

## Collated findings for briefing materials and communications

*'Under FOISA, I am looking for the briefing materials and internal communications relating to recent press comments in relation to the above regulations.*

*Specifically, please provide the briefings provided to Ministers or officials, and the internal and external communication relating to the preparation and coordination of these briefings and comments, for the following public statements: '*

- *The spokesmen comment given to the Architects Journal for the piece published 4 April 2022, entitled "Scotland to ban flammable cladding on residential builds over 11m" (<https://www.architectsjournal.co.uk/news/scotland-to-ban-flammable-cladding-on-residential-builds-over-11m?tkn=1>)*

Scottish Government issued previously cleared lines. There are therefore no available briefing materials or communications.

- *The spokesmen comment given to The Herald for the piece published 4 April 2022, entitled Scottish Government to bring in tough flammable cladding ban (<https://www.heraldscotland.com/politics/20044376.scottish-government-bring-tough-flammable-cladding-ban/>)*

Scottish Government issued previously cleared lines. There are therefore no available briefing materials or communications.

- *The spokesmen comment given to The Times which appeared in the piece published 1 April 2022, entitled Firefighters reject cladding loophole (<https://www.thetimes.co.uk/article/firefighters-reject-cladding-loophole-xsj9ndjkq>)*

4 x email transcripts provided below:

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### 1. Email briefing/communication

**From:** [redacted]

**Sent:** 30 March 2022 17:34

**To:** Cabinet Secretary for Social Justice, Housing & Local Government <CabSecSJHLG@gov.scot>; Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights <MinisterZCBATTR@gov.scot>

**Cc:** Communications Social Justice, Housing & Local Government  
<CommunicationsSocialJusticeHousing&LocalGovt@gov.scot>; News Desk  
<Newsdesk@gov.scot>; [redacted]; Garvin S (Stephen) (Dr) <Stephen.Garvin@gov.scot>;  
[redacted]; [redacted]; [redacted]; Director for Local Government and Housing  
<DirectorForLocalGovernment&Housing@gov.scot>; [redacted]; [redacted]; [redacted];  
[redacted]; [redacted]  
**Subject:** Line to clear - Times – [redacted] comments

Housing Secretary PO  
Net Zero Buildings Minister PO

The Times have put in a query about comments from RIAS in [this consultation response](#) on the use of BS 8414 as a standalone test. As RIAS is [redacted], the reporter would like to know if we believe [redacted] was able to act impartially in his other role as [redacted] of our fire safety review panel.

Policy colleagues have spoken to RIAS who have advised that [redacted] had no involvement in drawing up the consultation response.

Comms, policy and SpAds suggest the following response.

A Scottish Government spokesperson said:

“The [redacted] of our independent review panel was expected to act with impartiality and objectivity, and was required to declare any conflicts of interest before taking this role. RIAS have also confirmed that [redacted] recused himself from drafting its response to our Building Standards Compliance and Fire Safety consultation.”

Separately, we intend to issue the reporter the same lines that we have just issued to [redacted] in response to their article in today’s edition (email attached for reference).

A Scottish Government spokesperson said:

“It is wholly inaccurate to say we plan to allow combustible cladding materials to remain on high rise residential buildings in Scotland. We will shortly introduce new legislation to ban combustible materials on all residential and other high-risk buildings above 11m.

“Since 2005 new cladding systems on high rise blocks of flats have either had to use non-combustible materials or pass a large-scale fire test. After the Grenfell fire we further tightened controls over combustible cladding and introduced additional fire safety measures, based on the recommendations of the Ministerial Working Group on Building and Fire Safety.”

Grateful if you could confirm whether Ms Robison and Mr Harvie are content.

