

**ENERGY COMPANIES OBLIGATION (ECO):  
CONSULTATION ON THE CHANGES TO THE GUIDANCE FOR SUPPLIERS  
SCOTTISH GOVERNMENT RESPONSE**

**Insulation of a cavity wall**

**1a) Do you agree that insulation of a cavity wall must be installed to at least 50% of the total exterior-facing wall area of the premises in order to support a secondary measure?**

**1b) Please give reasons for your answer (including any alternative suggestions for an acceptable minimum level).**

**Roof-space insulation**

**1c) Do you agree that roof-space insulation must be installed to at least 50% of the total roof space area of the premises in order to support a secondary measure?**

**1d) Please give reasons for your answer (including any alternative suggestions for an acceptable minimum level).**

The Scottish Government accepts that, while it is normally desirable for the whole of the appropriate part of a dwelling to be insulated, there are legitimate reasons why this is not possible or appropriate in specific cases. We are therefore broadly content with this proposal. However, we would welcome provision of further evidence of why the qualifying threshold is set at this particular level which could inform future policy.

**Question 2**

**2a) Do you agree with the reasons we are proposing for judging why any of the roof-space or exterior-facing wall area cannot be insulated?**

**2b) Are there any other scenarios where the exterior-facing wall area of a premises being connected to a DHS cannot be insulated?**

**2c) How can suppliers demonstrate for compliance purposes that the exterior-facing wall area cannot be insulated?**

**2d) Are there any other scenarios where the roof-space area of a premises being connected to a DHS cannot be insulated?**

**2e) How can suppliers demonstrate for compliance purposes that the roof space area cannot be insulated?**

**2f) Are there any additional factors that can affect the decision on whether or not to insulate a premises?**

**For premises, not including those within a multi-storey building which is not located on the top floor**

**2g) Do you agree that, where the roof-space area or total exterior-facing wall area of the premises are insulated to less than 100% but more than a specified minimum level, a DHS connection should be eligible where the remaining area *cannot be insulated*?**

**2h) Do you agree that this minimum level should be set at 50%?**

The Scottish Government supports the inclusion of district heating as a primary measure under CERO and the proposal that district heating should be installed in buildings where insulation measure have been carried out, as far as possible.

**Question 3:**

**3a) Do you agree with our proposal to require evidence that the installation of a measure complies with Building Regulations? Please give reasons for your answer.**

The Scottish Government agrees with this proposal in principle. However, there are practical difficulties in doing so.

The proposals do not take account of the significant legislative differences between the Scottish building standards system to the building control system in England.

The forms of evidence proposed in paragraph 3.6 are:

- a. an approval certificate by a building control body
- b. an approval certificate by Approved Inspectors
- c. a building regulations compliance certificate issued by a competent person scheme

The legislative system in Scotland only recognises a. above with all building standards verification work undertaken by local authorities. Approved Inspectors and Competent Persons schemes, or their equivalent do not exist.

Scottish Ministers have appointed the 32 local authorities as verifiers to administer the building standards system. Checks carried out for compliance are carried out by the local authority under reasonable inquiry.

Scottish Ministers have approved Certification of Construction Schemes for electrical work, and drainage, heating and plumbing work but certificates issued by an Approved Certifier of Construction are only applicable to work that requires a building warrant i.e. they are submitted to support the completion certificate. Certification in Scotland operates within the building warrant procedures which differs significantly to how competent person schemes operate in England.

In addition, not all work requires formal approval. Schedule 3 of the Building (Scotland) Regulations sets out those types of work or building that do not need a building warrant but they must still meet building regulations. The owner is ultimately responsible for this although the local authority may take enforcement action if necessary.

In particular, a wide range of work can be done to or in a house (up to 2 storeys) under type 1 and to a non-residential building to which the public do not have access (up to 3 storeys) under type 2, with certain exceptions. In addition, there is also a wide range of work that may be carried out in any building, such as the provision of cavity wall insulation or roof insulation. Many aspects of ECO work are likely to fall under these types and as such, formal permission from the local authority is not needed.

Therefore evidence of a compliant installation would not be available from the local authority building standards service unless a building warrant for the work was needed.

There will be professional businesses (e.g. surveyors/architects) that would be capable of offering a service to confirm whether work that is exempt from a building warrant meets the building regulations. These practices will not, however, have been assessed by the Scottish Government as having the relevant qualifications and experience to confirm compliance with the building regulations. In addition, local authority verifiers and Scottish Government approved certifiers could choose to offer a service for non-warrantable work.

In all cases these services would be distinct from the building warrant system and it would be for the provider of the service to determine reasonable charges for that service. The Scottish Government is not aware of any such services.

Any new measures must take account of the operational differences between the English and Scottish building standards systems and the other UK administrations.

**3b) If this requirement was introduced, how could compliance be demonstrated?**

As stated in the response to 3a) the types of installations that will be carried out through the ECO process will, in many cases, be exempt from the need for a building warrant. Therefore the local authority verifiers have no formal role to play in either approval of the proposals or inspecting the completed work. Accordingly, for these ECO installations that do not require a building warrant, there is no other Scottish Government approved building standards body confirming compliance with building regulations .

In cases where a building warrant is required for the work (e.g external wall insulation) the owner will obtain a building warrant and, once complete, submit a Completion Certificate to the local authority verifier. This certificate confirms the work meets the Scottish building regulations. The local authority would then accept the Completion Certificate after they have carried out 'reasonable inquiry' that the work meets the building regulations and has been carried out in accordance with the building warrant. Accordingly, the proposed measures of seeking evidence of compliance with national regulations would work where a building warrant is necessary for the ECO installations.

**3c) Are you aware of any other means of evidencing compliance with building regulations other than those listed (for either the installation or the product and system, or both)? If so, please provide details.**

As stated in the response to question 3a) it is the 32 Scottish local authorities that are appointed as sole verifiers of the building standards system. Whilst there are specified parts of construction that can be certified as compliant with building regulations by Scottish Government approved bodies their function is limited to confirming compliance on work that forms part of a building warrant. Currently there are Certifier of Construction Schemes for drainage, plumbing and electrical installations. There are no Scottish Government approved bodies that certify compliance with the Energy requirements of the building regulations.

**3d) Do you think we should introduce this requirement from the date version 1.2 of the guidance takes effect or for the next ECO obligation period (2015-2017)? Please give reasons for your answer.**

It is suggested that the new requirement take effect from the next obligation period. This will allow industry an extended period of time to prepare for the new requirement.