



OFFICIAL REPORT  
AITHISG OIFIGEIL

DRAFT

# Local Government, Housing and Planning Committee

Thursday 12 December 2024

Session 6



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**Thursday 12 December 2024**

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**LOCAL GOVERNMENT, HOUSING AND PLANNING COMMITTEE**  
**35<sup>th</sup> Meeting 2024, Session 6**

**CONVENER**

\*Ariane Burgess (Highlands and Islands) (Green)

**DEPUTY CONVENER**

\*Willie Coffey (Kilmarnock and Irvine Valley) (SNP)

**COMMITTEE MEMBERS**

\*Meghan Gallacher (Central Scotland) (Con)

\*Mark Griffin (Central Scotland) (Lab)

\*Fulton MacGregor (Coatbridge and Chryston) (SNP)

\*Emma Roddick (Highlands and Islands) (SNP)

\*Alexander Stewart (Mid Scotland and Fife) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Alasdair Allan (Acting Minister for Climate Action)

Madeleine Plater (Scottish Government)

Neal Rafferty (Scottish Government)

**CLERK TO THE COMMITTEE**

Euan Donald

**LOCATION**

The Adam Smith Room (CR5)



## Scottish Parliament

### Local Government, Housing and Planning Committee

*Thursday 12 December 2024*

*[The Convener opened the meeting at 17:15]*

### Decision on Taking Business in Private

**The Convener (Ariane Burgess):** Good evening, and welcome to the 35th meeting in 2024 of the Local Government, Housing and Planning Committee. I remind all members and witnesses to ensure that their devices are on silent.

The first item on our agenda is a decision on whether to take item 3 in private. Do members agree to take that item in private?

**Members indicated agreement.**

## Subordinate Legislation

### Building (Scotland) Amendment (No 2) Regulations 2024 (SSI 2024/327)

17:15

**The Convener:** The next item on our agenda is to take evidence on the Building (Scotland) Amendment (No 2) Regulations 2024 from the Acting Minister for Climate Action, who is joined, from the Scottish Government, by Madeleine Plater, the head of domestic regulation and enforcement in the heat in buildings division, and Neal Rafferty, the head of the heat strategy and consumer policy unit. I welcome the minister and his officials to the meeting.

I invite the minister to give a brief opening statement.

**The Acting Minister for Climate Action (Alasdair Allan):** I will keep my remarks as brief as I can, in the light of the reasons for the meeting and the committee's existing familiarity with the Scottish statutory instrument and its amendments.

It is important to say that our review and its conclusions responded to concerns that were raised by members of the committee and beyond. Our purpose was to ensure resilience by enabling people whose circumstances mean that wood-burning stoves and wider bioenergy systems should remain available and eligible choices of heating system. We listened to stakeholders in workshops and discussions that were held with those who were considered likely to be most affected. We also listened to the views that were expressed in the Parliament, including during the members' business debate in May, in which you spoke, convener.

I do not intend to minimise the questions and concerns about air quality, which are the focus of today's meeting, when I observe that none of the members who spoke in the debate in May raised any such issues. I say that simply to underline that the focus of those who wish to see the change that we have proposed has been to ensure resilience where it is needed. I believe that the SSI delivers that.

I take fully on board the concerns that have been raised by stakeholders over recent days, which are summarised in the committee's paper. However, those concerns—which are as applicable to use of such heating systems in existing homes as they are to their use in new builds—need to be addressed through the most appropriate channel and process. It is therefore worth stressing again that the measure that the Government has laid before the Parliament—the amendment regulations—will, contrary to much of

the speculation in the media, have no impact on existing houses with a stove, as was the case with the preceding measure that the SSI amends.

Undertaking further analysis and consultation to explore possible solutions and avoid unintended consequences would risk there being a potentially lengthy delay to the SSI, and it would risk causing tremendous confusion among those who have pleaded for such a change. Instead, I propose that we use the forthcoming review of the “Cleaner Air for Scotland 2—Towards a Better Place for Everyone” strategy as an opportunity to identify areas in which further progress might be needed.

