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Scottish Parliament

Tuesday 12 March 2024

[The Presiding Officer opened the meeting at 14:00]

Time for Reflection

The Presiding Officer (Alison Johnstone):

Good afternoon. The first item of business is time for reflection. Our time for reflection leader today is the Rev David Watson, who is the minister of Cumbrae, Fairlie and Largs parish church.

The Rev David Watson (Cumbrae, Fairlie and Largs Parish Church): Good afternoon, members of the Scottish Parliament.

I came across this story many years ago. I do not know whether it is historically accurate, but I have never been one to allow facts to get in the way of a good story.

John Loudon McAdam was born in Ayr, and, as a young man, he went to New York, where he made his fortune. He decided to return to his native Ayrshire and, as a self-made man, he was able to purchase a large estate. He had a passion for family history, and he spent a lot of time indulging his passion. He was writing a book about the McAdam family, and the project became so all-consuming that he neglected his responsibilities as a landowner. The roads across his estate fell into such disrepair that he was threatened with legal action if he did not do something about it.

Annoyed at being forced to waste time on what he regarded as a rather trivial task, John McAdam resolved to do the job properly so that he would not be interrupted again. He had the existing road dug out completely. The trench was filled with big rocks, then smaller stones and gravel and, finally, a top dressing of finer material. Ditches were dug at each side for drainage. When he was satisfied with the result, he went back to finish writing his family history.

John McAdam built a road that stood up well to the elements—and we get a lot of elements in Ayrshire. Not only that, but the road did not quickly become rutted by the wheels of carts and carriages. In fact, it lasted so well that people came from miles around to see how he had done it. As his fame as a road builder grew, his design was copied around the world. The macadamised road became the standard for road building everywhere.

I do not know whether John McAdam ever wondered what his legacy might be, but the thing for which he is remembered is not something that he regarded as a priority. All of us would, I

suspect, one way or another, like to make our mark. Very often, however, the projects to which we devote our time and energy turn out to be relatively unimportant in the grand scheme of things, whereas people, conversations and tasks that seem inconsequential at the time become our true legacy.

Topical Question Time

14:04

Heat in Buildings Bill (Regulatory Review Group)

1. Edward Mountain (Highlands and Islands)

(Con): Before I ask my question, I remind members of my entry in the register of members' interests, in that I own let homes and other homes that are part of service occupancies.

To ask the Scottish Government how it will address the significant concerns raised by the chair of the regulatory review group regarding its proposed heat in buildings bill. (S6T-01854)

The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick Harvie): As part of delivering the new deal for business, we asked the regulatory review group to examine the business and regulation impact of our proposals for a heat in buildings bill, which is central to our work to tackle climate change. We welcome the views of that independent group and all the submissions to our consultation, which closed on Friday. The group has highlighted the economic opportunity for Scotland in transitioning to clean heat and has identified the key issues of communication, the supply chain and phasing, on which we will continue to work as we develop the bill.

Edward Mountain: That is not how I read the views. What I read was that there are unrealistic deadlines, no knowledge of the extent of the issue, a lack of awareness of market readiness and a total incomprehension of the cost to householders and businesses. Given that only 20 per cent of properties that are on the market in Caithness reach energy performance certificate band C, how much does the minister estimate that it will cost individual homeowners to reach EPC band C?

Patrick Harvie: Mr Mountain knows that, in our consultation on energy efficiency standards, we have proposed taking a simpler approach to achieving those standards. That will be based on applying only those from a prescribed list of measures that are applicable in each building. We are confident that, for the majority of buildings that do not currently reach EPC band C, any measures that were required would be relatively minimal and cost effective.

As we move forward with the heat in buildings bill and the regulations that will follow that, we will keep our existing generous package of grants and loans under constant review, to ensure that the support that is available for householders, tenants, landlords and businesses matches the necessity

to act and the scale of the action that is required to reduce our emissions from heat in buildings.

Edward Mountain: I am aware of the five items that are suggested. The minister has also suggested setting a price cap and I can help him with that. As a surveyor, I estimate that the cost of getting a 30 to 40-year-old two-bedroom rural property of traditional design to EPC band C and meeting the minister's requirements as being in the region of £40,000. I repeat that—£40,000.

I am concerned that the minister has not really grasped the reality of the cost and that he does not really care at this stage what the cost to businesses and homeowners will be. Will he commit to a tighter spending cap than £40,000 for homeowners to reach EPC band C? What does he consider to be a reasonable amount?

Patrick Harvie: As I said, we have set out proposals to make it easier, simpler and cheaper for householders and businesses to reach the standards that are set out in the proposals that we have consulted on. We will take account of all responses to the consultation and, as Mr Mountain is aware, we will consider the option of a cost cap.

I am concerned that Mr Mountain and some of his colleagues do not seem to grasp the urgency of the challenge. There is simply no path to our net zero targets—which all political parties have committed to—without an ambitious programme on heat in buildings. The Government will continue taking the necessary action to meet the high aspirations of our heat in buildings programme and ensuring that a package of support is available to meet the scale of change that is necessary. That will be set out in the regulations.

Ivan McKee (Glasgow Provan) (SNP): I draw members' attention to my entry in the register of members' interests in respect of my ownership of rental properties.

No one doubts the minister's commitment to decarbonising heat in buildings, but commitment and delivery are not necessarily the same thing. Developers in my constituency tell me that they are still permitted to build new houses with gas boilers and that they will continue doing so for at least the next two years. How many buildings across the country have been decarbonised since the minister took office two and a half years ago? How long will it take to deliver net zero across the remainder of Scotland's housing stock at that rate?

Patrick Harvie: I am pleased that Parliament came together last year to pass the new-build heat standard regulations, which will come into force from 1 April this year and will prevent the installation in new buildings of polluting heating systems such as gas boilers. Obviously, building warrants last for up to three years so, at any point

when such a change was made, that would have been the timescale for it. We are acting a year ahead of the United Kingdom Government; in fact, the UK Climate Change Committee has urged the UK Government to match our timescale.

The number of installations has been accelerating, but I am afraid that it would make no sense to project how long the process would take at the current rate. The whole point is to continue the acceleration of the installation of zero-emission heating systems. That is what we have been doing and we need to continue to do that. The heat in buildings proposals are absolutely central not only to increasing demand but to stimulating investment in the supply chain, skills and capacity to make sure that the work happens.

Douglas Lumsden (North East Scotland) (Con): The review group has said that consumers will be vulnerable to rogue traders if there is not sufficient capacity in the market to install new products. What actions is the minister taking now to prevent rogue traders from entering the market?

Patrick Harvie: The Scottish Government-funded grant and loan schemes have a requirement with regard to the skills and qualifications of suppliers that people choose to use. We are also exploring the option of a supplier-led scheme instead of—or as well as—the consumer-led scheme that we have. However, the regulation of consumer protection rests with the UK Government. We continue to explore every option to discuss those issues.

I see Mr Lumsden shaking his head. He wishes those issues to continue to rest with the UK Government, so it does him no credit to suggest that we should not acknowledge that, as the UK Government has power over consumer protection, it needs to act. We stand ready to work in a constructive spirit to see improvements on consumer protection, but Mr Lumsden cannot expect us to exercise powers that he insists should remain at Westminster.

Sarah Boyack (Lothian) (Lab): The minister did not really answer directly the question about reliable and trustworthy companies. What work will the Scottish Government do to help fund the support to deliver the skilled staff that we will need across Scotland? We need affordable solutions for energy and heating options, given the £33 billion of investment that is expected to be required and the current cost of living crisis for householders in urban and rural areas. Where will the Scottish Government step up to help tackle that problem?

Patrick Harvie: I recently took part in a round table with industry stakeholders across the supply chain, and they gave me the clear indication that what industry needs to be able to invest not only in skills and qualifications but in supply chain

capacity is demand assurance—unlocking that demand—and that is very much what the heat in buildings proposals set out to achieve.

We do need to ensure that high standards are met. As I said, some of the regulation of consumer protection rests with the UK Government. Under our powers, we ensure that the grant and loan schemes require people to use qualified and trusted installers. We also work with UK-wide bodies, such as the microgeneration certification scheme, which will relaunch its criteria later this year, to reduce barriers to certification for small and independent contractors.

Mark Ruskell (Mid Scotland and Fife) (Green): Last year, the clean heat industry wrote to the First Minister to urge the Scottish Government to move forward with its heat in buildings bill as soon as possible. It said:

“To meet the challenge and maximise opportunities, industry needs certainty”

and that new standards would allow

“homeowners, landlords and supply chains”

to understand

“what they need to do and by when.”

Given that clear steer from industry, does the minister agree that calls from Opposition parties for delay and dilution go against what businesses are telling us that they need in order to deliver the heat transition, with the urgency that is required to tackle the climate emergency?

Patrick Harvie: Mark Ruskell is absolutely right. The single most consistent message from industry and from experts such as the UK Climate Change Committee is that Government needs to give certainty and clarity. The heat in buildings programme and the proposals that we have consulted on will achieve that. By regulating—by passing legislation—the Parliament will give a clear signal that it is worth the while of businesses in the sector to invest, as many of them want to do. Many of them know that high-quality careers are to be had in Scotland, not only in installing but in innovating.

Businesses are ready to go. They need our clarity and support on the long-term direction of travel, which is what our legislation is intended to achieve. Any dilution, delay or deflection—which some Opposition members seem to wish for—would only undermine the opportunity to get from the heat transition the maximum economic benefit for Scotland as well as the carbon emission reductions.

Liam McArthur (Orkney Islands) (LD): The minister referred to concerns about supply chain capacity. Given the steep rise in demand that is expected, does he recognise that there are

particular supply chain capacity issues in rural and island areas, and what action is the Government taking to ensure that capacity will meet future demand?

Patrick Harvie: Absolutely—I recently took part in a meeting that sought specifically to get the views of community stakeholders from rural, remote and island communities, who have made constructive proposals. Often, the benefits of the heat transition are even more significant in remote, rural and island communities, many of which, for example, are not on the gas grid and pay higher prices for energy. The transition to zero-emission heating can save them money as well as saving emissions.

I referred a few minutes ago to reducing the barriers to accreditation under the MCS, which is one of the things that we can do. That involves working with other organisations to ensure that, in such communities, small businesses and independent contractors that are active in the field can be accredited. That will increase the ability of businesses that have their roots in local communities and have a degree of local trust to undertake that work.

Creative Scotland Funding (Rein Film Project)

2. Neil Bibby (West Scotland) (Lab): To ask the Scottish Government what its response is to reports that Creative Scotland has awarded £85,000 to the project Rein, in light of concerns about its explicit content. (S6T-01858)

The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson): I share the concerns that have been raised, including by Creative Scotland itself. I see no way in which what has been described should be in receipt of public funding.

As members are aware, the Scottish Government has no role in the decisions of Creative Scotland on the funding of individual projects. However, I understand that Creative Scotland is rapidly reviewing that allocation, as it is clear that what has been reported simply does not meet what was indicated when the funding was applied for. I look forward to Creative Scotland sharing its conclusions, and I will update members, including Neil Bibby, soon.

Neil Bibby: The *Sunday Post* has published shocking revelations about the explicit nature of the Rein project. The project previously received £23,000 and has now attempted to recruit vulnerable people—including the disabled—at £300 a day, to participate in sex acts so extreme that participants were to be provided with psychological aftercare; I will not repeat those here.

I agree with what the minister said about how not a penny of public funds should be used to support the project. Does he agree that all the money that has been distributed should be clawed back?

Creative Scotland has stated that it did not know how explicit the project was to be. In order for the public to have confidence in its funding processes, does the cabinet secretary agree that the original funding application should be published in full?

Angus Robertson: To help colleagues' understanding of what is currently under way, it is useful to read the statement that has been released by Creative Scotland, which says that, although Creative Scotland supports

“freedom of expression and artists being able to push the boundaries of radical performance ... the project, Rein, is considerably more explicit in its execution than was indicated in the application received to our Open Fund. As such, we are reviewing this award and will be discussing next steps with the applicant and with the other partners in the project.”

The specific queries that Neil Bibby has raised are very apposite, but I wish to await the conclusions from Creative Scotland in the first instance. He and colleagues from across the parties understand the importance of the arms' length and independent nature of Creative Scotland. On the basis of what is concluded in the review, further questions as to the consequences will no doubt follow.

Neil Bibby: It is absolutely right that ministers do not determine individual funding applications, but it is also absolutely right that there needs to be openness and transparency from Creative Scotland, which does. Therefore, the application should be published in full.

It has been reported that the filming was to involve live sex acts and was to be done in outdoor public places in the Highlands. There are clearly questions to be answered, not just about the appropriateness of what was planned using public funds, but also about the legality. Does the cabinet secretary agree that that should be examined, and that, more generally, there should be a review of funding criteria, with new guidance issued for future applications so that such a thing cannot be allowed to happen again?

Angus Robertson: I have absolutely no doubt that these proceedings are being watched closely by those at Creative Scotland, and I also have no doubt that they will be listening closely to the points that the member has raised thus far. I await the conclusions of Creative Scotland's review of the matter, and I will consider any outstanding questions that have been raised by colleagues in relation to how Creative Scotland has conducted its review, the conclusions that it makes and the actions that it will take. I will be happy to share

those conclusions with Neil Bibby and colleagues and, if there are any wider lessons to be learned, including legal issues, those matters will need to be broached.

Alexander Stewart (Mid Scotland and Fife) (Con): Will the cabinet secretary inform us when he first learned about the funding issues? Will he be transparent regarding the content of the application, by ensuring that it is published in full? Does he agree that Creative Scotland should urgently review all decision-making processes for funding applications?

Angus Robertson: There were a number of questions there. I learned about the issue over the weekend, at the same time as everybody else. I am pleased that Creative Scotland acted swiftly in announcing its review.

Up until now, I have been pleased that there has been cross-party consensus in the Parliament in relation to the fact that Creative Scotland is an arm's-length, independent organisation. I am sure that everybody is very keen that politicians and Government do not stray into areas of creative expression. We have an arm's-length organisation that has very clear rules about how public funds are to be applied for and about their purpose, and that is what is being examined.

I expect that Creative Scotland will report back quickly, and we will no doubt return to discuss the conclusions of its review as soon as we learn them.

Foysoyl Choudhury (Lothian) (Lab): Lammermuir Festival had its funding application turned down by Creative Scotland last year. The grant application was set to make up 23 per cent of the festival's budget, and its future now hangs in the balance—yet £85,000 is being awarded to this explicit project. What specific measures are in place to monitor and regulate how and why funding is awarded by Creative Scotland and how it ensures that culture remains accessible for all?

Angus Robertson: No doubt there are a great number of cultural projects where people could ask, "Why has this been funded, but not that?" In such cases, it is perfectly understandable that people will wish to understand how a decision could be made to support one applicant but then deny the applications of others. Those are questions that are quite rightly for Creative Scotland. The leadership of Creative Scotland regularly attends evidence sessions of the Parliament's Constitution, Europe, External Affairs and Culture Committee, and those questions can no doubt be asked of Creative Scotland decision makers.

Foysoyl Choudhury and I are in agreement that it is important to have arm's-length respect for the work of Creative Scotland, and I hope that he

agrees that it is a good thing that a review has been instigated extremely quickly. I hope that that review and a decision will follow swiftly. No doubt we will discuss what emerges from the review, and we will be able to weigh up the queries that Foysoyl Choudhury has raised about the relative priorities for which projects are supported.

Stephen Kerr (Central Scotland) (Con): I pay tribute to the investigative journalism of the *Sunday Post*, which repeatedly comes up with interesting and pertinent stories. That should be commended, and it is illustrative of the need for a strong, free press.

I agree with the cabinet secretary on the idea that politicians and Government should not stray into areas of creative expression. However, the issue of how public money is spent is germane to the very purposes of the Parliament. Can the cabinet secretary explain how much due diligence is applied by Government in relation to the sums of money that it dispenses to other bodies, and what measure of value for money is applied?

Angus Robertson: I will give an example of how that has worked recently. Creative Scotland was in charge of dispensing significant sums of financial support during the Covid pandemic. The results of that process are a matter of public record. I think that everybody associated with Creative Scotland can be proud of the probity with which those funds were disbursed.

It is quite right that this case should be raised, and I join Stephen Kerr in praising the journalists who have been at the heart of doing so. I am sure that Mr Kerr appreciates the point, which I have now made a number of times, that it is important for Creative Scotland, as an arm's-length organisation, to be able to do its work, and it is doing that in review now. Creative Scotland's leaders regularly come to the Parliament, which gives members the opportunity to ask them about the processes that are in place. Mr Kerr will also appreciate that the culture department, which works with me, as cabinet secretary, and works closely with Creative Scotland, wants to satisfy itself that all those processes work in the way in which Creative Scotland and arm's-length organisations are supposed to operate.

The situation is under continuous review. We will look at the conclusions of the investigation into that particular incident. If any wider issues need to be taken on board by Creative Scotland or the Scottish Government, or if there are lessons to be learned, that is absolutely what will happen.

Housing (Cladding Remediation) (Scotland) Bill: Stage 1

The Presiding Officer (Alison Johnstone): The next item of business is a debate on motion S6M-12450, in the name of Paul McLennan, on the Housing (Cladding Remediation) (Scotland) Bill at stage 1.

I will allow a moment for front-bench teams to organise themselves. I take this opportunity to invite members who wish to speak in the debate to press their request-to-speak buttons.

14:27

The Minister for Housing (Paul McLennan): I am delighted to open the stage 1 debate on the general principles of the Housing (Cladding Remediation) (Scotland) Bill.

The Grenfell tower tragedy provided absolute clarity on why building safety is so important. Since that terrible event, substantial progress has been made on changes to fire safety standards and guidance, legislation on smoke alarms, and the establishment of the cladding remediation programme. However, we have also identified barriers to delivery, which we need to address if we are to ensure that we have the powers to safeguard residents and home owners.

The urgency of the issue was again emphasised just a few weeks ago, when we saw shocking images of the fire that engulfed a cladded building in Valencia. I thank the Local Government, Housing and Planning Committee for its expedited scrutiny of the bill and its stage 1 report. I offer my thanks, too, to the Delegated Powers and Law Reform Committee and the Finance and Public Administration Committee for their swift consideration of the bill.

The bill has benefited from the positive engagement of Opposition spokespeople and insightful examination of the issues by individual committee members. My exceptional gratitude goes to everyone who gave evidence at stage 1, some of whom have been personally affected by the issues at the heart of the bill.

I welcome the local government committee's view that the bill's provisions are appropriate to their stated purpose and its recommendation that the general principles of the bill be agreed to. In its stage 1 report, the committee made detailed recommendations and comments and called on the Government to consider and respond to those. The Government is still reflecting on some of those points, but I hope that the response that I provided to the committee last week provides a useful indication of its position.

