Review of the ban on the use of combustible materials in and on the external walls of buildings, including attachments

NHF response

22 May 2020

Summary

This briefing summarises our support for the government's proposals to:

- Broaden the type of buildings covered by the ban.
- Ban the use of combustible cladding materials and attachments for new buildings of 11m and over, reducing the current height threshold.
- Specifically ban the use of metal composite panels with a polyethylene core in or on the external walls of all new buildings.

We note, however, that important considerations remain, including:

- The need for further research into building risk, particularly into the performance of some forms of construction in fires, as well as looking at the impact of poor workmanship, installation of fire safety components, and implications for existing buildings.
- That the inclusion of building structure in the ban for lower height buildings may impede the use of lower carbon construction methods, and could have consequences for Modern Methods of Construction and housing supply, especially in a post-coronavirus context.
- Any extension of the ban would need to take into account potential supply chain issues, including the knock-on cost impact during the transition to new materials.

NATIONAL HOUSING FEDERATION

Introduction

The National Housing Federation (NHF) is the voice of housing associations in England. We represent almost 800 housing associations, which provide homes to around six million people across the country. Our sector reinvests its surpluses into building more affordable homes and running vital community services.

Our members' greatest priority is the safety of their residents. Since the tragic fire at Grenfell Tower, housing associations have been assessing their buildings for safety risks, including quickly identifying and remediating buildings with category 3 aluminium composite material (ACM) cladding. Remediation work has now started or completed on more than 90% of these buildings.

Our members have put in place – and are maintaining – comprehensive interim safety measures in buildings where remediation work has not yet started or has not yet completed. In many cases, housing associations have put these measures in place while they work to overcome capacity barriers to remediating homes. The limited number of fire engineers and specialist contractors, together with a range of practical issues specific to each building, have been contributing factors to the delay in starting remediation on site.

As responsible landlords, housing associations have been assessing buildings across their portfolios for safety risks. This involves conducting in-depth reviews of high-rise buildings to check for non-ACM combustible materials, as well as other potential breaches of vital safety measures. It also includes reviewing buildings below the current 18m height threshold, which our members had already been doing for many months ahead of recent government advice setting out this expectation. Our members have been conducting these reviews on the basis of risk. This involves considering a range of factors – alongside a building's height and materials – that could contribute to its risk profile. This analysis allows housing associations to devise remediation programmes where necessary, to ensure the safety of residents.

Like almost every other sector, we have been impacted by the coronavirus pandemic. Resident safety remains the top priority for our members and, while the pandemic creates challenges for our sector and the sectors we need to work with to remediate homes, housing associations are doing what they can to ensure remediation continues.

We are committed to working with the government to find solutions to the immediate and longer-term challenges we are facing in terms of remediation. We welcome the

government's recent announcement of further support for organisations remediating buildings with non-ACM combustible cladding, in the form of a new Building Safety Fund. However, we would like the government to make this funding available upfront to owners of all high-rise buildings with non-ACM combustible materials, in both the private and social sectors. Costs could then be recouped once liabilities are established later, enabling building owners to speed up urgent remedial works to ensure resident safety. We are also calling on the government to take a strategic lead in coordinating remedial works, so that limited resources can first be directed at buildings that need them most.

We welcome this opportunity to share our sector's experience with the government. We would be happy to provide further feedback if required, as policy outcomes are considered.

Our sector's view

We believe that the previous strategy to manage the risk of combustible materials in and on buildings has resulted in an unacceptably high risk to life in the event of fire. Regulating the use of combustible materials requires a complex and technical testing regime and is overly reliant on correct construction and installation.

As a result, confidence in the materials used on buildings needs to be restored, backed by robust, clear and transparent evidence. All parties involved in building homes could act now to regain this confidence by choosing to use non-combustible materials. This approach would prioritise low-risk solutions that are unambiguous about the safety outcomes. There are however some gaps in understanding the behaviour and safety of certain newer building techniques in fires. Addressing these gaps would give housing associations assurance that they are only using products and approaches they know to be safe. We therefore support the government's recent call for evidence to support a broader understanding of building risk, to which we submitted a sector response.

