NATIONAL HOUSING FEDERATION

Submission:

MHCLG consultation on banning the use of combustible materials in the external walls of high-rise residential buildings

Consultation response

14 August 2018

Summary of key points:

The National Housing Federation supports the overall proposal put forward in the consultation to ban the use of combustible materials in cladding systems on high-rise buildings. However, we recognise that such a ban will not be simple to implement and careful consideration of unintended consequences is required.

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1. Introduction

The National Housing Federation (the 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.

The tragic events at Grenfell Tower have called into question the effectiveness of the legislative and regulatory regime for high-rise and multi-occupancy residential buildings.

The quality of homes, places and services, based on a founding principle of safety, is integral to our vision for the future. We believe the Hackitt Review, and policy implementation arising from that process, must act as a catalyst for transformative change across construction and building management. We are committed to working with Government and industry partners to support meaningful and long-term change in the safety and quality of higher risk residential buildings.

2. The National Housing Federation's position on a ban of combustible materials

Following consultation with members, the Federation supports the overall proposal to ban the use of combustible materials in cladding systems for buildings 18m or over in height through a change in the law.

We believe the use of combustible materials on the external walls of high-rise buildings introduces an unacceptably high risk in the event of fire. Regulating the use of these materials requires a complex and technical testing regime, and is overly reliant upon perfect construction and installation.

However, such a ban will not be simple to implement. Prior to legislative changes coming forward, the Government must assess the impact such a ban could have on the rates of construction for high-rise buildings and consider appropriate timeframes for transitioning to the new regime.

Our consultation response draws on the technical expertise of our members and partners to propose solutions and options to Government. We are mindful of the policy detail, scope and associated guidance needed to mitigate any unintended consequences of implementing this proposal.

Our response covers:

- 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 and the materials being used would not satisfy the European Class A2 or better requirement.
- Recognition that the proposed changes are likely to increase project timescales, and therefore costs, at least in the short term while industry and the supply chain adapts.

3. The National Housing Federation's response to consultation questions

Question 1	Respondent details
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Please state whether you are responding on behalf of yourself or the organisation stated above	I am responding on behalf of the National Housing Federation

Question 2	Select one
Please indicate whether you are applying to this consultation as:	
• Builder / Developer	
• Designer / Engineer /Surveyor	
• Local Authority	
• Building Control Approved Inspector	
• Architect	
• Manufacturer	
• Insurer	
• Construction professional	
• Fire and Rescue Authority representative	
• Property Manager / Housing Association / Landlord	
• Landlord representative organisation	**Yes**
• Building Occupier/ Resident	
• Tenant representative organisation	
• Other interested party (please specify)	

Question 3	Yes/No/Don't Know
a. Do you agree that combustible materials in cladding systems should be banned?	Yes
b. Should the ban be implemented through changes to the law?	Yes
c. If no, how else could the ban be achieved?	N/A

Question 4	Yes/No/Don't Know
Do you agree that the ban should apply:	
a. to buildings 18m or over in height?	Yes
b. throughout the entire height of the wall, i.e. both below and above 18m?	Yes
c. to high-rise residential buildings only?	No

d. to all high-rise, non-residential buildings e.g. offices and other buildings, as well as residential buildings?	Yes
e. Please provide any further information in relation to your answers above.	N/A

Question 5	**Yes/No/Don't Know**
a. Do you agree that the European classification system should be used and do you consider that Class A2 or better is the correct classification for materials to be used in wall construction?	Yes
b. If no, what class should be allowed in wall construction and why?	Consideration should be given to the potential impact of Brexit on our ability to influence European classifications in the future. If the ban is implemented through legislation, it should be drafted so that government can alter the classification system in the future should it need to.

Question 6	**Yes/No/Don't Know**
a. Do you agree that a ban should cover the entire wall construction?	Yes
b. If no, what aspects of the wall should it cover?	N/A
c. Should a ban also cover window spandrels, balconies, brise soleil, and similar building elements?	Yes
d. Please provide any further information in relation to your answers above.	Lower parts of buildings and balconies are often the starting point for fire, so it is important that requirements and specifications are consistent from ground level to the top of the building.

Question 7	**Yes/No/Don't Know**
a. Do you agree that a limited number of wall system components should, by exception, be exempted from the proposed ban?	Yes
b. If yes, what components should be included on an exemption list and what conditions should be imposed on their use?	Components include, but are not limited to: Curtain wall frames and fixing components; thermal breaks including thermal breaks/packers used behind rainscreen brackets and structural thermal breaks;

