

SCOTTISH PARLIAMENT

WRITTEN ANSWER

07 February 2022

Index Heading: Communities

Mark Griffin (Central Scotland) (Scottish Labour Party): To ask the Scottish Government, further to the answer to question S6W-05465 by Patrick Harvie on 24 January 2022, when it will publish its response and any regulations.

S6W-06060

Patrick Harvie: The Building (Scotland) Amendment Regulations 2022 are currently being developed and expected to be laid in the Scottish Parliament on 31 March 2022. Supporting guidance contained in the technical handbooks will be published in the Spring.

S6W-06060

BACKGROUND NOTE FOR S6W-06060

Mark Griffin MSP is the Scottish Labour member for the Central Scotland region. He is a member of the Local Government, Housing and Planning Committee and is the Scottish Labour party spokesperson for Housing and for Local Government. This Parliamentary Question is linked to a previous question S6W-05465 asking about progress of the building standards fire safety review on external wall systems.

In 2018, the Building Standards (Fire Safety) Review Panel (a sub group of the Ministerial Working Group on Building and Fire Safety recommended to Ministers that the building regulations relating to external fire spread (Standard 2.7) did not require to be amended, but it did recommend that the supporting guidance in the technical handbooks could be strengthened. Key changes were made to guidance in October 2019, including two escape stairs, lowering the height at which combustible cladding can be used from 18 m to 11 m and tightening control of combustible cladding on hospitals, residential care buildings, assembly and entertainment buildings regardless of height. In addition, a mandatory requirement to install automatic fire suppressions systems in all new build: flats and maisonettes, social housing dwellings and multi-occupied shared residential buildings with more than 6 residents was introduced on 1 March 2021.

The Building Standards (Fire Safety) Review Panel 2020/22 was convened on 11 December 2020 and have met four times. The group, like the 2018 group, comprises representation from a variety of experts from organisations including academia, professional institutions, local authority building standards, fire testing, research and consultancy, Scottish Fire and Rescue Service and the National Health Service. The UK, Welsh, Northern Irish and Irish Governments, as well as Scottish Government officials also attend the meetings.

A public consultation exercise, [Building standards \(fire safety\) - a consultation on external wall systems - Scottish Government - Citizen Space](#), was undertaken from 16th July 2021 to 11th October 2021. 76 responses were received to the consultation. An independent consultation analysis by Optimal Economics was published on 17 January 2022

<https://www.gov.scot/publications/analysis-responses-building-standards-fire-safety-consultation-external-wall-systems/>

The final review panel meeting was held on 24 January and a Ministerial submission has been submitted with policy options / considerations including timescales. The Building (Scotland) Amendment Regulations 2022 are expected to be laid in the Scottish Parliament on 31 March 2022 with a proposed coming into force date of 1 June 2020. Supporting guidance is expected to be published in April.

Contact Name: [Name Redacted]
Ext: [No. Redacted]

Answer FOR S6O-00936

By adopting critical new British Standards Institute guidance called the PAS 9980, the UK Government has adopted the Scottish Government's approach which combines building integrity and fire safety. This move is welcomed.

Our Single Building Assessment is the right solution for Scotland's unique tenure system and need for a bespoke solution. We await news of the UK Government's proposed Developer Fund and how this will support the Devolved Administrations.

I will update Members in due course on our plans to help more homeowners with assessment and to mitigate and remediate their properties against unsafe cladding

BACKGROUND NOTE FOR S6O-00936

(To be completed as necessary with any additional information)

ANSWER HAS BEEN CLEARED BY [redacted] SPAD

CLADDING TOP LINES

We are committed to ensuring the safety of people in homes with unsafe cladding.

- Scotland's system of standards, tenure and maintenance is unique – so we must work with the sector and homeowners to understand the issue, with a priority on safety. That is why we are progressing with FREE Single Building Assessment's for 25 high priority residential blocks of flats.
- Single Building Assessments will cover other aspects of fire safety and **not just** cladding alone.
- We expect that the majority of buildings in Scotland will be shown to be safe, but where issues are found then we will seek the most appropriate solutions.
- We have yet to receive any detail on consequential beyond the £97.1m already pledged in Feb 2021. This will not be sufficient. We expect the construction sector and finance industry to play their part.
- [redacted] Mr Gove's recent announcements only adds to the confusion in the sector and undermine Devolved Administrations' ability to plan how best to help provide assistance.
- Announcements made without discussion with all Devolved Administrations around details covering appropriate legislative powers is not helpful.

While housing and building standards are devolved issues, a four nations approach to tackling issues in the wider property

development and product manufacturing industries and their responsibilities to fix cladding is needed.

- We have stipulated to the UK Government that there must be Scottish Government representation at any negotiation with developers on the establishment of the £4bn fund.
- [redacted]
- We are working with key stakeholders and homeowner representatives in Scotland and are committed to spending all consequential on cladding remediation.
- We have written to the UK Government and had multiple meetings with officials to progress this issue to meet the needs of homeowners in Scotland.
- If the UK government want UK developers around the table they cannot take an England first approach.

Single Building Assessments are free to home owners.

- Our assessments will help us understand the scope and scale of cladding issues across Scotland.
- We expect that the majority of buildings will be shown to be safe, but where issues are found then we will seek the most appropriate solutions to remediation.
- We urge other parties, such as developers, to continue to play their part where construction is found to be unsafe.
- All of the £97.1m we have received so far will be spent on this ambitious programme of work, and we will commit further consequential that we receive.
- [redacted]

Current status of the pilot

- These buildings were selected because they would allow us to understand the complex nature of the cladding problems we are dealing with
- The reports will provide us with information that will help us address these issues which homeowners find themselves in through no fault of their own.
- We thank those homeowners and other stakeholders who are working with us to get this right for them and those affected across Scotland

EWS1 and the Scottish system

- This is not a government requirement it is a lending requirement and we ask lenders and surveyors to take a fair approach when assessing buildings in relation to the risk they pose
- This form was designed to work in the English housing marketplace and is incompatible with the Scottish tenure system
- We are continuing to work alongside the financial and surveying industry to establish a Scottish approach
- We will endeavour to listen to those who find themselves in a difficult position, through no fault of their own, and help where we can

Contact Name: [redacted]
Cladding Remediation Unit