LGHP/S6/24/11/1

Local Government, Housing and Planning Committee

11th Meeting, 2024 (Session 6), Tuesday 16 March 2024

Building safety and maintenance issues/Housing to 2040

Introduction

1. The purpose of this paper is to provide information to help inform the Committee's annual evidence session on building safety and maintenance issues with the Minister for Housing. The session will also provide an opportunity for Members to discuss issues arising from its recent Housing to 2040 inquiry with the Minister.

Background

2. In May 2022, the Committee agreed to hold an annual session on building safety. At that point, the Committee's primary focus was on issues relating to potentially unsafe cladding on high rise buildings, but this focus later broadened to cover other issues including damp and mould in social and private housing and reinforced autoclaved aerated concrete (RAAC).

3. The Committee has also had an ongoing interest in the lack of an easily accessible source of information on the construction, maintenance, and condition of Scotland's building stock and the lack of regular building or fire safety audits (in effect, what has previously been referred to as "building MOTs").

4. In 2023, the Committee explored these issues in evidence on the following occasions—

- 18 April: Building Safety evidence session with stakeholders and professional bodies. The primary focus of this session was on cladding remediation and zero valued properties.

- 2 May: Evidence sessions on damp and mould with stakeholder organisations and representatives of residents.

- 16 May: Further evidence sessions on damp and mould with the SPSO, Chartered Institute of Housing and Scottish Housing Regulator followed by Minister for Housing.

- 30 May: Building Safety evidence session with stakeholders followed by Minister for Housing. Again, the primary focus of this session was on cladding remediation and zero valued properties.

- 3 October: RAAC roundtable evidence session with building safety professionals followed by Cabinet Secretary for Social Justice and COSLA.

5. Following these evidence sessions, the Committee wrote to the Minister for Housing and to the Cabinet Secretary for Social Justice. Links to the letters and to the ministerial responses can be found below.

- 23 June 2023: Letter from Convener to Minister for Housing regarding damp and mould.

- 28 July 2023: Response from Minister for Housing to Convener's letter on damp and mould.

- 6 December 2023: Letter to Cabinet Secretary for Social Justice regarding RAAC.

- 21 December 2023: Response from Cabinet Secretary for Social Justice to Convener's letter on RAAC.

6. The Committee also considered related issues in its annual evidence sessions with both the Scottish Housing Regulator and the Scottish Public Services Ombudsman on 5 December.

Reinforced Autoclaved Aerated Concrete (RAAC)

7. When the Committee originally agreed its approach to this session, RAAC was not expected to be a major focus of discussions since it chiefly appeared to affect public buildings rather than private residences (either social or privately owned housing). However, in light of recent events in Aberdeen where around 500 homes were found to contain RAAC[1], the Committee wrote to the Minister for Housing on 15 March inviting him to provide further information on—

- How the Scottish Government is working with Aberdeen City Council to respond to the current situation;

- How the Scottish Government is working with local authorities more generally to identify and subsequently remediate properties with RAAC that present a risk to their inhabitants;

- How the Scottish Government is working with the insurance industry in relation to homeowners impacted by RAAC who have encountered issues in respect of their home insurance cover.

[1] Hundreds to be rehomed in Aberdeen over RAAC fears - BBC News

8. The Minister's response was received on 9 April and is attached at Annexe A.

Cladding Remediation

9. Given the Committee's recent work on the Housing (Cladding Remediation) (Scotland) Bill, it previously agreed that the building safety and maintenance aspect of this session would focus on damp and mould, RAAC and progress towards a Scottish Safer Buildings Accord/Buildings MOT. However, Members may nevertheless wish to discuss matters relating to potentially unsafe cladding and its impact on residents with the Minister.

Housing to 2040

10. The Committee has also undertaken a short inquiry on the Scottish Government's Housing to 2040 (H2040) strategy and this will be an opportunity to explore the issues raised by stakeholders in this inquiry with the Minister. The official reports of two evidence sessions with relevant stakeholders can be accessed via the following links—

    Official Report: LGHP Committee, 20 February 2024

    Official Report: LGHP Committee, 28 February 2024

11. H2040, published in April 2021, sets out a vision for what housing in Scotland will look like in 2040 and includes a set of principles to guide policy-making. It is supported by a route map which shows how the Scottish Government intends to achieve the vision. H2040 was produced following consultation and engagement with the housing sector, wider stakeholders and the public.

12. The vision is intended to achieve the following outcomes—

- A well-functioning housing system
- High quality, sustainable homes
- Sustainable communities
- Homes that meet people's needs

13. The H2040 route map is split into four sections—

- More homes at the heart of great places
- Affordability and choice
- Affordable warmth and zero emissions homes

- Improving the quality of all homes

14. Key measures in the strategy include; decarbonising heat in all homes, tackling high rents in the private sector, setting a single set of standards for housing quality and accessibility, increasing affordable housing supply and continuing with an updated plan to end homelessness and rough sleeping.

Written updates

15. The Committee previously agreed to write to relevant stakeholders inviting them to provide progress updates along with notes of any further issues and more general reflections they suggest the Committee may wish to consider in evidence with the Minister.

16. Written updates were received from eight respondents and are attached at Annexe B.

Conclusion

17. The Committee is invited to consider the above information in its evidence session with the Minister for Housing.

Clerks to the Committee,
April 2024

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Annexe A

Letter from the Minister for Housing, 9 April 2024

Ariane Burgess
Convener
Local Government, Housing and Planning Committee
The Scottish Parliament
Edinburgh
EH99 1SP

9 April 2024

Thank you for your letter of 15 March regarding my appearance at Committee on Tuesday 16 April to give evidence on issues relating to building safety and maintenance. I look forward to discussing these matters with the Committee. In the meantime, I am writing to provide you with an update in relation to our engagement with Aberdeen City Council since they took the decision to re-home their tenants in properties affected by RAAC, and on our wider engagement with local authorities in relation to RAAC in the housing stock they own.

As the Committee will be aware, in August last year we set up a cross-sector working group and subsequently a housing sub-group to ensure that we have a clear picture of the extent of RAAC across all of our social housing stock in Scotland. This working group includes representatives from COSLA, the Association of Local Authority Chief Housing Officers (ALACHO), the Scottish Heads of Property Services (SHOPS) the Scottish Federation of Housing Associations (SFHA), as well as representatives from individual landlords who are impacted by RAAC in housing. This ensures that key local authority and housing stakeholders are included in the information sharing and discussion on this subject.

We have been engaging with Aberdeen City Council (ACC) through this working group since they first discovered that RAAC was present in their homes and whilst structural engineers undertook the appropriate investigations. Although we were not given prior notice that ACC planned to re-home their tenants in the affected properties, since the 29 February announcement my officials and I have met with ACC on a number of occasions to obtain assurance that the affected tenants and home-owners will be adequately supported. My officials and I receive regular updates from ACC officers on the progress of the re-homing programme.

I have also met with the Association of British Insurers (ABI) around the issue of insurance, as I know that this is an area of concern for many homeowners. We have been clear that we would expect responsible insurance companies to offer as much assistance as possible to affected residents. However, I also understand that the actual cover available will be dependent on the individual policies that homeowners have in place. In most instances, building insurance is designed to cover damage caused by defined perils

such as storms or floods and would not cover building defects or maintenance issues that develop over time.
However, the ABI has indicated that the majority of their members will not void insurance policies as a result of RAAC being identified and that households can expect to continue to be covered for the defined perils outlined in their policy. I am aware that the insurance policy of one affected homeowner, which had initially been cancelled, has now been reinstated following our conversations with ABI. I have also been assured that insurers will consider the renewal of cover for properties with RAAC, but these may be less commercially attractive as their construction could present a risk of more extensive damage from a named peril.