	adhesives; setting blocks; backer rods; insulation within masonry cavity walls which complies with diagram 34 in section 9 of Approved Document B; vapour barriers; breather membranes; plastic membranes (limited to 1200 gauge); building paper; cavity trays; windows; gaskets and seals; and pigeon netting. Where components are exempt there should be a requirement to use the highest quality specification available in order to diminish the fire risk.
c. Would you recommend an alternative way of achieving the policy aims stated above?	Given the complexity of contemporary wall constructions and the importance of meeting a range of regulatory outcomes, including fire performance, thermal efficiency and weather tightness, an alternative option would be to ban the use of combustible materials for those parts of the wall construction that have the biggest impact on fire performance. For example, outer cladding, insulation and sheathing boards could all be required to meet at least A2 classification, with a wider range of materials allowed for less critical parts of the wall system as long as overall fire performance is not compromised. The quantity of combustible materials is key, in particular those with a rapid Heat Release Rate (HRR) combined with substantial stored energy. However, this approach precludes a direct route to compliance and is likely to continue to rely on a degree of testing. If the ban and exemption route is pursued, an exemption list will result in a range of materials that can still be used in a multitude of combinations. This would mean a residual risk of unintended consequences remains for both fire safety and general building performance. A system to manage the use of a potentially complex list of exempt products would need to be in place. This could employ a registered supplier scheme and approved details that have been subject to third party testing, providing assurance to those procuring and living in residential blocks.

	Tested and approved details (including allowed material specifications) for different façade types could be developed with similar registration and checking procedures to those already widely used within the construction industry. The need to comply with agreed detail specifications would provide greater assurance for building commissioners, improve build quality and reduce the risk of supply chain substitution for inferior quality components. The underlying principles of how such details are developed and tested should be shared to ensure that the same methodology is applied and overseen for any unusual requirements or scenarios.

Question 8	**Yes/No/Don't Know**
Do you agree that:	
a. a risk-based approach is appropriate for existing buildings?	Yes
b. the ban should apply to alterations to existing buildings, including over-cladding?	Yes
c. the ban should extend to projects that have been notified before the ban takes effect but work has not begun on site?	Yes
d. the ban should not affect projects where building work has already begun?	Yes. However, where building work is already underway and the materials used do not meet the requirements of the ban, the project could be delivered in accordance with the relevant regulatory proposals made by the Hackitt Review, including: Gateway Points during construction; defined roles, responsibilities and information products; and the development of a safety case file for review by the JCA.
e. Please provide any further information in relation to your answers above.	

Question 9	**Free text answer**
a. Which wall elements are likely to be affected by the proposed change – i.e. where they would pass as part of a cladding system in a BS8414 test but would not meet the proposed Class A2 or better requirement (e.g. sheathing boards or vapour barriers)?	Entire wall build-up in some cases but in particular: cladding finishes; insulation; vapour barriers; membranes; fixings; ply boards; sheathing boards; gaskets and seals; and rainscreen panels; also see answer to 7b.

b. We understand that since the Grenfell tower fire, a high proportion of relevant building work is already using elements which meet Class A2 or better. How frequently are elements which do not meet the proposed requirement, as identified in question 3, currently being used on buildings in scope?	The minor use of combustible materials is commonplace and does not undermine building safety. For example, glazing units have a combustible edge seal. The issue is more about quantity of combustible materials, in particular those with a rapid Heat Release Rate (HRR) combined with substantial stored energy. The scope and detail of the ban will need to consider this to ensure buildings are built legally and safely. This could be achieved by the introduction of approved details for specific elements regarding fire safety – refer to Answer 7c for further information.
c. What the impact of removing access to the BS8414 for those buildings affected by the ban test is likely to be?	In theory, BS 8414 provides a clear route to compliance, so the immediate impact of its removal will be to limit dutyholders' routes to compliance. It is, therefore, essential that remaining routes are unambiguous, well-resourced and properly understood by the sector. It will be critical for Government to resolve the tension between a broad ban with exemptions and a more focused ban, as discussed above. The resolution must accommodate a diverse and complex range of scenarios, and it may be that a test and learn approach to policy implementation will be required.
d. What types of buildings 18m or over are likely to be affected by this change (e.g. hotels, residential, student accommodation)? What proportion of each type would likely be affected by the proposed change?	
e. How much extra cost would typically be involved in meeting the proposed new requirements over and against a building which meets the current requirements? (Please provide any further details.)	Direct costs arising from the ban in relation to materials could range from negligible to a 15% increase. However, there could be indirect costs associated with loss of floor space, particularly in London and other metropolitan districts.
f. Please provide any further comments on the likely impact of this change for construction (e.g. supply chains)	The proposed change will have an impact on: • The time required specifying, procuring, managing and delivering relevant projects, therefore increasing costs overall.

	• Design and use of space – bulkier insulation solutions will result in reduced floor space and could add complications to refurbishments. • Some parts of industry will benefit whereas other parts will suffer. In the short-term, demand for certain non-combustible materials, such as insulation may outstrip supply causing delays and increases in building costs. We also urge the Government to do a full and thorough impact assessment on the limitations a ban might impose on some increasingly common construction methods, for instance: • The market for inflammable insulation is extremely limited and most mineral wool products are not compatible with open jointed rainscreen systems that are common in tall buildings • Timber framed construction is now being used for buildings over 18 metres and cross laminated timber is becoming a common construction material for taller buildings. • Other forms of structural panels also use wood products.

4. Contacts

For further information, please contact:

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