In line with this approach, many of the points set out in our August 2018 submission to the initial consultation on banning the use of combustible materials in the external walls of high-rise residential buildings remain valid. In particular, we support the following:

- The overall proposals to ban the use of combustible materials in cladding systems. However, we recognise that such a ban will not be simple to implement and that careful consideration of unintended consequences is required.

- The consideration of options for managing the limited use of combustible materials where no alternative is available or appropriate, either through a more targeted ban and/or the introduction of a registered supplier scheme and approved details.
- The need to adopt a risk-based approach for existing buildings in line with the recommendations of the Hackitt Review.
- The early adoption of relevant recommendations from the Hackitt Review for projects where building work is already underway, where the materials used would not satisfy the European Class A2 or better requirement.

It is important to note that the proposed changes are likely to increase project timescales, and therefore costs, at least in the short term, while industry and supply chains adapt.

Overall, we agree with the government's plans to review specific areas of Approved Document B of the building regulations, covering fire safety matters in and around buildings. We also welcome the proposals set out in the government's recent response to the Building a Safer Future consultation to improve and address weaknesses in testing regimes. We believe that these changes should be progressed immediately.

We broadly support the proposals in this new consultation. We agree with proposals to:

- Specifically ban the use of metal composite panels with a polyethylene core in or on the external walls of all new buildings.
- Broaden the building types covered to include hotels, hostels and boarding houses.
- Update and extend the list of exemptions.
- Extend the ban to include attachments such as blinds, shutters and awnings.
- Update performance requirements.

We support the extension of the ban on the use of combustible materials on the external walls of buildings to cover new buildings of 11m or higher. However, in order to support the sensible implementation of these changes, we believe the wider consequences must be considered. We agree that there needs to be additional targeted research into building risk and the performance of some commonly used construction methods, to inform a further review of the scope and detailed implementation of the ban. This should take into account the considerations we set out in the next section.

We agree that regulatory change will help to drive product development and changes to supply chains to address new design, specification and installation challenges. We believe housing associations are well-placed to provide further insight on such issues and the operational implications of any revised guidance.

As previously stated, the coronavirus pandemic has had an impact on our sector, as it has on others. Like the rest of the country, it is too soon to say what the full extent of the impact will be and how this could affect our organisations generally, or in terms of building new homes. In any case, the safety of our residents, including those we house in the future, will always be our priority.

Further considerations to support regulatory reform

While we support the consultation proposals, there are a number of further considerations we believe must inform the proposed regulatory change and its implementation, in order to mitigate unintended outcomes or impacts. There is an opportunity to explore balanced, risk-based outcomes supported by independent research evidence, assurance and certification.

Our members are committed to using building products and approaches that are demonstrably safe to ensure resident safety. This is particularly important where fire risk and spread are heightened by the relationship of adjacent materials or components, compounding risk, or by the impact of poor workmanship or installation of safety products.

As set out above, we believe there needs to be further independent research into areas where evidence gaps currently exist. One such area is the specification and protection of structural materials. A well-developed supply chain currently exists to support the use of structural timber products in housing. This has been driven by changes in technology, better understanding of the wider benefits of modern methods of construction (including potential for lower costs and higher quality), and a move towards low-carbon construction methods.

Scottish building regulations currently recognise the difference between the use of a combustible material as a protected structure as opposed to part of a facade, an attachment or component to enable compartmentation to function.

It is important to review and learn from the causes of past fires, particularly the impact of poor workmanship and build quality. This includes the correct installation (as opposed to absence) of key safety components, such as fire barriers enclosing fire compartmentation. The government should take the opportunity to widen the

impact of its research on broader understanding of building risk to take these factors into account. Any review should also address the importance of ongoing construction quality control as well as the role of independent assurance, supported by accreditation or certification, with consideration given to the management of risk during occupation through regular fire risk assessments or checks.