Homeowners are generally responsible for maintenance costs in their own homes and for their share of work on any common elements of a shared building. This will include any remediation work to repair unsafe RAAC. The affected buildings in Balnagask have not been assessed as posing a critical risk requiring immediate evacuation, therefore there are no plans at this stage to compel owners to leave their homes. Owners have been advised to take their own independent advice on the matter. However, Aberdeen City Council have also shared the results of their own detailed surveys to ensure that home-owners are suitably informed. They are also able to access the advice and support of housing officers, who have been made available to home-owners as well as tenants, to help understand their options.

Officials have also been in touch with UK Finance, to understand the support that homeowners can expect to receive from their mortgage lenders. They have informed us that any homeowners who are worried about their mortgage or making their payments as a result of RAAC issues should get in touch with their lender in the first instance. Lenders will support their customers according to their individual circumstances and will consider requests to product switch in line with the lenders' existing policies. Should a property be deemed unsafe and or be subject to a prohibition notice, then UK Finance have assured us that lenders would support their customers as appropriate.

The long-term options available to homeowners will be considered as part of the council's ongoing options appraisal for the site. This will consider the best approach to remove or remediate the high risk RAAC that has been identified. As part of this, the Scottish Government will continue to work closely with Aberdeen City Council to understand the costs involved. Ultimately, it will be for individual local authorities to determine what support is available to homeowners, taking into account local priorities.

Previously the Chancellor had committed to 'spend what is necessary' to deal with the issue of RAAC. However, no funding has been forthcoming, including in the recent budget. In addition, as the UK Government has failed to inflation-proof their capital budget, this has resulted in nearly a 10% real terms cut in our UK capital funding between 2023-24 and 2027-28. We will continue to call on this UK Government, and any future incoming UK Government, to commit to this funding as previously pledged.

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I have asked Aberdeen City Council to keep me up to date with the progress of their options appraisal, which they expect to conclude by the summer, to ensure that we understand early what impact this will have on homeowners. We will also continue to engage with other local authorities who have identified the presence of RAAC, to ensure that any affected households receive the appropriate support.

I hope the above is helpful and I look forward to our session on 16 April.

Yours sincerely,

PAUL MCLENNAN
Minister for Housing

Annexe B

ANNEXE: WRITTEN STAKEHOLDER UPDATES

ALACHO

My thanks to the Committee for inviting us to contribute to this discussion and my apologies for the relatively informal nature of this first response. Things have been pretty busy in the housing world of late and it has been difficult, in the time available, to do take more than provide an overview of the range of issues the committee is seeking views on.

I can, however, offer some headline responses in the hope that we will get an opportunity to provide a more detailed response at some point in the future.

RAAC

Council housing services continue to review their stock data and to carry out inspections, both visual and intrusive as the situation demands. This process has been complicated by the limited data on the use of the material and the variety of ways in which it has been used. In some instances, we're told, near identical buildings in the same development have been found to be RAAC free, contain some RAAC over stairwells for example, or in the main roof structure. This inconsistency seems to reflect decisions on the use of the material being made on site during construction rather than as part of the design process.

The condition of the material has also been found to vary even in similar buildings resulting in different responses in what on the face of it look like very similar situations.

The overall position remains as we have reported in discussion with Scottish Government officials. The number of homes affected are not huge in the greater scheme of things, in the hundreds rather than thousands, and in particular the extent of the immediate risk is modest. However, the impact on every household involved is significant. A small number of tenants (including private tenants) and owners have had to move out because of an immediate risk of collapse but in most cases the condition of the material has been found to be such that time is available for a more planned response.

Whilst Council have made every effort to keep those involved fully informed of the situation and involved in the decision making, for those that have had to move the process can be traumatic. In the case of owners, an inconsistent response from insurers has, in some cases aggravated the situation. The insurance industry has, to date, taken the view that structural failure arising from presence of RAAC is not an insured risk. It represents the end of effective life of the material and is not covered. However , some insurers have moved to withdraw all cover and whilst this position has now been reversed in most, if not all cases, it certainly added to the stress of the situation for many.

You mention the situation in Aberdeen in particular, we have been in contact with colleagues in the Council but if the Committee is interested in a full briefing on the situation our view is that it would be better provided by council officials directly so we will make no specific comment at this stage other than to say that we know that council

officers have been working hard in difficult circumstances to respond to the concerns of owners and tenants.

The one area that all the Councils involved have faced particular challenges with has been the expectations of owner occupiers. Whilst there is very considerable sympathy for the position that those owners involved now find themselves in, Councils are not necessarily going to be in a position to buy out their interest at the full (pre-discloser) value of their home and they are now facing both a great deal of uncertainty and the risk of significant financial less. We think this is an area that the Committee may want to look at in more detail.

Even in relation to council owned homes, the local impact of additional costs to rectify, or if there is no alternative, to demolish and rehouse tenants will be significant. Whilst there is no expectation of additional resources from the Scottish Government to assist with this there is likely to be an impact on the business plans of those Councils involved. This could result in upward pressure on rents or reduced capacity to invest in new homes or the improvement of existing stock. If additional resources are made available we would hope that tenants will be treated no less favourably than owners.

Mould and dampness

The committee will be aware that the single most significant driver of the condition of a home is its age. The Council stock was, for the most part, built between 1945 and 1982 though some of it is considerably older. All Councils have systems in place to inspect and record the condition of their homes on a regular basis and to update these records when repair and improvement works are carried out. It is unfortunately the case that incidents of dampness and mould growth do occur but the overall response, and in particular the now historic practice, of giving life style advice to tenants to avoid condensation (bath with the window open, don't try cloths in doors for example), or tolerating levels of condensation related mould growth on the grounds that it is in some way due to the behaviour of the tenant is now largely a thing of the past. Certainly, the policy response is firmly focused on identifying and resolving the technical faults that are driving the problem and not on blaming the tenant.

That is not to say that the problem has gone away completely, and we are aware that around 10% of tenants still consider that they have a mould or dampness problem. This can be a particular problem in older, under heated and poorly ventilated homes. Councils have invested heavily in improving ventilation and insulation over the past 20 years and the Scottish Housing Quality Standard introduced in 2004 and updated since has been a key driver of improved performance in this area. The reporting of compliance with the standard through the Scottish Housing Regulator and the improvements in practice around tenant led scrutiny has also been a factor in supporting this improvement.

There is still work to be done and there will be some hard decisions to make about the sustainability of some homes as councils progress with the implementation of the new net zero standard. As with the issues and impacts around RAAC we would welcome the opportunity to examine this further with the committee.

Stock condition information

Turning, if I may to some of the points made by the Housing Minister is his correspondence with you last year, I feel obliged to say that we do not share the Minister's confidence in the overall quality or reliability of the stock condition data

available for Scotland through the Scottish House Condition Survey. As part of an assessment of the extent to which the human right to adequate housing is met in Scotland we commissioned an expert review of the metrics that could be used to measure compliance and the data available to assess those metrics. Our report, published in collaboration with CaCHE at Glasgow university, identified a number of concerns about the quality of the data available across most of the elements that are used to define "adequate housing". In particular we have concerns about how fit for purpose the overall survey is in relation to failures of the tolerable standard, serious disrepair, dampness and condensation and repair costs.

Other safety related issues

If I may, I would like to mention a couple of other issues that impact on the safety of residents in their homes that are not included in your email.

The first relates to the installation of smoke detectors and fire suppression systems in social rented housing. As you will be aware all social housing now has to have multiple linked smoke/heat detector and all new social rented homes have to be fitted with automatic fire suppression systems. In the case of the former, the cost of installation for local authorities (funded entirely from the rents of council tenants) was in the order of £120m. So far as the policy making and evaluation process is concerned:

- I am not aware of any assessment of the scale or risk that existed when Council homes had just one smoke detector and I have seen no attempt to assess the impact of the measure now that it is fully rolled out. As a result we are not in a position to make any judgement about the value for money or the effectiveness of this measure.