Many thanks  
[redacted]

[redacted]

[redacted] | Social Justice, Housing and Local Government  
Scottish Government  
3-W, St Andrew's House, Edinburgh, EH1 3DG  
[redacted]

**As attachment to the previous email:**

**From:** [redacted]

**Sent:** 30 March 2022 17:29

**To:** Cabinet Secretary for Social Justice, Housing & Local Government  
<CabSecSJHLG@gov.scot>; Minister for Zero Carbon Buildings, Active Travel and Tenants'  
Rights <MinisterZCBATTR@gov.scot>

**Cc:** [redacted]; [redacted]; [redacted]; Director for Local Government and Housing  
<DirectorForLocalGovernment&Housing@gov.scot>; [redacted]; Garvin S (Stephen) (Dr)  
<Stephen.Garvin@gov.scot>; Communications Social Justice, Housing & Local Government  
<CommunicationsSocialJusticeHousing&LocalGovt@gov.scot>; News Desk  
<Newsdesk@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]

**Subject:** For awareness - media bid - cladding/Times article

Social Justice Secretary PO  
Net Zero Buildings Minister PO

For awareness, [redacted] bid for someone this afternoon to discuss the fire safety review panel minutes as a follow-up to The Times article today – I've included the copy below for reference.

Comms have advised the reporter that the article was inaccurate but they asked to speak to a Minister to clear up the ambiguities between the Times copy and the actual situation.

With the agreement of SpAds we declined the bid and issued the below lines, which were agreed with policy officials and SpAds. As [redacted] is on air now the lines were issued on SpAd clearance.

A Scottish Government spokesperson said:

“It is wholly inaccurate to say we plan to allow combustible cladding materials to remain on high rise residential buildings in Scotland. We will shortly introduce new legislation to ban combustible materials on all residential and other high-risk buildings above 11m.

“Since 2005 new cladding systems on high rise blocks of flats have either had to use non-combustible materials or pass a large-scale fire test. After the Grenfell fire we further tightened controls over combustible cladding and introduced additional fire safety measures, based on the recommendations of the Ministerial Working Group on Building and Fire Safety.”

Many thanks  
[redacted]

## Holyrood set to permit combustible cladding despite Grenfell concerns

Ministers are expected to allow combustible materials to remain on buildings in Scotland despite the concerns raised after the Grenfell Tower disaster.

The recommendation by the Scottish government's expert review panel would make Scotland the only part of the UK not to outlaw the materials.

It follows reports that [Kingspan](#), the company whose insulation has been criticised at the [inquiry into the Grenfell fire](#) that killed 72 people, urged ministers not to ban combustible products.

It instead argued that testing should be used as a route to compliance ahead of changes to the building regulations expected tomorrow.

The building standards (fire safety) review panel, which advises the Scottish government, said that the controversial BS 8414 test, which allows combustible materials to be used provided they pass the assessment, should continue.

Minutes from the group's last meeting in January said ministers should "maintain the current status quo" and retain the mass testing.

Mark Griffin, Scottish Labour's housing spokesman, said: "The SNP have been far too slow to learn the lessons of the Grenfell tragedy and make our buildings safer." He added: "While we hang in limbo waiting for a decision, companies linked to Grenfell seem to have the ear of the government."

Fire experts have raised concerns about the rigour of [BS 8414 tests](#), arguing that the conditions under which the test fires are measured are not representative of real-world scenarios.

*Inside Housing* reported this week that Kingspan urged ministers to continue to allow for the use of large-scale testing as a route to compliance in response to a government consultation.

Kingspan advertised its K15 combustible insulation as suitable for use on high-rise buildings for years before the Grenfell Tower fire, based on a single test. This had been carried out on a version of its insulation that was no longer on the market and took place in a system unrepresentative of those used in the real world.

The company has emphasised that it has since passed tests on numerous other systems containing K15.

In its response to the consultation, Kingspan called for the "managed use" of BS 8414 tests, which would see them reintroduced to the Scottish government's technical handbook. A Kingspan spokesman told *Inside Housing* that the firm "strongly believes" large-scale testing is the only way to "properly assess" the fire safety of the walls of a tall building.

This option was also supported by [Homes for Scotland](#), the trade body representing housebuilders in Scotland. The Fire Protection Association called for a complete ban on the use of BS 8414 tests on buildings of any height.

A Scottish government spokesman said: "Ministers have considered the fire safety review panel's recommendations, and we are shortly introducing new legislation to ban the highest risk cladding materials and further strengthen safeguards to manage cladding risks. Since 2005, new cladding systems on high-rise blocks of flats have either had to use non-combustible materials or pass a large-scale fire test."

