

**Island Communities Impact  
Assessment  
For  
The Building (Scotland)  
Amendment Regulations 2022 -  
Section 2 (Fire)**



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## **Introduction**

1. The Islands (Scotland) Act 2018 places a duty on the Scottish Ministers and other relevant authorities, including a number of public authorities, to have regard to island communities in exercising their functions, and for the Scottish Ministers this will also include the development of legislation. This duty is often referred to as 'island-proofing'. The principle of island-proofing is one of building a broad-based islands awareness into the decision making process of all parts of the public sector.
2. Scottish Ministers are aware of the duty to consult island communities before making a material change to any policy, strategy or service which, in the Scottish Ministers' opinion, is likely to have an effect on an island community which is significantly different from its effect on other communities.
3. The Scottish Government recognises the importance of and is committed to island-proofing.

## **Background**

4. 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.
5. More recently, Kevin Stewart, Minister for Local Government, Housing and Planning announced at the Local Government and Communities Committee meeting on 4 September 2020 that a panel of fire experts would be convened to consider a ban on the highest risk cladding materials through building regulations and to review the role of the large scale fire test, BS 8414.
6. The Building Standards (Fire Safety) Review Panel 2020/22 was convened on 11 December 2020 and has 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.

7. The final review panel meeting was held on 24 January 2022 and a Ministerial submission was submitted with policy options / considerations including timescales. The Building (Scotland) Amendment Regulations 2022 are expected to be laid in the Scottish Parliament in April with proposed coming into force dates of 1 June 2022 for the fire standards and 1 October 2022 for the energy standards. Supporting guidance is expected to be published in April/May.

## **Objective**

8. The review of regulations, in relation to external wall cladding systems including the use of highly combustible metal composite material panels will ensure that future buildings in Scotland are even safer for the people of Scotland who will live in, and use them each day.

9. In recognising the need for improvement of national policy we have considered whether there are potential island impacts which differ from the regional impact or whether there are any barriers which may unfairly disadvantage islanders.

## **Gathering Data and Identifying Stakeholders**

10. The consultation process was two-fold. On the one hand, there was a more traditional on-line consultation which included for feedback on the impact on costs, resources, business etc. that respondents could access using the Scottish Government's consultation hub, Citizen Space. This consultation, [Building standards fire safety consultation on external wall systems](#), was undertaken from 16<sup>th</sup> July 2021 to 11<sup>th</sup> October 2021 and received 76 responses. On the other hand, virtual consultation events were carried out across the islands and rural communities with 2 events arranged on 14 March 2022 and 41 attendees from private and public sector including locations such as Shetland, Orkney, Isle of Skye, Argyll and Bute, Highlands.

11. An independent consultation analysis for the on-line event by Optimal Economics was published on 17 January 2022 [Published analysis of responses for the building standards fire safety consultation on external wall systems](#)

12. The consultations sought to obtain the views and opinions of stakeholders.

## **Consultation**

13. In developing these Regulations, the Scottish Government have consulted island stakeholders and individual organisations with an interest in Island Communities Impact Assessments (ICIAs). Two online engagement sessions with

island communities was carried out on 14 March 2022. Comments were also received from stakeholders who could not attend the sessions and responded via email. The key questions raised by respondents are summarised as follows:

14. The main themes of improving building fire safety via a ban on highly combustible metal composite material panels (the type used on Grenfell), clarifying intent of standard 2.7 (spread on external walls) within the building standards technical handbooks and reviewing the use of the large scale fire test BS 8414 received little to no notable comment of concern from the 41 attendees of the on-line sessions or the 76 responses to the public consultation exercise. It was noted by stakeholders that very few high rise/multi-storey buildings exist in island communities. When considering the proposed ban on highly combustible metal composite material panels regardless of height, the island communities responses intimated that the regulatory ban would have little or no impact on development, as such materials were not generally used, and that the effect in island communities was likely to be similar to the effect on development elsewhere.

15. The secondary emerging themes of the fire safety review noted the following concerns from Island Communities.

**16. Amendment to schedule 3 of Regulation 5 of the Building (Scotland) Regulations 2004 to make it more explicit that replacement cladding (other than minor repairs) requires a warrant and hence will comply with current standards.**

a) Timber cladding was highlighted as a common method of construction within island communities and concern was raised over how the amendment to schedule 3 will impact on low rise domestic buildings.