- Good policy making usually requires some clarity as to what problem is being addressed as well as an evaluation of the likely cost and the actual impact once a change has been put in place and, where possible the opportunity cost of committing to one policy rather than another.

- In this context I would observe that at the time £120m would have been sufficient to support the delivery of around 1,000 additional council homes. It would be helpful, as a guide to future policy making and expenditure planning, if some effort could now be made to understand what has been achieved and to evaluate the benefit from this expenditure. I would make similar observations about the installation of fire suppression systems. It would be helpful, if there was some examination of the impact of these measures.

The other area that we think would benefit from some consideration relates to the safety of residents with mobility difficulties or who require some level of adaptation. Trips and falls are a major cause of unplanned hospital admissions, and the absence of an adaptation can have a significant impact on the safety and quality of life of both carers and those being cared for. We continue to be concerns that the current framework for the funding and delivery of adaptations isn't fully effective and can, in some instances result in a tenure based and even landlord-based lottery. We would welcome an opportunity to discuss this with the Committee.

I hope the points we have set out in the email will be helpful to the committee as it decides how best to consider the issues relating to building safety and maintenance. I'm aware that all the points that I have made are at a relatively high level

but hope that we will have the opportunity to develop them further as the committee progresses with this area of work.

Association of British Insurers

The Association of British Insurers is discussing the situation in Balnagask with its property insurer members and they understand it is a priority for local parliamentarians, Aberdeen City Council and the Scottish Government. We have met with the Minister and his officials to discuss RAAC and insurance and share the points below, and I sit on the Scottish Government's RAAC cross sector working group.

Homeowners should inform their insurer if they become aware of the presence of RAAC on their property as it's a material fact that should be disclosed.

The majority of Association of British Insurers member firms are not cancelling policies due to the presence of RAAC in homes in Balnagask, and insurers will consider the renewal of home insurance cover for properties with RAAC. If constituents are concerned about what the presence of RAAC in a building might mean for the future of their insurance cover, they should contact their insurer.

Domestic building insurance policies are generally designed to cover damage from named perils such as storms, floods, subsidence, or damage from theft. Homeowners should still be able to claim on their insurance policies if they suffer damage from these perils.

Home insurance is not generally designed to cover wear and tear in a building, damage caused by defective materials, or damage that happens gradually over time. Policies are not intended to cover design or build defects or to replace construction materials that are gradually deteriorating over time. So, the replacement of RAAC is not likely to be covered.

I hope that is helpful and if the Committee has any questions on the insurance position for properties with RAAC please do let me know.

Built Environment Forum Scotland (BEFS)

Built Environment Forum Scotland (BEFS) is an umbrella body for organisations working in the built environment in Scotland. Drawing on extensive expertise in a membership-led forum, BEFS informs, debates and advocates on the strategic issues, opportunities and challenges facing Scotland's existing built environment. BEFS is a supporting member of the Climate Heritage Network.

The data landscape and its relationship to building safety and maintenance

Efficient, accurate, and easily accessible data on our existing buildings would ease decision-making, enable effective maintenance, and would improve the safety of buildings.

At 53%, Scotland has the highest proportion of pre-1946 housing stock in Europe - compared to 38% for the UK and 22% across the EU. In Scotland 63% of museums are housed in historic listed buildings. Additionally, more than a third of all buildings in the UK date from before 1919 and in Scotland, and as in the rest of the UK, around 20% of our housing stock is

pre-1919 (over 50% is pre-1964). This helps to demonstrate the scale of potential for economic and social good, that could be affected by policies incentivising, supporting and ensuring well maintained and appropriately retrofitted homes and public buildings.

Without holistic data on our existing built environment, we cannot ensure:

- Public safety – the condition and materials of our buildings is not well understood, with issues often raised only when an emergency/loss of life occurs. (Ie asbestos, cladding, RAAC, or masonry falls.)
- Clarity of information for first responders, particularly those in the fire service.
- Effective modelling for an expanding skilled workforce, giving certainty to industries; and growing the employment market -where maintaining and appropriately adapting our environment brings long-term economic and environmental benefits to people and place.
- Appropriate support for new green jobs and the green economy.
- Support for the materials supply chain industries, supporting local economies and a wide range of related industries.
- Scotland meets its net-zero targets as retrofit targets cannot be met without holistic building data.

Underpinning all aspects of work with the existing built environment is a need for accurate data in relation to building materials, condition, age, and ownership. BEFS would like to draw attention to the work of Dr Charles Gillott of the University of Sheffield's department of civil and structural engineering in his work on building passports.

BEFS is a member of both the cross-sector working group and the housing group on RAAC. The current situation around the investigation of RAAC in buildings could be eased and avoided in the future if we had better, holistic, building data. Before appropriate surveying of the current RAAC could take place, it needed to be found - a process which both delayed action and was resource intensive. Additionally, many challenges with the current RAAC panels can relate to inappropriate adaptation and interventions, aspects which building passports could mitigate as material types and therefore treatment could be better known and understood.

EPCs and other assessments – how are traditional buildings measured and understood?

BEFS emphasises that the existing built environment is the most sustainable building resource we have, through the embodied energy present, and the potential for adaptation and reuse. We consider that, as traditionally constructed buildings and modern constructed properties differ in how they function, a more nuanced approach is needed to the updating and use of EPCs. Fabric efficiency can and does have a huge impact on the efficiency of all buildings, and the message must be that maintenance and repair – in particular of existing and traditionally constructed buildings – goes hand in hand with heating solutions. Often older buildings, when correctly assessed, provide good standards (that can at times be improved upon) rather than being assessed as merely old and inefficient. As it stands, EPCs are known to be inaccurate for traditional constructed buildings.

Appropriate adaptation and retrofit measures are paramount. Some insulation measures, such as spray foam, can cause damage to buildings if installed incorrectly. The Royal

Institution of Charted Surveyors (RICS) advises that incorrectly installed spray foal can prevent ventilation, which leads to moisture-related damage. RICS also advises that it can prevent access and obstruct the view of surveyors when assessing the condition of a roof above a loft that has been insulated with spray foam. Spray foam can also complicate repair works.

It is imperative that maintenance and a fabric-first approach are prioritised. Without a wind-and-watertight building which is well maintained, any further interventions may be detrimental to the building, occupant health, and will not result in the energy reductions expected – failing to improve building performance, negatively impacting on occupant health, and failing to meet fuel poverty aims.

BEFS advocacy for existing building data has been extensive, and all moves to understand more about our buildings including their condition, operation and safety is to be supported. BEFS echo the National Trust for Scotland (NTS) with regards to building assessments going "beyond EPC to include building condition reports. This will allow owners to access better information relating to the 'service record' for their property. This is important as the two are inextricably linked and having access to such transparent information will allow tenants and owners to make better informed choices."