[redacted]

[redacted] | Social Justice, Housing and Local Government

Scottish Government  
3-W, St Andrew's House, Edinburgh, EH1 3DG  
[redacted]

.....

## 2.0 Email briefing/communication, Cab Sec.

**From:** [redacted]  
**Sent:** 30 March 2022 17:45  
**To:** [redacted]; Cabinet Secretary for Social Justice, Housing & Local Government <CabSecSJHLG@gov.scot>; Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights <MinisterZCBATTR@gov.scot>  
**Cc:** Communications Social Justice, Housing & Local Government <CommunicationsSocialJusticeHousing&LocalGovt@gov.scot>; News Desk <Newsdesk@gov.scot>; [redacted]; Garvin S (Stephen) (Dr) <Stephen.Garvin@gov.scot>; [redacted]; [redacted]; [redacted]; Director for Local Government and Housing <DirectorForLocalGovernment&Housing@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]  
**Subject:** RE: Line to clear - Times – [redacted] comments

Hi [redacted],

The Cabinet Secretary is content for her interests.

Many thanks,

[redacted]

**[redacted] (she/her)**

**[redacted] | Office of Cabinet Secretary for Social Justice, Housing and Local Government**

St Andrews House, Regent Road, Edinburgh, EH1 3DG  
Email: [CabSecSJHLG@gov.scot](mailto:CabSecSJHLG@gov.scot)

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

**From:** [redacted]  
**Sent:** 30 March 2022 17:34  
**To:** Cabinet Secretary for Social Justice, Housing & Local Government <CabSecSJHLG@gov.scot>; Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights <MinisterZCBATTR@gov.scot>  
**Cc:** Communications Social Justice, Housing & Local Government <CommunicationsSocialJusticeHousing&LocalGovt@gov.scot>; News Desk <Newsdesk@gov.scot>; [redacted]; Garvin S (Stephen) (Dr) <Stephen.Garvin@gov.scot>;

[redacted]; [redacted]; [redacted]; Director for Local Government & Communities  
<[DirectorforLocalGovernment&Communities@gov.scot](mailto:DirectorforLocalGovernment&Communities@gov.scot)>; [redacted]; [redacted]; [redacted];  
[redacted]; [redacted]

**Subject:** Line to clear - Times – [redacted] comments

Housing Secretary PO  
Net Zero Buildings Minister PO

The Times have put in a query about comments from RIAS in [this consultation response](#) on the use of BS 8414 as a standalone test. As RIAS is [redacted], the reporter would like to know if we believe [redacted] was able to act impartially in his other role as [redacted] of our fire safety review panel.

Policy colleagues have spoken to RIAS who have advised that [redacted] had no involvement in drawing up the consultation response.

Comms, policy and SpAds suggest the following response.

A Scottish Government spokesperson said:

“The [redacted] of our independent review panel was expected to act with impartiality and objectivity, and was required to declare any conflicts of interest before taking this role. RIAS have also confirmed that [redacted] recused himself from drafting its response to our Building Standards Compliance and Fire Safety consultation.”

Separately, we intend to issue the reporter the same lines that we have just issued to [redacted] in response to their article in today’s edition (email attached for reference).

A Scottish Government spokesperson said:

“It is wholly inaccurate to say we plan to allow combustible cladding materials to remain on high rise residential buildings in Scotland. We will shortly introduce new legislation to ban combustible materials on all residential and other high-risk buildings above 11m.

“Since 2005 new cladding systems on high rise blocks of flats have either had to use non-combustible materials or pass a large-scale fire test. After the Grenfell fire we further tightened controls over combustible cladding and introduced additional fire safety measures, based on the recommendations of the Ministerial Working Group on Building and Fire Safety.”

Grateful if you could confirm whether Ms Robison and Mr Harvie are content.

Many thanks  
[redacted]

**[redacted]**  
[redacted] | Social Justice, Housing and Local Government  
Scottish Government

3-W, St Andrew's House, Edinburgh, EH1 3DG  
[redacted]

.....

