Appendix A – LGA Response to the Technical review of Approved Document B of the building regulations: Call for Evidence

March 2019

Local Government Association

Submission

About the Local Government Association (LGA)

1.1. The Local Government Association (LGA) is the national voice of local government. We are a politically-led, cross party membership organisation, representing councils from England and Wales.

1.2. Our role is to support, promote and improve local government, and raise national awareness of the work of councils. Our ultimate ambition is to support councils to deliver local solutions to national problems.

Overall view

2.1 The revised document needs in our view to be one that can be used by those with a duty to ensure the design and construction of buildings conforms with the building regulations. To this end we urge the Ministry to:

- Pay particular heed to the comments received from Local Authority Building Control and the National Fire Chiefs Council; and
- Consider supplementing this consultation with practical pilots that could establish whether the guidance is understood by those who need to use it.
- Ensure that understanding of the guidance is not limited to professions with a direct role in building safety, but extends to all individuals whose work may affect a building's fire or structural safety, e.g. utilities installers, decorators.
- Review the overlaps between this guidance and other relevant guidance, e.g. British Standards, Insurance Guidelines, and the London Plan, to ensure all are consistent, streamlined, and allow for easy reference to one another.

2.2 We would also urge the Ministry to pay particular heed to the reports produced by the Building Research Establishment for MHCLG in 2015[1].

[1] https://www.gov.uk/government/publications/compartment-size-resistance-to-fire-and-fire-safety-research

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Specific issues

Trigger heights and thresholds

3.1 Approved Document B sets out multiple building height thresholds at which different regulatory requirements apply, relating to e.g. firefighting shafts, sprinklers, and means of escape. We believe that these should be reviewed.

3.2 For example, requirements could apply to all high-rise residential buildings (HRRBs). Whilst these have been defined in Dame Judith Hackitt's final report as buildings over 30m, the LGA's view is that this definition is too narrow.

3.3 HRRBs should be defined as all buildings over 11 metres (the height at which Scotland proposes to define high-rise buildings, based on the practicalities of fighting fires at height) and all buildings in which vulnerable people will sleep (other than private dwellings), including student accommodation. There may be some non-residential buildings which need to be subject to the same regulatory approach due to the difficulty in effecting evacuation in the event of fire.

BS-8414 test

3.4 The LGA has previously highlighted issues relating to the reliability of the BS-8414 test in determining the combustibility of external wall systems. In particular:

3.4.1 The test does not adequately reflect what happens in real fires in real buildings[2]

3.4.2 The test fails to reflect how cladding systems are installed in real life on building sites

3.4.3 Test reports may not reflect the system that was actually tested[3]

3.5 These issues – many of which came to light through evidence given to the Grenfell Inquiry - have been partially addressed by the subsequent ban on the use of combustible materials in external wall systems. We are therefore in favour of retaining the ban.

3.6 The ban should also be extended to all buildings over 11m in height, and all buildings in which vulnerable people sleep.

Smoke and Toxicity

3.7 However, evidence from the inquiry also suggested that some insulation products generate cyanide gas when they burn – the role this gas may have played in the death toll at Grenfell is as yet unclear, and the toxicity of the smoke and fumes produced when products burn is not currently considered in any of the testing criteria.

3.8 The LGA's stance is therefore still that the BS-8414 test is limited in its ability to replicate real fires and all the conditions that residents may face, so is not fit for purpose. It should be reviewed, with a view to creating a replacement

[2] https://www.abi.org.uk/globalassets/files/publications/public/property/2018/04/abi-cladding-systems-research-report-2018-04-19.pdf
[3] https://www.grenfelltowerinquiry.org.uk/file/361/download?token=cL_IEhqr

standard which measures factors other than combustibility, where those factors pose a danger to life.

Sprinklers and other fire suppression systems

3.9 We will address this issue in supplementary documentation.

Construction technologies and designs

3.10 In the LGA's view, the continued development of Modern Methods of Constructions (MMC) will likely be an important innovation in enabling the sector to deliver more homes in a challenging context. It has the potential to have a positive impact on many aspects of construction, including design and quality control.

3.11 However, there is conversely a risk that the quality and safety of buildings will be sacrificed in favour of speed of delivery. This risk has been realised in relation to large panel system buildings and other non-traditional methods used in the 1950s-1970s.

3.12 We would therefore urge a review of the guidance in light of new construction methods and design features.

Product verification

3.13 Since MHCLG identified systemic issues with glass-reinforced composite fire doors, the LGA has been working with the Ministry to identify the implications of these issues for building owners.

3.14 This work has led us to the view that the product verification system is currently insufficient, for the following reasons:

3.15 Firstly, the testing regime is opaque with regards to the number and type of tests which are carried out on products before they are brought to market. This has led to a lack of confidence in a product's ability to pass tests consistently.

3.16 Relatedly, the reports associated with product tests are highly technical, and vary considerably between test houses. This makes it difficult for individuals without a technical background to comply with the requirement, set out in the Approved Document, that test evidence is checked to ensure that it adequately demonstrates compliance. It also limits clients' ability to make informed choices about products essential for safety.

3.17 Secondly, standards bodies apply a degree of tolerance when testing whether fire doors meet the standard. We agree that this may be necessary given that the performance of doors is affected by many variables, e.g. humidity. However, this should not mean that doors are certified as having met the standard when they have not done so. The degree of tolerance allowed should be reviewed to ensure that this is not the case. Similarly, product certification should not be awarded on the basis of a one-off test.

3.18 It is also our view that greater requirements are placed on product suppliers to demonstrate the provenance of their products, and to ensure that certification is independently reviewed by a third party.

3.19 Finally, a review is needed of how to ensure that better product verification leads to improved procurement practice. MHCLG should consider whether linked good practice guidance is needed.

Structure of the Approved Documents

3.20 The structure of the guidance may need review. Currently it is split into two volumes, one for dwellings and another for non-dwellings. In general terms this makes sense. However, thought needs to be given to the fact that non-dwellings can be converted into dwellings and it is questionable whether there is currently sufficient regulation of the fire safety implications of these changes.

3.21 Moreover, if we consider the risk associated with buildings, there may be some non-residential buildings which need to be subject to the same regulatory approach as certain high-risk residential buildings, due to the difficulty in effecting evacuation in the event of fire, e.g. hospitals and schools. Any decision on this question needs to allow for a future expansion of the HRRB definition.