I have a long-standing interest in the issue, both locally and as a member of the Parliament. In my evidence to the committee in June 2023, I said that we would use every tool available to handle the crisis on cladding in Scotland, including through legislation if required.

Willie Rennie (North East Fife) (LD): Will the minister give way?

Paul McLennan: I will make some progress and come back to Mr Rennie, if that is okay.

Since I was appointed as a minister I have engaged extensively with home owners and residents of buildings with potentially unsafe cladding, as well as with partners and stakeholders who are critical to delivering a resolution, including a wide range of developers. I appreciate that home owners and residents want to see more pace in the programme. They want us to address the barriers to delivery. I welcome the comments of High Rise Scotland Action Group and others, who have welcomed the bill as a good attempt to address concerns and take significant steps forward.

I am grateful to the committee for outlining the background to the legislation. The bill builds on an extensive history. The programme has brought into sharp focus the complexities of the responsibilities in relation to our built environment and those who are responsible for maintaining it for the benefit of all.

I will take Mr Rennie's intervention.

Willie Rennie: The minister referred to the committee's swift action; he is quite right about that. However, he cannot describe as swift the process that the Government has undertaken over the past seven years. Why has it taken so long to get to this stage?

Paul McLennan: In 2022, the then Cabinet Secretary for Social Justice, Housing and Local Government acknowledged that point. That is why we moved on to select a delivery model. I will touch more on the pace as I go through my speech.

The programme has accumulated a significant amount of knowledge and understanding of the significant impact that potentially unsafe cladding is having on people's lives, and of the lived experience of the barriers that we face in tackling the issue. The real-life experiences of all those who are affected by the risks and consequences of unsafe cladding are the impetus behind the provisions in the bill.

We need to remove any obstacles to progressing the necessary work that the Government and developers must do in the interests of public safety. However, it is equally important that the public has absolute confidence

in the assessment and resulting works; in the ability and willingness of developers to participate in the remediation programme; and in the assurance arising from the completion of the works.

I turn to the scope of the assessment arrangements in the bill. The ministerial working group on mortgage lending and cladding was mindful of the complications that the Scottish tenure system would present to a programme such as ours and the potential far-reaching consequences of adapting the legal basis for the assessments. Such adaptations rightly require considerable examination and deliberation. The solution, therefore, is a basis for assessing all the risks that are presented by a building as a whole. Using established fire risk assessment methodology, it will be possible to specify criteria by which the fire safety risks of a whole building can be assessed. That work is in hand.

Last autumn, I commissioned a task and finish group to look at the single building assessment specification. I have agreed that PAS—publicly available specification—9980 will be the basis of the fire risk appraisal of external walls, albeit that it will be tailored to the Scottish context. We recognise that that is a critical enabler in setting the standard and propelling the pace of the programme.

The SBA specification is in development. It will include that component and a fire risk assessment, which will survey the internal fire safety measures, including internal compartmentation of buildings. Without a doubt, the highest standards of competence should be employed in carrying out the assessment of buildings. To that end, the bill seeks the power to specify the competency levels of those who undertake the SBA. Developers continue to be closely involved in discussions about the SBA and the specification through the SBA task and finish group. We are also engaging with other stakeholders on the development of that specification.

Reflecting our overwhelming desire and duty to protect life, we seek powers to prioritise access to buildings to carry out assessment and remediation. Indeed, our programme furthers the rights of both owners and occupiers to peaceful enjoyment of their property. We have assessed the impacts of the legislation and are satisfied that it fulfils our intentions in a compliant manner to ensure that there is an appropriate opportunity to challenge decisions. Stefano Pessina from Mizu Tenants Committee welcomed the bill, stating:

“It is good that it contains steps to stop residents who are owners who are perhaps blocking progress at the moment”.
—[*Official Report, Local Government, Housing and Planning Committee*, 23 January 2024; c 9.]

These powers are not sought lightly, and have been developed in the context of cladding specifically, and in direct response to barriers that were experienced during the pilot phase of our programme.

I turn to the cladding assurance register. Where an SBA report identifies risks to human life associated with a building’s external wall cladding system and works to mitigate or eliminate those risks, that building must be remediated accordingly.

The cladding assurance register is intended to be a record of buildings that have been through the single building assessment process and for which satisfactory remediation works identified in that assessment have, where required, been completed. That is key in ensuring that an accurate record of remediation works that are undertaken is maintained, and that those with an interest, such as lenders and insurers, can understand, and take assurance from, the scope of the works that are undertaken in each building.

I am conscious that the committee, as part of its consideration of the bill, raised a number of questions as to whether there could be merit in adding buildings to the register ahead of remediation works being completed. The register is not intended to highlight existing risks from cladding ahead of remediation, and I am mindful that that approach could, in fact, be counterproductive. It is a long-standing principle of the programme that we do not release details of buildings or of any assessment or remediation works that are being undertaken in relation to them. That approach is in line with requests from home owners and residents in order to protect their privacy and safety, and it reflects engagement with the Scottish Fire and Rescue Service on how best we ensure safety and security.

I am also aware that the committee heard evidence that the cladding assurance register could be broadened to reflect wider issues of building or fire safety. My current view is that the register is, and must remain, focused on the risks that are posed by unsafe cladding and the remediation that is required to address that risk in order to preserve that internally consistent knowledge. That is the purpose of the bill.

We will of course reflect on the views and suggestions that have been shared ahead of stage 2 consideration of the bill, and we will engage directly with relevant stakeholders, including the Association of British Insurers, UK Finance, the SFRS and the High Rise Scotland Action Group, to understand how best to maximise the positive impacts of the register on their roles in the industry and in people’s lives.

I should add that financial services, including mortgage lending, are a reserved matter and that the Scottish Government will continue to raise with the United Kingdom Government the difficulties that are experienced by owners and prospective owners in accessing lending on buildings with potentially unsafe cladding.

I confirm that the Government intends to issue letters of confirmation to home owners of orphan buildings within the current pilot scheme. Developers, too, benefit from the register; they get the opportunity to restore public confidence in the safety of their buildings and the reputations of those who construct and refurbish them.

We have created in the legislation conditions under which developers can fully participate in remediation. The responsible developers scheme that we intend to create through secondary legislation will set the stage for developers to engage with our programme in the most constructive way. The UK Government has already established a responsible actors scheme, which has similar aims. Developers want to participate, as evidenced by the nine developer commitment letters that have been signed.

Naturally, we want to protect our construction industry from a tumultuous market, which is why we are looking to create a responsible developers scheme that can be flexible in the face of economic circumstances. We intend to use the scheme to ensure that a proportionate approach is taken, and that that is clearly spelled out, to ensure that developers accept their responsibilities and that we as the Government display our accountability to the public.

Graham Simpson (Central Scotland) (Con):

One of the criticisms of the responsible developers scheme, and of the bill in general, is a lack of clarity. For example, we do not have enough information on how the scheme might work and who would be covered. Can the minister tell us that, and how open is he to dealing with sensible amendments to the bill to clear up some of the confusion around it?

Paul McLennan: The engagement process is key in the cladding role that I have taken on. I have met individual developers on a number of occasions, and we have had round-table discussions with Homes for Scotland. Discussions on the SBA process and the scheme will continue as we move through the bill process. I have mentioned to the committee that I am happy to come back and update it on any discussions that we have had in that regard. Those discussions with developers will continue on the SBA and the responsible developers scheme that the member mentions.

I want to come back to a few things. Woven through our fundamental duties is our obligation of responsibility for public finances—in this case, making it explicit and clear where developers must contribute will allow public funding to be focused on orphan buildings, which are buildings without a linked developer.

Notwithstanding that, I reiterate my assurances to residents of orphan buildings that the Government is committed to funding the remediation of orphan buildings and to progressing that work. That has been considered and is integrated into our future financial planning process in the remediation programme.

Although I have responded in writing to the committee's report, I will briefly make two points. Although the Scottish Government did not consult specifically on the bill, the policy underpinning it was developed based on a period of significant and on-going engagement with stakeholders through the ministerial working group and the cladding remediation programme stakeholder group and on lived experience gathered during the pilot phase of the programme.

Continuing with the programme, we are committed to engaging closely with stakeholders, including home owners and residents, a number of whom I have met in constituencies and virtually, and to ensuring that comprehensive consultation is undertaken ahead of bringing forward any secondary legislation.

Although additional risks related to building safety or fire prevention may become evident during the process of assessing and remediating unsafe cladding, it is important that we recognise that there are broader systems and legislation in place to manage those risks, where they fall outside the scope of the cladding remediation programme.

The committee has rightly considered many other issues, such as building MOTs, which may merit wider consideration outside the scope of the bill. However, the provisions of the bill, the process and the timetable's expedited nature and narrow focus reflect the urgency with which we are treating the known risk to life that is associated with unsafe cladding.

By introducing the bill, the Scottish Government recognises the acute problem that cladding represents in relation to safety, the urgency of remediation of cladding and the need for transparency and accountability in how the Government exercises proportionate powers in the context of cladding.

I look forward to continuing to work with members of all parties to secure those objectives as we take the bill through Parliament.

I move,

That the Parliament agrees to the general principles of the Housing (Cladding Remediation) (Scotland) Bill.

The Presiding Officer: I can confirm to members that we have time in hand for interventions this afternoon. We will try to be generous in that regard.

I call Ariane Burgess to speak on behalf of the Local Government, Housing and Planning Committee.

14:39

Ariane Burgess (Highlands and Islands) (Green): It is my pleasure to speak on behalf of the Local Government, Housing and Planning Committee in this stage 1 debate on the Housing (Cladding Remediation) (Scotland) Bill.

The issue of potentially dangerous cladding has affected the lives of many people across the country since the tragedy at Grenfell tower. On behalf of the committee, I thank all those who have shared with us their personal experiences of the impact of living in or owning a property with cladding.

During our scrutiny of the bill, many people invested their professional time and experience in helping us to understand what can often be very technical issues. We heard from panels of witnesses, including property owners and residents, developers, experts on building standards and fire safety, and representatives from the worlds of finance and insurance. Our call for written evidence received more than 60 responses, and our thanks go to all those who contributed.

The dangers of potentially combustible cladding became terrifyingly clear in 2017. It is now almost seven years since so many people lost their lives at Grenfell. Parliament agreed to an expedited timescale for the bill on the ground that the Scottish Government wants to avoid any further delays in tackling the issue. As a result, our scrutiny was time limited but nonetheless thorough.

The committee heard the personal testimonies of people who own or live in buildings with potentially unsafe cladding. We know from those testimonies how important it is to those people to finally have the issue resolved. It is clear that people in social and private housing still live in fear for their safety. Many have been unable to sell their properties, to secure finance on them or to obtain insurance on them. We have even heard about how some property owners have died in the intervening years.

The key message that we heard time and again from witnesses was their frustration at the length

of time that it has taken to begin a cladding remediation programme in Scotland. The reality is that very little progress with remediation has been made in the past seven years. We heard from the Scottish Government that, of the 105 buildings that are part of its cladding remediation programme, only one has had any works carried out on it and only one has had mitigation measures put in place.

That frustration has led to concerns and scepticism about whether the bill will make a difference in reality. The minister assured the committee that the bill's purpose is to tackle delays that are experienced with remediation, and it is my sincere hope that that is the case. Indeed, the committee supports the general principles of the bill and welcomes it as a step in the right direction.

I understand that the Government intends to ensure that all buildings in the pilot phase of the remediation programme are on an SBA pathway this summer. However, as we highlighted in our report, a number of important issues need to be addressed.

First, we need greater clarity about the purpose of the bill. At the heart of the system that the bill proposes is the single building assessment, or SBA. The SBA is a holistic survey of a building to establish what remediation works are required. It is only once those works are completed that a building can be entered into the cladding assurance register. The intention is that that register will give residents peace of mind about their building's safety and the reassurance that the banks and the insurers need. It is therefore critical to have clarity about what an SBA involves and what work must be completed for a building to enter the register.

The Minister for Housing told the committee that the bill is about cladding remediation, but numerous experts told us that, at present, the scope of the SBA is not yet clear and, in turn, neither are the requirements for entry into the register. The SBA process currently picks up on many fire safety issues far beyond cladding. The Scottish Government needs to provide clarity on what exactly is assessed in an SBA and must provide consistency and certainty in how SBAs will be undertaken. I understand that a specification for the SBA will be completed by May this year.

Fire safety experts and surveyors whom we heard from recommended, as a means of establishing that clarity, the adoption of a methodology developed by the British Standards Institution to assess the fire risk of external walls and cladding, called PAS 9980, which was developed in response to Grenfell and is now widely used in the UK. Although members of the committee are not experts in the technical detail,

our witnesses told us that it would be common sense for that to be adopted into Scotland's cladding remediation programme. Our report therefore requests that the Scottish Government explore its application in carrying out SBAs. I am pleased that the minister has since confirmed that SBAs will align with the existing methodology in PAS 9980.

As noted earlier, the bill provides that buildings will be entered into the cladding assurance register after remediation works are completed. However, we heard strong arguments for buildings being entered into that register at an earlier point in the remediation process. It was suggested to the committee that, instead of waiting years for works to be completed, buildings could go on to the register after the SBA had identified any works that were required and plans had been developed to undertake those works. There was widespread support for that approach, including from insurers and lenders. The committee would welcome the minister's reflections on that. It was also suggested that the Government should explore that suggestion with those living in affected buildings.

Delivering the cladding remediation programme is a huge undertaking. The bill puts the onus on developers to pay for and carry out any remediation that is required. It was suggested to us that that responsibility could be extended to the wider supply chain, such as manufacturers or architects. However, the committee is in agreement with the Government that there are practical and legal arguments as to why it should be developers that bear the burden. We are concerned about the potential impact of that burden on smaller building companies that might not be able to bear the cost of remediation. Witnesses told us about the risk of small and medium-sized enterprises becoming insolvent, and the impact that that could have on the industry and on home building. In England, a profitability threshold below which companies will not be held liable for remediation has been introduced. The committee therefore asked the Scottish Government to take that into consideration ahead of stage 2 and to carry out a full assessment of the potential impact on SMEs.

When a building's developers are no longer in existence, the building is described as being "orphaned." For such buildings, it will be for the Scottish Government to meet the cost of remediation. That will be a long-term and expensive programme of work, for which thorough financial planning is required. The Government must ensure that such orphaned buildings do not become a lower priority, behind any remediation carried out by private developers. The minister assured the committee that orphaned buildings would not be given lower priority, but the

committee would welcome the minister's reflections on how the Government will ensure that orphaned buildings are remediated.

There will be important practical considerations to delivering remediation, too—chiefly whether there are enough qualified professionals available in Scotland to undertake the work of assessing buildings. The committee noted the confidence that the minister and his officials have expressed in the availability of surveyors and fire engineers to undertake SBAs. However, the committee was consistently presented with a picture of skills shortages in those key sectors, which are essential to delivering the bill's ambitions. The committee was told that there is no course in Scotland to train fire engineers to fill that void, and it is not immediately clear how that obstacle to the acceleration of the remediation programme will be overcome. The Scottish Government must work with the sector to ensure that it can develop a workforce of sufficient numbers and skills to deliver the remediation programme.

There is one important element of delivering the remediation programme that is much simpler to address. All stakeholder groups told the committee how limited the communication with them has been during the past years. That has left them immensely frustrated. The minister reassured the committee that improvements are being made—which is very welcome—but, in the future, the committee will be keen to hear from residents and owners to understand whether they are seeing a genuine improvement in communication.

I look forward to hearing members' contributions during the debate, and the committee looks forward to working constructively with the Government throughout the bill process. More generally, we will continue to closely scrutinise the progress that is made, and our hope is that the legislation will dramatically increase the pace of remediation. We must not forget that people's lives are at the heart of this and that many of them have been battling for years to get a resolution.

14:50

Miles Briggs (Lothian) (Con): I thank the organisations that have provided briefings, our committee clerks for their support on the report and the witnesses who have given important evidence on how this issue has impacted on their lives, as the convener said.

The bill is technical and, as is the case with all framework bills, the devil will be in the detail of the guidance and ministerial direction that come from it. I put on record that I am concerned and not confident that the bill is the only solution for the householders who are affected. Although the Scottish Conservatives will support the general

principles of the bill at decision time, we are concerned about the Government's limited progress to date. The bill as drafted may not provide the solutions that home owners are desperately seeking to finally deliver the surveys and provide the framework in which any potential combustible cladding issues can be resolved.

As an Edinburgh MSP, I have been working with affected home owners since the start of the process. We must ensure that they are at the heart of the bill. Almost seven years since the tragedy of Grenfell tower and almost three years since the Scottish Government began its building assessment process, we have seen little progress on surveying buildings and progressing mitigation schemes.

For many home owners who are resident in the 105 developments that are in the cladding remediation programme, this has not only been a stressful time; their lives have been put on pause. In many cases, home owners are unable to insure or sell their property, or to make plans. They have the added stress of not knowing what will happen to their homes or even being kept informed of what is to happen. That must change, and the bill must be the start of a better process towards delivering a sustainable solution to cladding remediation in Scotland.

As I stated, it is concerning that the Scottish Government has failed to make any substantial progress. The committee's report is clear about that—we say that progress has been concerningly slow. To date, of the 105 buildings that are in the programme, only two have had any remediation work undertaken or mitigations put in place. That is in sharp contrast to England, where more than two fifths—42 per cent—of the 1,608 buildings that the UK Government has in scope have had work either started or completed. That is why we need there to be progress. It is understandable why industry witnesses who have given evidence to the committee have expressed their significant frustration at the slow progress in Scotland and at the lack of leadership from the Scottish Government.

In the time that I have this afternoon, I want to highlight a number of important issues on which changes need to be made to the bill swiftly at stage 2. The committee has heard clear calls for the scope of the single building assessment to be defined in the bill, and a key ask has been made of ministers to ensure that the SBA aligns with the PAS 9980. From what I have heard, ministers have accepted that that must take place, especially for businesses operating across the UK.

A UK-wide scheme should have been developed, with the Scottish Government a part of that. However, it is important that the Scottish

ministers now drive forward the scheme in Scotland.

Concerns have also been expressed about the cladding assurance register. I note PropertyMark's briefing for MSPs, which states:

"It is important that the Cladding Assurance Register is freely and easily available.

The risk of not doing so is that the Register will fail to motivate building owners to remediate properties, especially where the cost of works is high.

Ensuring that the Register is freely and easily available also allows residents to play a role in enforcement, further motivating building owners to remediate properties and avoiding situations where local authorities do not have the capacity to investigate compliance."

