

## **Submission:**

# **Technical review of Approved Document B of the building regulations**

## **National Housing Federation response**

**28 February 2019**

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Summary of key points:

The National Housing Federation is pleased to respond to MHCLG's call for evidence on a 'Technical Review of Approved Document B of the building regulations.'

In this submission we have set out housing associations' unique perspective as building commissioners, owners and managers in terms of using Approved Document B to ensure their residents' safety. Our key points include:

- The Federation and our members support the Government's proposals to review Approved Document B of the building regulations.
- We recommend that a review of fire safety guidance consider the impact of any changes on housing management practices, so that housing associations can ensure the safety of people living in their properties.
- We also recommend that a review of the guidance encourages those responsible to take a holistic view of a building and the people living in it when assessing fire safety risks and measures to mitigate them.
- We believe that the areas in the guidance set for review should be considered in the context of the need to provide high quality, affordable homes to help alleviate the nation's housing crisis.

## Introduction

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The National Housing Federation is the representative body for housing associations in England. Our 900 members own and manage more than 2.6 million homes nationally, as well as providing vital care, support and community services. Housing associations are independent, not-for-profit organisations driven by their social purpose – to ensure everyone in the country has the opportunity to live in a quality home that they can afford.

Housing associations' first priority is providing safe and secure homes for their residents. The fire at Grenfell Tower touched the sector profoundly. As well as those organisations that are fixing building safety issues uncovered since the tragedy, the whole sector is considering its role and responsibilities in ensuring that an event like Grenfell can never happen again.

Our members have a unique perspective on building safety, using Approved Document B (ADB), as both commissioners and developers of new homes, as well as landlords to the people living in them. They place great importance on good housing management to ensure that their residents are not only safe in their homes, but can thrive as part of strong communities.

This response to the Government's technical review of Approved Document B of the building regulations draws on feedback we've had from our members, and is structured into five parts:

1. [The case for reviewing ADB.](#)
2. [The housing management perspective](#) – covering both general needs and supported housing.
3. [Reviewing the ADB in the context of housing affordability and availability.](#)
4. [Other considerations](#) – covering specific areas planned for review, namely the scope of the fire safety guidance, fire suppression systems, and trigger heights and thresholds.
5. [Our conclusion.](#)

At the end of each section, we have summarised our main response and recommendations.

We believe the fire at Grenfell Tower must act as a catalyst for transformative change across construction and building management. Housing associations are committed to working with residents, the Government and industry partners to support meaningful and long-term change in the safety and quality of their buildings.

## **1. The case for reviewing ADB**

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The Federation and our members support the Government's plans to review ADB of the building regulations. Dame Judith Hackitt's review of building regulations and fire safety demonstrated that the regulatory system was not fit for purpose, and a review of the legislation is fundamental to ensuring the safety of our residents.

### **1.1 How housing associations use ADB**

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Housing associations have a unique perspective, due to their parallel roles in commissioning and developing new homes, and managing them once occupied. They rely on ADB to provide guidance on fire safety throughout the lifecycle of buildings they commission, construct, own and manage. Housing associations that commission new homes will refer to ADB from the design stage to ensure buildings meet fire safety requirements in the way they are designed and constructed. Other housing associations will work with contractors to enforce requirements as buildings are constructed. In managing homes, housing associations will refer to ADB in executing their duties as landlords, ensuring a building meets fire safety requirements once occupied.

Our members report encountering ambiguity when using ADB, with many citing their interpretation of the guidance being incongruent with that of approved inspectors or Building Control teams when assessing the building's safety ahead of occupation. This ambiguity can undermine efforts to ensure safety, and can add time and cost to the process of bringing forward much needed new homes.

### **1.2 Challenges facing our sector**

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Since the fire at Grenfell Tower, housing associations have been assessing their high-rise and complex buildings, learning from the circumstances that led to the tragedy. This work has included identification and remediation of high-rise buildings clad in the same material as Grenfell Tower, as well as conducting in-depth risk assessments to identify any areas where fire safety has been compromised.

Through this process, some housing associations have discovered a range of breaches to their buildings' integrity, which severely compromise fire safety provisions – and are remediating these as a matter of urgency. These include poor quality, incorrectly installed or missing fire breaks, significant breaches to compartmentation, the use of unacceptable construction products, and deviation from buildings' original specifications.

