

Letter to John Prescott, Chair, DA

CONSULTATION ON PROPOSALS FOR AMENDING PART B (FIRE SAFETY) OF THE BUILDING REGULATIONS 2000 AND APPROVED DOCUMENT B

I am writing to seek DA and PRA agreement to publish for public consultation the Government's proposals for amending Part B of Schedule 1 to the Building Regulations 2000 (as amended) and the accompanying technical guidance in Approved Document B (AD B). A response is required by 31 March.

The consultation package comprises a covering letter, partial Regulatory Impact Assessment (RIA), response questionnaire and the two volumes of AD B.

Proposals – Regulation

It is not proposed to make any changes to the requirements of Part B of Schedule 1 to the Building Regulations. However, we are proposing to introduce a new general Regulation. This will require that, for non-domestic properties, sufficient information should be provided for persons to operate, maintain and use the building in relative safety. In practice, this is likely to mean that the Building Control Body will need to satisfy themselves that the developer has passed on fire safety information to the owner/user of the building.

This is seen as particularly important given the increasing use of building designs which rely, at least in part, on fire safety management strategies. There would also be potential cost savings as drawing this information together at the construction stage would reduce future costs of sourcing and assessing this information at a later date. It could particularly assist owners/occupiers in the production of their risk assessment under the terms of the Regulatory Reform (Fire Safety) Order, expected to come into force at about the time that the revised AD B is published.

Proposals – Guidance

The proposed changes to the guidance in AD B are designed to fill in gaps in present protection, take account of changes to standards or legislation and to clarify or make more proportionate existing guidance. They would contribute to designing fire safety into buildings and designing out risk which is a key element of ODPM's broader fire protection and prevention and fire death reduction strategy.

The main proposed changes include:

- *Amend the provisions for smoke ventilation of common access areas in apartment buildings*
- *Provide for an additional smoke alarm in apartment buildings and dwellinghouses*
- *Provide for a suitable system of smoke alarms where an extension is proposed*
- *Provide for cavity barriers in dwellings and non-dwellings*
- *Introduce provisions for measures on inclusive design*

- *Introduce a maximum national unsprinklered compartment size for warehouses (and repeal the relevant part of Local Acts)*
- *Design compartment walls to take account of deflections during a fire*

In addition, the Government is minded to introduce the following provisions but is explicitly seeking further information on the potential impacts, particularly the costs and benefits, of these proposals before deciding on the way forward:

- *Provide for sprinkler protection in high rise apartments (30m+) and residential care homes*
- *Provide for fire protection of corridors in warehouses*
- *Amend the provisions for fire fighting shafts*
- *Provide additional dry rising mains in certain tall buildings*
- *Discounting stairs in tall buildings with phased evacuation procedures*
- *Remove the separate guidance on loft conversions in dwellinghouses*
- *Remove provision for self-closing devices on doors within apartments and dwellinghouses (except garage doors and those opening onto common escape routes)*

Finally, it is proposed that AD B will, in future, cross-refer to the DfES Building Bulletin 100 (BB100) on "Designing Against the Risk of Fire in Schools BB100. This document is expected to be published by DfES in April this year.

As well as those changes set out above, there are a number of proposed amendments which will provide alternatives to existing provisions. For example, the potential to provide sprinkler protection instead of an alternative escape route where currently provided in both houses (typically 4 storeys and above) and multi-storey apartments. These new options will provide greater design freedoms and promote innovation and may, in some cases, produce a cost saving compared to current guidance.

It should be noted that, although all these proposals are being consulted on as part of a package of measures, they are not mutually exclusive, ie one or more of them could be disregarded or amended in the light of the consultation exercise.

Proposals - Format

Following representations from a number of stakeholders, AD B has been split into two volumes: "Dwellings" and "Buildings other than Dwellings". This change was intended to make the guidance more accessible for smaller firms that specialise in domestic work. However, due to the amount of technical information that is common to both, neither volume is particularly small. We therefore intend to seek consultees views on the future format of AD B.

Partial RIA

We are publicly committed to publishing this consultation package in Spring 2005. However, as no date has been fixed for the next PRA meeting, we are seeking to clear the RIA through correspondence.

The RIA identifies a range of costs and benefits for the proposed package of measures. Overall these proposals are not deemed to be cost effective in purely economic terms using the agreed values of lives saved and injuries prevented. However, the issue of fire safety is a particularly emotive one and there are additional benefits in terms of peace of mind etc that are unquantifiable and contribute to the justification for action.

There are also a number of specific proposals that the RIA does not show to be cost-effective, primarily those affecting non-domestic properties (especially tall buildings) that are considered to be proactive measures. These proposals appear very expensive because there are no quantifiable benefits as there have been no incidents of this type in the UK. However, if there were to be a major incident in that type of building, the impacts could be disproportionately large (eg the World Trade Centre incident, Madrid tower block fire). Also there could be negative impacts on firefighters if these proposals were not implemented. It is therefore proposed to consult on the basis that we are "minded to" make these changes, and are seeking further information on the impacts, particularly the costs and benefits as part of the consultation.

Background

AD B provides authoritative but not binding technical guidance (essentially for builders, architects, regulators etc) on ways of demonstrating compliance with the requirements set out in Part B (Fire safety) of the Building Regulations. The last substantive revision of AD B was published in January 2000. It was subsequently amended in 2002 to take account of the development and adoption of new European technical specifications, and supporting standards, that underpin the Construction Products Directive.

A major review of the wider technical elements of the fire safety aspects of the Building Regulations and AD B was announced in the White Paper "Our Fire and Rescue Service". This sets out our desire to reduce the number, size and impacts of fires (particularly reducing the number of deaths and injuries) by moving much more towards a fire prevention strategy. Building Regulations is seen as one of the main strands for delivery of this strategy, alongside Community Fire Safety and the Reform of Fire Law.

This review of AD B was begun in 2003 and has drawn upon recent experience and taken into account the findings of relevant research. It has considered fire safety in all types of premises including dwellings, residential homes, schools and warehouses. The review has also considered the important role that sprinklers and other types of fire protection measures may have and matters raised by stakeholders.

The review has been steered by the Part B Working Party of the Building Regulations Advisory Committee which includes representatives from relevant parts of the building industry and fire community. A number of informal consultations with stakeholders have been carried out. In addition, officials have liaised with colleagues in HSE, DEFRA, DfES, DH and Devolved Administrations and the RIA been cleared by Cabinet Office Regulatory Impact Unit and the DTI's Small Business Service.

I am copying this letter and attachments to the Prime Minister, members of DA Committee and PRA and to Sir Andrew Turnbull.