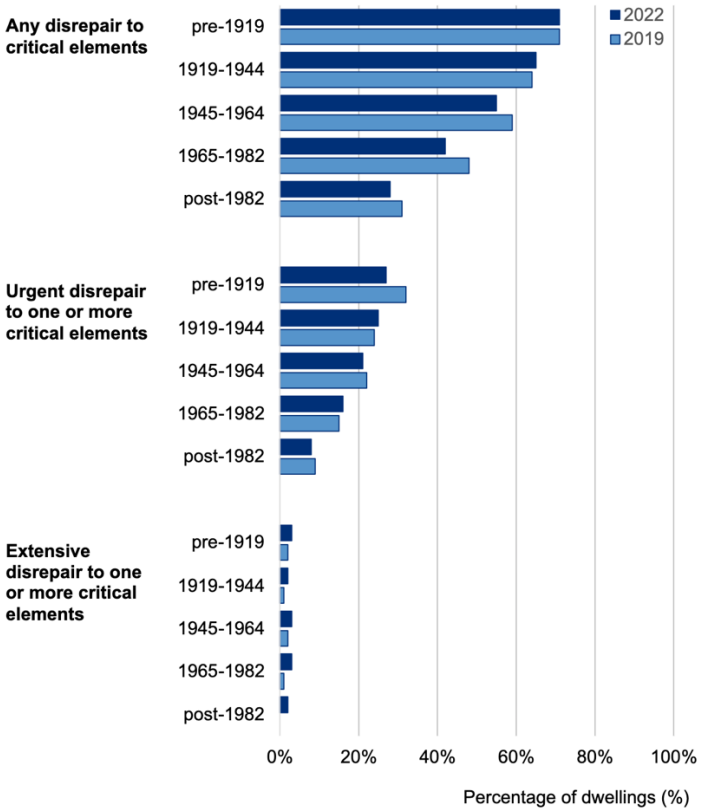
RICS has also contributed to this discussion, one aspects is around Whole life carbon assessments (WLCA), which could ensure that energy efficiency fully recognises and can take into account a building's (both dwellings and non-domestic) embodied carbon, as well as longer term sustainability, enabled by repair and maintenance.

Where the Scottish housing stock faces challenges, the traditional building estate faces additional and unique challenges that must be taken into account for a safe and sustainable future.

The state of the Scottish housing stock and where traditional buildings need particular consideration

The Scottish House Condition Survey 2022 (SHCS) found that, overall 49% of properties in 2022 had disrepair to critical elements, of which 18% required urgent disrepair. Private rented sector properties had the highest levels of disrepair to critical elements at 66%. The SHCS also found that across all types of dwellings 29% failed the Tolerable Standard, but for pre-1919 dwellings the failure rate was 36%.

The image below, from the SHCS shows the extent of disrepair to critical elements by age of property. Dwellings built in the period pre-1919 have a rate of disrepair to critical elements of 71%.



Tenement flats are a building typology with multiple-owners and often multiple use, they can be particularly challenging to maintain because of this. In Scotland, there are around 895,000 properties legally defined as tenements. Around a third of tenement flats were built prior to 1919, with another third between 1919-1982.

BEFS has worked on the importance of maintenance for tenement properties for many years, and with many partners. The work produced includes the Recommendations report presented in 2019, which resulted in the Scottish Government work plan, including the current work of the Scottish Law Commission in this regard. This is however only one strand of the recommendations and further expediency is needed regarding five yearly inspections and sinking funds to ensure the safety of these buildings for the future.

Investing in our existing built environment would provide a range of tangible benefits economically, environmentally, and culturally. This has been supported in the key recommendations previously made by the Committee on Climate Change outlining six principles for a resilient recovery, which remain relevant. By developing a programme of maintenance for our existing built environment and suitably adapting our built assets (across public and private ownership) all six of the principles would be supported. Such a programme would support skilled work and new jobs; it demonstrates an investment and mind-shift in using what we already have; it makes our places more resilient; all citizens could realise tangible benefits (whether in their home, workplace, public buildings, or as part of the employment and supply-chain); and the economic investment would be directly supporting reduced emissions (a wind and watertight home is far more energy efficient, even without retrofit adaptations) and public health.

This is further supported by the 2021 research project commissioned by the Construction Industry Corona Virus (CICV) Forum from the Fraser of Allander Institute, in relation to the

economic benefits of maintenance to the local economy helps to support a maintenance-first approach to our places.

Incentivisation for the re-use of buildings is needed

At present, the construction of new buildings has a 0% VAT, whereas work to existing buildings is normally charged at the full rate of 20% (with some types of work reduced to 5%). This means that there is a financial incentive to build new, rather than reuse and invest in existing buildings. BEFS has campaigned for VAT parity for many years.

As explained by HES, "a reduction of 20% in the cost of repairing, improving and re-using listed buildings could be the single most radical change to our historic environment for a generation. It could be the difference between an unviable scheme and a viable scheme and help to stimulate regeneration and a skills revival in areas with significant amounts of listed buildings, such as our cities, towns and high streets".

BEFS appreciate Kaukab Stewart MSP, in her Ministerial role has recently written to the UK Secretary of State for Culture on issues including VAT. Without significant action from Westminster, how this matter can be addressed within Scotland through separate programmes which fall under the Parliament's remit is worthy of further exploration.

Building safety and maintenance in relation to wellbeing within, and outwith, the home

BEFS has previously emphasised that our existing built and historic environment is central to our sense of place and our sense of nation.

The SHCS 2022 found that 10% of properties had damp or condensation, and 9% of properties had mould. Mould exposure is increasingly understood as a serious health hazard, having been established as the official cause of death of a 2-year old in England in 2020. Penetrating damp, for example, is usually caused by defective building fabric.

Physical assets need to be safe and maintained to be used for cultural activities too. BEFS would encourage considerations for the role of planning, place-making, and regeneration, as well as the importance of physical assets, in supporting culture in communities. As it stands, maintenance, upgrading, and even retrofitting are not perceived as 'cultural' activities and this means that funding the maintenance of cultural venues is a question that must be considered.

Maintenance repair and retrofit by a skilled workforce

Workforce development is needed to ensure that fabric-first measures are addressed by skilled workers. This would enable energy efficiency and retrofit measures to take place and be effective. A recent parliamentary committee session on the new Historic Environment Strategy also highlighted the traditional skills emergency.

The NTS has summarised that "the scale of the required retrofit and adaption of pre 1919 buildings is considerable and will require a supply chain of assessors, specifiers, installers and materials still to be developed. A narrative shift to view these jobs, as well as the ones that help maintain the existing buildings stock, as green jobs, and any associated funding support programmes, needs to be made."

A lack of investment and understanding within this area means that our existing and historic built environment is at risk of being poorly maintained and incorrectly adapted for the future, with significant risk to public and occupant health.

Our built and historic environment deserves to be protected, cared for and enhanced as it has sheltered us economically and socially before; we need to invest in its ability to do so for the future.

Briefing compiled by: Ailsa Macfarlane, BEFS Director - amacfarlane@befs.org.uk and Jonna Meredith, BEFS Policy and Communications Officer – jmeredith@befs.org.uk

BEFS responses to a number of **Consultations** in relation to the built environment can be found at: https://www.befs.org.uk/resources/consultations/

To see examples of heritage and sustainability across a variety of topics, and from a range of partners please view the film produced by BEFS and the Scottish Traditional Building Forum in 2021 – https://www.befs.org.uk/latest/heritage-sustainability-a-journey-down-one-iconic-street/

Links:

- BEFS: www.befs.org.uk
- Climate Heritage Network: https://www.climateheritage.org/
- BRE report: https://files.bregroup.com/bretrust/The-Housing-Stock-of-the-United-Kingdom_Report_BRE-Trust.pdf
- Building Passports (Sheffield): https://www.sheffield.ac.uk/news/raac-issue-could-be-prevented-new-building-passports-engineers-say
- RICS Spray Foam: https://www.rics.org/news-insights/rics-release-new-spray-foam-consumer-guide
- RICS Whole Life Carbon Assessment: https://www.rics.org/profession-standards/rics-standards-and-guidance/sector-standards/construction-standards/whole-life-carbon-assessment
- Scottish House Condition Survey: https://www.gov.scot/publications/scottish-house-condition-survey-2022-key-findings/
- BEFS Tenement Maintenance: https://www.befs.org.uk/policy-topics/buildings-maintenance-2/
- Tenement Working Group recommendations report: https://www.befs.org.uk/wp-content/uploads/2019/06/Working-Group-on-Maintenance-of-Tenement-Scheme-Property-Final-Recommendations-Report.pdf
- Scottish Government tenements workplan: https://www.gov.scot/binaries/content/documents/govscot/publications/corporate-report/2019/12/tenement-maintenance-report-scottish-government-response/documents/tenement-condition-workplan-2020/tenement-condition-workplan-2020/govscot%3Adocument/Tenement%2BCondition%2BWorkplan%2B2020%2Bfinal.pdf
- Scottish Law Commission law reform project (compulsory owners associations): https://www.scotlawcom.gov.uk/law-reform/law-reform-projects/tenement-law-compulsory-owners-associations/
- CCC Resilient recovery: https://www.theccc.org.uk/publication/letter-building-a-resilient-recovery-from-the-covid-19-crisis-to-roseanna-cunningham-msp/
- Fraser of Allander report: https://cicvforum.co.uk/wp-content/uploads/2021/02/The-economic-social-and-environmental-benefits-of-stimulating-repairs-and-improvements-to-the-Scottish-built-environment-to-aid-a-green-recovery-from-Covid-19-FINAL-2.pdf

