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Ariane Burgess MSP,
Convener
Local Government, Housing
and Planning Committee

By email to: localgov.committee@parliament.scot

10 July 2023

Dear Convener,

CLADDING REMEDIATION PROGRAMME – UPDATE ON PROGRAMME EXPANSION AND THE SCOTTISH SAFER BUILDINGS ACCORD

Further to the letter of 27 March 2023 from the Cabinet Secretary for Social Justice, Housing and Local Government and my letter dated 1 June 2023, I am pleased to provide an update on the work of the Cladding Remediation Programme and the Scottish Safer Buildings Accord and exploring potential Cladding legislation.

Scottish Safer Buildings Accord

Addressing unsafe cladding is a priority for the Scottish Government. Significant progress has been made on the Scottish Safer Buildings Accord, with officials working collaboratively with Homes for Scotland and wave one developers to reach an initial agreement. In the first wave our discussions have focused on developers who operate across the UK and who have already signed the UK Government Pledge. Waves 2 and 3 will focus on SME developers and those developers who potentially require a different approach to undertake mitigations and remediation.

Eight wave one developers have now publicly committed themselves through a signed open letter to take responsibility for buildings they built in the last 30 years. This is a major milestone towards addressing unsafe cladding issues affecting multi-residential homes with and it is of the utmost importance and urgency to resolve.

As my personal commitment to leading this critical programme, I have undertaken meetings with Homes for Scotland and expressed my desire to continue to work collaboratively and transparently on each iteration of the Accord. I am eager to bring together our respective interests and experience and those of developers to ensure that no multi-residential building with combustible cladding in Scotland is left behind.

I have met with several developers to discuss the Accord and to hear about where we should focus our negotiations as we move to the next stage – the legally binding longform contract between each developer and the Scottish Government.

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I have also held meetings with UK and Welsh Ministers sharing experiences and exchanging ideas towards our common goal to improve the safety of our building multi-residential cladded buildings and put homeowners and residents at the heart of our work. Further, I am hosting the next Four Nations Inter-Ministerial Group meeting in September. I will be leading discussions on our shared goals, and I intend to raise the issue of statutory powers available to the Devolved Nations to ensure parity when it comes to pursuing responsible parties. I am determined to ensure that buildings with potentially unsafe cladding are remediated to our standards and that developers have the opportunity to play their part and are otherwise held to account to ensure that they meet their obligations.

I have made a commitment to homeowners and residents that I will continue to urge developers to come to the table and do the right thing by signing the Scottish Safer Buildings Accord and long form contract. The commitments from developers to identify, assess and remediate their buildings means that public money can be focused on orphan buildings - buildings without a linked developer.

My commitment to you is to continue to engage with the committee and share progress on my ongoing discussions with developers as the programme transitions from wave one, and onwards to wave two and three.

Cladding legislation

In respect of legislation, the Programme operates with the consent of homeowners and under powers available to Ministers and public bodies. Learning during the Pilot phase makes clear where the limits of those are and I reaffirm the Scottish Government's commitment to explore all necessary legislative options to address shortcomings in the tools we need. My officials are examining how we might address a number of challenges using direct learning and by engaging with a range of stakeholders and I am content to update the committee in short order on this.

Timescales

In terms of timescales, the programme is currently in a Pilot phase and is due to move to a Transition phase towards the end of this year. A key element supporting this move is the commissioning of a major housing stock census – a high quality survey of relevant properties that will underpin a more detailed analysis of the programme's scope. The stock census – part of our Discovery project – is due to be commissioned shortly and will take a number of months to complete. I will be happy to update the committee as this work progresses. Our ability to more accurately plan the wider programme timescales is significantly dependent on this new data and I ask for the committee's forbearance while we undertake this important step.

I hope this update is helpful.

Yours sincerely,

PAUL MCLENNAN

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