### 3.0 Email briefing/communication, Cab Sec ii

**From:** [redacted]  
**Sent:** 29 March 2022 17:51  
**To:** [redacted]; Cabinet Secretary for Social Justice, Housing & Local Government  
<CabSecSJHLG@gov.scot>  
**Cc:** Communications Social Justice, Housing & Local Government  
<CommunicationsSocialJusticeHousing&LocalGovt@gov.scot>; News Desk  
<Newsdesk@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted];  
[redacted]; Director for Local Government and Housing  
<DirectorForLocalGovernment&Housing@gov.scot>; [redacted]; Garvin S (Stephen) (Dr)  
<Stephen.Garvin@gov.scot>; [redacted]; [redacted]; Minister for Zero Carbon Buildings,  
Active Travel and Tenants' Rights <MinisterZCBATTR@gov.scot>; [redacted]  
**Subject:** RE: Cab Sec views - Fire safety group - The Times

Hi [redacted],

Ms Robison is content with the below.

Many thanks,  
[redacted]

**[redacted] (she/her)**

**[redacted] | Office of Cabinet Secretary for Social Justice, Housing and Local Government**

St Andrews House, Regent Road, Edinburgh, EH1 3DG  
Email: [CabSecSJHLG@gov.scot](mailto:CabSecSJHLG@gov.scot)

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

**From:** [redacted]  
**Sent:** 29 March 2022 17:18  
**To:** Cabinet Secretary for Social Justice, Housing & Local Government  
<[CabSecSJHLG@gov.scot](mailto:CabSecSJHLG@gov.scot)>  
**Cc:** Communications Social Justice, Housing & Local Government  
<[CommunicationsSocialJusticeHousing&LocalGovt@gov.scot](mailto:CommunicationsSocialJusticeHousing&LocalGovt@gov.scot)>; News Desk  
<[Newsdesk@gov.scot](mailto:Newsdesk@gov.scot)>; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted];  
[redacted]; Director for Local Government & Communities  
<[DirectorforLocalGovernment&Communities@gov.scot](mailto:DirectorforLocalGovernment&Communities@gov.scot)>; [redacted]; Garvin S (Stephen)

(Dr) <[Stephen.Garvin@gov.scot](mailto:Stephen.Garvin@gov.scot)>; [redacted]; [redacted]; Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights <[MinisterZCBATTR@gov.scot](mailto:MinisterZCBATTR@gov.scot)>; [redacted]  
**Subject:** Cab Sec views - Fire safety group - The Times

***CC'ing Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights for awareness***

Good afternoon [redacted]/PO,

We've been approached by The Times who are looking for a comment regarding the Fire Safety Review panel recommending the BS 8414 test is kept.

SpAds and policy have helped frame the below response, grateful for Cab Secs consideration.

Many thanks,  
[redacted]

**FOR INFORMATION**

Ministers have considered the fire safety review panel's recommendations, and we are shortly introducing new legislation to ban the highest risk cladding materials and further strengthen safeguards to manage cladding risks. Since 2005, new cladding systems on high rise blocks of flats have either had to use non-combustible materials or pass a large-scale fire test. We have further tightened controls over combustible cladding and introduced additional fire safety measures since the Grenfell fire based on the recommendations of the Ministerial Working Group on Building and Fire Safety.

**Query**

Nice to speak with you there. Here's link to the fire safety review panel recommending the BS 8414 test is kept (which would allow combustibles on the outside of buildings in Scotland, which is banned in England and Wales). Would SG like to respond?  
<https://www.gov.scot/publications/building-standards-fire-safety-review-panel-2021-minutes-january-2022/>

I'll also be referencing this Inside Housing report yesterday that a Grenfell-linked company lobbied over this issue: [https://www.insidehousing.co.uk/home/home/kingspan-lobbies-for-continued-use-of-combustible-materials-on-high-rises-in-scotland-74862?utm\\_source=dvr.it&utm\\_medium=twitter](https://www.insidehousing.co.uk/home/home/kingspan-lobbies-for-continued-use-of-combustible-materials-on-high-rises-in-scotland-74862?utm_source=dvr.it&utm_medium=twitter)

There's an SG comment in the latter story but just flagging in case there's anything relevant that's been missed.