- Kaukab Stewart MSP letter: https://www.gov.scot/publications/support-culture-creative-sectors-letter-uk-secretary-state-culture/
- BMJ Article: https://www.bmj.com/content/379/bmj.o2794
- Historic Environment Strategy Committee session: https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/CEEAC-23-11-2023?meeting=15573&iob=132889

Scottish Association of Landlords

Thank you for the invitation to submit evidence to the Local Government, Housing and Planning Committee. We would like to take this opportunity to provide further evidence on the subject of mould in rented properties.

We feel that the discussion/evidence to date has failed to adequately recognise that mould is not always caused by property defects. Any property can suffer from mould if it isn't heated/ventilated correctly.

Over the years we have heard from many landlords whose properties have never experienced mould problems other than when let to specific tenants who are either unable (due to financial constraints) or unwilling to use the heating. This problem has been particularly noticeable during over the last two winters due to increases in fuel costs. It is not uncommon for tenants to fail to use any heating in the property at all, which of course is harmful to their health as well as the condition of the property.

We have also come across cases where tenants fail to use the ventilation systems in place (windows/extractor fans) to get rid of normal household moisture.

This needs to be explicitly recognised as a potential cause of mould in any legislation/guidance being considered, and suggestions given on how to deal with such scenarios – which could include:

1. Carrying out a property survey to rule out any property defects which could be causing/contributing to the problem
2. Signposting to educational videos explaining the need to adequately heat and ventilate a property to prevent condensation (such as that produced by North Lanarkshire Council here).
3. Signposting to sources of financial advice for those who cannot afford to put the heating on.

We trust the evidence above will be beneficial to the committee's work and would be happy to provide any further information should this be required.

Caroline Elgar | Policy Manager

Scottish Housing Regulator

Thank you for the opportunity to provide the Committee with a further update in relation to building safety and maintenance.

We wrote to you in February to highlight that we had published the outcome of our consultation on the review of the Regulatory Framework. Within that we highlighted that we planned to establish an appropriate working group, or groups, to work with us to consider all of the indicators we use to monitor landlords' performance against the

Scottish Social Housing Charter. We will also work with these groups to develop an appropriate suite of indicators for tenant and resident safety, including on damp and mould. We will consult formally on the revised indicators later this year, with the new indicators being in place for collection year 2025/26 and landlords providing us with these in May 2026. In the meantime, we continue to highlight to social landlords the importance of having systems to ensure their tenants' homes are not affected by mould and dampness and that they have appropriate, proactive systems to identify and deal with any reported cases of mould and damp timeously and effectively.

Earlier this week we wrote to all social landlords to provide advice on how they should prepare their Annual Assurance Statement due to be submitted to us by 31 October 2024 to provide specific assurance on their compliance with relevant obligations in relation to tenant and resident safety.

We will publish the outcome of our annual risk assessment of all social landlords on 2 April 2024. This will set out how we are engaging with landlords on their responsibilities to provide tenants with safe and well-maintained homes. We will ensure that we provide you with links to these publications.

On RAAC, we wrote again to social landlords in February 2024 to obtain updated information on their work to identify the presence of RAAC in the homes they provide to tenants. We published an update based on this information on 28 March 2024.

I hope this is helpful, but please let us know if we can be of any further help.

Michael Cameron

Chief Executive

Scottish Housing Regulator

As I mentioned in my previous email, we today published the outcome of our annual risk assessment of all social landlords, setting out how we are engaging with landlords on their responsibilities to provide tenants with safe and well-maintained homes. You can see our published material here.

Scottish Public Services Ombudsman

Dear Ariane and Committee members,

Update from SPSO on Mould and damp issues

1. Thank you for inviting me to provide an update on evidence I gave to the Committee on 16 May 2023. Given the timing, this is likely to be the full year figures for 2023—24 (or very close).

Rise in mould and damp complaints

2. During the evidence session in May 2023, I shared with the Committee statistics that showed we had seen a significant increase in contact that was raising concerns about damp and mould. At that point we had logged ten

cases since 1 April 2023 whereas in 2022—2023 we had only identified seven cases across the full year.

3. Currently, I can confirm we have received 60 complaints in 2023—2024 where the main issue was mould or damp. This is an almost tenfold increase. Of the 60, 50 are closed and we are still actively considering 10.

4. At 60, the numbers are still relatively low in global terms. However, this rapid rise in one subject of complaint is unusual and is likely a direct result of increased awareness of the potential health impacts of mould, and/ or of the responsibility of landlords to act.

What we are finding

5. Of the 60 cases received 27 were premature (45%). This means they had not exhausted the local (landlord's) complaints process. We were able to give advice and support, but I am concerned that is a high proportion of all the mould and damp complaints that have made it to my office.

6. Over the last ten years we have worked with complainants and public bodies to reduce the number of premature complaints. Currently of all complaints we receive, around 23% are premature. This means that at 45% the proportion of premature mould/ damp complaints coming to us early is unusually high. While the underlying driver for this is likely the higher awareness of the health risks associated with mould and damp housing, it also shows that tenants may remain unsure or uncertain about how to raise this with their landlord or that they will be taken seriously when they do so.

7. Tenants can feel vulnerable raising issues directly with their landlords and, when it comes to issues such as mould or damp, we encourage landlords to be proactive and to not wait for complaints. Inspections, reports by tenants (before they become complaints), contact with tenants to identify problems early, and working to ensure that tenants are not living in properties that may impact their health are just some of the ways they can do this.

8. We have 10 cases under active consideration which I cannot comment on as they must be investigated in private.

9. Turning to the cases we have closed (which were not premature), each case is individual, but I can say that in many of these cases we have not needed to pursue them beyond initial enquires because either we have been able to establish the landlord's position was reasonable or action was agreed or

already underway. This means we have been able to ensure positive outcomes more quickly than a full investigation. [1]

10. It remains unusual for tenants to be transferred to other properties or offered alternative accommodation because of mould or damp, but we have seen this in two cases where there were specific health concerns. We have not seen much evidence of landlords dismissing issues or claiming the problems are linked to lifestyle although cannot say that it never happens.

11. During my evidence session, I highlighted that the impact of damp and mould could exacerbate stress on household income and lead to applications to the Scottish Welfare Fund. This was usually because of a need to redecorate or replace clothing and furniture. This continues to be the case, but we have not seen the same level of increase. References to mould or damp in connection with welfare fund applications has remained relatively stable. Again, this supports the contention that the rise in complaints is not a result of a significant change in properties but a recognition that mould or damp needs to be taken more seriously than, perhaps, it has been to date.

12. In conclusion, SPSO are seeing a mixed picture. Most housing associations we engage with are responding positively and actively to concerns. However, the proportion of premature complaints suggests that more could be done to actively engage with tenants to reassure them that housing associations will respond positively if tenants raise issues relating to mould or damp.

13. Looking forward, I will continue to monitor mould and damp cases and would be happy to provide a further update at the end of 2024—2025.