The issue of compliance is lacking from the bill.

Another important area is the right to recourse. As the committee's work demonstrated, the UK Building Safety Act 2022 and the legislation that was introduced to address cladding remediation in England give a right to recourse, in relation to responsible developers, over 30 years, so that suppliers and other actors in the supply chain that share liability can be held accountable. In Scotland, under the bill, that window currently stands at just five years, so the Scottish Government should consider alignment with the UK legislation.

Issues relating to orphan schemes, which have been mentioned, are important. I have met people who live in such schemes in Edinburgh, and they are deeply concerned that they will find themselves at the end of the queue for remediation work, so the Government must prioritise orphan schemes, which no longer have a developer responsible for them.

The responsible developers scheme is really important. The committee highlighted the need for more detail on the scheme and for that to be included in the bill. Ahead of stage 2, there needs to be appropriate parliamentary scrutiny and stakeholder engagement on what the scheme should look like. I highlighted a number of issues during the committee's stage 1 work, particularly in relation to buildings that are not within the scope of the bill. I continue to have concerns regarding student accommodation. I know that many student accommodation companies are already undertaking work in this area, which is welcome, but the Government must consider including not only student accommodation developers but hotels in the scope of the bill. The UK Government included them south of the border so, if we are to appropriately address the cladding issue in Scotland, we should seriously consider including them at stage 2.

As I stated at the start of my speech, the devil will be in the detail of the bill. The bill must include

provisions on information for residents who have been impacted. As the convener highlighted, so many people reported to the committee a complete lack of information being provided to them. In many cases, that has added to their stress, as they have been getting hearsay about their building rather than facts. I hope that the minister and those who will be responsible for taking forward this work will include in the bill a segment on key information, because the information to residents must be properly managed.

Ministers should also have reporting duties. Some people feel that their issues might not be resolved for another decade. That cannot be the case. Ministers must have a duty to report to the Parliament so that we can scrutinise how funds are being spent.

Graham Simpson: Does Miles Briggs agree that it is not just about ministers having reporting duties but about action, so that people actually get work done on their properties? I am less interested in hearing from the minister on how he is doing; I want to know what is happening on the ground.

Miles Briggs: Absolutely. For so many people—whether it is those who gave evidence to the committee or our constituents—there is huge frustration about being kept in the dark for too long. Politicians talking about this is one thing, but the work to come up with solutions for the developers that will be tasked with making buildings safe and undertaking surveys must progress at pace. There must be constant reporting so that the issues are resolved and people can move on with their lives by selling their property, if they want to, or getting insurance.

Ensuring that people who live in the buildings have peace of mind is probably the most important aspect. We must never forget that, as many people have said, people's homes are at the heart of the issue. As well as it being a stressful time for them, those affected feel that they have not been communicated with and that they have often been kept in the dark in relation to the issues affecting their homes.

It is clear from the committee's evidence and discussions that there will need to be specific on-going management and factoring solutions for many buildings. Such issues are not within the scope of the bill, but the Government needs to take them forward.

Specifically, concerns have been raised about electric bikes and cars being stored or parked underneath buildings that have cladding issues. Ministers cannot ignore the management risk around that. Although that is not within the scope of the bill, I think that, as a result of the bill,

ministers will need to introduce a factoring or safety management bill.

The UK Government has provided the Scottish Government with £97 million of Barnett consequential to carry out assessments and remove dangerous material from buildings. On Friday, we learned from data that the Scottish Government published that it has spent only 7 per cent of that money, or just over £7 million, on identifying and removing dangerous cladding on buildings. That has been a failure to date by the Government. Scottish Conservatives will work hard and scrutinise the bill at stage 2. I hope that the Scottish ministers will work cross-party to make sure that the bill is as good as it can be for the people who we represent and who are looking to the Parliament for solutions.

15:00

Mark Griffin (Central Scotland) (Lab): We welcome the debate and support the bill's general principles, as we would any serious attempt to speed up cladding remediation in Scotland. For seven years, we have been urging the Scottish Government to take ownership and to urgently start removing the dangerously combustible materials from Scotland's homes. Indeed, the minister has spent the vast majority of his time in Parliament as a member of the Local Government, Housing and Planning Committee, urging the Government to take such action, alongside the convener, Mr Briggs and others who have come and gone from the committee. The minister is now charged with delivering the action that he was urging the Government to take.

I thank the clerks of the committee and all the organisations that gave evidence on the issue.

The bill raises a variety of complex and technical issues relating to fire safety and building standards, but it is important to recognise what brought us to this point and why we are here today: the Grenfell disaster, which was a preventable tragedy that caused the death of 72 people. It is imperative that, in Scotland, we do everything that we can to avoid a repeat of the events of that night in June 2017.

Can the Government say that everything that can be done to remove dangerous cladding from homes is being done? It has been claimed that the bill is being pushed through Parliament with no public consultation in order to expedite work starting on cladding removal. That is all well and good, but it has taken seven years to develop a bill and to get to this point, when England and Wales have been powering ahead—not developing legislation, but fixing buildings and making them safe.

The figures speak for themselves. In England, remediation work has started on 1,608 buildings, with 797 of those now having had cladding removed or remediated completely. In Wales, work on 37 buildings that were in need of remediation has now been completed, with work on a further 86 due to start in the coming year. In Scotland, the total number of buildings that have been made safe comes to just two. The only thing that the Scottish Government has committed to doing is putting buildings on a pathway to a single building assessment by the summer of 2024, which is a million miles away from remediation. Where is the drive and leadership that we need to fix Scotland's unsafe housing? I am not entirely sure that the bill demonstrates that.

Cladding remediation is not a theoretical exercise. The issue of cladding has absolutely consumed people's lives, causing them long-term worry and stress about the safety of their homes. It has a financial impact on owners, who are not able to sell, to insure or to remortgage their properties. What is worse, if the combustible cladding is not removed from dangerous buildings, every night, families who live in those buildings go to sleep filled with dread and fear. Because of the Government's inaction, families have been living in fear for far too long.

The bill has much to commend within it. For example, we welcome the inclusion of a single building assessment, but it is clear from the cross-party committee report that there is much more to do. We heard of the potential difficulties in implementing the bill because of a lack of clarity over what should be included in the assessment and how wider hazards that are not directly related to cladding should be dealt with if they are found as part of the assessment.

There is a worrying lack of detail from the Government about what the responsible developers scheme will look like. Much of that detail will be left to secondary legislation. Residents and developers want clarity on what their responsibilities will be, what owners and residents can expect developers to deliver and what burden developers will be expected to take on.

There is not enough information on the single building assessment, which is fundamental to the roll-out of the cladding remediation scheme. We need to know what a single building assessment is, what the specification is, what an assessment looks like and what standard it is assessing to. If we do not know, how can we possibly determine whether it will speed up the removal and remediation of dangerous cladding in Scotland? Those assessments are a key part of the scheme, and they are far too important to the process to remain undefined.

There is no argument that risks will be identified as a result of the assessment process, but it is unclear to me why the Government has provided such scarce detail on how it will categorise the risks that are identified and what should be done when a building assessment identifies a safety risk. How will the bill speed up the process of removing cladding if, in a matter of months or years, we end up back in Parliament yet again to talk more about those issues? The Government has had seven years. We have a bill, but surely the time to decide on those things is long past.

We will continue to push the Government to deliver a faster pace of remediation and the key information that is missing from the bill. The necessarily rushed nature of the bill, the lack of consultation and the lack of detail on relatively complex and technical proposals all lead to the committee's real concern that the bill has potentially not been well enough drafted or scrutinised to achieve its stated aim of providing the certainty that will allow developers and householders to expedite cladding remediation in Scotland. This is how one property owner put it to the committee. He said:

"My sense is that the bill does not deliver a sigh of relief or a fist pump. It is legalese ... but does the bill address the key concerns of owners? Not really, until there is proof."—*[Official Report, Local Government, Housing and Planning Committee, 23 January 2024; c 6.]*

The bill's aim is to put the building blocks in place to speed up cladding remediation in Scotland. We will follow that process closely and strive to ensure that we gain clarity from the Government on whether the bill will achieve that aim as it makes its way through Parliament.

For those reasons, we support the principles of the bill at stage 1. However, for the safety of people who live in unsafe homes, the bill must become an act that is laser focused on driving the Government to deliver its cladding remediation programme.

15:08

Willie Rennie (North East Fife) (LD): Over the years, the Government has shown a lot of unfounded confidence in its processes. Back in August 2021, when it launched the single building assessment, it said that it was "consistent and robust" and that it was "fulfilling our commitment". In May 2022, it said that it was "the next big step". In August 2022, it said that it was "priority action". In March 2023, it said that it was an "absolute priority". In December last year, it returned to its original claim that the process was robust.

That is why there is scepticism about the bill. The Government has been overclaiming with unfounded confidence for all that time. Seven years on from Grenfell, we have hardly made any

progress. That is why people are sceptical about the process. The reality is that around 1 per cent of the identified buildings in Scotland have had work completed, whereas, in England, the figure is 20 per cent, and for the buildings on which work has started, the figure is 42 per cent.

Paul Turnbull from the owners cladding working group was very clear. He said that although the single building assessment for his home was done in 2022, absolutely nothing had happened since. That is why there is scepticism and why significant problems arise as a result.

The anxiety and stress that are felt have already been spoken about this afternoon. Sales have been put on hold, house values have potentially dropped and insurance premiums have gone up. The lives of those people have been in limbo. I know some of them personally, and they have gone through great stress and anxiety throughout that time. Sean Clerkin, whom many members will know, said that social housing tenants have been ignored throughout the process.

We need to recognise the reality that hardly any progress has been made and that that has compounded the agony for people who are living in those circumstances. It is difficult to understand why the Government did not identify on day 1—as it has now done—that the tenure process and conditions in Scotland would be a factor. Why has it taken all this time, since before 2021, for the Government to alight on that as being part of the problem? Why did it think that encouragement would somehow be sufficient, that compulsion would not be required and that the whole of Scotland would somehow rally round and everybody would comply with what the Government wished? That was always laughable; it was never going to be delivered in that way. A degree of compulsion was needed.

We understood that with tenement buildings, which is why the Parliament had to introduce legislation for the one or two people who would refuse to comply with any commonsense works that would be required for a building. Perhaps the minister can illuminate us in his concluding remarks, because I do not understand why the Government failed to recognise on day 1 that tenure would be a difficulty and that some degree of compulsion—rather than simple encouragement—would therefore be required.

We broadly support the bill, but because of the scepticism that exists, we are not quite convinced. We are even more sceptical because it is a framework bill that does not go into a tremendous amount of detail. However, we support the ability to identify and remediate risks through the responsible developers scheme. The prohibited developers list is an interesting proposal. A lot of developers go bust at the drop of a hat when there

are any difficulties with developments. That is why some companies have multiple companies associated with them that disappear overnight once their development is concluded. I would be interested to know how we make sure that those companies that have some connection with buildings are still held accountable, and that we are aware of their heritage in the area.

Local authorities also need to have the capacity to investigate compliance. We already know that local authorities are having difficulties financially and with their ability to recruit the appropriate personnel, which ties in with the shortage of qualified assessors to deal with the peak in demand that we hope will come from the bill.

We need the Government to put some meat on the bones of the scope of the single building assessment, and we need to understand exactly how far it will go. We also need to be aware of issues beyond cladding. Safety risks that are associated with a building need somehow to be identified by the process, rather than it being limited to cladding issues. If we identify an issue, that needs to be made public so that people know what is involved in their building.

The shortage of housing for decants will be a significant issue. We have a housing emergency. When my constituency endured significant flooding recently, it was difficult to find homes for everyone who was made homeless as a result of those floods. That will be a much bigger problem on a wider scale, given the number of buildings that we are talking about here.

The Chartered Institute of Building's conclusion shows what the central problem with the bill is: it said that it is an important first step. Seven years on, it is an important first step. That highlights the massive job that we have to do to make sure that the legislation works in practice and that we do not have yet more years of delay and yet more stress and anxiety for home owners and residents.

The Deputy Presiding Officer (Annabelle Ewing): Before we move to the open debate, I ask those members seeking to speak to check that they have pressed their request-to-speak button.

15:14

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): I thank our committee convener and our hard-working clerks, who provided much-needed advice and guidance in the preparation of the committee's stage 1 report, which was unanimously agreed by all members.

It is worth remembering that cladding remediation is principally an issue for the developers and builders who built the homes that have this cladding, and there has been nothing

really to prevent them from getting on with remediation all this time. I have always said at committee that it is an issue for both Government and developers—a dual responsibility. Some developers have been doing remediation work, which is to their credit.

I have been involved in the preparation of a number of stage 1 committee reports over my years in the Parliament, but this one was different. The level of scrutiny and inquiry that all our committee members undertook is understandable, given the subject matter, but it is a testament to their commitment to getting it right that they undertook such forensic scrutiny of the Government's proposals for cladding remediation. All the committee members deserve great credit for the work that they have done. Our witnesses—some of whom are affected residents—offered us a valuable degree of rigour in getting the bill right, which I sincerely hope stands us in good stead as we take the bill through the parliamentary stages to become law. I thank them all for helping to get us to where we are now.

The minister reminded us where all this came from: the tragic events at Grenfell in London in 2017, when 72 people lost their lives. Our committee will play an important part in getting the bill right and providing assurance to residents whose homes have cladding that needs to be replaced.

A key issue for the committee and for many of those who gave evidence was whether the bill could or should include wider fire safety considerations beyond the cladding remediation that was intended at the outset. From the Government's response to that aspect of the stage 1 report, as requested by the committee in recommendation 73, it is clear that the bill

“relates to buildings with ... cladding systems and it is not a general fire safety Bill.”

Although wider risks might well emerge during the assessment and remediation of a building, the Government states that we should

“recognise that there are broader systems and legislation in place to manage these where they fall outside the scope”

of the bill. The Government makes that point again as part of recommendation 93 in relation to the cladding assurance register.

Rightly, the committee asked for clarity on the exact specification for the single building assessment. I note from the Government's response that the single building assessment will include the fire risk appraisal of the external walls system, which is based on industry standard PAS 9980. The SBA will also include a fire risk assessment that

“will survey the internal fire safety measures, including internal compartmentation of buildings in order to assess risk”

that might be

“created or exacerbated by the building's external ... cladding”.

If I have understood that correctly, that will provide additional assurance for residents about some of the wider fire safety matters that are important to many of the residents from whom we heard. If that is the case, I would welcome a comment from the minister when he winds up the debate.

It is welcome that the Government has agreed that “tolerable risk” will form part of the single building assessment process instead of the initial proposal to have binary designations of “safe” or “unsafe”.

Graham Simpson: What does Willie Coffey understand by the phrase “tolerable risk”?

Willie Coffey: It provides a degree of risk, so that a building is not just “safe” or “unsafe”. The feeling was that that could have brought many buildings within the register that might in fact be safe. Giving a degree of risk was felt to be much more helpful and appropriate.

An important part of the bill's provisions is to establish the cladding assurance register, which is a document that will provide consistent information and assurance to residents and to mortgage and insurance providers about the status of a building. One key consideration for the committee was the issue of when a building can be entered into that register. We considered whether that should happen at an earlier stage, to provide initial assurance that work will take place, or on completion of the work, to give a final assurance that the work had been completed. The Government's response seemed to me to point to the latter option, because it said that including properties on a register if they had not yet been remediated might impact on both the privacy and safety of residents who are affected and therefore would not normally be considered. However, as we heard from the minister during his opening remarks, the Government has agreed to give further consideration to the issue at stage 2.

The final area that I will mention is the proposal to introduce a responsible developers scheme. Some of our developer witnesses asked for more detail to enable them to scrutinise that in advance of the legislation being passed and a number of members here today have referred to that. The Government's position is that providing that in secondary legislation will give us greater flexibility and align us with the process that is being adopted by the UK Government. The process to agree a Scottish safer buildings developer remediation contract is under way and it is my understanding

that that also mirrors the approach that is being taken down south.

I said at the outset that there has been really thorough examination by committee members of the many issues presented to us as we considered the Housing (Cladding Remediation) (Scotland) Bill. I hope that that will be recognised by other members who are here today. The bill may be relatively small, but it is an incredibly important piece of work for us all. Where we can improve it, let us ensure that we do. It is crucial to get this right and I look forward to other members' speeches as the debate develops.

15:21

Pam Gosal (West Scotland) (Con): As a member of the Local Government, Housing and Planning Committee, I am pleased to contribute to this important debate on the Housing (Cladding Remediation) (Scotland) Bill. I also place on record my thanks to everyone who gave evidence and to the clerks for all their work.

In 2017, the Grenfell tower fire tragically claimed the lives of 72 people. We can all agree that there is an urgent need to identify and remove highly combustible and dangerous cladding, in order to prevent a similar tragedy from occurring in Scotland.

Seven years on from the Grenfell fire, the Scottish Government's efforts to remediate buildings have been shockingly slow. The UK Government has successfully remediated 797 buildings in England, while only two out of the 105 buildings included in the Scottish Government's own remediation programme have had work carried out. Only 7 per cent of the £97 million provided so far by the UK Government for cladding remediation has been spent by the Scottish Government. I am not going to delay progress further by voting against the bill at stage 1 but, make no mistake, the bill in its current form will not bring about a meaningful improvement in the pace of the remediation programme.

Although the single building assessment is central to the bill, the committee, stakeholders and the minister are not clear about the specification for that, what it will look like or the standards that it will assess against. The single building assessment specification is in development and is due to be published by the end of May this year. That is simply not good enough. It raises questions about a key stage of the entire remediation plan and is something that is far too significant to remain unclear at this point.

The binary nature of the single building assessment was also of major concern throughout the evidence sessions, so I am pleased to note that consideration is being given to basing the fire

risk assessment of external walls survey on the PAS 9980 model, tailoring that to the Scottish context. That model is popular with professionals, offers flexibility and is widely used across the United Kingdom.

In his response to the committee, the minister insisted that this is not a wider bill about fire safety. However, the single building assessment might well identify issues that are the responsibility of home owners or factors to remediate. If the building requires completion of all identified remedial works before it can be listed on the cladding assurance register, that might cause further problems down the line for mortgage lending and home insurance.

Furthermore, Homes for Scotland observed a distinct absence of detail on what information is to be provided in the register; which parties are obliged to fulfil an entry to the register; who is in charge of the oversight and accuracy of the register; and the deadlines and parameters for adding properties to the register.

Again, the minister's response leaves far too many of the important details of the cladding assurance register to be ironed out at a later stage. I hope that, today, the minister will shed some more light on those questions.