In that context, the Government takes seriously the questions that have been raised about burning wood in urban areas by some of the people who have been in touch with the committee. However, I emphasise that there is no evidence that that is a significant feature in urban houses—at least, not in new builds in urban areas, and new builds are the subject of the measure that we are discussing. Scotland enjoys good air quality compared with that in much of Europe, but we are not complacent, and the review of our cleaner air strategy will focus on continuing to target action to protect human health.

Therefore, I believe that the review will present the most appropriate and effective means of ensuring that the health-related concerns that have been raised with the committee are addressed. I will be discussing the next steps in this area with the Acting Cabinet Secretary for Net Zero and Energy.

I hope that my remarks have provided some context for members and have been helpful. I am happy to respond to questions.

**The Convener:** Thank you very much. I think that that opening statement was very helpful in giving us a sense of the direction, your understanding of the issues and, indeed, the reason for our calling this additional meeting. I certainly have questions, and I think that colleagues might well come in, too, on the back of what you have said.

I hear what you have said, minister, but the health impact of wood-burning stoves has come to light as we have been considering this SSI. I was wondering whether, in the development of the instrument and during the review process, any work was done or health impact assessment carried out on removing the restrictions on people who live in urban areas.

**Alasdair Allan:** I am happy to try to respond to that, and I will ask officials to respond if they wish to come in on this.

I come back to the point that the measure that we are considering relates to the regulations on

the building of new houses. I take seriously the learned reports on air quality—I do not dismiss any of that work—but it is important to be clear that you will struggle to find a new-build house in an urban area that has a wood-burning stove as the primary means of heating. In fact, statistics show that in the past three years, even before there was any talk of changes to the regulations, there was one new-build house in Aberdeen that had a wood-burning stove as its primary source of heating, none in Dundee, none in Edinburgh and none in Glasgow. There were 83 scattered across much of Scotland, many of which were, I take it, in rural areas, but certainly outwith all the cities.

Even with new-build houses, which again are what the regulations are about, you would be looking at between 12 and 16 in each of Scotland’s four biggest cities where a wood-burning stove was a secondary source of heating. It is important to draw the distinction that the regulations—this measure—is about new-build houses, and there is just no evidence that the concerns that have been expressed about new-build houses with wood-burning stoves are based in reality, in the sense that there are no such houses in any significant numbers.

**The Convener:** In urban areas.

**Alasdair Allan:** Yes, in urban areas.

**The Convener:** I really appreciate your emphasising numerous times that the instrument applies to new-build houses, because one aspect of the confusion around the first iteration of this SSI was whether it would affect existing homes.

You have talked about the number of such houses in cities, but certainly in the sort of small town where I live, there could be new-build housing on the edges where there is a rural atmosphere and people might seek to have a wood-burning stove. Indeed, I think that that is starting to happen. I hope that the work that is being done on heat in buildings will ensure that we have such high standards and such warm homes that people will not seek to have these things, but I just want to ensure that you are aware that this sort of thing can happen not just in cities. I take your point about the opportunity that is presented by the cleaner air for Scotland 2 strategy review to address some of the air and health issues.

Do we also need to look at planning and ensure that, with any housing projects that come forward, we are not getting this sort of thing happening with a whole lot of housing that is not necessarily in a city but which might be on the edge of a town? After all, something that came across to me in the evidence from the four organisations that got in touch with us was the cumulative effect. You could have, say, a temperature inversion; when a number of people have their wood-burning stoves

on, the smoke gets held down and neighbours start to experience health impacts.

**Alasdair Allan:** As you mentioned, the cleaner air for Scotland 2 strategy review is probably the place where those issues should be mentioned. I am perhaps overemphasising the point about the numbers, but we can only go by the evidence that we have on new builds.

The 83 new-build houses that have wood-burning stoves as their main fuel are, as I mentioned, outside four cities and scattered across the rest of the country. I think that I am right in saying that there are four houses scattered across the rest of the country that use wood-burning stoves as a secondary fuel.

I do not say any of that to be complacent. The Government would certainly want to act if there was evidence that the problem that you describe was happening.

**The Convener:** To reassure committee members, what kind of monitoring will you be doing on the SSI's impact if we agree to it?

