

To: Phil Hope

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Ref: (Paper)

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FURTHER SUBMISSION ON THE CONSULTATION ON PART B OF THE BUILDING REGULATIONS AND APPROVED DOCUMENT B (AD B) (FIRE SAFETY)

Issue

1. Following our meeting on Wednesday 9 March we have now amended the suite of documents that comprise the Part B (Fire safety) consultation package in line with what was discussed. We are therefore seeking your agreement to publish the consultation package, subject to clearance by DA committee and, as the cost of the proposed measures would exceed £20m, by the Panel of Regulatory Accountability (PRA).

Recommendation

2. That you write to DA Committee and PRA (revised draft letter attached at Flag A) requesting their agreement to publish the consultation package comprising:
 - Draft covering letter to consultees (Flag B)
 - Regulatory Impact Assessment (RIA) (Flag C)
 - Response questionnaire (Flag D)
 - Revised drafts of AD B with proposed amendments shown in track-changes (For the purposes of this submission we have merely included the revised text that will now appear within the ADs in relation to residential sprinklers, loft conversions, self closing devices in dwellings and tall buildings (Flag E)

Timing

3. We are committed to publishing the consultation "in the spring". As we discussed, it would be useful to have clearance from DA and PRA before any possible purdah period begins as this will allow officials to get the documents typeset and enable speedy publication thereafter. Cabinet Office have advised that, given the tight timescales, it would be possible to write to them jointly. **It would therefore be helpful if you could write to them by Tuesday 15 March.**

Presentational Issues

4. We have amended the DA letter and the consultation package (covering consultee letter, RIA, response form and the ADs), in line with your requests, in relation to the following provisions;
 - **Residential Sprinklers** – We have amended the supporting explanatory text to the AD in the consultation package so at it more clearly indicates to the reader that we have made considerable in-roads in promoting the use and benefits of such installations. Apart from stating that we are 'minded to' provide sprinklers in all new residential care homes and tall (30m+) apartment blocks we also offer a number of proposed amendments which will provide alternatives to existing AD B 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 alternatives without compromising safety.
 - **Loft Conversions Guidance** – The original proposal to remove the guidance on loft conversions has now become a 'minded to' provision. Within the relevant parts of the consultation documents we have further explained the reasoning behind this change. Not least the fact that it is the only situation whereby the Approved Document effectively acknowledges that occupants may have to wait to be rescued by means of a ladder, as opposed to the basic principle that you should generally be able to make your own escape, unassisted, from a fire. We have therefore particularly invited stakeholders' views on this proposal, especially in relation to the effect this may have on some existing 'open-plan' type properties.
 - **Door Closing Devices to Dwellings** – The draft 'Dwellings' AD suggests removing the need for self closing devices within houses and apartments (with the exception of doors to integral garages and those doors onto common escape routes in apartments). The reason for this change is because door closers can present a hazard to children; they can interfere with the day-to-day convenience of the occupants and many of our stakeholders tell us they are often disabled soon after occupation. The fire safety benefits of closing doors, particularly at night, remain and it is proposed to reinforce this message through Community Fire Safety programmes (national and local) and the guidance already contained on our 'Firekills' website. We have therefore specifically asked for stakeholders' views on this particular proposal. Similarly, we have now made this a 'minded to' provision.
 - **Tall Buildings** – Following concerns raised by the Permanent Secretary regarding the robustness of the justification for the suggested new proactive provisions in relation fire safety in tall buildings, much of it emanating from the findings of the BDAG work, it has also been agreed to make them 'minded to' proposals. We have made the necessary changes within the consultation text

and have specifically asked for stakeholders' views, especially in relation to potential costs and benefits.

5. As part of the whole Part B consultation strategy we also agreed that it would be most important to raise the awareness of our particular stakeholders as to how ODPM intends to meet its PSA 3 fire targets (to reduce accidental fire deaths in the home and the number of deliberate fires). Please see Flag F, developed with Fire, Health and Safety Directorate (FHSD) and Housing, which broadly sets out how FHSD intend to move forward on this target and the potential drivers (including the Building Regulations) that they have available to them to achieve it. As set out in my earlier submission of 28 February, because of the nature of this consultation we will come back to you closer to the time of publication with suitable briefing and a press strategy that will include the wider fire safety aspects.

Conclusion

6. We believe that the package provides a good basis for consultation and that DA agreement should be sought for publication at the earliest opportunity. Are you now content to proceed on this basis?

Anthony Burd

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