From our committee evidence sessions, it is clear that Scotland does not have a framework or mechanisms in place to assess and address the safety of Scotland's homes. We should look seriously at the creation of a register that assesses fire safety over time, because we cannot have a repeat of what happened. Developers were building to the correct standards at the time and now they will be forced to pay the price for doing so. That is a dangerous precedent to set, which is why we must look at ways—even if they are separate from this legislation—to monitor buildings over time.

Many SME developers, if they are unable to make the financial commitment to remediate, would, under the bill, cease to operate. Homes for Scotland told the committee that the absence of a threshold in the bill will put

"Scottish SMEs at a much higher risk of failure than their equivalents in England."—[*Official Report, Local Government, Housing and Planning Committee, 23 January 2024; c 41.*]

I remain deeply concerned about the lack of detail on that issue in the bill.

The Scottish Government's effort to remediate buildings has been astonishingly slow. All that we have before us today is a draft bill, which leaves us with more questions than answers. It is unclear what the scope of the bill is, who it will affect and the timescales for completing remediation. As far

as the industry is concerned, the lack of detail is incredibly disappointing.

Although the bill is disappointing, it is at least a small step in the right direction and I will, therefore, support it at stage 1 today. As my colleague Miles Briggs said, more needs to be done to get the bill right. It is too important for it to become law when it is only half completed. In the coming weeks, the Scottish Conservatives will work constructively to ensure that we achieve the bill that Parliament and Scotland deserve.

15:28

Stephanie Callaghan (Uddingston and Bellshill) (SNP): As a member of the Local Government, Housing and Planning Committee, I am pleased to contribute to today's stage 1 debate on the Housing (Cladding Remediation) (Scotland) Bill. I thank everybody who provided evidence and I extend my thanks to the clerks.

The Grenfell tragedy shocked us all, and my heartfelt condolences go out to those who were impacted by that devastating event. The bill underscores the Scottish Government's commitment to ensuring the safety of Scotland's residents, firefighters and communities.

However, before I continue, I will emphasise the importance of putting risks into perspective, particularly in our communications with the public. During an evidence session, Jim McGonigal, from the Institution of Fire Engineers, stated:

"The fire statistics in Scotland do not highlight a problem. Fewer than 1 per cent of fires spread beyond the flat of fire origin".

He also noted that, over the past decade, there has been a significant

"57 per cent reduction in the number of fires in flats above six storeys."—[*Official Report, Local Government, Housing and Planning Committee*, 30 January 2024; c 11.]

Additional safety measures, which have already been introduced in Scotland, such as sprinkler systems and smoke alarms, have mitigated many risks. It is crucial to emphasise that point, given the potential for misguided messaging to fuel further fear and distress in our communities.

Having said that, we must not be complacent. Agreeing the bill's aims is a critical step towards expediting the cladding remediation programme, but I wish to address specific aspects, in order to ensure that proposals in the bill effect meaningful improvements. Those include considering the experiences of affected residents and home owners, as well as reviewing the specification of the single building assessment.

The emotional toll of residing in affected properties cannot be overstated. Barratt Developments rightfully emphasised the disruption

and impact that the remediation process can have on people's livelihoods—for example, when sunlight is limited and insulation is removed from apartments. Although accelerating remediation is essential, effective communication is equally vital. It is imperative that timely and accurate progress updates reach stakeholders—especially residents in affected buildings. I appreciate that that poses a complex challenge, as it requires communicating with residents living in diverse buildings with unique communication needs. That responsibility should not fall solely on the Scottish Government. Building developers must share the responsibility of keeping home owners and residents informed. Following the single building assessment pilot project, it is promising that the Scottish Government acknowledges communication as an area for improvement and that it is actively scoping out strategies to enhance its approach.

That uncertainty has sparked debate. Should assessments solely target cladding or should they adopt a more holistic approach to the fire safety of buildings? On that point, existing systems and legislation address broader fire safety concerns, and the primary focus of the bill relates to cladding, as has been clarified by the minister. It is important to eliminate ambiguity on the bill's objectives.

Furthermore, the committee heard about the benefits of aligning the SBA with PAS 9980. It is essential to recognise that that alignment requires adjustments to suit Scotland's unique context, rather than the simple adoption of a UK Government policy. With that said, in his letter to the committee, the minister stated that the Scottish Government has agreed to base the fire risk appraisal of external walls on PAS 9980, tailored to our specific circumstances.

Amid those challenges, the minister deserves credit for including developers on the SBA task and finish group, to ensure their valuable input in discussions on the SBA specifications. I look forward to the publication of the SBA specification by May, and I hope that it will support the programme to progress at pace. Further delays are unacceptable, as others have indicated.

I also acknowledge the considerable financial challenges that are experienced by home owners who are affected by combustible cladding when buying, selling, or remortgaging properties, including issues of loans and escalated insurance costs. The cladding assurance register in the bill is a welcome step, providing reassurance to lenders and insurance providers by documenting assessed and remediated buildings. Some stakeholders have suggested that adding buildings to the register before remediation is complete would quickly mitigate those financial issues. However, we cannot afford to compromise on

safety; nor can we afford to risk incomplete developer commitments.

Although the committee has not reached a consensus and financial services are beyond the Scottish Government's remit, I thank the minister for addressing those concerns with stakeholders and for seeking additional advice on early entry to the cladding assurance register prior to stage 2.

The single building assessment—the SBA—is central to the cladding remediation programme, yet evidence from the pilot project has highlighted uncertainties about the scope of the assessments and their specification, which, in turn, has hindered progress.

The bill strengthens our efforts to address the issues that are caused by dangerous cladding. I look forward to hearing from the minister and to gaining further insight into how the Scottish Government plans to address the concerns that have been raised today as we prepare for stage 2. I ask colleagues to support the general principles of the bill.

15:33

Richard Leonard (Central Scotland) (Lab):

The purpose of a stage 1 parliamentary debate is to agree the general principles of a bill, and I think that we can all agree with the general principles of this bill. However, we are regularly lectured by Government ministers that we cannot will the end if we do not will the means to it. Well, Government ministers have had the means to this end now for years: Barnett consequential of £97 million since 2021 and a further £300 million allocated—almost all of it unspent.

I pursued the previous cabinet secretary on this question, going back three years, because I have never understood the Government's absolute indifference to the sense of urgency, which the rest of us get. Every day that goes by with no remedial action means another night for families—for children—not knowing whether they are going to be the next victims.

The Grenfell tower tragedy, which claimed the lives of 72 people, was nearly seven years ago and it is nearly three years since the Scottish Government started assessing high-rise blocks for fire safety risks, yet we know that, out of 105 affected buildings in Scotland, only one block on one site—Glasgow harbour—has had dangerous cladding removed, and only one block on one site has had any mitigation work carried out. No wonder the Fire Brigades Union told me yesterday:

"This lack of meaningful progress is reprehensible and continues to show contempt for those living and working in these buildings".

So, I say to the minister, where is the sense of urgency? Where is the duty of care? If we are debating general principles this afternoon, what about the principle of keeping our people safe and secure? What about the principle of the rights to food, to clothing and to shelter? What about the principles of subsidiarity and of dweller control? What about the principle of people before profit? I can only conclude that too little attention is being paid to the interests of the people whose homes these buildings are and that too much attention is being paid to the vested interests of the industry, the professionals and the bureaucrats.

Back in December 2021, when I asked about resident and tenant participation, I was told—I quote the now Deputy First Minister—that

"No tenants or owner occupiers of high rise flats with high pressure laminate or aluminium composite materials are on the ministerial working group on building and fire safety."

None—but wait. In that same parliamentary answer, I was informed:

"The Cladding Program stakeholder group does include an owner-occupier representative."—[*Written Answers*, 5 January 2022; S6W-5042.]

One, out of 14 listed members of the group. What ministers need to grasp is that there is an unequal struggle here between the rights of citizens and residents and the power of the profit takers and the corporations—that this is not about welfare: people are not looking for private benevolence but for social justice.

This year is the centenary of the birth of Colin Ward, the great left-libertarian thinker on housing, who said:

"A goal which is infinitely remote is not a goal at all, it is a deception."

It is a source of amazement to me that there has not been a popular revolt about this.

On some of the bill's fundamentals, there are improvements that can be made. There should be a clear timetable for implementation within the bill. The details of the responsible developers scheme should be in this bill, not in regulation or other secondary legislation. Orphan developments must be covered—of course they must—and they should be treated equally. The establishment of a cladding assurance register is welcome, but it should not wait and it must be available for public inspection. What about local government and housing association properties? What about other public buildings that may be affected? What about other flammable materials, such as high-pressure laminate?

We owe it to the memory of those 72 people who died on 14 June 2017 and in the following days; to their families, who can never be compensated for their loss; and to people such as

the firefighters who saved so many lives at Grenfell, who, we learned last year, are now themselves suffering from rare terminal cancers—some aged only in their 40s. For all of their sakes, we need to get this right, but getting it right should not mean taking our time. If we learned something over the course of the Covid-19 pandemic, it is that doing the right thing as a community and acting in the right way as legislators can be done at speed. That is a lesson that I hope the minister and the Government will finally heed when Parliament votes for the bill tonight.

15:39

Alasdair Allan (Na h-Eileanan an Iar) (SNP): Presiding Officer, I apologise to you and to members that, due to a pressing meeting, I will not be able to stay in the chamber until the end of the debate.

The issue of cladding on multistorey buildings might not strike people as being relevant to a constituency such as mine, where buildings more than three storeys in height are practically non-existent and even those with three storeys are in a small minority. However, as happens elsewhere, people in my constituency have families in the cities, so some of them are affected by the cladding issue, often financially.

I begin by outlining one such case, in anonymised form, which I hope will serve to illustrate the predicament that many families across Scotland have faced since the appalling tragedy at Grenfell. I believe that it points to a clear need for new legislation on the subject, such as the bill that we are debating, and that it makes the case for finding all possible new ways to expedite assistance, given the time that many people have already waited.

My constituent bought a small flat in a multistorey block in Glasgow, completing her purchase only a few weeks before the Grenfell disaster, in May 2017. Her intention was to use the flat as a home for her son, who was at university in the city, and that was how the flat was used initially. However, by the time that her son had completed his course, the legislation had changed, making the building impossible to let out and difficult to sell. That was because, under the new cladding legislation, the top two floors of the building above my constituent's flat were found to have what had, by then, been identified as an unacceptable type of cladding, which had most likely been installed when the building had been converted from offices to flats. Although my constituent's flat was not clad in that material, the whole building was, understandably, deemed to be affected until such time as the problem upstairs could be rectified by its owners—which it never was. My constituent realised that if she wanted to

resell her flat, realistically that could now be done only by offering it to a cash buyer, as no lender would mortgage the property while the issue of the cladding on the floors above remained unresolved. The limited market that is available for a sale of that kind means that she is now looking at making a loss of £30,000 on the property, which would represent a major financial blow to her.

I have little doubt that other members will have constituents in similar situations. Indeed, we have already heard members alluding to some such examples during the debate. Therefore we clearly need legislation that will speed up the process of putting such situations right, which I believe the bill will do, to some extent, by addressing the present barriers to assessment and remediation work.

As other members have pointed out, aside from the safety issue, dangerous cladding has had serious consequences for many people. In addition to the sense of insecurity in one's own home that the situation creates, it sometimes has crippling financial consequences. In response to such problems, the bill will create a cladding assurance register and a responsible developers scheme, while facilitating potential costs and sanctions if developers fail to comply.

As its programme for government laid out, the Scottish Government has introduced the bill with a further aim in mind: to create a new power to undertake urgent measures to remediate unsafe cladding that presents a risk to life. I would welcome anything that could achieve that end.

The Scottish Government is already seeking to identify and address unsafe cladding on buildings across Scotland, but I think that everyone would acknowledge the need to speed up that process. The Housing (Cladding Remediation) (Scotland) Bill will accelerate that work and provide further reassurance and safeguards for owners and residents. The responsible developers scheme that the bill will create will also give some recognition to developers who are doing the right thing by working to remediate their buildings.

The Government has acknowledged the need to do more on communication, and I welcome the measures in the bill that seek to achieve that.

I hope that the bill, which was introduced at pace and is now undergoing extensive parliamentary scrutiny, will make a positive contribution to fixing a problem that all acknowledge has gone on for too long.

The problems are, of course, by no means unique to Scotland. In Wales, the Government there currently faces calls to release the remediation data on buildings with cladding that would allow for action.

The Scottish Government would not, I think, claim that the bill will solve every problem that is faced by every family who has been waiting for action on their property. However, I believe that the proposed legislation is a major contribution to breaking the logjam that has been creating such stress for so many people, including my own constituents and a great number more.

The tragedy at Grenfell was of such an order that it stands entirely on its own, but we all now have a duty to work together to find solutions to ensure that buildings in Scotland are safer to live in. We must also find ways of alleviating the unforeseen financial problems that so many families still face.

15:45

Marie McNair (Clydebank and Milngavie) (SNP): I speak in the debate as someone who was a member of the Local Government, Housing and Planning Committee when its report scrutinising the bill was completed. I thank the committee clerks for their assistance in producing the report. We received helpful evidence from a range of expert witnesses and those with lived experience, which we found extremely helpful in reaching our conclusions. I am glad that the committee supports the general principles of the bill and welcomes it as a step towards accelerating the remediation programme.

We are all aware of the tragic events of 14 June 2017. A high-rise fire broke out in the 24-storey Grenfell tower block in North Kensington in London. Seventy-two people died and more than 70 were injured, and more than 220 escaped but were traumatised. The fire was started by an electrical fault in a refrigerator on the fourth floor and it spread rapidly up the building's exterior, accelerated by the dangerously combustible aluminium composite cladding in external insulation.

Grenfell tower stands as a symbol of symptomatic failures and social injustices. It represents the neglect of marginalised communities, a disregard for basic safety standards and the prioritisation of profit over human life. Every person there had a life, loves, hopes and dreams, and aspirations. Their memories serve as a reminder that this cannot be allowed to happen again.

In the light of the tragedy, it has been concluded that extensive work is required in Scotland to ensure that a similar event does not happen here. The Housing (Cladding Remediation) (Scotland) Bill must make housing in Scotland safer. The committee worked on a cross-party basis to secure a report that will be helpful in identifying how the bill can be improved at later stages of the

process, and how engagement must happen with those who are living in affected buildings.

We made recommendations on a range of issues that need to be addressed and clarified. Very recently, the minister provided a detailed reply to our recommendations, and the committee will study that in detail. On the face of it, the response recognises that the issues that we highlight have considerable merit, and I welcome the minister's commitment to work those through and engage with many stakeholders as the bill progresses.

The bill will ensure that Scottish ministers can assess, and take action on, certain buildings with unsafe cladding. It will also allow the Scottish Government to create and maintain a cladding assurance register in order to give residents confidence about the assessment and works undertaken once the buildings are remediated. The Scottish Government must ensure that the timing of a building's entry on to the cladding assurance register should not delay resolution of the issues that are faced by owners and residents. The bill will also present an opportunity for the future creation of a responsible developer scheme, which would recognise those developers who are doing the right thing and protect the reputation of responsible operators.

However, it is noted that it may not be financially viable for all developers to finance remediation, and there are concerns about the potential impact of a responsible developer scheme on SMEs. We want the Scottish Government, therefore, to fully engage with those issues ahead of stage 2, by assessing the risk.

We are determined to safeguard people who are living in buildings with potentially unsafe cladding, and the bill has been introduced quickly to ensure that any safety hazards are dealt with swiftly. By proactively addressing the issue, we can help to restore trust and confidence in our housing stock for residents. To that end, it is important that the Scottish Government ensures that it communicates effectively with residents and owners so that they have confidence in the process and an indication of when the remediation programme might be completed.

I would welcome a commitment from the Scottish Government to report regularly on the progress of the remediation programme, to ensure that the bill has resulted in acceleration of the process.

The Grenfell tragedy caused a lot of anger, upset and, ultimately, fear among people living in tower blocks. The bill demonstrates the Scottish Government's commitment to the wellbeing of our residents, and I hope that, with its issues clarified, the bill can reassure them that their voices are

being heard and that their safety is paramount. Every individual has the right to feel safe and secure in their home, and the bill must be a step further in helping our citizens to feel protected.

We therefore support the broad principles of the bill, but there is much to be improved and clarified before stage 2. It is essential that the Scottish Government responds positively to all the recommendations in the committee report. That would send a strong message that the safety and wellbeing of Scottish citizens are a clear priority for the Scottish Parliament.

15:50

Graham Simpson (Central Scotland) (Con):

Let us start at the beginning. Other members have rightly said that the whole issue began when Grenfell tower turned into an inferno in June 2017, killing 72 people. It was a scandalous mass tragedy that could have been avoided had inflammable cladding not been on the building.

One would think that there would have been a UK-wide response to find out which other buildings had unsafe cladding, schemes in all parts of the UK to help home owners who were unable to sell, a ban on said unsafe cladding and a programme of removal, but here we are, nearly seven years on, with a bill that the Scottish Government did not even consult on.

Paul McLennan: On the point about a UK-wide remediation scheme, it was the UK Government that decided on an England-only approach. That was not a Scottish Government decision; the UK Government decided on an England-only approach. That is an important point to mention.

Graham Simpson: I know that the minister has not been in post for long, but I can tell him that a number of us, including Jeremy Balfour and me, have been going on about this issue for years, and we have demanded action from the Scottish Government, which has not come. As the committee report states,

“Progress with cladding remediation programme in Scotland has been slow, with just one building out of 105 so far having remediation works carried out. The Scottish Government has introduced this Bill in order to address some of the issues behind these delays.”

There is a sharp contrast between the pace of response here and in England. I do not seek to make any political capital out of that—it is just a fact. As far back as 2020, I and others, including Mr Balfour, were calling for a ban on combustible cladding in Scotland, but that appeared to be too difficult a concept to grasp. The lack of urgency here in Scotland is illustrated by this point from the committee report:

“the Scottish Government has committed to ensuring that all 105 buildings”

in its remediation programme

“are on a pathway to a single building assessment by summer 2024. In contrast, as of December 2023, in England 1,608 buildings (42%) have either started or completed remediation works. Of these, 797 buildings (21%) have completed remediation works.”

It goes on to say:

“Of the £97m so far provided by the UK Government to the Scottish Government for the purposes of cladding remediation”,

just £7 million has been spent, which is 7 per cent.

Those issues have been known about for some time, but despite that, the bill is rushed. It suffers from vague language, which has no place in legislation. The Law Society of Scotland highlighted concerns about a lack of clarity around the definitions of “Development”, “Risk to human life”, “Undergone development” and “Premises”, and around the

“interrelationship between ‘single-building assessment’, ‘single-building assessment report’ and works.”