[redacted] [redacted]  
Social Justice, Housing & Local Government | Scottish Government  
[redacted] | [redacted]

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#### 4.0 Email briefing/communication, Minister

**From:** [redacted]

**Sent:** 30 March 2022 18:02

**To:** [redacted]; Cabinet Secretary for Social Justice, Housing & Local Government <CabSecSJHLG@gov.scot>; Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights <MinisterZCBATTR@gov.scot>

**Cc:** Communications Social Justice, Housing & Local Government <CommunicationsSocialJusticeHousing&LocalGovt@gov.scot>; News Desk <Newsdesk@gov.scot>; [redacted]; Garvin S (Stephen) (Dr) <Stephen.Garvin@gov.scot>; [redacted]; [redacted]; [redacted]; Director for Local Government and Housing <DirectorForLocalGovernment&Housing@gov.scot>; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]

**Subject:** Line to clear - Times – [redacted] comments

[redacted],

Mr Harvie is content for his interests.

Thanks

[redacted]

**[redacted]** | [redacted] to the Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights – Patrick Harvie

St Andrew's House | Regent Road | Edinburgh | EH1 3DG | Tel: 0 131 244 9412 | Mob:

[redacted] | Email: [MinisterZCBATTR@gov.scot](mailto:MinisterZCBATTR@gov.scot)

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

**From:** [redacted]

**Sent:** 30 March 2022 17:34

**To:** Cabinet Secretary for Social Justice, Housing & Local Government <[CabSecSJHLG@gov.scot](mailto:CabSecSJHLG@gov.scot)>; Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights <[MinisterZCBATTR@gov.scot](mailto:MinisterZCBATTR@gov.scot)>

**Cc:** Communications Social Justice, Housing & Local Government <[CommunicationsSocialJusticeHousing&LocalGovt@gov.scot](mailto:CommunicationsSocialJusticeHousing&LocalGovt@gov.scot)>; News Desk <[Newsdesk@gov.scot](mailto:Newsdesk@gov.scot)>; [redacted]; Garvin S (Stephen) (Dr) <[Stephen.Garvin@gov.scot](mailto:Stephen.Garvin@gov.scot)>; [redacted]; [redacted]; [redacted]; Director for Local Government & Communities <[DirectorforLocalGovernment&Communities@gov.scot](mailto:DirectorforLocalGovernment&Communities@gov.scot)>; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]

**Subject:** Line to clear - Times – [redacted] comments

Housing Secretary PO

Net Zero Buildings Minister PO

The Times have put in a query about comments from RIAS in [this consultation response](#) on the use of BS 8414 as a standalone test. As RIAS is [redacted], the

reporter would like to know if we believe [redacted] was able to act impartially in his other role as [redacted] of our fire safety review panel.

Policy colleagues have spoken to RIAS who have advised that [redacted] had no involvement in drawing up the consultation response.

Comms, policy and SpAds suggest the following response.

A Scottish Government spokesperson said:

“The [redacted] of our independent review panel was expected to act with impartiality and objectivity, and was required to declare any conflicts of interest before taking this role. RIAS have also confirmed that [redacted] recused himself from drafting its response to our Building Standards Compliance and Fire Safety consultation.”

Separately, we intend to issue the reporter the same lines that we have just issued to [redacted] in response to their article in today’s edition (email attached for reference).

A Scottish Government spokesperson said:

“It is wholly inaccurate to say we plan to allow combustible cladding materials to remain on high rise residential buildings in Scotland. We will shortly introduce new legislation to ban combustible materials on all residential and other high-risk buildings above 11m.

“Since 2005 new cladding systems on high rise blocks of flats have either had to use non-combustible materials or pass a large-scale fire test. After the Grenfell fire we further tightened controls over combustible cladding and introduced additional fire safety measures, based on the recommendations of the Ministerial Working Group on Building and Fire Safety.”

Grateful if you could confirm whether Ms Robison and Mr Harvie are content.