Yours sincerely

Rosemary Agnew
Scottish Public Services Ombudsman

Links to online briefing materials were also provided by the following organisations—

Citizens Advice Scotland:

In a Fix: An analysis of housing repairs advice across the Citizens Advice network in Scotland

The Royal Incorporation of Architects in Scotland (RIAS):

SC1611: Indoor Air Quality and Ventilation in Modern Airtight Homes

[1] The four remaining cases were closed because we needed more information from the complainer to proceed.

A submission from the Chartered Institute of Building (CIOB): Safety and Maintenance in Scotland's Built Environment

Committee briefing – Local Government, Housing & Planning Committee, Scottish Parliament – 28 March 2024

Introduction

The Chartered Institute of Building (CIOB) is the world's largest and most influential professional body for construction management and leadership. We have a Charter to promote the science and practice of building and construction for the benefit of society, and we have been doing that since 1834. Our members, over 2,600 of which are in Scotland, work worldwide in the development, conservation and improvement of the built environment. We accredit university degrees, educational courses and training. Our status as a chartered professional body means we act in the public interest and develop policy positions, recommendations, and research that is based on evidence and best practice.

This briefing covers a range of issues relating to building safety and quality. Fundamentally, it makes the following recommendations to the Committee and Scottish Government:

- Prioritise work to establish the frameworks and mechanisms that are needed to effectively assess, address, and maintain the safety of Scotland's homes and buildings within Scotland's complex tenure system
- Redesign funding programmes for retrofit and energy efficiency across all tenures to avoid worsening fuel poverty rates and leaving households unable to adequately heat their homes, which poses risks to public health and could lead to damp and mould.

The Safety Challenge

Quality is not merely a measure of regulatory compliance. The quality of our built environment is critical. It is about the greater public good we expect from our buildings to promote human health, safety, and wellbeing as well as addressing today's many social, cultural, environmental and economic concerns.

As such, safety and quality, or rather the failure of safety and quality, is arguably the most important issue facing the construction industry today. The events that have focused attention on the failure of our industry to consistently deliver the required levels of quality and safety in the buildings and infrastructure that we create are well known. But the underlying causes of these failures, and the measures and mechanisms that are needed to address them, are complex and still coming to light.

Addressing the foundational challenges with upholding building quality and safety in Scotland

As the Cabinet Secretary for Social Justice made clear in her letter to the Committee Convener dated 21 December 2023, "*home owners are responsible for maintenance costs in their own homes and for their share of work on any common elements of a shared building.*"[1]

The complexity of Scotland's tenure system underpins all quality and safety discussions on the built environment. Energy efficiency, RAAC, fire safety, and general repairs and maintenance are each disadvantaged by the absence of necessary legal and financial structures. These structures are needed to assess, agree and complete building works, and their absence is a barrier to achieving quality and safety in the built environment. The tenure system creates challenges in addressing building safety, even when urgent action is needed to address risk to life. For instance, the cladding remediation programme, where homeowners are not responsible for the costs associated with building works.

[1] Cabinet Secretary for Social Justice, 2023. Letter to Convener, Local Government, Housing and Planning Committee, 21 December.

In the absence of legally mandated, regularly occurring building or fire safety audits for domestic properties, and further complicated by Scotland's complex tenure system, identifying and undertaking building repair, maintenance and improvement (RMI) is immensely challenging. Essentially, we do not have the frameworks and mechanisms in place to effectively assess, address, and maintain the safety of Scotland's homes.

However, as we have learned from the cladding challenge, identifying building safety concerns can leave homeowners in limbo – risking their ability to sell, insure, and finance their homes. Rolling out 'building MOTs' or 5 yearly passports without due consideration given to their implementation, could risk putting an ever-larger cohort of homeowners into a similar position.

This briefing covers several specific issues related to the health and safety of our buildings, all of which are important. However, we urge the Committee, and Scottish Government, to prioritise work and engage with the relevant bodies to establish the frameworks and mechanisms needed to address the current barriers to the repair and maintenance of buildings. It is imperative that this work to establish the necessary governance structures and funding pots begins now. Accumulating the necessary financial resources to undertake these projects will take years to raise if we are to avoid significant financial hardships for households across Scotland, in particular those on low or fixed incomes.

Healthy, safe homes

As the Convener noted in her letter to the Minister for Housing, dated 23 June 2022, "*a key driver of damp and mould last winter was the inability of tenants to heat their homes in the context of the cost crisis*."[2]

Our recently published research, developed in collaboration with Scottish Housing Associations,[3] raised concerns about the challenges with accessing funding for energy efficiency upgrades in social housing. These challenges make it difficult for housing associations to undertake the works that are needed to ensure homes are damp-proof and affordable to heat. We have similarly raised concerns with recent government proposals outlined in the Social Housing Net Zero Standard and Heat in Buildings consultations. Their proposed requirements could create additional costs for households. Running clean heating systems in inefficient, draughty homes will add to energy bills. This is turn could put households in a position where they are unable to afford to adequately heat their homes, which, as outlined above, is a key driver of damp and mould.

Our report,[4] Harnessing Scotland's Social Housing Expertise, made a series of recommendations to Scottish Government. These recommendations would facilitate widescale retrofit projects to address energy efficiency in social housing, thereby reducing rates of fuel poverty and allowing tenants to affordably heat their homes to a comfortable and safe degree. To support immediate and widespread retrofit projects in the sector, Scottish Government should look to redesign current programming. Specifically, we are calling for funding to be combined into a central pot, administered over a five-year term, allocated based on need, without parameters on the specific use of funds. Metrics that focus on obtaining the best outcomes for tenants and energy performance as are reasonable given the condition of the home would complement this centralisation of funding.

Similarly, we have recently raised concerns in our response to the Scottish Government's proposals for a Heat in Buildings Bill, about the possible consequences to the health and well-being of Scottish households as a result of foregrounding the installation of clean heating systems if implemented in isolation. In particular, we are concerned about the absence of the necessary suite of initiatives to address – and fund – improvements to the energy efficiency and fabric of households first. The approach outlined in the consultation paper risks leaving households in properties that are inefficient, expensive to heat and, therefore, poses risks both to the Just Transition and to wider public health. As with the challenges being faced with housing associations, these proposals could leave vulnerable households, across all tenures, in a position where they are unable to afford to heat their homes to an adequate degree. Cold housing has a significant detrimental effect on physical health,

[2] Convener, Local Government, Housing and Planning Committee, 2022. Letter to Minister for Housing, 23 June.
[3] CIOB, Harnessing Scotland's Social Housing Expertise: How Scottish Government can support the social housing sector to reach its retrofit targets, November 2023.
[4] ibid.

with recent research concluding that when "people's homes became cold, their risk of severe mental distress significantly increased."[5]

It is imperative, therefore, that we think holistically about retrofit and energy efficiency programming for all tenures, ensuring equitable access to good quality homes for everyone in Scotland. We need long-term leadership from Scottish Government to address the current challenges that prevent the widescale repair and improvement of Scotland's housing stock. Such leadership will ensure that everyone in Scotland has a home that is safe, warm, affordable and energy efficient to heat.

This means simplifying access to funding for private landlords and owner-occupiers. It means developing a reserve fund to support retrofit projects where additional support is needed to retrofit mixed-tenure common spaces in cases where some parties are unwilling or unable to contribute. Recent consumer research conducted by CIOB found that affordability of energy efficiency upgrades was a barrier to undertaking these projects for 40% of households.[6]

In addition to simplifying access to funding, vast improvements are needed in the levels of awareness of Government funding programmes. CIOB's consumer research also found that awareness of energy efficiency programmes is alarmingly low amongst the Scottish public: over a third of Scottish households (39%) are unaware of past or current Government support schemes.[7]

We are therefore particularly concerned about the impacts that the absence of a comprehensive resource strategy to improve the condition of Scotland's homes will have on the health and well-being of the people living within them.