The Independent Review of Building Regulations and Fire Safety correctly identified the need to improve industry competency as an essential future component of a more effective and robust approach to building safety. However, existing industry deficiencies, and the time and resource needed to get them to a reasonable standard, should not be underestimated. We therefore support the Government's intention to work with industry to review and prepare updated good practice guidance to achieve high quality installation of fire protection measures.

Overall, what these incidents demonstrate is that ADB does not currently provide sufficient clarity to those designing and constructing buildings to assure themselves that they have appropriately mitigated fire risk.

In the process of consulting our members on the Government's proposed review of ADB, many associations also highlighted the connection with requirements in other sections of the guidance. We therefore welcome the Government's plans to review the full range of building regulations guidance.

Housing associations welcome a review of ADB guidance, the outcome of which must be a clear and unambiguous guide to meeting fire safety requirements of the building regulations.

## **2. Reviewing fire safety guidance from a housing management perspective**

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In their role as community landlords, housing associations have a wealth of experience in managing homes on a daily basis. They are uniquely positioned to offer insight and experience of the impact of fire safety requirements, and any changes to them, on the people who live in housing association homes. For the Federation and our members, keeping people safe in their homes is our greatest priority. However, we believe the review of fire safety guidance must be done with any implications for those same people in mind.

### **2.1 Reviewing fire safety guidance related to people in supported housing**

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Housing associations welcome the Government's intention to review ADB to ensure the safety of people with support needs. [Housing associations provide 135,288 homes with support and a further 264,594 homes specifically for older people](#). Using their expertise as supported housing providers, housing associations have contributed to [guidance developed by the National Fire Chiefs Council](#) on ensuring fire safety in specialised housing.

As the Government's call to evidence describes, supported and specialised housing can represent different challenges when ensuring residents' safety compared to general needs housing. As well as the National Fire Chiefs Council's guidance on fire safety in specialised housing, other documents – namely the Fire Safety Order 2005 and Local Government Association (LGA) guidance on fire safety that the Government commissioned in 2010 – also provide guidance on ensuring the safety of people living in supported and specialised properties. We understand that there are discrepancies in these documents and a review of ADB in the context of people with support needs should also ensure that subsequent safety documents are reviewed.

We believe a review of ADB must be done in the context of the experience of residents and landlords working to keep buildings safe for people with support needs. As landlords, housing associations have experience of working to keep their residents with support needs safe, examples and challenges of which we can share. We also believe a review should consider the benefits of enabling people with support needs to live independently.

The Federation and our members agree that the fire safety guidance for supported and specialised housing should be reviewed, given the different fire safety challenges it presents in comparison to general needs housing.

### **2.2 Reviewing fire safety guidance related to people living in general needs housing**

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Housing associations provide homes to almost six million people, the majority of which are for people on lower incomes. As landlords, housing associations take steps to assure themselves that they have

mitigated fire safety risks, including additional risks that might be present as a result of residents' reduced mobility and other vulnerabilities.

The Federation and our members support the Government's proposal to review ADB in the context of age. Housing associations are experienced in managing homes that house older people, providing [264,594 homes designed specifically for older people](#), and providing many more general needs homes that older people live in. We would argue that very young and older people are more likely to be affected by reduced mobility when a building is being evacuated, which the review may want to consider.

For many, the measures to support people with reduced mobility will include a stay-put evacuation policy, given the increased likelihood that older and very young people will require assistance to evacuate. However, a stay-put policy is predicated on fire compartmentation measures and other layers of fire protection working appropriately. Given the extent of poorly fitted, missing and incorrectly installed fire stopping and compartmentation provision uncovered by our members, the sense that these measures are working appropriately has been severely undermined.

So that those accountable can meet their responsibilities in ensuring residents' safety, we support a future regulatory system that takes a holistic approach to a building, accounting for the daily demands of occupancy, the people living in a building, and the layers of fire protection included in the design.

The Government has also proposed to review the means of escape for people living in general needs housing, to inform the continuation of stay-put evacuation policies. As landlords, housing associations report a mixed response to stay-put policies among residents since the fire at Grenfell Tower and a review of this policy must factor in the role played by human behaviour.