That is not good enough, and if the bill is to proceed, it must be vastly improved, but after listening to the minister earlier, I am not filled with much hope that it will be improved.

Secondary legislation has its place, but I do not like to see it overused. The committee says that it can allow some flexibility in the operation of the responsible developers scheme, but the lack of detail currently available creates significant concern for developers, and it quite rightly calls for the inclusion of greater detail in the primary legislation in relation to that scheme. Therefore, I expect the committee’s support if I lodge an amendment to that effect.

Members will know that I chair the tenement maintenance working group, which reported in the previous parliamentary session. We have been dealing with some of the issues that are covered in the committee’s excellent report. We reconvened this session, and we are working with the Scottish Law Commission, which is doing extensive work ahead of producing proposed legislation, probably in the next session. That is hardly a rush job.

I asked some of our experts to cast their eyes over the bill and suggest where it could be improved. We have alighted on section 6 of the bill, which gives the Scottish ministers power to arrange remediation work that has been identified in the single building assessment report as being needed to

“eliminate or mitigate risks to human life that are (directly or indirectly) created or exacerbated by the building’s external wall cladding system.”

However, SBAs that have been carried out under the pilot scheme have identified other fire safety-related works, such as a lack of adequate fire

escapes. I will be looking at an amendment to tackle that.

Homes for Scotland has outlined some key and rather obvious concerns. It is not clear what a single building assessment actually is. The cladding assurance register is fine to keep a record of what properties have been remediated to date, but there is a lack of clarity on what information will be provided, the obligations of which parties are required to complete work for registration, who will be responsible for continual monitoring, and the timescales and scope for the inclusion of properties.

On the responsible developers scheme—again, we got no joy from the minister earlier on this—there is not enough information on how that might work and who is covered, but it gives the Scottish Government the ability to prevent businesses from operating in Scotland if they fail to comply with terms that are not yet known. That is not good enough, and that is quite different from the situation in England.

My view is that the bill as it stands is not good enough. I am disappointed by the minister's response so far. I will very reluctantly support the bill's general principles, but that support will expire if there are no improvements as the bill progresses.

15:57

Michelle Thomson (Falkirk East) (SNP): I note that there are 13 high-rise buildings in scope in the wider Falkirk district, none of which is in my Falkirk East constituency. However, I am interested in the bill because of the potential impacts on people and business—specifically SMEs. For the record, I have no declarable interest, and I never have had, in house building.

First, I note that the bill is another framework bill. I am a member of the Finance and Public Administration Committee. We have raised multiple times the implications of framework bills where the nub of the issues is left to secondary legislation. I express my concern about that here again today. I note that that was backed up by Cruden Investments Ltd, which stated:

“It is concerning that all ... detail will be left to secondary legislation which will be unlikely to receive the same level of parliamentary scrutiny.”

In that respect, it is immaterial whether the same approach has been adopted in England and Wales.

I will start by discussing SMEs further. Few, if any, in the chamber will have run an SME that builds houses. I have not, but I know enough about the sector to surmise that the trading environment is difficult. There was an increase in

activity coming out of the Covid pandemic, but that has been accompanied by a significant increase in base costs, exacerbated by Brexit and the cost of living crisis. There are considerable risks, and margins can often be tight.

That was backed up in evidence from the likes of Robertson Homes. It was noted that SMEs wish to act responsibly in the matter of the remediation of homes, but they simply do not have the same heft that larger house builders have. The representative from Robertson Homes also made the critical point that many SMEs are debt funded and therefore a liability for remediation may render the business insolvent.

Based on my knowledge of commercial banking contracts, I add to that that even a simple technical breach of that liability appearing on a balance sheet—not an actual default in making repayments—could allow the lender to seek repayment of any facility on demand. There is precedent of large banks using commercial contract clauses in that way, despite businesses trading solvent and meeting all their financial obligations. I simply note that as a warning.

Another area of risk for SMEs is liability where there exists the very likely scenario that subcontractors have been used. I agree with the Law Society of Scotland that, in that case, the builder would have legal remedies, but enacting those remedies will be time consuming and will impact the ordinary people who are caught up in the situation.

I must admit that I support the call from Homes for Scotland for a £10-million threshold for a responsible developers scheme that is similar to that in England. My concern is that, without that, we run the risk of losing more small house builders at a time when there is huge pent-up demand for and chronic undersupply of housing.

Graham Simpson: Would the member want that level of detail in the bill?

Michelle Thomson: It may be extremely difficult to have that. I accept that a lot of this is being worked through. I made a comment, which I stand by, about secondary legislation, but I am also sympathetic to the challenge for the Scottish Government, because this is a highly complex area.

With some of the comments that I made previously in mind, I ask the minister what detailed and specific assessment has been made of the potential impact on SMEs of the scenarios that I outlined.

I turn now to the people involved who would have been shocked—as we all were—about the tragedy of Grenfell, but who now, years later, find themselves trapped in a property that they cannot

sell or remortgage; they are mortgage prisoners in their own homes. I remain to be convinced that government—and I mean any government—understands how lenders treat risk. They are not swayed by concerns for citizens, but by a complex set of algorithms that say: heads means the lenders win; tails means the borrowers lose. The application of that risk assessment hits Scotland disproportionately harder, as there are simply fewer lenders in our market. Insurers, too, will make decisions based on risk. Ordinary premiums have seen a huge rise in recent years—which is, again, thanks to Brexit and the cost of living crisis—and I suggest that some properties caught up in the cladding remediation challenge are uninsurable or have such punitive clauses that the insurance is rendered worthless, even if it could be afforded.

I accept that the Scottish Government wishes to see faster progress in this matter—as we all do—and I accept its commitment to have all buildings on a pathway to a single building assessment within the next few months. However, what does that actually mean? It could be as simple as booking in an assessment, and not that one has actually taken place. The assessment is simply the starting point for getting the go-ahead for the works. Bear in mind that some will likely involve multiple subcontractors across multiple trades in which we already have a shortage of some resources, and that costs have to be agreed in a still-high inflationary environment and they have to be drawn from multiple quotes. Residents and other stakeholders also have to be communicated with. All of that is immensely time consuming, so I would be grateful if the minister could outline in more detail what is meant by getting buildings on a pathway.

I have a few comments to make on the single building assessment. In its written submission, Barratt Developments cited a scenario where internal fire doors have not been maintained. That is the responsibility of either a factor or residents. Without work on that being completed, the building could not be added to the cladding register, and the Scottish Government has made it clear that only finished buildings will be added. I understand that the plan is to limit works to remediation, but there are clearly complexities in that area. That is the sort of thing that needs to be worked through in subsequent phases.

My final comments are on funding for orphan buildings. I recognise that most of the money that is allocated is yet to be spent, and the Scottish Government's comments, which say:

"The funding of this programme has been considered and integrated into the future financial planning process."

The Scottish Fiscal Commission and the Finance and Public Administration Committee

have called for longer-term funding in general terms. I would welcome that being set out for the remediation programme; I would be pleased to see it. I hope that that would be set out in other areas, too, as part of general good practice.

16:04

Michael Marra (North East Scotland) (Lab): In the aftermath of the Grenfell tower fire tragedy, it was clear that Government would have to act to ensure that such a tragedy could never be repeated. Prior to my election in 2021, I was deputy director of the Leverhulme research centre for forensic science in Dundee. My team carried out much of the review of the fire-scene investigation for the public inquiry. Working with those members of staff, I saw the great distress that they were in having to review the evidence some months on. I cannot begin to imagine what it was like to be at the scene on that evening.

The Grenfell tower fire should never have spread, but it became a blazing inferno, towering over west London, and 72 of our fellow citizens perished. They were victims of corporate greed, official incompetence and a political culture that systematically devalued their lives. Residents were living in a dangerous building, but they did not know it. Government and the laws in place had failed them. Nearly seven years on, only one thing has changed: we now know that potentially dangerous cladding is on many buildings across the country. However, the real question is: what has the Scottish Government done about it?

Of the 105 buildings that are in the Scottish Government's cladding remediation programme, only two have had any work carried out at all. Instead, we have a commitment from the Government that all 105 buildings will be on a pathway to a single building assessment by the summer. I echo Michelle Thomson's question: what does that mean? The minister should be telling us that now.

There are three months to go to that deadline, and it is pretty clear that progress is glacially slow. Of course, that is way before any real work is done to remediate the situation. The UK Government has provided £97 million to the Scottish Government for the purposes of cladding remediation. To date, less than £5 million has been spent. Meanwhile, in England, 42 per cent of buildings that were identified for remediation works have had that work either started or completed. The contrast is stark. That record is certainly not a rate of progress that any of us would want to see. Across these islands, the total progress has been far too slow, and the horrors of Grenfell have, frankly, faded far too quickly in the memories of both Governments.

The rate of progress matters. For residents, it could be a matter of life or death. Every day that remediation works are delayed is another day that lives are being put at risk and children are living in these conditions, with the stress that that causes, as my colleague Richard Leonard highlighted.

Frankly, that slow progress speaks to a lack of commitment from the Government—it has to admit it. The drive and prioritisation have been completely absent. As the committee's stage 1 report notes,

"The slow process of remediating cladding in properties thus far in Scotland led some witnesses to doubt whether the Bill will bring about any material change in the near future."

That is the ancillary damage of Government inaction. It chips away at people's belief that Government can do anything and that action will ever materialise, and it erodes faith in our institutions in Scotland. Why is delivery always so difficult for this Government? Why?

Swift action is needed to make buildings safe, but it must also be the right action. The Local Government, Housing and Planning Committee has voiced serious concerns about the rushed nature of the legislative process. It beggars belief that we are back here with another framework bill. That forced the committee to narrow the scope of its stage 1 inquiry to certain parts of the bill on an issue of such vital concern.

The committee's report also raised a number of issues that arose during its scrutiny that would have been considered and resolved prior to the introduction of the bill if the Scottish Government had carried out a comprehensive consultation.

Seven years have passed since Grenfell. The Scottish Government has had the time to do the background work to get the bill right, so how can we be in such a procedural mess once again? Why is this another framework bill? Why do we have no consultation? Why is so much of this to be resolved in secondary legislation? It is certainly not time that has been lacking. The evidence that I mentioned at the start of my speech was presented to the public inquiry in 2018. It has taken so long for the Scottish Government to get any of this work done at all.

Aside from the most pressing safety risks, the cladding saga has had an impact on home owners in a range of ways. Some have had many thousands of pounds wiped off the value of their property, and some have been unable to insure or sell their property.

The experience of home owners following the Grenfell tower fire could very easily be replicated in the unfolding crisis with reinforced autoclaved aerated concrete in Aberdeen. Two weeks ago, residents in 500 properties in the Balnagask area

of Torry, in Aberdeen, were informed of the presence of potentially unsafe RAAC in their homes. This is a deeply worrying time for all those who are affected. Many constituents have contacted me in recent days to seek support and clarification. Some have been quoted figures as high as £15,000 for repairs, and some have been told that their insurance policies are no longer valid. All are worried about the safety of their families and how they will cope with the cost and upheaval of rehoming and repairs.

We know that Aberdeen will not be the only area with affected properties. Residents cannot wait seven years for the Scottish Government to act on the issue. They are living in potentially unsafe properties and facing costly repairs. I hope that the minister recognises how analogous the situation is to the cladding situation. Will he outline in his closing speech what support the Scottish Government intends to provide to residents who have been impacted by RAAC issues? It is an analogous situation; those people face many of the same consequences. How will the Scottish Government learn lessons from the cladding remediation process, which has been so badly lacking?

Stakeholders and witnesses have raised a number of issues that will require further scrutiny and amendment as the bill progresses through the Parliament. Scottish Labour will support the general principles of the bill at decision time, but I hope that the Government takes on board the numerous concerns that have been raised in good faith during the legislative process and gets its act in order.

16:11

Ben Macpherson (Edinburgh Northern and Leith) (SNP): Like colleagues, I welcome the bill, which concerns an issue that I have been engaged in, on behalf of my constituents in Edinburgh Northern and Leith, for some time.

First, I pay tribute to my constituents who are dealing with the issue and thank them for their engagement with me. I have seen and heard at first hand how stressful and frustrating the long-running situation has been for everyone who has been affected since the issue came to light. Colleagues have talked about what happened in 2017—there was, of course, a thorough assessment of public sector buildings in Scotland at that time—but it was in 2019 that the issue became more prominent in the minds of private owners, when legislation that did not cover the whole UK was introduced in the House of Commons. That created a lot of challenges, which I will come to in a minute.

Since the whole scenario began, as a constituency MSP, I have been working alongside partners and colleagues, including the minister and others in the Government, to help to realise meaningful solutions. I welcome the Scottish Government's commitment to progress the remediation programme and to safeguard people living in buildings with cladding that presents a risk to life.

I appreciate the significant pressures that come with a delivery programme of this scale for the civil service and the skills base. I must also acknowledge the challenge of the complexity of overlapping devolved and reserved issues. I know from correspondence with the minister at the time that, unfortunately, not enough attention was paid at a UK level to the differences in tenure in Scotland. We have different property law and, to an extent, different building standards. Not enough attention was paid to the fact that UK financing of the operation of the mortgage market and insurance was a UK-wide challenge and that knowledge of the Scottish situation was required to ensure that my constituents and other people across Scotland were not disadvantaged because of where they owned their property.

There has been progress in that regard. The concept of the single building assessment is a move in that direction, as we are trying to provide a framework that will be recognised by UK Finance and a safety assessment that will allow people to sell and insure their properties, rather than having to obtain individual certification for their property in a large building, which was the case in the early years of the problem.

We have made progress, and the bill will be part of how we move into the next phase. Everyone has a right to be safe and secure in their home and to be able to move on in life if they need to sell their house. Of course, for every property owner, insuring their house is an important aspect. We need more urgency in the work to identify and fix unsafe cladding in my constituency of Edinburgh Northern and Leith and across Scotland. Progress has been made, but there is more to do, and the bill is part of that.

Important points have already been made about what will be assessed as part of an SBA. We need certainty about what we will be undertaking. We need clarity as soon as possible, and I note that the Government has given an undertaking to provide that later in the spring, which is welcome.

My constituents have stressed to me the barriers that they have experienced in securing insurance and mortgages, as I alluded to, and how that has left them trapped in properties that could be not only unsafe but simply unsuitable for their needs and those of their families if, for example, they are having more children. We need on-going

engagement with the UK Government and UK Finance, and that needs to be a relationship of good faith, in both directions, so that insurance providers and mortgage lenders understand the SBA specification and are part of its development and finalisation.

I know from productive meetings that I have had with the minister, including the most recent one, when he met several of my constituents—I am grateful to him for that—that the Scottish Government is taking a number of actions to help to bring about the assurances that are desperately needed now.

Fundamentally and simply, as I have raised with ministers before, my constituents are seeking clear and transparent communication. That would make a big difference, and I am glad that the committee highlighted the issue in paragraphs 29 and 44 of its report. Unnecessary anxiety has been caused by multiple actors—whether it is developers, factors or surveyors—relaying inconsistent information and sporadically leaving some of my constituents to hear at second hand what is happening with their property and to interpret the findings for themselves. We need to improve the communication process. Communications need to be regular and clear. I appreciate the challenge in that, but it would make a big difference.

I welcome the powers in the bill to take actions and instruct where necessary and where it is difficult to achieve appropriate consent under the Tenements (Scotland) Act 2004. That is welcome, as is the introduction of the cladding assurance register. However, if issues are identified and a plan is in place, will that allow registration on the register? Willie Coffey made good points about how we balance the need for a register that assures safety with the need to help people to move on and transact with their property. If we can find a solution that allows both, that would be the best arrangement.

I appreciate that there is not much time in hand any more, Presiding Officer—

The Deputy Presiding Officer (Liam McArthur): I can give you a bit more time, Mr Macpherson.

Ben Macpherson: Thank you.

The establishment of a responsible developers scheme to support collaboration with developers and to set out expectations is a welcome move, but it is unfortunate that we have had to get to this point. I know that nine large developers have already committed to undertake work on the buildings for which they are responsible, which is welcome. Unfortunately, I am aware of some developers that have not made that commitment, which has taken us to this point of legislation. That

is unfortunate. I am glad that the legislation will be there to urge, encourage and instruct developers to do what they should be doing with the buildings for which they are or have been responsible. There are also important points about orphan buildings being given equal attention.

The bill is progress. Let us improve it at stages 2 and 3, get it on the statute books and move forward with the greater urgency that others have rightly emphasised.

Michael Marra: On a point of order, Presiding Officer. I seek your indulgence to make two apologies. The first is for missing the first two speeches in the debate, although I intimated to the Presiding Officer that I would do so. The second is for neglecting to make that apology during my speech.

The Deputy Presiding Officer: I am not sure that that is a point of order, but it is welcome nonetheless, Mr Marra. Thank you.

We move to the winding-up speeches.

16:19

Pam Duncan-Glancy (Glasgow) (Lab): The bill is designed to make buildings and homes safe. I am confident that all parties agree about that and I echo my Scottish Labour colleagues in saying that we will support the bill at decision time.

However, it is also important to highlight, as others have done—including Ariane Burgess on behalf of the local government committee—that the bill still needs work. In addition, as Willie Rennie and others have pointed out, remediation will need concerted efforts to make it work, including effort on planning and on making available housing to which to decant people. It is also important to say that I agree with Homes for Scotland that—as Pam Gosal and others have said—the lack of urgency from the Government has led to unacceptable delays in making progress in this crucial area.

We must remember why we are discussing the bill. As many members have noted—including the minister, Stephanie Callaghan and Marie McNair—the Grenfell disaster showed in stark tragedy the consequences of doing nothing to fix combustible cladding. As Graham Simpson noted, that disaster could and should have been avoided. Many lives were lost as a result of complacency. We owe it to those who lost their lives, to their families and—as Richard Leonard reminded us—to firefighters to ensure that their tragedy drives swift action now. We must all do everything in our power to prevent anything like it from happening again. That is what the debate is about.

However, the lessons of Grenfell have taught us that time is of the essence. That is why I am

disappointed that, almost seven years later, the Scottish Government has made painfully slow progress in making buildings safe. It did not have to be that way. As my colleague Mark Griffin noted, in England, in that time, 797 buildings have had remedial works completed to make them safe. In Wales, the number is 37. The fact that only two buildings in Scotland have been fixed is unacceptable. It is our duty as members of Parliament to push the Government to take long-overdue action now, so that our constituents can feel safe in their homes.

I met residents of a building in the Glasgow region that has combustible cladding on it who told me about the stark consequences of the Government's delay and why what we do next is crucial. In that building alone, 321 families have known from as far back as 2019 that they live in a building that has combustible cladding. That means that, for at least five years, they have spent every day worrying that their building is unsafe. Because of the Government's delay, it is expected that remediation works will not begin for at least another year. One resident told me that there has been no remediation, only mitigation.