Consumers need to be provided with funding, assistance, guidance and assurance. Government also needs to ensure that the negative impacts of higher heating bills and costly clean heating system installations do not fall to the most vulnerable households. These systems-wide considerations, as well as the ongoing skills shortage within the construction sector, the availability and costs of clean heating systems, and Scotland's electric grid capacity, must be addressed in a comprehensive, cross-portfolio resource strategy with long-term leadership and detailed planning from Scottish Government.

Conclusions

We are facing numerous challenges in maintaining the quality and safety of Scotland's housing and its wider built environment. Change will not be easy, and the policy mechanisms and strategies engaged to address these concerns must be carefully considered based on holistic, joined-up thinking. System-wide changes are needed. New legislation and frameworks for raising and governing communal repairs will be needed. These will take time and must be developed in collaboration with tenants, homeowners, professional bodies and practitioners to avoid sweeping and significant negative consequences to the financial, physical and mental wellbeing of these households.

We need urgent action from Scottish Government to overhaul the funding landscape for energy efficiency upgrades. This needs to happen across tenure, to address fuel poverty and avoid creating a system where more homes are left cold and damp because they are inefficient and too costly to heat.

Identifying and undertaking building repair, maintenance and improvement is immensely challenging. This is exacerbated, as CIOB has continued to highlight,[8] by the absence of legally mandated, regularly occurring building or fire safety audits for domestic properties, and also by Scotland's complex tenure system,

Essentially, we do not have the frameworks and mechanisms in place to effectively assess, address, and maintain the safety of Scotland's homes. We urge this Committee, and the Scottish Government, to take urgent action to

[5] Clair, A. and Baker, E., 2022. Cold homes and mental health harm: Evidence from the UK Household Longitudinal Study. *Social Science & Medicine*, *314*, p.115461.
[6] CIOB, Two in five Scottish residents can't afford energy efficiency upgrades says CIOB survey, October 2023.
[7] CIOB, Two in five Scottish residents can't afford energy efficiency upgrades says CIOB survey, October 2023.
[8] Fleming, Jocelyne. Scottish Housing News, "Draft cladding legislation has uncovered an uncomfortable truth", 31 January, 2024.

develop these frameworks now to ensure the resources are in place later to quickly and properly address safety issues as they are identified. CIOB stands ready to work with Scottish Parliament and Scottish Government to support the development of this long-term, coordinated approach to addressing the quality and safety of Scotland's built environment.

RIAS

The Royal Incorporation of Architects in Scotland

Aonachadh Rioghail nan Ailtire ann an Alba

LOCAL GOVERNMENT, HOUSING AND PLANNING COMMITTEE: CALL FOR EVIDENCE – MARCH 2024

SUMMARY

The RIAS has been invited to provide further evidence in respect of (a) reinforced autoclaved aerated concrete – commonly referred to as RAAC - and (b) the risks posed to occupants by damp and mould in dwellings.

RAAC - Assistance to Homeowners

The risks posed by RAAC and the number of buildings affected are not yet fully understood, however it is clear that there is a very significant problem and a substantial remediation cost. Amongst those hit hardest will be private homeowners who purchased under "Right to Buy" and will have difficulty in funding the works involved.

Such situations have arisen previously: Housing Defects Legislation (now Part XVI of the Housing Act 1985) allowed the Secretary of State to designate particular dwelling types as inherently defective, and empowered local authorities to operate a Scheme of Assistance for all eligible owners, either by way of buy back or by way of repair. Over 28,000 households received such assistance prior to the scheme's conclusion in 1996.

The RIAS strongly recommends that consideration be given to implementing a similar, UK-wide scheme once again.

Damp and Mould

The number of Scots being hospitalised with breathing problems as a result of damp and mould in their homes has surged over the last five years and despite wider recognition of the issue, following the tragic death of 2 year-old Awaab Ishak, the 2022 Scottish House Condition Survey continued to show high levels of dampness and mould.

The conditions that lead to persistent damp and therefore the likelihood of mould growth, in dwellings, are a combination of poor design, lack of maintenance, insufficient heating, insufficient ventilation, and occupant behaviour. The experience of the RIAS is that fuel poverty continues to be a major contributory factor, placing the most vulnerable members of society at risk. The health consequences for individuals can be dramatic and life changing. The economic costs associated with poor attainment levels, days off sick and health care costs are sufficiently significant to require government action to address.

Improving heating and ventilation in properties is key to reducing these figures. It is not, however, as simple as applying more insulation or better heating. Poorly designed and installed systems can act to trap moisture in a building exacerbating the problems. Internal insulation of traditional solid walled buildings such as tenements is widely understood to be challenging. So too are Scotland's post-War properties. External wall insulation raises issues around fire safety and cavity wall insulation may be unsuitable for large parts of Scotland, due to the exposure levels, exacerbated by climate change.

As we move towards our zero carbon targets, there will be a significantly increased risk that poor technical decisions create, rather than resolve, problems. The view of the RIAS is that there is currently insufficient clear guidance based on "real life" situations and, where it does exist, it is often poorly understood by those installing such systems. We strongly recommend that the Scottish Government therefore actively promotes the development of PAS 2035, 2038 , and 2030 as the basis for sound decision making, provides further clear technical advice supporting their recommendations, considers issues around workforce training, and ensures adequate inspection of work.

1.0 RAAC

1.1 BACKGROUND

Reinforced autoclaved aerated concrete (RAAC) is a form of lightweight precast concrete panels. In the UK it was used primarily in roof planks of some public-sector buildings built between the mid-1950s and mid-1980s, and it continues to be widely used abroad. The material was commonly understood in the UK to have a design life of no more than 30 years.

Concern about defects first arose in the late 1980s and, in 1996, the Building Research Establishment (BRE) published Information Paper IP 10/96 based on investigation of a number of schools roofs in Essex. They published a further study, IP 7/02, which included load tests. This highlighted a risk of sudden failure at very low structural defections. In 1999 the Standing Committee on Structural Safety (SCOSS) reviewed the issue and recommended that owners of properties with such roofs should arrange for regular inspections, although they did not consider that they jeopardised structural safety at that time.

In 2019, the Institute of Structural Engineers (IStructE) published a safety alert which identified concerns about the stability of RAAC panels. In 2013 they published *Reinforced Autoclaved Aerated Concrete (RAAC) Investigation and Assessment – Further Guidance* which set out guidance on how engineers should assess the issue.

1.2 THE RISKS

The end bearing, i.e. support, of the panels is a significant risk factor. If the steel reinforcement has not been properly designed or placed, or if the construction itself is poor, then there is an unacceptable risk of a sudden shear failure and hence slippage of the panel.

The second key issue is water ingress. RAAC panels deflect more than other forms of construction. Where used for flat roofs, that can lead to ponding. If a leak occurs then panels become saturated. This can lead to unseen corrosion of the reinforcement with adverse impact on the panel strength.

The third main issue to be aware of is modification of the panels through either original cutting of the panels or later modification. Even small diameter holes may adversely affect reinforcement or anchorage.

Any one or more of these can contribute to a high or critical risk of structural failure, with consequent risks for building occupants. Although the likelihood of such an individual failure is low, the consequences would be very severe.

1.3 EXTENT

In Scotland, RAAC is primarily found in educational and healthcare properties. It is, however, becoming increasingly clear that housing – both publicly and privately owned – has been affected. At the Deans South Estate in Livingston the material was used for roofs and (in some cases) walls. More recently there has been the well-publicised case of some 500 homes in the Balnagask area of Aberdeen, around one third of which are privately owned. Other cases are known to exist in Broxburn and Tillicoultry.

1.4 RECOMMENDATIONS

The owners of these private houses find themselves facing very significant repair bills and are likely to find themselves unable to lend against the property because of the defect. They are therefore in an iniquitous position through no fault of their own.

