enable those that already exist for traditionally constructed and historic buildings incorporating a nuanced approach.

BEFS will be responding only to relevant questions of the consultation, as below:

1. Can you provide examples of existing regulatory frameworks which use any or a combination of these?

N/A

2. Can you provide quantitative evidence of the costs and effects driven by regulatory frameworks in the areas specified above?

N/A

3. Can you provide examples of regulatory frameworks which you consider successful/unsuccessful in their operation, and the factors responsible for this?

Energy Performance Certificates: BEFS considers that EPCs could reflect the embodied carbon inherent in existing and historic properties. Additionally, we consider that as traditionally constructed buildings and modern constructed properties differ in how they function, a more nuanced approach should be incorporated into the way EPCs are measured.

BEFS strongly supports the drive to improve the energy performance of Scotland's homes, including traditionally built properties. However, the inaccuracies of the EPC in relation to traditional buildings has been raised previously and BEFS would reiterate that the existing built environment is the most sustainable building resource we have, through the embodied energy present, and the potential for adaptation and reuse. Assessed appropriately our existing built environment presents an enormous opportunity to provide climate solutions, as traditional properties form a fifth of Scotland's overall housing stock. BEFS has frequently lobbied for skilled, green employment in relation to this work, in line with the Scottish Government's Heat in Buildings Strategy and notes the potential for unintended consequences of recommended improvement measures, many of which occur due to traditionally constructed buildings not

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being accurately assessed (and therefore not receiving appropriate interventions) within the current EPC assessment process.

Maintenance and repair: For energy efficiency, starting with a sound and well maintained building.

- [Traditional Buildings Health Check](#)
- [Monumentenwacht](#)

4. Can you provide evidence of regulatory frameworks which use these, or any other units, to identify or define buildings?

Material consideration in the planning process:

- [Designation Policy and Selection Guidance](#)
- [Scheduled Monument Consents Policy](#)
- [Historic Environment Policy for Scotland \(HEPS\)](#)
- [Guidance on Conservation Areas](#)
- [Guidance on the Principles of Listed Building Consent](#)
- [Managing Change in the Historic Environment: Demolition of Listed Buildings](#)
- [Managing Change in the Historic Environment: Windows](#)
- [Managing Change in the Historic Environment: Micro Renewables](#)
- [Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings](#)

5. Can you provide evidence of frameworks which have used these, or any other events, to trigger regulatory actions?

- [Listed Building Consent](#)
- [Scheduled Monument Consent](#)
- [Conservation Area Consent](#)
- [Report on how improved public investment in construction could support Scotland's green recovery](#)

6. Can you provide evidence of frameworks which use these, or any other categories, to vary the form of regulations?

N/A

7. Can you provide evidence of how and to what extent regulations are varied by category?

N/A

8. Can you provide evidence of the use of exemptions within regulatory frameworks?

- [Ecclesiastical Exemption](#)
- [Listed Building Consent](#)
- [Scheduled Monument Consent](#)
- [Conservation Area Consent](#)

9. Can you provide evidence of enforcement methods used to drive compliance within a regulatory framework?

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- [Compliance Scheduled Monument Consent](#)
- [Planning and environmental appeal](#)

BEFS would note enforcement around building standards and regulations has been notably lacking for many years due to capacity and resourcing. Without effective enforcement, what is being enforced becomes toothless at best, and utterly meaningless at worst.

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10. Can you provide evidence of measurements used by regulatory frameworks?

- [Inform Guide: Improving Energy Efficiency in Traditional Buildings](#)
- [Saving energy in traditional buildings](#)
- [Technical Paper 34: Energy consumption and behaviour profiles for eight traditionally built dwellings](#)
- [Guide to Energy Retrofit of Traditional Buildings](#)

BEFS responses to a number of Consultations in relation to the Built Environment can be found at:

<https://www.befs.org.uk/resources/consultations/>

RESPONDENT INFORMATION

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Responding on behalf of an Organisation - **BEFS** (Built Environment Forum Scotland)

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference: **Publish response with name**

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise? **YES**

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy. **I CONSENT**