

Welsh Government Consultation on Combustible Cladding and Fire Safety Amendments

Response from Propertymark

January 2024

Background

1. Propertymark is the UK's leading professional body of property agents, with nearly 18,000 members representing over 12,500 branches. We are member-led with a Board which is made up of practicing agents and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry-leading training programme and mandatory Continuing Professional Development.

Consultation – overview

2. This consultation follows from the 2018 consultation on banning the use of combustible materials in the external walls of high-rise residential buildings, which led to amendments being made to the Building Regulations. This consultation expands on the changes made through the first consultation, which affected buildings that were at least 18 metres in height and excluded hostels hotels and boarding houses. The proposed changes look at a range of new materials to be covered by the ban, extending the types of buildings covered and including buildings between 11 and 18 metres in height.

Propertymark response – summary

3. Propertymark welcomes to opportunity to respond to the Welsh Government's consultation on Combustible cladding and fire safety amendments. As each four nations in the UK implement their response to the Grenfell Tower Inquiry, Propertymark is keen to ensure that proposals made ensure the safety of residents and are clear for those responsible for fire safety to follow. As such, we support many of the proposals being made in the consultation, however we urge the Welsh Government to consider the following proposals that would further reduce the fire safety risks to residents:

- **Adopt measures that would allow for high-risk buildings outside of the scope of the existing proposals to be included.** While we understand the reasoning behind why some buildings are not included within the regulations, there will be high-risk buildings that are below 11m or otherwise not included within the regulations. We would urge the Welsh Government to consider ways to assess buildings which may

present a high risk to residents so that they can be brought under the scope of the proposed regulations.

- **Expand proposals to include existing flats rather than just new flats.** We do not understand the rationale behind not expanding these measures to existing flats. In order to protect residents in buildings that present a fire safety risk, proposals to introduce wayfinding signage, Secure Information Boxes and evacuation alert systems must be expanded to include all existing buildings that are considered “high-risk”.

Questions

Question 1: Do you agree that hotels, hostels and boarding houses, as referenced within the definition of room for residential purposes in regulation 2, should now be included within regulation 7(4) of the Building Regulations 2010, and therefore subject to the ban? If no, please provide your reasoning and evidence.

4. Yes, we agree with extending the existing ban on certain kinds of cladding materials for buildings over 18m to include hotels, hostels and boarding houses. This will provide much-needed clarity on how these properties can remain safe in the event of a fire. While we understand the range of fire prevention measures that exist in these buildings, reducing the fire risk even further would reduce the risk to loss of life and structural damage to these buildings in the event of a fire.

Question 2: Should any other building types be included within the scope of the ban? Please provide details and evidence to support your answer.

5. Yes, we believe that the Welsh Government should explore the benefits of expanding the regulations to buildings that do not have a residential unit but where occupants spend a significant amount of time in, such as an office building. While we understand that there is a reduced occupancy overnight, bringing high-use buildings up to similar standards would further protect the safety of occupants.

Question 3: Do you agree that the amendment to Approved Document B to set limits on certain combustible products should be set for buildings with a storey 11-18m (see Diagram C6 in Appendix C in Approved Document B Vol. 2)? Is there an alternative lower height threshold that should be considered? Please provide evidence.

6. Yes, we agree with the amendment to Approved Document B that sets limits on certain combustible products in buildings with a height of 11-18 metres. This would further expand the number of residents and properties protected by the legislation. We also agree that there should be the potential to include individual properties in the regulations in some circumstances which we outline in question 3a.

Question 3a: Is there an alternative height threshold that should be considered? Please provide evidence.

7. Yes, we believe that consideration should be given to properties that may present an additional risk to residents. Rather than a fixed cut off point for the regulations, a qualified fire risk assessor should be required to assess individual properties under 11 metres in height in order to identify if the regulations should apply to it. We envision that this would encompass properties with restrictive planning where escape routes are not easily accessible or other similar factors apply that would present a significant fire safety risk.

Question 4: Do you agree that metal composite panels with a polyethylene core should be banned from being used in external wall construction of any building regardless of height or purpose? If no, please provide evidence to support your answer.

8. Propertymark does not consider itself to be sufficiently qualified to discuss the risks associated with specific kinds of materials or building components. We would recommend taking into account the answers provided by experts in the field. This is our response to questions 5 to 9 and 11 to 16 which relate to specific materials and question 28 which refers to the design of staircases.

Question 10: Do you agree with the exemption of fibre optic cables from the ban? If no, please provide your reasoning.

9. Yes, we agree with the exemption of fibre optic cables from the ban to ensure residents have access to high-speed internet which is a necessity for people to have. If, however, alternative solutions are found that provide residents with comparable internet speeds by using materials or methods that do not pose a significant fire safety risk, we would encourage these materials or methods to be adopted.

Question 17: Do you agree with the proposal to require the provision of evacuation alert systems in new blocks of flats 18m or more above ground level? If no, please provide your reasoning and evidence.

10. Yes, we agree with the proposal that evacuation alert systems should be in place in new blocks of flats 18m or more. One of the key criticisms arising from the Grenfell Tower Inquiry was that there was no clear evacuation strategy, with many residents believing they were required to stay in their homes. An evacuation alert system that explicitly states that residents must evacuate would help to resolve this issue.