In the early 1980s, the Building Research Establishment (BRE) identified a number of house types built during the postwar period which had serious defects that would most certainly lead to eventual structural failure In 1984 the Government introduced legislation to compensate owners who had bought affected houses from the public sector under right to buy schemes. It was deemed that the severe structural defects could not have been identified during surveys at time of purchase due to the nature of the properties – a situation analogous to RAAC.

The Housing Defects Legislation allowed the Secretary of State to designate particular dwelling types as inherently defective and empowered local authorities to operate a Scheme of Assistance for all eligible owners, either by way of buy back or by way of repair. Some thirty house types were eventually designated as inherently defective. Legislation was enacted separately for England, Wales, Scotland (now repealed) and Northern Ireland but with the same purpose.

Over 28,000 households were aided under the Assistance Scheme, with only a small number of eligible properties not taking part. Remediation was generally carried out using a system of repair which was licensed, inspected and certificated by PRC Homes Ltd, a subsidiary of the National Housebuilding Council (NHBC).

The RIAS believes that now is the time to consider the introduction of a similar scheme, on a UK-wide basis.

2.0 DAMP AND MOULD IN BUILDINGS

2.1 BACKGROUND

The Scottish House Condition Survey 2022, the most recent available to the RIAS, raised a number of areas of significant concern:

- Disrepair to critical elements, which are central to weather-tightness, structural stability and preventing deterioration of the property, stood at 49%.
- Levels of mould, damp and condensation were similar to those seen in 2019: 90% of properties were free from any damp or condensation and 91% were free from mould.
- 791,000 households (31% of all households) were estimated to be in fuel poverty, of which 472,000 (18.5% of all households) were in extreme fuel poverty. This is higher than the 2019 estimates of 24.6% (613,000 households) and 12.4% (311,000 households) respectively.
- Fuel poor households are more likely to have difficulties staying warm in winter and to report affordability problems; 26% of fuel poor and 29% of extreme fuel poor say that their heating keeps them warm in winter "only sometimes" or "never", compared to 20% of non-fuel poor households.
- 16% of fuel poor and 16% of extreme fuel poor households report that they cannot afford to heat their home, higher than the 9% of non-fuel poor households.

2.2 THE PROBLEM

Mould growth occurs when spores come into contact with a dampened surface or material. Where damp persists for prolonged periods, then the extent of mould growth can give rise to significant health concerns. NHS on-line guidance lists respiratory infections, allergies, and asthma as prominent concerns. In at least one tragic case mould growth was linked to the death of a young child.

Mould growth on a visible surface can be readily seen and should trigger remediating action. Mould can also growth on hidden surfaces and within the depth of different materials, when moisture is present. While hidden this interstitial mould still presents significant cause for concern. Not least as it is likely to persist for longer due to being harder to detect.

The generation of moisture within dwellings can result from a building defect, either from a lack of maintenance, such as leaky pipes or poor roof drainage. Or from poor design or construction, where barriers to moisture ingress are either defective or missing. In these circumstance, remediation of the defects is required as a matter of urgency.

Moisture is also generated by the occupants. Historically moisture generation was limited by the lack of indoor plumbing systems and such moisture which was generated, primarily by cooking on a coal fired stove, would have been removed quickly from the home along with the combustion gases from the fire.

In addition, traditional building techniques resulted in hygroscopic buildings. Often referred to as 'breathable buildings' this simply means that building materials were able to absorb and release moisture depending on the temperature and therefore dew point at any given time. This phenomenon meant that levels of surface condensation were relatively low and would have predominately occurred on single glazing. These low levels of condensation were relatively easy to dry with a cloth as they occurred.

Modern lifestyles now include much more regular bathing or showering with cooking over gas or electric hobs. Both require point of use ventilation systems to deal with the significant levels of moisture produced.

This greater moisture burden is exasperated in modern dwellings, which are predominately designed to deal with moisture through the inclusion of barriers and cavities. These are primarily designed to keep the rain out, but consequently, also keep moisture generated in the home in. This is further exasperated by the need in bathrooms and kitchens to provide impervious surfaces to those areas which are exposed to direct wetting, such as showers and splash backs to kitchen units.

2.3 CHALLENGES

Improving heating and ventilation across our entire existing building stock is key to reducing these figures. It is not, however, as simply as applying more insulation or better heating. The technical solutions that can deliver damp free, consistent, and affordable warmer and better ventilated houses will vary with the specific type of construction of the dwelling. Such interventions should also take account of the level of occupancy and occupancy behaviour and willingness to engage. An example is the recent rapid development of building sensors and control systems. These deliver real benefits, but only if users understand them and utilise their full benefits.

Poorly designed and installed systems can act to trap moisture in a building, often concealed behind decorative finishes, exacerbating the problems. Internal insulation of traditional solid walled buildings such as tenements is pretty widely understood as challenging but issues also arise in Scotland's post-War properties. On the other hand, external wall insulation can – in some, fortunately rare circumstances - raise issues around fire safety. Cavity wall insulation may be unsuitable for large parts of Scotland due to the very severe exposure and risk that driving rain will then reach the interior of properties.

For these reasons any building being retrofitted needs a bespoke solution: there is no easy "one size fits all" solution. The construction industry is as prone as any other to creating unintended consequences. Unlike any other industry, however, buildings are required to last a very long time. The current replacement rate for Scotland's housing being around 2 millennia, as most new housing is additional and the overall demolition rate during the pre-covid decade being of the order of 0.05% of the current stock.

The RIAS believe there are already sufficient danger signals, such as have been identified by the research of likes of https://mearunet.wordpress.com/ that could lead to the emergency issues analogous to legionella across a widespread section of Scottish housing. The ongoing RAAC situation unfortunately demonstrates the need for a robust, evidence-led approach to such issues.

If we are to significantly improve performance and whilst containing capital investment within affordable limits then there are a number of issues which need to be addressed:

- Rectify a growing backlog of deferred maintenance and previously poor interventions that have at best covered up and at worse exasperated, rather than solved damp and mould issues.
- The poor understanding of traditional construction techniques found in our building stock, particularly for those properties built prior to the Second World War, leading to poor design solutions.
- On-going poor workmanship, often based on "lowest common denominator" framework contracts, delivered in conjunction with little or no expert oversight.
- The crude modelling and evaluation systems which are based on a series of theoretical assumptions in the abstract, rather than considering a particular building and its use.

Steps have been taken to try to address these issues, notably the British Standard Institute's PAS 2030 and 2035 publications, which set out high level approaches and are to be commended. In our view, however, they simply do not go far enough. They assume that the reader has sufficient specialist knowledge to implement what are, in fact quite complex assessments and can then make informed decisions.

2.4 RECOMMENDATIONS

As we retrofit our buildings, the existing technical challenges will become manifest and more and more vulnerable members of society will suffer from problems and they are generally the least able in society to make their voice heard. It is therefore absolutely essential that robust solutions are adopted across the sector and that independent, expert quality control is in place to ensure their delivery. A particular challenge will be the proposed new Passivhaus-equivalent standard. By reducing natural ventilation within more airtight forms of construction, moisture will tend to accumulate. Control systems will be outwith the experience of many occupiers. Problems may therefore occur.

The RIAS recommends that the Scottish Government gives consideration to five key steps to minimise the current evident risks:

1. The publication of clear technical advice to all of those – designers and installers – who are involved in retrofit work.
2. Further workforce training for those undertaking retrofit improvements on existing buildings.
3. Ensure adequate scrutiny of such works by specialists and professionals.
4. The introduction of a statutory requirement for quinquennial building surveys. Analogous to an MOT, these identify and characterise existing defects which need immediate, medium and long-term resolution.
5. Develop a combination of statutory implementation and funding programs which address the underlying neglect of the Scottish housing stock.

28th March 2024