Many thanks  
[redacted]

**[redacted]**  
[redacted] | Social Justice, Housing and Local Government  
Scottish Government  
3-W, St Andrew’s House, Edinburgh, EH1 3DG  
[redacted]

- *The spokesmen comment given to the for the piece published 28 March 2022, entitled Kingspan lobbies for continued use of combustible materials on high rises in*

Scotland <https://www.insidehousing.co.uk/news/news/kingspan-lobbies-for-continued-use-of-combustible-materials-on-high-rises-in-scotland-74862>

2 x email transcripts provided below:

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## 1.0 Email briefing/communication, Minister

Wed 23/03/2022 11:53

RE: Line to clear - building regs/cladding - Inside Housing

[redacted],

Mr Harvie is content for his interests.

Thanks

[redacted]

**[redacted]** | [redacted] to the Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights – Patrick Harvie  
St Andrew's House | Regent Road | Edinburgh | EH1 3DG | Tel: 0131 244 9412 | Mob:  
[redacted] | Email: [MinisterZCBATTR@gov.scot](mailto:MinisterZCBATTR@gov.scot)

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**From:** [redacted]

**Sent:** 23 March 2022 11:11

**To:** Garvin S (Stephen) (Dr) <[Stephen.Garvin@gov.scot](mailto:Stephen.Garvin@gov.scot)>; Cabinet Secretary for Social Justice, Housing & Local Government <[CabSecSJHLG@gov.scot](mailto:CabSecSJHLG@gov.scot)>; Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights <[MinisterZCBATTR@gov.scot](mailto:MinisterZCBATTR@gov.scot)>

**Cc:** News Desk <[Newsdesk@gov.scot](mailto:Newsdesk@gov.scot)>; Communications Social Justice, Housing & Local Government <[CommunicationsSocialJusticeHousing&LocalGovt@gov.scot](mailto:CommunicationsSocialJusticeHousing&LocalGovt@gov.scot)>; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; Director for Local Government & Communities <[DirectorforLocalGovernment&Communities@gov.scot](mailto:DirectorforLocalGovernment&Communities@gov.scot)>; [redacted]; [redacted]; [redacted]

**Subject:** RE: Line to clear - building regs/cladding - Inside Housing

Thanks all – now copying Mr Harvie as well.

[redacted]/PO – to see the below. Ms Robison has cleared the lines but copying to Mr Harvie as officials have advised that he might want to give a view as well

**From:** Garvin S (Stephen) (Dr) <[Stephen.Garvin@gov.scot](mailto:Stephen.Garvin@gov.scot)>

**Sent:** 22 March 2022 17:45

**To:** Cabinet Secretary for Social Justice, Housing & Local Government <[CabSecSJHLG@gov.scot](mailto:CabSecSJHLG@gov.scot)>; [redacted]  
**Cc:** News Desk <[Newsdesk@gov.scot](mailto:Newsdesk@gov.scot)>; Communications Social Justice, Housing & Local Government <[CommunicationsSocialJusticeHousing&LocalGovt@gov.scot](mailto:CommunicationsSocialJusticeHousing&LocalGovt@gov.scot)>; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; Director for Local Government & Communities <[DirectorforLocalGovernment&Communities@gov.scot](mailto:DirectorforLocalGovernment&Communities@gov.scot)>; [redacted]; [redacted]; [redacted]  
**Subject:** RE: Line to clear - building regs/cladding - Inside Housing

Hi [redacted]

It would end the use of BS8414 as a route to compliance for residential and high risk buildings over 11m in height.

Thanks

Stephen

**From:** [redacted] **On Behalf Of** Cabinet Secretary for Social Justice, Housing & Local Government  
**Sent:** 22 March 2022 17:36  
**To:** [redacted]; Cabinet Secretary for Social Justice, Housing & Local Government <[CabSecSJHLG@gov.scot](mailto:CabSecSJHLG@gov.scot)>  
**Cc:** News Desk <[Newsdesk@gov.scot](mailto:Newsdesk@gov.scot)>; Communications Social Justice, Housing & Local Government <[CommunicationsSocialJusticeHousing&LocalGovt@gov.scot](mailto:CommunicationsSocialJusticeHousing&LocalGovt@gov.scot)>; [redacted]; [redacted]; [redacted]; Garvin S (Stephen) (Dr) <[Stephen.Garvin@gov.scot](mailto:Stephen.Garvin@gov.scot)>; [redacted]; [redacted]; [redacted]; Director for Local Government & Communities <[DirectorforLocalGovernment&Communities@gov.scot](mailto:DirectorforLocalGovernment&Communities@gov.scot)>; [redacted]; [redacted]; [redacted]  
**Subject:** RE: Line to clear - building regs/cladding - Inside Housing

Hi [redacted],

Ms Robison is content with this line but for her own information, please can officials confirm if the regulation we are introducing effectively end the use of BS8414 tests as a route to compliance?