Housing associations have placed huge importance on engaging their residents on fire safety, ensuring that they understand evacuation policies, as well as the responsibilities they have to keep themselves and others safe. Many have found that this approach has reassured residents to continue adopting the stay-put policy, whereas others still, understandably, encounter fear among their residents. On the basis that there are risks attached to evacuating large numbers of people from buildings, we agree that the fire safety guidance relating to means of escape should be reviewed.

The Federation and our members agree that ADB should be reviewed in the context of age distribution, and that the guidance on means of escape from blocks of flats should also be reviewed.

### **3. Reviewing fire safety guidance in the context of housing affordability and availability**

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To meet current and future housing demand, [we need to be building 340,000 homes every year until 2031](#). Of these, two fifths must be affordable, to meet the need for homes available below market rates. Specifically, each year the country needs to be building [90,000 homes for social rent, 30,000 homes for intermediate affordable rent and 25,000 shared ownership homes](#). However, in 2017/18 [just 195,290 homes were built](#), of which [just 24% were affordable](#).

In its call for evidence, the Government states that it does not want to place unnecessary burdens on supported housing providers that would adversely affect the supply of such housing. The Federation welcomes this statement, as there are already challenges in providing this type of much needed housing, as well as significant benefits to the individual and the taxpayer in ensuring people who

otherwise couldn't live independently can live in supported housing. In 2015/16, more than 114,000 working age people needed supported housing, but there were fewer than 97,500 places – [a shortfall of 16,692](#). The cost to the taxpayer of failing to meet this shortfall is [estimated to be £361m](#) for that year alone.

While a review of fire safety guidance must not purely be determined by the subsequent costs of implementing new requirements, it must also not be done without taking into account the potential impact on the future affordability of new homes, and the additional challenges in providing supported accommodation that the Government acknowledges.

### **3.1 Reviewing guidance in the context of funding for supported housing**

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To keep providing supported accommodation, housing associations need long-term confidence in revenue funding in order to invest in new and existing supported housing schemes, which tend to be more expensive to build and maintain than general needs housing. A review of the ADB would need to account for this, as well as the cost of staffing levels and capacity to deal with large-scale evacuations if needed. Supported housing is funded by a mix of residents' entitlement to benefits to pay rents and service charges, and local authority funding for care and support services. If fire safety requirements for supported housing were modified, both these revenue streams would need to accommodate additional costs.

### **3.2 Reviewing guidance in the context of developing new homes**

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Housing associations have an ambition to build 120,000 homes a year by 2031. This represents a significant uplift on the number of homes our sector currently builds, and would be a considerable contribution to satisfying current and future housing need. When assessing opportunities to build new homes, housing associations will carefully consider each opportunity for its merits in achieving their aims to build affordable homes, and to ensure the homes provided are actually affordable to the people they are intended for. The Government has proposed to review a number of areas of ADB, which, if amended, could affect the affordability and availability of affordable housing if the costs are expected to be picked up by building owners and their residents.

As responsible businesses – with obligations to deliver high-quality services to existing residents and meet regulatory requirements on value for the public money invested in them – housing associations will assess their involvement in new housing schemes in terms of financial viability. Each new housing scheme will be costed according to the number and tenure of homes it can deliver and a price paid for the land on that basis. A change to the requirements on a number of areas of the guidance set for review could result in additional costs to a new development, potentially reducing the number of affordable homes a site could contain if it is to remain financially viable.

Specifically, proposals to review the required space between buildings on a site could result in a reduction in the number of homes a site could feasibly contain. Similarly, a change to the heights at which enhanced fire safety provisions are required could also impact viability, as could the requirement for evacuation lifts or fire suppression systems. Any change would particularly affect those who have purchased sites that have accounted for existing fire safety requirements when assessing a site for development, as they may find that their planned housing schemes are no longer viable. The cost of such measures should be considered as part of the review and we have described these where we have them in the sections below.



At the Federation, we're clear that the cost of ensuring safety must not be the principle consideration in designing a regulatory system that keeps people safe. We support the Government's proposals to review the guidance on the space separation requirements between buildings, the trigger heights and thresholds at which enhanced fire safety provisions are required, and the requirement for evacuation lifts. However, we also urge the Government in its review to consider how these additional measures could be funded, so as not to impact on the availability of much-needed affordable housing.

