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Dear Convener,

Housing (Cladding Remediation) (Scotland) Act 2024

I am writing further to your correspondence of 4 September 2024, in which you ask for an update on a range of matters raised by the Committee in connection with their scrutiny of the Housing (Cladding Remediation) (Scotland) Bill, which received Royal Assent on 21 June 2024. Specifically, you asked for an update on progress with the Cladding Remediation Programme, an update on buildings/entries in the programme's Pilot, an update on the approach to buildings not in the Pilot, and an update on communications and engagement. I have set out further detail on each of these matters in turn below.

Cladding Remediation Programme

The Cladding Remediation Programme is accelerating the pace of delivery now that the Act has been passed and the Single Building Assessment (SBA) technical specification has been published. The latter enables the Scottish Government, developers and other building owners to commission competent SBAs in line with the specification.

As you will be aware, operational delivery under the Act is underpinned by statutory 'Standards', which the Act provides are specified by Scottish Ministers (s. 32(1)(c)). It is my intention to publish these Standards in November 2024. These will comprise the SBA technical specification (already published), along with provisions setting out the compliance, audit and assurance processes with which we expect all persons undertaking Cladding Remediation works to comply.

It is my intention to lay Commencement Regulations shortly thereafter, with a view to ensuring that the Scottish Government can exercise the powers provided for in the Act that support operational delivery activity. I will write further to the Committee in anticipation of laying those Commencement Regulations.

Furthermore, we are now taking concrete steps to set in train a number of SBAs. Having signalled my intention to do so in Parliament on 10 September (in response to a Supplementary Question by Mark Griffin MSP), on 17 September the Scottish Government published a formal Invitation to Tender to conduct SBAs for 12 properties (all of them entries in the Pilot programme, without a linked developer). I consider this to be a significant step forward in the Cladding Remediation Programme.

Additionally, significant progress has been made on the 'Developer Remediation Contract'. A draft has been issued to developers¹ and Homes for Scotland, and officials will meet with their representatives later this week with a view to concluding negotiations, and developers signing as expeditiously as possible.

Cladding Remediation – Pilot

There are 107 entries in the pilot phase of the Cladding Remediation Programme. Entries in the pilot can comprise a single block or building, or a development, or part of a development consisting of multiple blocks or buildings.

We are aware of 'pilot assessments' having been undertaken for 30 of the pilot entries². These numbers relate to known pilot assessments only – as developers, homeowners or other organisations could have commissioned assessments without informing the Scottish Government. The actual numbers may therefore be higher and could increase as further information becomes available.

Pilot works to mitigate or remediate risks have started for five of the pilot entries. Works in this context refers to any action taken to address known cladding-related risks, including Urgent Interim Measures. Works to remediate risks have not been completed for any of the pilot entries. Although work on the external wall cladding system has been carried out on one building, a SBA carried out to the standard to be specified by Scottish Ministers under section 32 of the Housing (Cladding Remediation) (Scotland) Act 2024 is required to ensure that all works required have been identified and completed ahead of being designated as complete.

As noted above, we have now issued Invitations to Tender for SBAs for 12 pilot entries in scope, without a linked developer.

¹ Persimmon Homes, Miller Homes, Cala Group, Barratt Developments, Springfield Properties, Taylor Wimpey, Lovell Partnerships, Keepmoat Limited, Bellway

² A 'pilot assessment' includes any assessment carried out prior to the publication of the Single Building Assessment specification on the 21 June 2024.

Buildings not in the Pilot Programme

While we continue to work through a number of routes to enrich the quality and efficacy of programme data, we continue to use as an outline planning assumption (noting that this requires to be caveated) the data that was published alongside the Financial Memorandum to the Bill. That data indicated that c. 350 high-rise and up to 500 medium-rise buildings across Scotland may require assessment and some level of remediation across all tenure and building ownership types.

We are also continuing to scope out options to increase the pace of the programme by exploring systems and mechanism that can be put in place for owners and residents to alert the Scottish Government of cladding issues. This has the potential to significantly enhance the pace of the cladding remediation programme.

Developers have a key role to play in the assessment, risk mitigation and remediation of buildings with potentially unsafe cladding. For many such buildings, taking forward assessment and any remediation required will be a matter for the relevant developer or other responsible body, and the Scottish Government is developing a process to monitor this.

Communications and Engagement with owners and residents

To improve communications and engagement with owners and residents we are taking a number of steps including a regular newsletter; improvement to the content and detail of the Scottish Government website; frequent engagement through the High-Rise Action Scotland Group; and the development of a pre-assessment charter.

Finally, and to comply with the Act's provisions on pre and post engagement, we will be writing to relevant owners and occupiers shortly to inform them that we have issued Invitations to Tender for SBAs for their properties.

I hope these updates are helpful to the Committee, and I will be happy to provide any further information which may be of use.

Yours sincerely,

Paul McLennan