Following the Grenfell disaster, new statutory requirements were introduced to improve fire-alarm systems. However, the fire-alarm system in that building is yet to be brought up to standard. In the meantime, a waking watch has been put in to mitigate risk. That situation has caused residents much concern and the watch remains in place today.

Residents are still unable to sell their homes, as Michelle Thomson and others noted, and they are unable to get insurance for their properties. As Ben Macpherson noted, those are rights that residents should have. That situation means that people cannot move for work or other reasons. They cannot let their buildings, as Alasdair Allan pointed out. It means that they cannot remortgage in a cost of living crisis. It also means that they are spending a fortune on insurance that does not nearly cover the cost of rebuilding, should the worst happen.

The residents' lives are on hold. They are scared and, as Michael Marra noted, they are sceptical. They are also tired and angry. For those 321 families, time has been wasted time and again. I am afraid to say that the most recent example of that relates to the single building assessment scheme in the bill. Unlike the many residents in buildings that are still awaiting a single building assessment, that group of residents in Glasgow was part of a pilot to develop one. An independent fire engineer completed the SBA and highlighted several high-risk issues. A mitigation plan was initiated to reduce risk and it remains ongoing, two years later.

However, the Government has yet to set in motion the action that is needed to make the buildings safe. That is an unacceptable level of delay, and residents will be disappointed to hear that a mere 7 per cent of the funds that are available to the Government to fix the buildings have been used.

However, more concerning is that residents were told last week that all draft single building assessments that were produced as part of the pilot will now be refreshed for the purposes of consistency, and that developers will lead the assessments. As colleagues might imagine, that decision has alarmed the residents to whom I have referred—not least because their single building assessment was completed in December 2022, and it now appears to be the case that it will gather dust as they face the ludicrous situation of another single building assessment being undertaken before remedial works can commence after guidance is released, which, at best, is likely to be in May 2024.

Residents have also told me that they are worried about transparency and conflicts of interests if a new single building assessment is to be drafted without the detail or oversight of an independent fire engineer, and in the absence of clear criteria on what should be included. As my colleague Willie Coffey noted, the committee also raised concerns about that.

As other members have noted, residents have also shared concern about wider fire safety issues not being included. To this day, experts remain highly critical of fire safety in the building to which I have referred, and there have reportedly been confrontations between independent experts and the developers.

Residents are rightly wondering how they can be expected to have faith in a system in which, as they have written to me to say, the process of checks and balances was not followed when the development was constructed, and why they should trust that the process will be followed now. They remain genuinely concerned and unconvinced because there is no mechanism to avoid or to address conflicts of interests in the bill. We cannot afford that when lives are at risk. People must have confidence in the process, so there should be independent oversight of assessments.

Given those concerns and the need for the confidence or peace of mind, as Miles Briggs put it, that having an independent assessor brought to residents, I would welcome the minister's saying whether consideration has been given to ensuring that, as part of the bill, independent fire engineers can be made part of the single building assessment process, and to how potential

challenges can be adequately raised in the new scheme.

We support the bill, but if it is to meet the expectations of residents across the country, it will need to be strengthened at stage 2 by including and putting in place the independent scrutiny that has been outlined; by adding provisions to address broader fire safety risks; by providing detail and context to the concept of “tolerable risk” in the cladding assurance register; and, crucially—as has been done elsewhere in the UK—by including measures to ensure that residents are engaged and informed throughout the process, including while remedial works get under way. I know that residents in Glasgow feel that that is missing so I hope that the Government will consider amendments on that at stage 2.

In closing, I note that I and my party are glad that residents of buildings that have combustible cladding can finally see legislation that could help to ensure that their homes are made safe.

Enough time has been lost; the time to act is now, so I encourage the Government to address the concerns that have been raised across the chamber today, and to pick up the pace and act quickly to get the work done. People have waited long enough. It is now time for their homes to be made safe.

16:27

Jeremy Balfour (Lothian) (Con): I start by thanking the Presiding Officer for giving me permission to arrive slightly late for the debate.

The footage of Grenfell tower blazing against the London sky is not an image that any of us will quickly forget. As other members have said, it was an utter tragedy. As we work to avoid a repeat of it here in Scotland, our thoughts should be with the families of those who lost their lives, and our commitment should be to doing everything that we can do to prevent any such disaster in the future.

The issue that we are discussing today is not one that is to be taken lightly. Dangerous cladding is a ticking time bomb in Scotland, and we are incredibly fortunate that it has not gone off yet. We in the Conservative Party are supportive of the general principles of the bill and, as Miles Briggs has intimated, we will support it tonight.

We are, however, also totally despairing at the length of time that we have had to wait for legislation that will make such changes as are needed in order to upgrade the safety of homes here in Scotland. As with so many important issues, the delays from this Government come at the cost of the safety and security of the people of Scotland. There is no option here: we need swift,

decisive and targeted action that tackles the problem.

The SNP has used only 7 per cent of the money that was passed from the UK Government in Barnett consequential for the purpose of identifying and removing dangerous cladding. Why such slow movement?

The stage 1 report that was published by the Local Government, Housing and Planning Committee says:

“Of the 105 buildings within the Scottish Government’s cladding remediation programme, only one has yet had any remediation works carried out, and only one has had mitigation works”.

I accept that the minister is a new minister, but his Government has simply failed to grasp the importance and urgency of the issue. In the words of the Fire Brigades Union in Scotland,

“the lack of meaningful progress in removing Grenfell-type cladding from buildings across Scotland more than six years after the disaster is reprehensible and continues to show complacency to the point of contempt for those living, working and being educated in buildings wrapped in these materials”.

Perhaps in his summing up, the minister could tell us why it has taken so long. The UK Government is leagues ahead in dealing with the issue, so why has it taken the Scottish Government so long? It suddenly seems that the Scottish National Party is not taking the issue as seriously as it demands.

In his summing up, will the minister also confirm that no new dangerous cladding is being put on buildings in Scotland? Is he confident that no building that is being built today is being built with flammable cladding, or is it still a live issue in Scotland?

As the convener of the committee pointed out, and as Mr Simpson said, clarification is still needed in a lot of the wording and definitions in the bill. The convener also said that the committee worries that there are not enough surveyors in Scotland to do the work that is required. As Ben Macpherson and other members have said, better engagement with owners of properties and the wider community is needed.

I came to the issue a number of years ago. Interestingly, it was our former colleague Andy Wightman, not the Scottish Government, who led the charge on the issue. He organised many meetings with surveyors, lenders and builders, and the Government was dragged to the table instead of taking the initiative.

Ben Macpherson: Will Jeremy Balfour take an intervention?

Jeremy Balfour: I will in one second.

I pay credit to Andy Wightman for all the work that he did on that process.

Ben Macpherson: I, too, pay credit to Mr Wightman for that.

I do not mean this to be a party-political point, but is Jeremy Balfour as frustrated as I am that, at the beginning of the process, the then Scottish Government housing minister proactively tried to engage the UK Government on the crossing issues—devolved and reserved—all of which are pertinent? Unfortunately, there was not a good intergovernmental response from the UK Government at that time.

The Deputy Presiding Officer: I will give you the time back, Mr Balfour.

Jeremy Balfour: Our memories might be slightly different on this, but I think that the two Governments tried to engage. However, as Mr Macpherson pointed out, the problem was partly because of the different way in which Scottish law has developed and works in practice, and because of the fact that how lenders deal with properties in Scotland is different. That is why the Scottish Government should have intervened at an earlier stage.

Even though an abundance of time has passed, the bill process has been rushed, which potentially makes for poor legislation. The committee’s report makes it clear that a number of issues that were raised during scrutiny could and should have been addressed in the early stages of the process. If, as Mr Simpson pointed out, the Government had run a proper consultation, perhaps we would not be where we are today.

I hope that the issues will be addressed as the bill progresses in Parliament. However, once again, I am concerned that the minister does not seem to be willing to engage with members at stages 2 and 3 in accepting amendments that would make the bill better. I hope that he will commit to working with members who lodge amendments.

I am in total agreement with Graham Simpson on the issue of secondary legislation. It makes parliamentary scrutiny very difficult, and much of the detail is lacking from what we have before us.

Much of what is in the bill is desperately in need of clarification. As my colleague Pam Gosal highlighted, Homes for Scotland has expressed concerns about the cladding assurance register and, although it is supportive of that in principle, it sees an unacceptable lack of clarity about the register. There is uncertainty for home owners and builders alike, which will cause real concern in the future. I hope that the minister will clarify those things in his closing speech and that he will give reassurances that things will happen more quickly.

As happens far too often in this Parliament, there is a real and pressing problem to address, but, unfortunately, the Government's legislative response falls short of what is needed. As I have already said, Conservative members will support the general principles of the bill at stage 1, on the understanding that much that is in the bill must be changed, and that we will require a lot of amendments at stages 2 and 3 if we are to support it finally.

The Deputy Presiding Officer: I call the minister to wind up the debate.

16:36

Paul McLennan: I acknowledge the cross-party support in the chamber, which I do not take for granted. I also acknowledge that issues of pace, communication and clarity have been raised, and I will touch on those later.

Since coming into post, I have engaged extensively with residents, developers, Homes for Scotland and other organisations, such as the Scottish Fire and Rescue Service. During my time in post, I have also engaged extensively with Mark Griffin, Miles Briggs and Willie Rennie and, as they know, have offered to meet them after this stage 1 debate to discuss stage 2. I am therefore a bit puzzled that Jeremy Balfour mentioned my not engaging in discussions: they know that I have engaged with them and that I will continue to do so. That offer is open to any member. I have also offered to communicate with the committee, as I told its members at my most recent appearance there.

I thank the members who have contributed to this debate, whose contributions I will touch on later.

The absolute priority for this Government, and for all of us, is the safety of home owners and residents. It was that commitment to safety that prompted the establishment of the cladding remediation programme, which is the driver behind the bill. I know that that commitment is shared across the chamber, as members have highlighted in their speeches.

I thank the committee for its stage 1 report, which has been referred to quite a lot today, and for its extensive engagement in preparing it. The report is a thoughtful and constructive review of the bill, which highlights areas that the Government will review and carefully consider as part of the stage 2 process. We are working closely with the committee on that. As I have said, that offer is open to Opposition spokespeople and to any member who has an interest. Importantly, the committee endorsed the general principles of the bill, including the specific proposal for a responsible developers scheme.

Substantial progress has been made. There have been changes to fire safety standards and guidance, legislation on smoke alarms and the establishment of the cladding remediation programme. However, we have also identified the barriers to delivery, which brings us back to the key principles of the bill. We must address those barriers to ensure that we have the powers to safeguard home owners and residents.

Members have raised concerns about the pace of the programme, which I totally understand. I have heard that not only from members but from going out and speaking to residents on a number of occasions in different constituencies. As I said in my opening remarks, in May 2022 the then cabinet secretary acknowledged to Parliament that the initial approach, which focused on providing grants, was too slow and onerous and announced a change in approach, with a move away from the grant-based model to direct procurement by the Scottish Government and an extension of the pilot, which we have discussed today.

Since the announcement of that programme, we have seen significant change. The published quarterly spending data demonstrates a shift in pace, but we have much more to do, in partnership with developers, to support developer-led single building assessments, which will be based on the new specification, once that has been published and made available to them. The discussions that we have had with developers have been a real driver of this process. I have had discussions with developers, Homes for Scotland and others about the new single building assessments. We have heard about developer commitment letters, which will move us on to the remediation contracts that will be incredibly important in moving the process forward. We have also talked about the timeline for that.

I will mention the important points that were made by some members. Ariane Burgess spoke about PAS 9980, which we have picked up. That includes the fire risk appraisal of external walls, which is extremely important.

Miles Briggs touched on the scope of the bill: we heard about hotels, which provide reporting data but are not part of the scheme, and student accommodation was also mentioned in that regard. No legislation is required, but buildings that are there could be mitigated and remediated.

Mark Griffin and I have had a couple of discussions about the pace of the bill and the SBA process being one of the main drivers. Again, I have offered meetings to both Miles Briggs and Mark Griffin on that issue.

Willie Rennie talked about the pace of progress and companies going bust and how we look at that. We have had some discussions with

developers. It is true that there can be complicated ownership models—we have had to deal with that already, and we are continuing to work with them on that. Discussions are on-going, and I will be happy to pick that up with Willie Rennie.

Willie Coffey made an important point about the partnership approach. Developers have been doing a lot of work in the background as we move towards the cladding assurance register and PAS 9980.

A few members, including Pam Gosal, touched on UK finance, and I hope that Miles Briggs, Graham Simpson and their colleagues will speak to the UK Government about that. I had a meeting with the UK Government and the Welsh Government, and they were concerned about that, so it might be a case of pushing on that issue in relation to UK finance.

Willie Rennie: It is pretty clear that the minister has had lots of meetings—we get that. However, we want to understand what is discussed at those meetings, what the content of them is, where the disagreement lies and how we can reach a resolution. Meetings are fine, but we need to know the substance in order to have a proper debate.

Paul McLennan: A key point that is coming through relates to the responsible developers scheme, which is incredibly important. We have had to deal with some issues with complicated ownership schemes that are already in place. We cannot forecast what will happen in the future, but in the extensive discussions that we have had with developers—just about everybody that signed the commitment letter—there are no issues at the moment. Again, I think that the responsible developers scheme is incredibly important.

I want to highlight a few other contributions. Stephanie Callaghan mentioned the reporting data, and we are working with the committee on how we do that. The committee could speak to how that reports back into Parliament. I am open to discussions as part of that process, and I am happy to be held to account.

One of the key things that Michelle Thomson talked about was secondary legislation, which allows us to move in such a way that we can do things more quickly. She also made a really important point about SMEs. We have had a number of discussions with individual SME developers and their ability to pay, and conversations continue on that. She mentioned the £10 million threshold; those issues are part of the discussions that are being held. I have had individual discussions with SME developers. They are an incredibly important part of the sector in Scotland, so we are working very closely with them.

Michelle Thomson: Earlier, I made a comment about commercial contract clauses, which are very opaque. The fact is that many SMEs might not understand the risk that they are under. I would be happy to pick that up with the minister separately, because I admit that it is quite a niche area.

Paul McLennan: As Ms Thomson knows, my background was 20 years in the Bank of Scotland, so I understand covenants. We have also had discussions on covenants, including with Scottish Financial Enterprise.

Ben Macpherson touched on a couple of important issues. The tenure issues at the start of the process were really important. He also touched on the Scottish and Welsh Governments raising the issue of UK finance. It is really important to take that issue forward, and we continue to raise it with the UK Government.

The pathway commissioning that Michael Marra mentioned is important. Having a consistent standard is important for the SBA process, and it is important for developers to understand that, so that they can get on with the process and move more quickly. Again, we come back to the key principle of getting the SBA process identified and moving on to a remediation contract, so that people understand what they are doing on that particular point.

Ben Macpherson mentioned the importance of communication, which I have acknowledged. That is a really important point, and the team is working really hard in that regard.

Pam Duncan-Glancy mentioned the competency that is required for an individual, and that is part of the process that we are discussing now. Are individuals specifically qualified to do that work? That also includes the ability to say that an individual is independent in assessing the buildings. I am happy to discuss that point with Ms Duncan-Glancy.

As I said, we have seen an increase in pace since May 2022 and we have identified barriers, but we need to move more quickly.

Members have also highlighted the importance of communication and engagement with home owners and residents. I acknowledge that there is scope to improve communication to residents, and that is a priority for the cladding remediation programme. I have asked officials to scope several options to enhance our approach to communications, including by providing regular updates on the overall programme flight path, as well as building specific communications.

Miles Briggs: The minister will have seen the briefing that the Association of British Insurers has provided to all members—specifically, its concerns about the on-going problems that will exist in

obtaining buildings cover if we do not hear from the Scottish Government about resolving or managing additional safety issues. Beyond the bill, will the Scottish Government look to introduce a factoring, fire safety and management bill for those properties, which could help to solve that problem?

Paul McLennan: We have discussed that briefly, and there is merit in having further discussions. Existing legislation is in place, and Miles Briggs and I have talked about having a further discussion on that point. I would be happy to provide a further update to the committee ahead of stage 2, and I am happy to have discussions with individuals. It is important to include Opposition spokespeople as we prepare for stage 2. The important part of that is that we have extensive discussion on where amendments could come in.

In conclusion, the Grenfell tower fire was a stark reminder of the importance of fire safety. It is the responsibility of us all to take the steps that are necessary to address the risk of unsafe cladding, so that people can be safe in their own homes, and to seek collective solutions to the financial trap that many families find themselves in. We can talk about the technical solutions, but the crux of the matter is that we give peace of mind and safety to people in their own homes, and help them in relation to access to finance and remortgaging.

We have a shared commitment to resolving those issues. Let us work together—that is a genuine offer. I look forward to people contacting me in that regard.

The Deputy Presiding Officer: That concludes the debate on the Housing (Cladding Remediation) (Scotland) Bill at stage 1.

Housing (Cladding Remediation) (Scotland) Bill: Financial Resolution

16:46

The Deputy Presiding Officer (Liam McArthur): The next item of business is consideration of motion S6M-12440, in the name of Shona Robison, on a financial resolution to the Housing (Cladding Remediation) (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Housing (Cladding Remediation) (Scotland) Bill, agrees to—

(a) any expenditure of a kind referred to in Rule 9.12.3A of the Parliament's Standing Orders arising in consequence of the Act, and

(b) any charge or payment in relation to which Rule 9.12.4 of the Parliament's Standing Orders applies arising in consequence of the Act.—[*Paul McLennan*]

The Deputy Presiding Officer: The question on the motion will be put at decision time.

I am minded to accept a motion without notice, under rule 11.2.4 of standing orders, that decision time be brought forward to now.

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 4.47 pm.—[*George Adam*]

Motion agreed to.

Decision Time

16:47

The Deputy Presiding Officer (Liam McArthur): There are two questions to be put as a result of today's business. The first question is, that motion S6M-12450, in the name of Paul McLennan, on the Housing (Cladding Remediation) (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Housing (Cladding Remediation) (Scotland) Bill.

The Deputy Presiding Officer: The second and final question is, that motion S6M-12440, in the name of Shona Robison, on a financial resolution to the Housing (Cladding Remediation) (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Housing (Cladding Remediation) (Scotland) Bill, agrees to—

(a) any expenditure of a kind referred to in Rule 9.12.3A of the Parliament's Standing Orders arising in consequence of the Act, and

(b) any charge or payment in relation to which Rule 9.12.4 of the Parliament's Standing Orders applies arising in consequence of the Act.