### **3.3 Reviewing the guidance in the context of funding new requirements in new homes**

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In addition to the potential impact on the availability of affordable homes, any changes to fire safety requirements could also impact housing affordability for those living in our homes – a particular concern for those of our residents who are in receipt of welfare payments. This is because fire safety provisions will need to be adequately maintained and repaired as appropriate to ensure they function correctly when needed, which requires additional resource.

For example, the call to evidence seeks views on plans to review requirements for evacuation lifts for people with mobility issues. We agree with the Government's proposal to review requirements for evacuation lifts as a means of escape in particular for people with mobility issues. And while costs should never be the principle concern when reviewing fire safety requirements, we believe these should be known at the outset to inform subsequent conversations about how new requirements are funded. We have received examples of the cost of installing evacuation lifts into a new development which stands at approximately £70,000–80,000, with a further £2,000 cost per year expected for maintenance throughout its roughly 25 year life.

The costs of these, and the management and maintenance of other fire safety provisions, are typically recovered through service charges. As we outline above, housing associations will assess a new development for its financial viability and ensuring affordability for the people eventually living in their homes will form part of this assessment. If the requirements for fire safety provisions change as a result of this review, there will be long term management costs to be accounted for. We therefore urge the Government to consider how these would be funded.

We support the Government's plans to review the ADB in terms of the requirements for enhanced fire safety provisions. We urge the Government to consider how these would be funded to avoid impact on the affordability homes.

### **3.4 Reviewing the guidance in the context of funding new requirements in existing homes**

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Housing associations are integral to the provision of quality, affordable homes in England. In certain locations across the country many of these homes take the form of multi-occupancy high rise buildings, often as a result of large scale stock transfers from local authorities. The housing crisis affecting the nation means that these high rise buildings remain essential to meeting current and future need. There are however a number of financial and operational pressures which are beginning to challenge their ongoing viability as affordable housing assets. This must be recognised as it is

these buildings which are most likely to be affected by future changes to building regulations and safety requirements.

In low value markets our members can often find themselves competing directly with a poor quality private rented sector (PRS) for tenants, due to very low private sector rents. Landlords in the PRS are not subject to the level of regulation our members are, nor do they provide homes and services to the high quality that our members do, meaning they are able to minimise their costs and undercut housing associations on price. In reality this means more people living in poor quality accommodation.

Welfare reform is also having a significant impact on the future viability of these assets. The planned introduction of the Local Housing Allowance to social housing in 2019 will have a disproportionate effect on high rise buildings in low value areas in the midlands and north of England. The combination of rents and service charges for properties in these buildings is often greater than the very low LHA (which is determined by the low PRS rents discussed above). For welfare-dependent tenants this means that their benefits will no longer cover the combined cost of their rent and service charge, requiring them to find the difference or fall into rent arrears.

These two issues are illustrative of the challenges faced by housing associations operating high rise buildings in low value markets in England. We feel it is important for a review of fire safety guidance to be aware of these factors as it is these organisations that will be required to meet future building and fire safety requirements for their high rise buildings, as well as continuing to provide much needed affordable housing for those in need.

We support the Government's plans to review the ADB in terms of the requirements for fire safety provisions. If the outcome of the review requires relevant existing buildings to undergo significant retrofitting in order to meet higher new standards, it will be vital for government to introduce a mechanism for funding this programme in order to protect and maintain the provision of affordable housing.

## **4. Other considerations**

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The Government's call for evidence also specifically requested insight and information on key areas that haven't been addressed above. As building commissioners, developers and managers, housing associations can offer key insight on the Government's proposals to review guidance in terms of its scope on the requirement for fire suppression systems to be installed in new homes, and in terms of trigger heights and thresholds at which enhanced fire safety provisions are required.

### **4.1 Scope of fire safety requirements**

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The call to evidence has asked a particular question on whether ADB should continue to provide fire safety guidance with the aim to protect lives, or whether it should also extend to protect buildings and property. As detailed above, the outstanding need for new homes means we need to build 340,000 per year until 2031 to meet current and future demand. On the basis of this need for new homes, there is a strong argument for protecting existing affordable homes.