**Alasdair Allan:** I will bring in officials on that point. We always seek to ensure that any measure that we take is effective. From our point of view, "effective" would mean that our amendment had taken account of the concerns that were brought to us, which were that there are rural parts of Scotland where—because of the prevailing climate, off-grid gas and limited opportunities to install various types of heating—wood-burning or peat-burning stoves represent a realistic option for people. Even in those areas of rural Scotland, most new homes are not reliant on such forms of heating. Officials may want to come in on how we would measure that.

**Madeleine Plater (Scottish Government):** The SSI as introduced aligns with building standards regulations, which often have reviews built into them. We have not yet set a deadline for when such a review might be done, but it is a common thing that happens all the time.

We have a good relationship with Local Authority Building Standards Scotland, which our building standards colleagues speak to regularly. We would be monitoring the SSI's impact as it goes through. It is not likely that any applications have been received yet, because we understand that, based on what our building standards colleagues tell us, developers will not do anything until the SSI is in force. We will work closely with local authorities on that.

**The Convener:** Thank you very much. Do any colleagues want to come in?

**Meghan Gallacher (Central Scotland) (Con):** Good evening, minister. It has been helpful to

have a statement from you in the extraordinary meeting that we are having this evening.

Today, I have been contacted by stakeholders who were concerned that we would be reopening the debate on wood-burning stoves. Those stakeholders act on behalf of rural communities, which certainly do not want to repeat the debates that we have recently had, so I welcome your statement this evening.

My question is about the continuation of dialogue with stakeholders on the issue. We know that wood-burning stoves are one heating energy source, but there are others. I assume that the proposed heat in buildings bill will shortly be coming down the line. I am looking for more reassurance from the minister that dialogue on alternative heating energies is on-going and that, looking ahead, the Scottish Government is considering whether they can be used to help our rural communities.

**Alasdair Allan:** The Government continues to look at the 1,600 responses or so that have come in on the consultation that we did on heat in buildings. As I have said, the Government is more than keen to keep in touch not only with rural communities, but with other stakeholders from whom the committee has taken evidence on the SSI.

Do you want to say anything about that, Neal?

**Neal Rafferty (Scottish Government):** There is not a great deal to add, minister. We have forged really strong connections with relevant stakeholder groups throughout the process and the consultation on the bill, and it is very much in our interests to maintain and build on those. We will take that seriously.

**Meghan Gallacher:** Thank you, minister.

**Alexander Stewart (Mid Scotland and Fife) (Con):** It has been very useful to have you come and give the committee this update, minister.

To reference the information that we have received, the concerns that people had were specifically about air quality and the knock-on effect when it comes to what people can endure if they live in proximity to somewhere that has such issues.

As you have identified, the small number of wood-burning stoves would contribute minimally to the air quality difficulties that people might be concerned about. Many of the concerns have been about the knock-on effect on people's health. However, you have explained very concisely that that would not necessarily be the case. That is the message that I am receiving from you. Could you reiterate whether that is the case?

17:30

**Alasdair Allan:** Yes, you are reading me right. I would not in any way seek to minimise the scientific evidence. However, much of that evidence is predicated, to some extent, on smoke outside houses, although some of the evidence is about smoke inside houses. Many of the scenarios that have been considered are about conurbations where solid fuel is burned. I do not wish to be complacent, but we do not have evidence of conurbations where that is happening.

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** In the interests of balance, the purpose of the meeting is to hear the Government's view on the late submission of some of the evidence that the committee has received, and to allow it to provide an assurance to the committee about that. I thank the minister for doing that and for attending the meeting.

**Alasdair Allan:** All that I would add is that the evidence that has been presented to the committee and is now on the public record will, I am sure, be available when the review of the cleaner air for Scotland 2 strategy review is done. I do not do not know whether it is likely to formally feature in part of that work, or not.

**Neal Rafferty:** The review of the strategy will not begin until next year. The issues that have been raised and the evidence that we are discussing are absolutely in the wheelhouse of that strategy, so that is a reasonable assumption.

**The Convener:** Thank you for joining us. We have completed our questions. It has been reassuring to hear the minister's statement and your responses to our questions.

As the SSI is a negative instrument, there is no requirement for the committee to make any recommendations on it. As members have no further comments on the instrument, does the committee agree to make no recommendations on the instrument?

**Members indicated agreement.**

**The Convener:** We have agreed to take the next item in private, so I close the public part of the meeting.

17:32

*Meeting continued in private until 17:33.*



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