The Deputy Presiding Officer: That concludes decision time.

Point of Order

16:47

Keith Brown (Clackmannanshire and Dunblane) (SNP): On a point of order, Presiding Officer. I seek your advice on how the Parliament can urgently consider the effects of the very important announcement today by the United Kingdom Government that it intends to authorise a mass release of prisoners from English and Welsh prisons.

The matter is of real concern for Scotland, not least given the opposition to such mass releases of prisoners, especially from the Conservatives. I am aware of the irony that it is their party that supports the mass release of prisoners in this case.

The people of Scotland will require answers to urgent and important questions on this proposed mass release of prisoners. First, given that the reason that is stated for the mass release is overcrowding in English and Welsh prisons and that most commentators will point to the sustained and systematic underfunding of justice services as the reason behind that overcrowding, what is the effect on Scottish prisons of that UK underfunding?

Secondly, there is nothing to prevent any of the hundreds, perhaps thousands of prisoners—we do not have the detail—who are released from their sentence from coming to Scotland and, potentially, reoffending. Such a fear has been expressed very often by Tory members. That could impose a further burden on the Scottish justice system and put further pressure on the prison population here in Scotland. What consideration has been given by the UK Government to those consequences?

Finally, given the potential impact on Scotland, we need to know whether the UK Government consulted the Scottish Government on or even warned it of the proposed mass release—or is it the case that, once again, one of “Scotland's two Governments” made a decision without any regard to the interests of the people of Scotland or the responsibilities of the Scottish Government?

As I am sure you will agree, Presiding Officer, the UK prison crisis needs to be understood in terms of its effects on Scotland, and I would be grateful for your guidance on how that understanding may be facilitated.

The Deputy Presiding Officer (Liam McArthur): Thank you, Mr Brown. I am sure that you will be aware that that matter is for the Parliamentary Bureau. I suggest that you take it up with the Minister for Parliamentary Business or

with your business manager, who can raise it in the appropriate fashion.

Flood Management

The Deputy Presiding Officer (Annabelle Ewing): The final item of business is a members' business debate on motion S6M-12335, in the name of Willie Rennie, on flood management. The debate will be concluded without any question being put.

I invite those members who wish to speak in the debate to press their request-to-speak buttons now. I call Willie Rennie to open the debate. You have up to seven minutes, Mr Rennie.

Motion debated,

That the Parliament understands that the changing climate of Scotland has meant that the frequency of severe storms has increased, with more and more areas facing a high risk of flooding; considers that communities like Cupar and Brechin have already been severely impacted by flooding events, with people reportedly forced to evacuate homes and close businesses due to the damage caused; notes the belief that river catchment plans should be developed to guide landowners on the steps that they should take to maintain burns and rivers; further notes the belief that grants should be available to farmers to help with the management of water on land; understands that there is the option of additional Scottish Government funding through the Bellwin scheme, and notes the calls for grants to be made available directly to flooded businesses and householders in weather events beyond those classified as Amber by the Met Office.

16:51

Willie Rennie (North East Fife) (LD): Thank you, Deputy Presiding Officer.

Seven-year-old Amelia burst into tears at the bottom of the stairs in her house as the still-unwrapped Christmas presents were swallowed up by the flood. Carol Ann watched her house flood, knowing that there was nothing that she could do to protect it. She lost family pictures, personal effects and her home. Soon-to-be-married Nina had a buyer for her house and was ready to move to a new chapter in her life. Within minutes, however, the Lady burn in Cupar burst its banks and flooded their homes with muddy, stinking water.

Their distress has now turned to fury—fury at all the talk, but no practical action. We have had talk about flood studies, management plans, strategies, capital programmes, planning enforcement, gully examination, attenuation schemes and sustainable drainage system—SUDS—schemes, and the promise of consideration of the possibility of Government grants. If talk could hold back the water, we would never have a flood in Cupar again.

There has been a lot of sympathy, but the residents no longer want sympathy; they know that it is too often used as cover when those in power

have nothing else to offer. Instead, when the Cabinet Secretary for Wellbeing Economy, Net Zero and Energy stands up, I want her to announce that the victims of storm Gerrit will get the same amount of grant money as the victims of storm Babet received. Just because the Met Office judged the storm to be yellow instead of amber, that did not stop the floods. For months, I have been told that that suggestion is being seriously considered, but how long does it take to consider a small grants scheme? I say to the cabinet secretary: please give them the money that they deserve without any further delay.

The second action that I seek today is direct support and clear advice for farmers and landowners along the Eden catchment, to slow down the water's speed of flow upstream and get it away quickly when it gets close to homes and businesses. Some people would call that a catchment plan while others would call it a river basin management plan, but I do not really care what it is called—we need a plan, and it has to be an action plan. Despite all the good evidence about managing catchments, there is no plan and no money, and there is confusing advice and a costly application process if landowners want to do anything.

Maggie Chapman (North East Scotland) (Green): Will the member take an intervention?

Willie Rennie: Not just now.

Landowners are told by the Scottish Environment Protection Agency that removing silt from the river does not really work, but SEPA then says that there is no ban and permission can be granted. It is confusing. There is now a view among farmers and landowners that they would be wasting their time if they applied for permission.

What we now need is some public body, in partnership with locals, to identify the bottlenecks and the opportunities on the Eden and its tributaries, and to secure the necessary permissions so that the farmers can get the work done on their land. That action should be based on the best advice and evidence. We need a comprehensive approach, because there is little point in one farmer getting work done in isolation; the whole river system, from bottom to top, needs to be considered. If, for example, those further up remove silt but those further down do not, the water will have nowhere to go, and it will flood homes again.

Upstream, we need the same urgent proactive assessment of the potential for fields, burns and land to slow down the flow of the water and reduce the loss of valuable topsoil in some locations. The advice needs to be clear. Do trees make a difference? Are buffer strips wide enough? Does organic matter in the soil help? Do swales and

reservoirs help? Should certain sections of land be grass only? Which sections should be given up for flood plains? Where could flood storage ponds be located?

The Tweed Forum's partnership in the Eddleston Water project demonstrates what can be achieved. However, I repeat that the advice to farmers elsewhere is confusing and conflicting, and there is no grant scheme other than for droughts and river bank restoration.

If ministers are honest, they will admit that nothing is getting done in most of the country, so it is all just talk. Today, I do not have my hand out for large and costly flood prevention schemes. Such schemes have their place, but I know that money is tight, and they take years to implement. Instead, I am asking for smaller, faster and relatively inexpensive measures combined with a long-term plan to better manage the watercourses and prevent floods if at all possible. What is required is a plan with relatively modest funding attached.

In the past few months, I have been to a lot of meetings with residents, businesses, farmers, environmentalists, anglers and landowners, and they have all been packed. Although there are anxieties about how the possible clearing of rivers would be done and the impact on fish stocks and biodiversity, there is much common ground. I know that there is a path to getting the catchment working to prevent flooding as far as possible and to have an ecologically healthy river. However, there is nothing proactive planned by the authorities—apart from Fife Council, which has another flood study that will take years, then even longer to decide on action, and then planning, funding and construction. Seven-year-old Amelia will likely be an adult before anything actually gets done.

We are told repeatedly that we are in an emergency—a climate emergency. However, for a flood victim in Cupar, it does not feel like an emergency. It is not just Cupar—there have been floods in Dunshalt, Muchty, Strathmiglo, Kingskettle, Freuchie and many other communities. It has not just happened once, so people in those communities live in constant fear that the water could come again at any time of the day or night. They know that the climate is changing and that there are more extreme weather events taking place, but they expect those who are in power to act and to do everything possible, not to give up on them.

The good news is that Amelia will soon have a little brother or sister. Let us ensure that he or she does not live in fear of floods in years to come.

16:58

Kenneth Gibson (Cunninghame North) (SNP): I congratulate Willie Rennie on bringing this debate to the chamber. I also thank Stephanie Callaghan for going all the way back to my office for my card and Parliament staff for providing one in the meantime.

Flooding is an issue with which countries everywhere are grappling. Climate change means that flooding and other natural weather-related events are becoming more frequent, intense and destructive. One need only look at the events of last year: 2023 was the hottest year on record, which profoundly impacted the global water cycle and contributed to severe storms and flooding. The most important example was eastern Libya, which was devastated by storm Daniel. That storm killed more than 5,300 people and also affected Greece, Turkey, Bulgaria and Egypt.

Last year, across every continent, flooding killed tens of thousands of people, displaced hundreds of thousands and impacted millions. Closer to home, the most severe and disruptive weather event was storm Babet, in which seven lives were tragically lost. Hundreds of homes and businesses were flooded, and Brechin in particular was affected after defences were overtopped by the River South Esk. Infrastructure was damaged, farmers lost crops and livestock, and around 30,000 homes in north-east Scotland lost power during the storm.

Unfortunately, we have to prepare for the increasing frequency of such events in years to come. Analysis from the Potsdam Institute for Climate Impact Research shows that climate models may

“significantly underestimate how much extreme rainfall increases under global warming—meaning that extreme rainfall could increase”

more rapidly than current models suggest.

I am pleased that the Scottish Government has recognised the increased need for investment in flood defences. In the past year, the Scottish ministers invested £61 million in flood defences, in comparison with the £4 million that was allocated in the first devolution budget. Since 2007, the Scottish Government has made a total of £814 million available to local authorities for flood protection schemes and other actions. Indeed, the Scottish Government has invested on average £48 million a year, in comparison with £12 million a year under the previous Labour-Liberal Scottish Executive. Therefore, it is not just “talk”, as Mr Rennie asserted.

Even allowing for inflation, that is almost a tripling of much-needed investment, which has enabled major flood defence schemes to go ahead in my constituency. The upper Garnock valley

flood protection scheme is now virtually finished, with only minor remedial and landscaping works to be completed in the spring. The area has a long history of flooding that goes back to the late 19th century. I well recall when the River Garnock burst its banks in 2008. Emergency services from across North Ayrshire were called to the devastated streets. In 2020, a flash flood wrote off my car in Glengarnock, as I found myself sitting in the driver’s seat in 3 feet of water. The £18 million scheme provides mitigation options that have extended flood protection to 600 at-risk properties in Kilbirnie, Glengarnock and Dalry and a number of major businesses.

The £48 million Millport flood protection scheme on the island of Cumbrae began last spring. Work is progressing well on the construction of an offshore breakwater that will create a calm area of water, with completion due this summer. That part of the works is essential to allow a proposed marina on Cumbrae, which is in the Ayrshire growth deal, to be constructed.

Also in Millport will be the Mill burn flood alleviation scheme. That project will be tendered this year and constructed next year, and it will provide protection for up to 124 properties on the island for a one-in-200-years flood event.

Sadly, however, the reality is that it will not be possible to prevent flooding everywhere during extreme storm events. Where prolonged and intense rainfall overwhelms drainage systems, it is vital that there is an appropriately swift response. Given the increasing frequency of flood events, organisations such as Scottish Water need to up their game. With recent casework, I have found that the organisation has responded regrettably slowly in comparison with previous years, and has merely offered a phone number for constituents to call. That is simply not good enough, and it is contrary to the excellent service that was provided just months ago.

We must also do more to raise awareness of flooding risk and increase insurance uptake. In Scotland, the responsibility for protecting property from flooding rests with the owner. It is estimated that 284,000 properties in Scotland are at risk of flooding. That will rise to 394,000 by 2080 as a result of climate change.

Michelle Thomson (Falkirk East) (SNP): Will the member give way?

Kenneth Gibson: I am in my last few seconds, I am afraid.

The Deputy Presiding Officer: The member is in his last few seconds. Please conclude, Mr Gibson.

Kenneth Gibson: Despite that, more than a quarter of households have no home insurance,

and building and contents insurance premiums rose by a whopping 36 per cent last year—that figure will only increase. Those who are most likely not to be covered are the most vulnerable in society, the elderly and people in low-income households. We must look to see how we can protect them, not just their properties.

17:03

Tess White (North East Scotland) (Con): I, too, thank Willie Rennie for securing time for a debate on such an important topic.

For those flood-hit communities in my region that are struggling to get back on their feet, it feels as though the magnitude of what happened still has not hit Humza Yousaf's Government. The Scottish Governments ministerial task force met one month after storm Babet wreaked havoc in the north-east. Communities were left in limbo for weeks, but the First Minister still managed to stage a photo op on River Street in Brechin within 48 hours of the storm.

Four months on, the people of Brechin and communities across the north-east are still hurting. The fallout from the flooding is still being felt; repairs are on-going; and homes continue to be uninhabitable. Businesses are trying to make up for lost time. Vital infrastructure has been badly affected, such as Marykirk Bridge in Aberdeenshire, where repairs are due to get under way next month. Following storm Babet, as many as 82 businesses contacted Angus Council looking for help, upwards of 300 properties in Brechin were affected by floodwater and 57 council-owned properties still require significant work before they can be reinstated.

We have recently learned that Angus Council's interim claim under the Bellwin scheme is £6.9 million, but that is just for immediate emergency response, not the recovery phase. Meanwhile, for many, the grants that are available for residents and businesses have not touched the sides of what is required. Adverse weather events are costly, both financially and emotionally, and they are happening more and more, with a record number of flood alerts issued by SEPA since 1 September 2023.

Since storm Babet, some areas have been hit again by flooding, including cottages in Castleton, which flooded in October and again in December. For residents there and many others whose properties had already been compromised, the problem is not going to stop; it will keep happening again and again. That is why I have engaged proactively with communities throughout the north-east on building resilience since I was first elected in 2021.

Willie Rennie's motion rightly focuses not just on what has happened but on how better to manage the risk of flooding in future. Information that I received from Angus Council via a freedom of information request has confirmed that no climate change adaptations have been made to Brechin's flood defence scheme since 2018, when the updated climate projections for the United Kingdom were published. It is all very well having flood protection schemes in place, but maintaining the defences and ensuring that they take account of updated climate change projections is key to protecting our communities.

I will be very interested to see the final output for the Scottish Government's national adaptation plan later this year, but it is vital that local and national partners work together now to ensure that Scotland is not on the back foot when it comes to flooding. When lives and livelihoods are at risk, good enough will not cut it; we need gold-standard protection to keep our communities safe.

17:07

Michael Marra (North East Scotland) (Lab): I, too, start by thanking Willie Rennie for securing the debate. This is a very important issue, which has an impact on constituents in our neighbouring regions. Severe weather events are becoming more frequent with each passing year. We can clearly observe them across the north-east, and there is no doubt that climate change is the cause. It is exposing our communities to ever greater risks.

Dundee and the broader north-east are not known for heavy rainfall, but in recent years the frequency and the severity of storms have increased dramatically. The impact of flooding is devastating for families. Homes are ruined, livelihoods are destroyed and lives are put at risk. The disruption and upheaval that is caused when a property is flooded brings significant costs, too. In the midst of a cost of living crisis, most households and businesses can ill afford the emergency expenditure.

It is right that the Government and local authorities step in to support residents at a time of such great need. However, I have heard from constituents and councillors in my region that the process has been far from smooth. It is imperative that the Scottish Government learns lessons for the future as severe storms become ever more frequent and takes a proper, strategic approach to helping citizens as required.

The devastation that storm Babet brought to Angus was clear to see, with Brechin being particularly badly affected. Scottish National Party-led Angus Council announced £10 million of funding following storm Babet. That money was

very welcome but, five months later, we are still waiting for the majority of it to materialise. I would appreciate it if the minister, in closing the debate, could advise what the Scottish Government can do to support Angus Council in delivering that funding to those who need it.

Maggie Chapman: We know that local authorities and the Scottish Government have a role to play, but other public agencies need to be involved in the discussions, too—and we also need to ensure local community accountability. Does Michael Marra agree that all those people and agencies need to get in the room together to ensure that we have a holistic approach to flood resilience?

Michael Marra: I certainly agree with Maggie Chapman on that point. It is vital that the Government uses its convening power as much as its financial power to make sure that these matters are approached strategically. As other members have set out, we have to think about the long-term consequences of the changes. We have to make allowance in budgets to ensure that we have money set aside for such instances and the funding has to be commensurate to the size of the issue.

Michelle Thomson: Will the member take an intervention?

Michael Marra: I am sorry, but I cannot. I want to make progress at the moment.

The funding of £1,500 for households and £3,000 for businesses as a result of storm Babet was welcome, but only properties with indoor damage were eligible. That money is a lifeline for people, but many residents sustained damage to the exterior of their properties and have not received any support.

Road closures have meant that other roads in the area are being used more frequently, which increases the demand for maintenance work through displacement of traffic. However, money is not being made available for repairs on those alternative routes, although the need for them is also a consequence of the floods. It is clear that, as members described, a more holistic view of the true impacts of flooding on a community must be taken.

Across Dundee and Angus, many constituents live in areas that are susceptible to flooding. Only recently, Claverhouse, parts of Mill o Mains and other areas around the Dighty burn were flooded. In Whitfield, Old Toll Loan was flooded by the Fithie. It is clear that those impacts are taking place. It beggars belief that Dundee City Council is continuing to build a huge secondary school on a flood plain that has been identified as such since the 1960s. I fear that that will only cause more trouble in the future.

Residents have faced repeated disruption from flooding, which has forced them to evacuate their homes for a time, and many businesses have been lost. The debate is important. If we can, we should bring a clear view to the issue. We need a more overarching strategic approach that brings agencies together and ensures that funding is available.

I echo Willie Rennie's calls to ensure that his constituents receive the urgent support that they require.

17:12

Tim Eagle (Highlands and Islands) (Con): I join other members in welcoming Willie Rennie securing the debate. The issue is of great importance and comes up more every year due to the storms that we are getting.

The focus of Willie Rennie's motion and much of the wider coverage of the issue has been on communities such as Brechin, which experienced devastating levels of flooding. That resulted in severe damage to homes, businesses and amenities in the area. It also sadly resulted in loss of life, and I offer my condolences to the families who were affected.

I welcome the action of members from across the parties in calling on the Government to provide additional financial support for the homes and businesses that were affected. I agree with Mr Rennie's points about the need for more funding for prevention of, and protection from, flooding in the future.

Although the Government eventually took action for the communities that were most impacted by the storms, communities in Argyll and Bute were less fortunate. There, the unnamed storm of 7 October and storm Babet, which hit Scotland one week later, caused extensive damage to homes, businesses and infrastructure. It was disappointing that residents and businesses in Argyll and Bute were not eligible to access the storm Babet recovery grants and that, as I understand, Argyll and Bute Council was not invited to attend the storm Babet ministerial task force. Given the impact on communities in the area that I represent, I would be grateful if the minister could provide some clarity on those matters in her closing speech.