As the call to evidence correctly highlights, a change in the scope of the guidance could have implications for the cost effectiveness of some fire safety provisions. We anticipate that a change in the guidance requiring a focus on the protection on property in addition to the protection of lives would



result in a change to building insurers' requirements for fire safety provisions. This could have a subsequent impact on housing associations' resources in modifying their buildings accordingly, as well as the resources needed for the day-to-day management of a building. Both of these could impact the availability and affordability of homes if housing associations have to make significant modifications. As already stated, our residents' safety is the most important factor to all of our members, but a review of fire safety guidance must be aware of all potential implications.

We therefore call for the review of the scope of fire safety requirements to consider the cost implications of such a change, in terms of the impact on housing management services for residents, as well as the availability of homes as housing association resources adapt to any changes. Given the long lifetimes that buildings have, together with the period of time building owners and managers would need to respond to new requirements, we recommend the review consider the impact of such costs over the whole lifetime of a building to ensure a full picture of the implications.

## **4.2 Fire suppression systems, and trigger heights and thresholds**

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We support the Government's plans to review evidence relating to fire suppression systems and trigger heights and thresholds. However, we recommend that the review carefully consider that different buildings require different fire safety features to manage risks, and that these are based on a number of factors, including the building's occupants.

The Government has called for specific evidence on the cost of fitting fire suppression systems to new homes as they are being developed, as opposed to when they are retrofitted. Some housing associations have voluntarily taken the decision to install sprinklers in their new high-rise developments since the fire at Grenfell Tower. Examples that our members have shared with us place the cost of fitting sprinklers to each home as part of a new development at approximately £1,500–3,500, though the range could be much greater. This estimate, however, does not include the longer term management costs that would be necessary to ensure sprinklers are adequately maintained and repaired as appropriate. We have shared our views on the impact of additional management costs on housing affordability above.

Not all housing associations have opted to install sprinklers on their new developments. In these cases, they have assessed their buildings and reached a different conclusion, based on a number of factors to do with the building, including who is living in it. For example, supported housing schemes for vulnerable people with complex needs may experience a number of false alarms as a result of residents' support needs. For these homes, the activation of sprinklers may cause a lot of unnecessary damage on a routine basis, meaning other fire safety provisions would be more appropriate. In these cases, the housing provider will have made an assessment of the building's overall risks and applied the guidance to find the most suitable ways to mitigate them.

In terms of the review of guidance on trigger heights and thresholds, our members have highlighted that there is inconsistency in how trigger heights and thresholds are applied. One example of this might be where a housing association provides enhanced fire safety provisions for a supported housing scheme measuring less than 18m, due to the inherent risks posed by occupants' support needs. Another example might be where building owners provide enhanced fire safety features for buildings measuring just below 18m because it has deemed the risks presented also need mitigating

with enhanced features despite the building's lower height. The decisions taken here will have been based on the building's individual risk profile and the most appropriate response to manage it.

We support the Government's proposal to review the trigger heights and thresholds at which enhanced fire safety features are required, as well as the requirement for fire suppression systems. We suggest that the review of these consider how to encourage each building's fire safety requirements to be assessed with a risk-based approach and on a case-by-case basis.

## **5. Conclusion**

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The Federation and our members welcome the Government's proposal to review ADB. In her Independent Review of Building Regulations and Fire Safety, Dame Judith Hackitt demonstrated that the regulatory system was not fit for purpose, and a review of the legislation is fundamental to ensuring the safety of residents.

When reviewing the areas proposed, we implore the Government to consider any subsequent impact of new requirements on people who live in housing association homes, as we've set out here. Our sector strives to provide high quality, affordable homes and the safety of our residents is paramount.

As building commissioners, developers and managers, our sector has insight and experience of meeting fire safety requirements across the lifecycle of a building. We welcome the opportunity to work with the Government further as its review progresses.

There are a number of areas of the proposed review on which we have not commented, as we do not have specific evidence to share. However, we support the premise of reviewing the guidance holistically, including the areas we have not commented upon, to support all those responsible for building safety to do everything possible to ensure residents feel safe in their homes.

## **Contact**

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