Research and testing should take into account outcomes and evidence from current regulatory regimes, such as those adopted in Scotland. We must learn from the success of approaches, such as the performance standards of homes that achieve passivhaus standards, and identify any gaps where evidence is currently lacking to prioritise safety and assure decision making.

A further programme of independent testing and research should be carried out to support both the remediation of existing buildings, where systemic quality problems have been identified, and to develop recognised safe practice for new buildings. A collaborative approach to testing, coordinated by the government, could significantly help to lower risk and improve building safety. This would help to address any existing concerns and set expectations for, and rebuild confidence in, commonly used building structures and newer construction methods.

Such an approach to remediation, supported by transparent testing and reporting, could address concerns and provide intelligence to industries linked to housebuilding, such as insurers and lenders. Without a coordinated approach to considering the impact on existing buildings, there remains the potential for exponential increases in buildings insurance linked to higher risk profiles. These cost increases are then passed onto building owners (including housing associations), and will have an impact on leaseholders through increased service charges. By addressing safety issues and subsequently reducing insurance costs, we can retain more funds for the future supply of good-quality, safe and affordable homes.

Despite these challenges, we cannot ignore the need to increase the supply of new, low-carbon homes as part of a green recovery following the pandemic. Housing providers have an important role to play in meeting strategic carbon reduction and housing supply targets, and it is important they are supported to do this. In order to achieve these challenging sector and government ambitions, we must have all construction solutions at our disposal, supported by assurances of safety backed by evidence.

In summary, we support an evidence-based response to extending the ban. This should include further testing and good practice approaches for certain specification

and installation processes, to increase the safety of both new and existing buildings. We are therefore calling for a proportionate and risk-based approach to extending the ban, reflecting and taking into account any potential impacts and consequences.

Our response to the consultation topics

Buildings in scope of the ban

In recognition of the legislative building regulation requirement to ensure that all buildings subject to building regulations adequately resist fire spread over external walls, and understanding the added sleeping risk, we support the inclusion of hotels, hostels and boarding houses within the scope of the ban. This includes new buildings exceeding the new height threshold proposed by the consultation. Please refer to the section below for more detail.

The application of this requirement across both the private and public sectors, due to its inclusion in building regulations, will help to drive change in specification practices and product manufacture over time.

Changing the height threshold

Despite the government's acknowledgement of a lack of supporting evidence to determine the proposed reduction of the ban height threshold to new buildings from those with a storey at least 18m above ground level to 11m, we support this proposal in line with the need to prioritise resident safety.

We believe that height is an important factor in determining the risk associated with a building, but it needs to be taken into account alongside a number of other factors – such as who is living in a building. Our members are already adopting this multi-faceted risk-based approach to remediating existing buildings, resulting in combustible materials being removed from existing low and medium-rise buildings in line with the government's consolidated advice note.

We welcome the proposals to commission research to support a further review of the ban height threshold, and to collate evidence through this consultation to inform further changes to the threshold and its application to different building types and homes designed specifically for vulnerable groups, such as older or disabled residents. In addition to the points raised above, we believe this research should consider the interaction of both passive and active fire safety measures, including recent legislative changes, such as the lowering of the height threshold for sprinkler installation in new buildings to 11m.

We are committed to continuing our work with the government and other stakeholders in support of the ambition of the proposed ban to increase building safety. We are also committed to fully understanding the challenges, opportunities and implications of the proposals in detail as they are delivered.

Metal composite materials

We agree with the proposed product definition and outright ban on the use of cladding materials with a polyethylene core on any buildings, regardless of height or purpose. This approach is supported by evidence from the government-commissioned research and expert advice indicating such products are by far the most hazardous cladding materials of those tested.

