

Building Safety Reforms Announced

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On 2 April 2020, the Ministry of Housing confirmed a number of different reforms to the Building Regulations following the Government's 'Building a Safer Future' consultation in June last year. These changes follow the recommendations made in Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety ("Hackitt Review").

As well as introducing a more stringent regulatory regime, the Government announced a number of other measures, including details about the Fire Safety Bill, testing of non-ACM cladding systems and updates to Approved Document B.

Fire Safety Bill

The Fire Safety Bill, which was introduced in Parliament on 19 March 2020, will legislate that building owners of all multi-occupied buildings must assess the risks from external walls and front entrance doors as set out in the Regulatory Reform (Fire Safety Order) 2005. Enforcement powers will be granted to the Fire and Rescue Authorities to hold those responsible to account.

Non-ACM Cladding

The Government also published the results of a BRE test on a range of non-aluminium composite cladding materials. This included different types of high-pressure laminate

("HPL") and timber cladding. Although the BRE recommended that further research is required, the main finding was that none of the materials tested behaved in the same way as ACM PE cladding panels. This analysis differs from a recent privately commissioned test about HPL panels, which we wrote about [here](#).

Irrespective of this, the Government has announced that an additional £1 billion will be provided to fund the removal and replacement of unsafe non-ACM cladding. This will include high-rise buildings containing Class C or D HPL panels.

Approved Document B

Approved Document B ("ADB") will be updated in May 2020 to make sprinklers and consistent wayfinding signage a mandatory requirement in all new high-rise residential buildings over 11 metres tall. It was also announced that the Government is consulting with the National Fire Chiefs Council on a series of tests on new technology in evacuation alert systems. It is anticipated that this may lead to a further update to ADB later this year. The Government has made clear that these changes are the first in a longer term review of ADB and it is likely, therefore, that further changes will be announced.

Reforms to the Building Regulations

The Government has now published its response to the results of the 'Building a Safer Future' consultation which was published in June 2019. The consultation set out proposed reforms to the Building Regulations such as the introduction of a system of duty-holders, a resident

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engagement strategy and the introduction of a Building Safety Regulator. Our article [here](#) sets out the proposed reforms in detail.

One of the aims of the reforms is to place greater responsibility on those involved in the construction process to demonstrate that safety risks are being managed and resolved. It is set out that this should be shown during the construction process at three different 'gateways':

- **Gateway One** – Prior to the granting of planning permission, **the Developer** will be required to submit a Fire Statement to the local planning authority.
- **Gateway Two** – **The Client** will be required to submit key information including construction plans, fire and emergency file and confirmation that they are satisfied with the competency of the Principal Designer and Principal Contractor
- **Gateway Three** – Before occupation of the building, **the Client** will be required to submit a complete construction dataset on the final, as built building, and **the Client, Principal Designer and Principal Contractor** will also have to sign a final declaration confirming to the best of their knowledge the building complies with the Building Regulations.

These reforms will apply (at the outset) to all multi-occupied residential buildings of 18 metres or more in height or more than six storeys and a new national Building Safety Regulator will be responsible for implementation.

Comment

The Government has stated that these reforms are the “*biggest changes to building safety in a generation*”. It is true that the measures will cause unprecedented change to the industry – it is estimated that the reforms will cost between £266 million and £530 million a year, offset by expected benefits of between £190 million and £380 million a year. As well as a financial impact, it is probable that the reforms will slow down the construction timetable, as duty-holders will not be able to progress building works until compliance with each gateway is demonstrated.

Going forward, there will need to be greater communication between parties involved in the construction process as well as increased transparency. This should, in the longer term, increase efficiency as well as safety.

In the short term, the Government has appointed Dr David Hancock and Faithful & Gould to help seek solutions following the impact of Covid-19, to allow the removal of unsafe cladding from buildings to remain as a top priority.

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