Question 18: Do you agree with the height threshold of 18m or more above ground level? If not, please provide alternative height threshold and any evidence.

11. No, we do not agree with the height threshold of 18m or more. We would urge the Welsh Government to either consider expanding the threshold to buildings over 11m or to have properties under 18m assessed to identify buildings where an evacuation alert system would substantially reduce the risk to residents. We say this because the building height will have little impact on residents' understanding if they are required to evacuate the building in the event of a fire. While alternative solutions exist, such as a clear fire evacuation strategy handed to all residents, in the event of a fire residents will likely panic and be unable to recall what they need to do. Expanding the number of buildings that have an evacuation alert system will help reduce fire safety risks even further to more residents.

Question 19: Are there any other types of buildings which should be included? Please provide any evidence.

12. Yes, Propertymark would urge that the same principles behind a qualified fire risk assessor, determining whether or not the height of the building would justify the need for an evacuation alert system, should carry over to other types of buildings not included within the existing proposals. Additionally, would urge the Welsh Government to consider including these systems in existing flats as well as we see no reason why residents in existing flats should not accept the same level of protection as those in new flats.

Question 20: Do you agree with the proposal to introduce a requirement for Secure Information Boxes in all new blocks of flats with a storey 11m or more above ground level? If no, please provide your reasoning.

13. Yes, we agree with the proposal to introduce a requirement for Secure Information Boxes to be included in all blocks of flats with a storey of 11m or more. We would however question the rationale behind this requirement to only apply to new blocks. Residents in existing blocks would also benefit from this requirement, therefore it should apply to all new and existing blocks of flats.

Question 21: Do you agree with the height threshold of 11m? If no, please provide alternative height threshold and any evidence.

14. Yes, we agree that the height threshold of 11m is appropriate. However, we would still urge the Welsh Government to consider buildings under 11m but could pose a potential fire safety risk to residents based on the way they are constructed. This would be under the discretion of a qualified fire risk assessor.

Question 22: Are there any other types of buildings which should be included? Please provide any evidence.

15. Yes, as previously mentioned, there will be buildings that present a higher risk to residents based on the unique characteristics of the building. We would encourage the Welsh Government to establish a way for fire risk assessors to assess individual buildings that fall outside of the scope of the regulations to determine if Secure Information Boxes are required within them.

Question 23: Do you agree with the proposal to introduce wayfinding signage for the fire service in all new blocks of flats (Purpose Group 1(a)) with a storey 11m or more above ground level? If no, please provide your reasoning.

16. Yes, we agree with the proposal to introduce wayfinding signage for the fire service for all blocks of flats with a storey of 11m or more. As with Secure Information Boxes and evacuation alert systems, this should be introduced to all existing flats as well.

Question 24: Do you agree with the height threshold of 11m? If no, please provide alternative height threshold and any evidence.

17. Yes, we agree with the height threshold of 11m. However, we believe, as with previous proposals, exemptions should be made for buildings that have been assessed to pose a significant fire safety risk to residents.

Question 25: Are there any other types of buildings which should be included? Please provide any evidence.

18. Yes, as previously stated, individual buildings that would normally be exempt should be assessed by a qualified professional. If they pose a significant risk to residents or other occupants, they should be included within this regulation.

Question 26: Do you agree that the national classifications for reaction to fire and fire resistance should be removed from the main body Approved Document B? If you disagree, what evidence can you provide which outlines why?

19. Yes, Propertymark agrees that the national classifications for reaction to fire and fire resistance should be removed. While we understand that there will be organisations will need to adjust to new standards, having used the well-established standards for decades, if there are flaws with these standards, we would promote the use of newer standards that are more reflective of current industry practices and requirements.

Question 27: Please outline any concerns (as suggested in paragraph 65 above) you have about the withdrawal of all the references to the BS 476 series of national classifications within Approved Document B (including appendices)

20. The main issue Propertymark sees arising is the transition period for the new standards to be adopted. Those who use the existing series of national classifications may be unfamiliar with standards that replace them. While we understand the need classifications which are better aligned with the proposed regulations, the Welsh Government will need to take this into account and support the dissemination of guidance around the new or preferred standards.

Question 29: We have asked a number of specific questions throughout this paper, if you have any further comments to make regarding any of the proposals, please set them out here.

21. No, we have no further comments to make at this time.

Question 30: Do you agree with the cost estimates and the overall Impact Assessment? If no, please explain what you consider appropriate and provide evidence to show why.

22. Yes, we agree with the cost estimates, however we acknowledge that expanding the scope of applicable buildings and other measures that we have recommended would increase costs for the Welsh Government. That being said, we believe they are necessary to improve the safety of residents and prevent fire safety risks from arising.

Question 31: We would like to know your views on the effects that the proposed amendments would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

23. As an organisation that operates across the UK, Propertymark does not feel that it would be appropriate to comment on the impact the proposals will have on the Welsh language.

Question 32: Please also explain how you believe the proposed actions could be formulated or changed so as to have positive effects, or increased positive effects, on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

24. As an organisation that operates across the UK, Propertymark does not feel that it would be appropriate to comment on the impact the proposals will have on the Welsh language.