Many thanks,  
[redacted]

**[redacted] (she/her)**

**[redacted] Office of Cabinet Secretary for Social Justice, Housing and Local Government**

St Andrews House, Regent Road, Edinburgh, EH1 3DG  
Email: [CabSecSJHLG@gov.scot](mailto:CabSecSJHLG@gov.scot)

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**From:** [redacted]

**Sent:** 22 March 2022 15:47

**To:** Cabinet Secretary for Social Justice, Housing & Local Government

<[CabSecSJHLG@gov.scot](mailto:CabSecSJHLG@gov.scot)>

**Cc:** News Desk <[Newsdesk@gov.scot](mailto:Newsdesk@gov.scot)>; Communications Social Justice, Housing & Local Government <[CommunicationsSocialJusticeHousing&LocalGovt@gov.scot](mailto:CommunicationsSocialJusticeHousing&LocalGovt@gov.scot)>; [redacted];

[redacted]; [redacted]; Garvin S (Stephen) (Dr) <[Stephen.Garvin@gov.scot](mailto:Stephen.Garvin@gov.scot)>; [redacted];

[redacted]; [redacted]; [redacted]; Director for Local Government & Communities

<[DirectorforLocalGovernment&Communities@gov.scot](mailto:DirectorforLocalGovernment&Communities@gov.scot)>; [redacted]; [redacted]; [redacted]

**Subject:** Line to clear - building regs/cladding - Inside Housing

[redacted], PO

We've been approached by Inside Housing for a response to comments from Labour, the Tories, Scottish Tenants Organisation and Fire Protection Association calling for an end to the use of BS8414 tests as a route to compliance for combustible materials.

The following response has been agreed with policy and SpAds – grateful for clearance.

Many thanks

[redacted]

A Scottish Government spokesperson said:

“Since 2005, new cladding systems on high rise blocks of flats in Scotland have either had to use non-combustible materials or pass a large-scale fire test.

“We have further tightened controls over combustible cladding and introduced additional fire safety measures since the Grenfell fire based on the recommendations of the Ministerial Working Group on Building and Fire Safety.

“We are shortly introducing new legislation to further strengthen safeguards, having introduced precautionary measures in 2021 to manage cladding risks in the interim.”

## **Background**

The consultation on external wall systems received a number of detailed and highly technical responses. This month the Scottish Government published the analysis report from this consultation analysis. Next steps will be announced in due course.

## **Query**

Thanks for speaking just now. As I said, I'm writing a story about the upcoming amendments to the building regulations, which I understand are expected to be laid on 31 March: <https://www.parliament.scot/chamber-and-committees/written-questions-and-answers/question?ref=S6W-06060>

I have spoken to various people who are calling on the government to end the use of BS8414 tests as a route to compliance for combustible materials.

Here are the quotes I am using:

### **Mark Griffin MSP:**

"This dangerous cladding has been banned for years elsewhere in the UK, and now Scotland are falling even further behind.

"The cladding scandal has affected the lives of thousands of people across UK, but worse still Scots law still allows homes to be built with combustible cladding because the SNP has dragged its feet for years on the BS 8414 route to compliance.

"Last year's long overdue consultation received overwhelming support for a ban, and Ministers are still to spell out whether there will be a ban in the regulations coming forward this month"

"The SNP government has entirely failed to act to give proper support to those who have been hit by the scandal, wasting more time while people are being left in limbo." "The SNP must deliver a ban on this cladding, and get on with remediating properties already affected and stop passing the buck to Westminster."