I welcome the fact that Argyll and Bute Council was able to access Bellwin funding to assist it with the clearance of impacted roads, but it is worth noting that some local roads still remain out of service several months later. More than 6,000 tonnes of debris blocked one road, the A816, for more than 200m. It trapped two vehicles in the process but, fortunately, nobody was hurt. Although Argyll and Bute Council has managed to

open an emergency diversion route under convoy, the main A816 remains closed to this day, to the worry of many people in the community. Not only are roads such as the A816 essential access points to a community, they support the local economy, and many locals have raised concerns about the continued effects on their businesses. Sections of other roads, including the A815 and the A83 Rest and Be Thankful, also witnessed smaller landslips.

My predecessor, Donald Cameron, campaigned extensively on the A83 and the Rest and Be Thankful and I welcome the fact that progress is being made, albeit slowly, to deliver medium and long-term solutions. However, major weather events such as the storms of recent years highlight the need for greater urgency to deliver the much-needed replacement for that critical stretch of road. I take this opportunity to praise the council staff, particularly those in the roads and infrastructure services team, who acted swiftly to put in place contingency measures and provide regular updates to local residents.

The recent storms were among the worst to hit communities, and the increasing frequency of such events reinforces the need to continue to meet our environmental targets and shows that greater investment in weather defences is still needed. Scotland has a unique geography. We are rightly proud of our rural and island communities, but we need to support them fully with infrastructure projects that provide for access, emergency and the economy, and those projects need to be completed now, not later.

Our local authorities are often the first to respond to such adverse weather events, especially in communities across the Highlands and Islands, so it is vital that they are properly supported and funded, and that communities such as those in Argyll and Bute are not left behind. I hope that the debate is a reminder to the cabinet secretary and to the entire Government of the need for fair funding for councils and emergency funding for all those who find themselves in need.

17:16

Michelle Thomson (Falkirk East) (SNP):

Before I start, I will make the comment that I wanted to make when I tried to intervene on Mr Marra. I recently obtained an insurance quote, and one of the companies asked whether I could confirm that my house is no nearer than 260m to any watercourse, which, to give a sense of the distance, is a very good drive and a 7-iron. I suggest that that is the shape of things to come.

I speak today in the debate as the constituency MSP for Falkirk East. That includes Grangemouth, so I reference the vital Grangemouth flood

protection scheme, which is the biggest project of its kind to be embarked on. Its progress, process and outcomes will have a far-reaching impact on other flood prevention programmes. I certainly do not underestimate the scale of the challenge that we face. I note the efforts, with thanks, of Jacobs, Falkirk Council and other key stakeholders thus far. The estimated benefit involves 2,760 residential properties, 1,200 non-residential properties, 6,025 people and 23km of roads.

As we have seen, adverse weather events are increasing, and the impact of not doing something is incalculable, given the importance of the location to Scotland's gross domestic product. As the cabinet secretary notes, and I quote from a letter that I received from her in January this year,

"The GFPS is exceptional in terms of scale and financial cost. It is the largest flood scheme ever proposed in Scotland, with a current upper cost estimate of £650 million."

It is also worth noting that the wider coastal management strategy and modelling for fluvial events is undoubtedly linked to whatever is designed at Grangemouth. Therefore, certainty and progression are necessary not only for Falkirk East residents but for neighbouring local authorities.

A number of consultation events have been held. In January this year, Falkirk Council agreed to move to the next step in the form of scheme notification. After that, the outline business case will be developed.

However, the funding elephant remains in the room. The current funding status, whereby the Scottish Government will bear 80 per cent of the cost of the programme and the council 20 per cent, seems to be unachievable by either party. The cabinet secretary rightly states that, for the Scottish Government to utilise the entire annual local government general capital grant is simply not feasible. Therefore, I understand the rationale for removing the scheme from the current cycle of funding and allowing the Scottish Government to make progress with a variety of other schemes.

Various funding models and options have been developed by the council, and the cabinet secretary has asked her officials to pursue a task force model and engage a team Scotland approach. That is welcome, but serious conversations need to be had about funding to allow for clarity in the staging. In a previous life, I was a programme manager, and I was always aware that, without a clear line of sight for phases, considerable sums of money can in effect be wasted. It is not unreasonable to assume that the pathway to completion might need to be elongated and reworked, and that it will inevitably turn out to be much more expensive, but clarity needs to be

found for the initial stages and on-going dialogue for subsequent stages.

I am entirely sympathetic to the predicament that we all find ourselves in. I note, thankfully, that the Scottish Government has no plans to claw back the council's £4.5 million underspend for the scheme, although I understand that, as yet, there is no clarity on what conditions might be attached, if any. To that end, I am grateful to the cabinet secretary for agreeing to meet me to discuss the GFPS in the near future.

My final point relates to the other stakeholders who have an interest in the area, including RSPB Scotland, the climate Forth project, Buglife Scotland and NatureScot. It will be vital to have proper co-design and a full engagement process on plans for mitigation and biodiversity compensation, and to ensure that any environmentally negative consequences of the GFPS are considered. The last thing that anyone wants to see are objections from those who should be partners in the scheme, and I hope for their full involvement.

17:20

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I thank Willie Rennie for bringing this important debate to the chamber. He shares with me a belief in the catchment management approach, which I have been advocating for a number of years now.

We all understand the significant impacts of the flooding events that have had such a devastating effect on the safety and livelihoods of those who live in flood-hit communities across Scotland. Over the years, that has included those in my constituency in areas such as Hawick and Newcastleton, as well as events such as storm Arwen in November 2021, and storm Babet—and, most recently, storm Gerrit—in 2023. Every major flooding event has an utterly devastating effect on local communities, and that is why each and every one of us is in the chamber tonight.

Although flooding itself is not preventable, our preparation has to be much better. We cannot afford to lose any further housing stock or key food-producing land, and we cannot afford to let our salmon stocks become extinct, which can happen as a result of not only flooding but drought. Yesterday, I met representatives of the Tay Ghillies Association in Blairgowrie. They are concerned that climate change is bringing significant droughts in late spring and summer, causing extremely low flows in our rivers and tributaries and having a significant effect on salmon spawning grounds. It seems ridiculous that we cannot get it right; sometimes we have too much rain, and not enough at others.

I agree with what Willie Rennie said about Government initiatives to mitigate the risks of flooding—so far, it appears that it is all just talk. We know that the words from the Scottish Government have been fairly hollow so far, and its pledges have been lost in a vacuous echo chamber. Sadly, communities have suffered as a result of what the Scottish Government has not done. It has been wholly unprepared for the flooding events and, with each storm, there is another stark reminder of the shortcomings of what it is doing.

The SNP might say that flood prevention schemes have taken time to develop and construct. I do not dispute that point, but the party has been in power since 2007. Of the 42 formal flood protection schemes that were proposed from 2016 to 2021, only 15 have been completed, with an overspend of £25.8 million as of January 2024.

However, that overspend pales in comparison to the estimated overspend on the remaining projects that are still under development. Striking examples include an estimated overspend of £87 million in Musselburgh, £59.4 million in Stirling and £308.5 million in Grangemouth. At what point will the Scottish Government admit that its current plan is not working? That is why the motion before us is important: the Government is failing to deliver a coherent plan to mitigate the risks and protect residents and vulnerable species, and it is leaving our flood-prone rural communities in the dark.

In its 2021 manifesto, the SNP pledged to tackle flooding by ensuring

“that trees, woodlands and natural resources play a key role in flood prevention schemes”,

but this year's budget shows that agri-environment climate scheme funding to farmers has been cut by £17.6 million. That leaves farmers without that key support, and unable to be part of the solution.

In response, in February, the Cabinet Secretary for Rural Affairs, Land Reform and Islands outlined in the chamber the Scottish Government's commitment to considering flood prevention “in the round”. I would like it if the Cabinet Secretary for Wellbeing Economy, Net Zero and Energy were able, if possible, to update members on Mairi Gougeon's commitment to hold a meeting with key stakeholders, regulators and farmers, which she said was taking place in March. I would welcome an update on that.

I welcome the calls to explore the benefits of a regional catchment management approach to flood mitigation, as stated in the motion. Such an approach utilises both local and expert knowledge to deliver a sustainable plan, tailored to what is needed, with amazing projects such as the Eddleston water project, led by the Tweed Forum,

and the Findhorn catchment project shining examples of natural flood management.

I do not believe that the Government is taking the right approach. The expected costs of physical flood defences are close to £1 billion. Natural flood defences can provide a real—and, as Michael Marra said, holistic—alternative; indeed, Roger Crofts, formerly of Scottish Natural Heritage, believes that the concrete-based approach is ineffective and out of date. On that note, we need to ensure that we protect communities, our endangered species and biodiversity, and that the Government delivers meaningful protection for those communities.

17:26

Stephen Kerr (Central Scotland) (Con): It is a pleasure to follow Rachael Hamilton, who has given an excellent speech, and I thank Willie Rennie for his motion. I agree whole-heartedly with the speech delivered by Michelle Thomson and will continue in the same vein.

Last week, I, along with many others, attended a public consultation on the Grangemouth flood protection scheme. Listening to the experts and the local community, I thought that the message was crystal clear: the Grangemouth flood protection scheme is not just an optional project—it is a lifeline. The total cost of the project, at current prices, is £672 million. As Michelle Thomson has said, Falkirk Council is required by legislation to fund 20 per cent of that total. That is just not realistic: Falkirk Council cannot afford the £134 million that the Government and legislation expect it to stump up for the scheme. This is the same Falkirk Council that is so underfunded by the Scottish Government that it has had to tap into more than £20 million of reserves, just to keep the lights on.

Members will know that I am not the greatest fan of the SNP Falkirk Council, but it is in an impossible predicament. The SNP Scottish Government must confront the reality that is staring it in the face, because Grangemouth must be a national priority. It is part of the lifeblood of our nation, generating 4 per cent of our country's gross domestic product and responsible for 8 per cent of all Scottish manufacturing. Moreover, 30 per cent of all our exports move through the port at Grangemouth. The Grangemouth flood protection scheme would save at least £2 billion in damages—although I suggest that the economic impact assessments of that probably need to be kept live—including, as was mentioned by Michelle Thomson, at least 2,000 residential properties.

One of the most compelling aspects of Willie Rennie's speech was the human dimension to all

of this. We saw that at Brechin, particularly as a result of storm Babet. We cannot leave Grangemouth in that vulnerable position—that is, in the hands and finances of a local authority that is teetering on the edge of bankruptcy. Tess White, too, mentioned Brechin and Babet.

Unfortunately, the Scottish Government does not have a good record of responding to crises such as those that occurred in Brechin last October. I specifically draw attention to a quotation that I obtained from a freedom of information request, showing that the chief executive of Angus Council wrote to the Scottish Government on 31 October to say:

"It is concerning almost two weeks on, that no officer in Scottish Government has contacted myself to ask how we are coping as a Council or discuss how Scottish Government can lean into the recovery phase of Storm Babet."

That is simply not acceptable. When the urgency of the situation was so clear, why did it take the Scottish Government so long to respond? That question is in the same vein as those that Willie Rennie rightly asked. I would suggest, if I may borrow from Winston Churchill, that these situations require "action this day". The Government needs to improve its performance in respect of action and delivery.

I will conclude with four questions. First, in light of the financial straitjacket that Falkirk Council is forced to live with, what further financial commitment is the Scottish Government prepared to make to support it in order to move the flood prevention project forward?

Secondly, what economic impact assessments has the cabinet secretary received or commissioned in the event of a catastrophic event at Grangemouth involving the port, the industrial complex and the communities affected?

Thirdly, does the minister agree with the figure—at least £2.4 billion—that Falkirk Council has produced in its assessment of the economic impact of such a catastrophe? It is an important number, because it puts the level of investment required for the scheme into the context of what happens if we do not make that investment.

My last question, which I hope that the cabinet secretary will take the opportunity to respond to, is: what discussions has she had with UK ministers about the Grangemouth flood protection scheme, specifically given the strategic economic importance of the port and the industrial complex?

The slow response that we saw in relation to storm Babet is not good enough. There cannot be some slow unravelling, because the consequences of inaction hurt communities and people. They hurt our economy, too, but, above all, they hurt our people. Therefore, will the cabinet

secretary please oversee a step change in the response to this impending crisis?

17:31

The Cabinet Secretary for Wellbeing Economy, Net Zero and Energy (Màiri McAllan): I thank Willie Rennie for bringing to the chamber this members' business debate on an issue that is of great importance to me, and which I can tell is also of importance to members across the chamber. I recognise the dreadful impact that flooding can have on households, businesses and communities, as has been very well narrated by Willie Rennie, and I also thank those who have worked tirelessly, particularly over the recent winter storm period, to support their communities in recovery.

I am clear that flooding is Scotland's most significant climate adaptation challenge. The damage from the 10 named storms that we have seen this winter makes clear the impacts of climate change in Scotland—and that they are increasing. The number of properties across Scotland exposed to flooding is expected to increase by nearly 40 per cent by 2080, meaning that many more communities will be exposed. Reducing that exposure to risk—and planning to do so—is absolutely critical, and it will undeniably require considerable investment over many years.

Members will have heard a great deal of narration from ministers about this budget settlement being the most challenging that we have faced in the devolution era. Despite those circumstances, I was pleased to negotiate significant uplifts for my flooding protection and coastal change budget line, which will increase by 42 per cent to £91 million in 2024-25. That is vital, given that councils are statutorily responsible for designing and building protection schemes in their communities, and that the Scottish Government supports them financially to do so. In that regard, and through that co-operation between local authorities and Government, councils have delivered 15 flood protection schemes for local authorities since 2016, with five due for completion in the next few years. That on-going annual funding supports councils to fulfil their statutory obligations.

However, in extreme circumstances, the Scottish Government can, and will, provide additional support. As has been discussed, one such example was storm Babet, as a result of which the Met Office issued two highly exceptional red warnings for rain. Those warnings were issued for the first time since 2015 and, as members will remember, storms Desmond and Frank. Storm Babet led to hundreds of properties and businesses across four local authority areas suffering inundation. I attended every single

Scottish Government resilience room—SGoRR—meeting during the immediate onslaught of the event, and the Deputy First Minister and I set up and ran the Babet task force in the aftermath. The task force agreed a package of additional financial support for residents and businesses—again, the first time that the additional package had been required and negotiated since storms Desmond and Frank.

That is the emergency support that we are able to provide. It sits atop what the Scottish Government already provides, including the Bellwin scheme, the Scottish welfare fund and, where occupiers or businesses are flooded out of their properties, the council tax and non-domestic rates empty property relief.

To give a bit of context to the claims to Bellwin, in 2023-24—

Willie Rennie: Will the cabinet secretary take an intervention?

Màiri McAllan: I will, after I finish this point.

In 2023-24, the Bellwin scheme has been activated five times, with a total forecast expenditure of £19.6 million.

Willie Rennie: Just so that the cabinet secretary is aware, people in Cupar are watching the debate, and they want to know the answer to my two questions. First, will they get grant support equal to that provided in Angus? Secondly, will there be a catchment plan for the River Eden that is supported by the Scottish Government and its agencies?

Màiri McAllan: I am very happy to work on the issue of the catchment plan. As for the more immediate point about support to households in Willie Rennie's community, I absolutely have sympathy with what was experienced. Indeed, that was communicated to Willie Rennie at the time. We have since reached out to Fife Council to get an idea of the impacted communities, and I remain open to providing funding.

If Willie Rennie wants to meet me about that, he is very welcome to do so, and I will continue to speak with Fife Council about the impacted communities. [*Interruption.*] I can hear Willie Rennie speaking from a sedentary position, but, truly, my door is open. He should come and meet me about the impacts.

Willie Rennie: Will the cabinet secretary take an intervention?

Màiri McAllan: I am a little short of time, but I am happy to.

Willie Rennie: I am sorry, but I am shaking my head, because that is what I have been told for two months now. Those people are desperate and out of pocket, and they need more than sympathy.

Will the minister end the consideration and just give them the money that they deserve?

Màiri McAllan: I have sympathy, but that is not the extent of what I have. I am happy to continue to work with Fife Council, as I have been. I rely on the council to give me information about impacted communities, just as I rely on meeting local MSPs to know about the impacts. Again, I offer Willie Rennie the opportunity to come and meet me about the impact on his community.

In his intervention and in his speech, Willie Rennie mentioned the issue of whole-catchment management. I believe that that approach lies at the heart of sustainable flood management. As we know, water does not respect property lines or local authority borders, which is why the Flood Risk Management (Scotland) Act 2009 already sets out the involvement of a number of actors. Our new strategy will, I hope, do something that I think that we all agree is required when there is an incident in our constituency—that is, oblige all those different actors that have responsibility when it comes to flood risk management, be it the local authority, SEPA, roads agencies or the Scottish Government, to work collectively in the interests of responding to the immediate event and helping communities in the aftermath.

Rachael Hamilton: Will the cabinet secretary take an intervention?

Màiri McAllan: I will, if I have some time in hand.

The Deputy Presiding Officer: Yes, indeed.

Rachael Hamilton: Will the cabinet secretary tell members why just 15 out of a total of 42 flood prevention schemes have been delivered by the Scottish Government since 2016? Why was the overspend £25.8 million, given that that was way before inflation and given that the block grant has continued to increase year on year?

Màiri McAllan: I am afraid that Rachael Hamilton simplifies far too much what is a really complex issue. I have set out that, according to statute, local authorities have responsibility for flood risk management. The Scottish Government arrangement is that we fund viable schemes up to 80 per cent. As I have mentioned, our funding per annum has totalled £42 million for a number of years now, and we have added an additional £150 million over the course of this session of Parliament to support local authorities in that respect.

I understand that the situation is challenging for local authorities. We know that the schemes can create a diversity of views in communities, and there are myriad reasons why such projects are complex, but I am absolutely clear that we will

continue to work with local authorities to protect our communities.

As I am conscious of time, I will conclude. *[Interruption.]* I say to members that I am afraid that I must conclude now.

I just want to make this clear, so I will reiterate what I said at the start: I know that climate change is creating and worsening the impacts of flooding in our communities, and that it is the single greatest adaptation challenge that we face in Scotland. That is exactly why the Scottish Government is investing hundreds of millions of pounds in this multifaceted and complex yet vital area. It is why we are complementing that investment with work to bring together all those with responsibility for the matter. I am doing that in Government, and I have done it in my constituency, too. I know how frustrating it is for representatives across the chamber when we are at the heart of an incident.

We all know the human impacts of flooding and the increasing risk, and I want us to work together to respond to it.

The Deputy Presiding Officer: That concludes the debate, and I close the meeting.

Meeting closed at 17:40.

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