

37710

Regarding Viewcraig Gardens, Edinburgh, cladding of a potentially combustible nature is thought to be present and the property cannot therefore be assessed for mortgage purposes without further information.

Has a Risk Assessment of the materials that make up the external walls of the building been undertaken, taking into account the following:

- The risk of fire spread
- The requirements of the Fire Safety Act 2021
- Building Regulation requirements in relation to fire safety

At the time of the installation of the materials the Swisslab system was deemed to meet the requirements of the legislation around fire safety and the installation of external wall insulation to low rise properties.

The Fire Safety Act 2021 relates to England and Wales and **not** Scotland. The fire safety legislation is quite different in Scotland and is covered under the *Fire (Scotland) Act 2005* and the *Fire Safety (Scotland) Regulations 2006*). In Scotland, with particular reference to high rises and cladding, the relevant document is the 'Scottish Government Practical Fire Safety Guidance for Existing High-Rise Domestic Buildings, March 2021'. This is Scottish Government '**guidance**' as opposed to a **statute** in E&W. The new PAS9980:2022 which came out in March has guidance about how to carry out risk assessments.

The 'Scottish Government Practical Fire Safety Guidance for Existing High-Rise Domestic Buildings, March 2021' states "45. A fire safety risk assessment is not, however, legally required under Part 3 of the Fire (Scotland) Act 2005, for the common areas of domestic premises". Viewcraig Gardens is not a high rise as it is less than 18m to the ceiling of the highest flat.

The City of Edinburgh Council have carried out risk assessments on all the high rise blocks in Edinburgh where the Council either manages them or have tenants in them. But no risk assessments have been carried out to low rise blocks where external wall insulation has been applied as the majority are mixed tenure, like this building, and anyone carrying out a risk assessment would have to ask owners in these blocks for permission to do so and ask them to pay their share of the costs of carrying out the surveys or any remedial works required.

Did that Assessment result in any remedial works being required to the building?

No remedial works have been identified as no risk assessment has been carried out at this property. This is a mixed tenure block and the owners are responsible for organising a risk assessment, if deemed necessary, and are jointly responsible for carrying out any works identified as part of that assessment.