### **Miles Briggs MSP**

"Flammable cladding was banned in England over three years ago, yet the SNP have still not followed suit.

"There is no excuse for this dangerous oversight. The SNP must urgently ban combustible materials in all future building, or risk another dreadful tragedy like the Grenfell Fire.

"However, it is also crucial that any requirements to remove flammable cladding from existing buildings do not end up hitting homeowners or lease holders with expensive bills.

"The UK Government has already placed the obligation on developers to pay for recladding buildings – and the SNP must catch up and do the same."

### **Scottish Tenants Organisation**

"In response 52062466 to the consultation we have called for the removal of all combustible cladding and insulation in residential tower blocks in Scotland with immediate effect as there are 85 residential tower blocks with combustible HPL cladding, 23 blocks with combustible Polyethylene ACM cladding and other tower blocks with flammable cladding and insulation.

The Precautionary Principle must apply at all times so that no tenant or homeowner in Scotland in a tower block is placed at risk from combustible cladding or insulation. It is a truism to say that the Grenfell fire tragedy has cast a long shadow over the lack of fire safety in the UK."

## **Fire Protection Association**

“FPA does support the Scottish Government’s proposed change however we remain concerned at the use of trigger heights. It is our view that there are a number of other risks factors e.g. the age and mobility of the occupants which should also be carefully considered in the selection of building materials and which are irrespective of the building height. The Beechmere fire in Cheshire demonstrated the vulnerability of timber framed structures being used as care homes.”

I’ll also quote some of the consultation responses outlined here:

<https://consult.gov.scot/building-standards/building-regulations-fire-ews-review/>

.....

## **2.0 Email briefing/communication, Cab Sec.**

Tue 22/03/2022 17:36

RE: Line to clear - building regs/cladding - Inside Housing

Hi [redacted],

Ms Robison is content with this line but for her own information, please can officials confirm if the regulation we are introducing effectively end the use of BS8414 tests as a route to compliance?

Many thanks,

[redacted]

**[redacted] (she/her)**

**[redacted] | Office of Cabinet Secretary for Social Justice, Housing and Local Government**

St Andrews House, Regent Road, Edinburgh, EH1 3DG

Email: [CabSecSJHLG@gov.scot](mailto:CabSecSJHLG@gov.scot)

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**From:** [redacted]

**Sent:** 22 March 2022 15:47

**To:** Cabinet Secretary for Social Justice, Housing & Local Government  
<[CabSecSJHLG@gov.scot](mailto:CabSecSJHLG@gov.scot)>

**Cc:** News Desk <[Newsdesk@gov.scot](mailto:Newsdesk@gov.scot)>; Communications Social Justice, Housing & Local Government <[CommunicationsSocialJusticeHousing&LocalGovt@gov.scot](mailto:CommunicationsSocialJusticeHousing&LocalGovt@gov.scot)>; [redacted]; [redacted]; [redacted]; Garvin S (Stephen) (Dr) <[Stephen.Garvin@gov.scot](mailto:Stephen.Garvin@gov.scot)>; [redacted]; [redacted]; [redacted]; Director for Local Government & Communities <[DirectorforLocalGovernment&Communities@gov.scot](mailto:DirectorforLocalGovernment&Communities@gov.scot)>; [redacted]; [redacted]; [redacted]

**Subject:** Line to clear - building regs/cladding - Inside Housing

[redacted], PO

We've been approached by Inside Housing for a response to comments from Labour, the Tories, Scottish Tenants Organisation and Fire Protection Association calling for an end to the use of BS8414 tests as a route to compliance for combustible materials.

The following response has been agreed with policy and SpAds – grateful for clearance.

Many thanks  
[redacted]

A Scottish Government spokesperson said:

“Since 2005, new cladding systems on high rise blocks of flats in Scotland have either had to use non-combustible materials or pass a large-scale fire test.

“We have further tightened controls over combustible cladding and introduced additional fire safety measures since the Grenfell fire based on the recommendations of the Ministerial Working Group on Building and Fire Safety.

“We are shortly introducing new legislation to further strengthen safeguards, having introduced precautionary measures in 2021 to manage cladding risks in the interim.”

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