**Mitigation:** Building Standards Division (BSD) noted that low rise domestic buildings more than 1.0 m from the boundary generally can be clad in European Classification B or worse, to BS EN 13501-1:2018. Therefore there should be minimal impact on what is being described in terms of continued permissible use of timber cladding, beyond requiring to go through the building warrant process with additional fees and potential impact on project timescales – as addressed below.

b) Repair due to storm damage was noted as a frequent occurrence in island communities and any increase in the need for building warrants for these projects may impact/pressurise the small local authority building standards teams and cause issues/delays/costs for owners. Suggested Schedule 3 changes need to avoid affecting repair of timber systems due to storm or other damage.

**Mitigation:** Noted by BSD that distinction will be made between the meaning of repair and replacement and that this will form part of proposed guidance in Section 0: General of the technical handbooks. BSD explained that intent is to enable direct replacement for limited repair without meeting current standards or needing a building warrant. This would permit repairs to existing timber clad buildings as described and understood at the meetings.

**17. Re-introduction of European Classification F to relevant guidance clauses and the Reaction to Fire tables within Annex 2.B and Annex 2.E of the Domestic and Non-Domestic Technical handbooks, respectively.**

One comment was raised on the need for building warrant where there is no limitation on the materials performance.

**Mitigation:** This point is associated with the regular verification process for construction work and will be guided by the proposed changes to the guidance contained in the technical handbooks.

**18. Additional comments not under the current policy review:**

- Suppression (e.g. sprinklers) – no one installs or maintains these systems on the islands. Fire suppression systems cost cited in 2020 review are not representative of costs in the islands
- Removal of manufacturers certification for products noted/raised as a concern e.g. plasterboard manufacturers not now providing certification of fire performance and removing previous literature from websites etc.
- Photovoltaic (PV) panels a problem for Scottish Fire & Rescue Service (SFRS) operations and is there anything in the Technical Handbook or SFRS approach re: isolating and turning off the power to these panels, including consideration of residual power?

**Assessment**

19. Through the consultation responses and meetings with stakeholders, we have assessed the impact of these potential policy changes on the island and rural communities. Albeit final direction of policy is still to be fully determined there has been no notable comment and no obvious significant impact for the overall fire safety review themes. It has specifically been highlighted that timber cladding is prevalent and that high rise buildings are not significant in numbers.

20. This assessment did not identify any significant negative impacts to island communities for the main themes related to highly combustible metal composite material panels, amended wording to standard 2.7 (spread on external walls) or restrictions on the use of large scale fire test BS 8414. The Regulations will have a positive impact on outcomes experienced by island communities in terms of safer buildings.

21. There were some concerns relating to the practical implementation and delivery of the schedule 3 changes and the increase in requirement for building warrant for previously excepted work. Likewise this was the only concern raised for the reintroduction of European classification F materials. However the impact of this was seen as low when considering:

- BSD explained the intent for repairs and replacement is to be distinguished in guidance to allow a sensible approach;

- It was noted that the policy intent should not impact on timber cladding to low rise domestic buildings, as specifically raised;
- Any increase in costs is seen as limited to the building warrant application fees with design costs being incurred in any event;
- Any increase in building warrant applications impacting on local authority verifiers (LAV) capacity and therefore also project timescales can be monitored through future contact between BSD and Island LAVs and/or addressed through usual business workload/recruitment needs.
- For the written consultation many respondents across all stakeholder groups (excluding research establishments/fire test houses) felt that the proposals could lead to increased costs. The increased costs could arise through a number of channels including: greater costs at the design stage due to greater attention to specification and detailing, increased product costs and potential issues with availability, additional costs associated with fire engineers for certain cladding situations, verifiers may require additional resources to evaluate proposed fire engineered approaches, costs associated with additional training and further education.

22. In conclusion, it is considered that the amendment to Regulations and guidance are not likely to have an effect on any island community which is significantly different from their effect on other communities.

23. Wider issues noted will be considered by the BSD for possible further actions barring the suppression query where the research and consultation work previously undertaken on this has been completed and will not be revisited as part of this policy review.

24. It is accepted that the benefits of stricter controls over combustible cladding on residential and higher risk buildings having a storey at a height of more than 11 m above the adjoining ground will not have significant impact on island communities.

## **Conclusions**

25. The work undertaken to produce this impact assessment in partnership and consultation with island communities and authorities has further developed our understanding of the unique challenges within island communities.

26. The concerns identified are not significantly different for the island community compared to mainland and therefore any effects do not amount to a disadvantage for an island community compared to the mainland.

## **Implementation**

27. It is intended that the regulations will come into force on 1 June 2022. It is also intended that the guidance will be published in April/May 2022 with dissemination events in May/June.

## **Publishing**

28. This assessment will be published on the Scottish government website.

### **ICIA completed by:**

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31 March 2022

### **ICIA approved by**

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04 April 2022



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