Attachments

In line with the current ban that requires balconies or solar panels attached to an external wall to meet specific performance standards, we support similar requirements applied to other identified external wall attachments to reduce the risk to life and external fire spread.

We therefore consider the proposed addition of solar products such as blinds, shutters, awning, brise soleil, and similar products, under a proposed definition of ‘a device for reducing heat gain within a building by deflecting sunlight which is attached to the external wall’ as reasonable in this context.

We do however want to ensure this proposed change does not adversely impact the benefits of ensuring appropriate and adequate solutions to guard against the potential for overheating or privacy.

Exemptions

We agree that it is reasonable to propose amendments to the exemptions list included in the existing ban so it takes into account instances where no alternative non-combustible products become available. It is also reasonable to propose the inclusion on the exemptions list of components identified as essential for external wall construction, where significant issues have been identified for building product cost and sequencing.

However, our members are clear that their commitment to safety must not be undermined as a result of this approach. The government should look to support and incentivise the construction industry and its supply chains to collaborate in the development of new products, which would remove the need

for exemptions in the future.

As cited in the consultation, our members have already identified a lack of available alternatives to boiler flues with a plastic inner lining, and paint on masonry walls. We have already shared details of these with the relevant government teams.

We will continue to support and work with the government and our sector supply chains to provide further evidence of components that should be included in the ban exemption list, or no longer listed, going forward. As set out earlier in this document, this includes giving further consideration to the impact on a wider range of structural elements used in lower-height buildings than those covered by the previous height threshold of the ban.

Cavity trays

As commissioners of new homes, our members recognise some of the challenges identified in the consultation regarding the durability and practicality of cavity tray use in particular scenarios. Such considerations around specification and longevity are important for housing associations, who often have responsibility for the long-term management of homes, which includes considering component lifespans.

We agree that an 18-month relaxation is appropriate for cavity trays in all forms of wall construction. This should allow industry sufficient time to develop and market additional reliable products in advance of the new requirements.

Laminated glass

We support the government's evidence-based proposal to commission research on the use of laminated glass in the external faces of buildings. This would inform better understanding of its contribution to fire spread and risk, before considering an exemption of laminated glass in balconies. We note that any findings will then have to be considered in the context of the use of laminated glass on existing buildings.

Roof components and materials below ground level

We support any changes that can reduce confusion and improve guidance through additional clarification in Advice Note B on the use of membranes in roof systems and their interaction with external walls.

Similarly, it makes sense to amend the current exemption of waterproofing and insulation materials used in external wall construction below

ground, due to the need to be water resistant. Expanding this exemption to material up to 250mm above ground level makes sense, due to its alignment with other typical requirements. However, this change should be on the condition that any additional fire risk is assessed and reasonable mitigation steps are considered.

Performance requirements

Floor testing and update of BS EN 13501-1

Similarly to our support for the approach to materials used in building facades and elements attached to them, we support the detailed proposals to expand the classifications required for materials used horizontally (for example, timber used on balcony floors). In addition, it makes sense to amend the regulations to include updated references to current British Standards.

Assessment of impacts

We support the government's commitment to consider the costs involved in meeting the required standards in relation to the benefits of compliance. Any assessment must have a wide enough scope to take into account the impact on parallel policy ambitions and legislative targets, such as the decarbonisation of housing supply chains, while ensuring building and resident safety remains paramount.

Implementation of the ban for housing associations will depend on their supply/project pipeline, and the impact on their established supply chains. There are also likely to be secondary considerations driven by the number and construction of their existing homes and any impact on ongoing remediation work.

Conclusion and next steps

We support the proposals set out in this consultation. We believe that the proposed changes in legislative guidance will support designers, contractors and building commissioners to make assured and coherent decisions that will directly affect the safety of buildings and residents.

Our members are committed to working with the government and other key stakeholders to support any additional research and the collation of evidence to ensure that the legislative guidance is clear and fit for purpose.

Contact

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