

Dear Clerk to the Convenor (Local Government, Housing and Planning Committee),

Since giving evidence to the LGH&P Committee on Tuesday 23rd January 2024 and in light of the subsequent successful passage of the Cladding Remediation (Scotland) Act receiving Royal Assent on 21st June 2024 thank you for the further invitation and opportunity to share experience and feedback related to owning property negatively impacted by the existence of cladding.

For focus, your request was pointed at three main areas/themes, which I will attempt to answer in turn.

### **1. Has there been any progress made in the remediation of your property?**

I am an owner of a property within a very large 'high rise' (11 mtrs+) Residential Development located in the Western Harbour area of the North of Edinburgh. Constructed by Taylor Wimpey around 2005 with a combined value of circa £100mil and comprising 278 dwellings - all of which are in-scope of the Cladding Crisis and therefore adversely impacted. Whilst there had no doubt been work going on in the background; meetings, emails etc. regrettably, I can advise there has been absolutely zero progress made in the tangible / physical remediation of this sizeable residential property development. The related fire and wider risks therefore remain unresolved and ever present.

For wider context, the Development was included as one of the very first 25 properties accepted as 'in-scope' for the Scottish Governments Cladding Remediation Programme ... back in June 2021!

'Remediation' in and of itself is also a point of consternation for owners.

To my mind and knowledge, after several iterations of the SBA (Single Building Assessment) have been produced, commissioned first by the then Factor and then subsequently by Scottish Government, the latest iteration was, as reported by the Chartered Surveyors commission by Scottish Government to undertake a further SBA 'complete' and 'with the Scottish Government' since December 2023 - yet on the part of the majority of owners (with the exception of an 'Owners Committee' and development Factor, James Gibb) there remains complete and absolute ambiguity and uncertainty and as to what exactly, if anything, is considered or identified as 'a threat to life' or similar such terminology that actually needs to be remediated - indeed, the Owners Committee have previously communicated that 'the Development is 99.9% safe'!

Owners continue to be forced to spend £000's on 'rinse and repeat' EWS1 surveys in order to market/sell or re-mortgage their property/assets in a Development that, critically and as a direct result of the Cladding crisis, has not been able to obtain Factor arranged common comprehensive Buildings Insurance since May 2021 - creating a situation and continued legacy of inherent risk; of dwellings being without insurance, underinsured and a complete lack of adequate insurance for Common Areas i.e. building infrastructure, car park, corridors etc.

It has been more than 7yrs since the Grenfell tragedy, more than 3yrs have elapsed since the Development within which I am an owner has been 'in-scope' and under review by Scottish Government's Cladding Remediation Programme (with at least 2 iterations of SBA being 'completed') and circa 4 months since the Cladding Remediation (Scotland) Act has been passed by the Scottish Parliament.

Of the national house-builder responsible for constructing the property, the Chairman of Taylor Wimpey, Mr Robert Noel, emphasised at their 24th April 2024 AGM the company's "long-held view that customers shouldn't have to pay for buildings to be made safe and mortgageable", and stated that the company was one of the first to act "proactively and voluntarily", ahead of signing the industry-wide [pledge](#) in April 2022 and the [self-remediation contract](#) in March 2023 [England only], alongside a similar agreement with the government in Wales ... *yet still nothing related to property in Scotland* i.e. agreement and signing the 'Accord' let alone issuing Letters of Comfort to owners. After all this time, why is that?

It is incredible that instead of being able to look to Scottish Government for crumbs of comfort relating to remediation, owners need to look to Developer AGM's as a 'golden source' of information about ... progress.

In light of the above, whilst there are 'warm words' the lack of delivery of tangible / physical remediation - whatever that entails - with a seemingly 'open door' from a national household name residential property developer is disappointing at best.

## **2. Has there been any more clarity on the timescale in which remediation might take place?**

Simply put, there is a distinct and absolute lack of clarity about anything and everything Cladding related - which is arguably an avoidable and unnecessary cause of frustration, anxiety and stress on the part of homeowners.

The impact is not only felt psychologically in witnessing the devastating impact of flat fires across Edinburgh and wider UK e.g. Breadalbane Development, Leith - but also adversely impacting the development reputationally and financially with ever increasing costs as a direct result of issues associated with the existence of cladding..

Moreover, the void created by Scottish Government in the absence of clarity from the lack of production and communication of trusted, accurate and robust guidance and timelines is filled by stakeholders or unelected 'custodians' of the development being un-official spokespersons for Scottish Government and communicating wholly unrealistic timelines, raising and mismanaging expectations i.e. Owners Committee, Chaired by a member of the Cladding Working Group!

## **3. Has there been any improvement in the quality of communication you have received from the Scottish Government?**

Assurances and commitments have been repeatedly offered by Scottish Government by consecutive Housing Ministers, most recently on record via

Parliamentary Questions including Paul McLennan, MSP as Minister for Housing, to 'listen too' and 'improve communications with impacted citizens'. There appear to be few, if any mechanisms to operationalise and facilitate the same.

It is surely not an unreasonable expectation of Scottish Government and the now named Cladding Remediation Directorate to issue even semi-regular generic or Development specific 'official' communications via the building/developments appointed Factor (where appointed). This instead of proxies who are at risk of 'filtering' messages and updates, creating uncertainty/anxiety and/or stymie engagement and understanding.

Shaking to the core what little confidence I and other owners have in the ability for Scottish Government to get to grips with this challenge in Scotland, of which it has been acknowledged and accepted is within Scottish Governments power to do so, citizens are instead informed via the media on Sunday 8th September that the funds which totalled £97mil from Barnett consequentials and were 'ring-fenced' for the Cladding programme have apparently instead 'been spent on other things'.

### **Summary;**

My feedback is against the backdrop of most recent reports relating to fires in high rise cladded properties located in [Paddington](#) and [Dagenham](#) which makes it viscerally clear the ongoing risks owners/residents face ... the most concerning timeline unknown is not if but when a further fire breakout will happen in a cladded high rise in Scotland, to what level of breakout and possible loss of life e.g. from battery scooters, bikes or other.

I hope the feedback herein is of some use in driving improvement and positive outcomes.

May I take this opportunity to thank the Local Government, Housing & Planning Committee for any and all efforts in pursuing these same goals for all citizens negatively impacted, through no fault of their own, by the Cladding & Fire Safety Crisis.

Yours sincerely,

Mr Perry E Jenkins